

Law & Policy Group



# 2022 state paid family and medical leave contributions and benefits

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As of January 2022, California, Connecticut, Hawaii, Massachusetts, New Jersey, New York, Puerto Rico, Rhode Island, Washington, and Washington, DC, mandate paid leave for an employee's own health condition. Oregon and Colorado will begin similar programs in 2023. Except for Hawaii and Puerto Rico, these jurisdictions also require paid family leave for bonding with a new child, caring for a seriously ill or injured family member, and certain other purposes. Despite some common elements, differences in these mandates make compliance and administration particularly challenging for multistate employers.

### **Common elements**

Common elements in nearly all of these programs include:

- Overseen and/or administered by the state/district agency (except in Hawaii)
- Funded at least partially by employees (except in Washington, DC)
- Provide partial wage replacement for qualified leave
- Include leave for reasons similar to what the federal Family and Medical Leave Act (FMLA) allows
- Require leave to run concurrently with FMLA (when both apply)
- Determine employee eligibility by work location (not residence)
- Require employee documentation of need for leave
- Limit total leave duration within a 12-month period

• Annually update contributions and maximum benefits (except in Puerto Rico)

Other common elements among some programs include:

- Job protections
- Intermittent leave available
- Continuation of health benefits
- Employer contributions
- Employer voluntary/private plan option

#### New paid family and medical leave (PFML) programs

This is the first year that PFML benefits are available in Connecticut. Oregon has delayed the start of contributions to its program from 2022 until 2023, with benefits starting later that year. Colorado's voter-approved program contributions will begin in 2023, with benefits first available in 2024. In addition, New Hampshire's voluntary PFML program, established by the Granite State Paid Family Leave Act (2021 Ch. 91, HB 2), has a target start date of Jan. 1, 2023. More details on New Hampshire's program are expected to emerge after the March 31, 2022, deadline to begin an insurance bidding process.

# Highlights of 2022 paid disability/medical and family leave rates

Each jurisdiction has posted its 2022 contribution rates, taxable wage base and maximum weekly benefit amounts. New York's and Puerto Rico's disability benefits are set by law and don't change annually. Here are highlights of the 2022 updates.

#### California

The State Disability Insurance (SDI) taxable wage base is \$145,600 in 2022, an increase from \$128,298 in 2021. The employee contribution rate, which includes both SDI and paid family leave (PFL), has decreased from 1.2% of wages (up to the taxable wage base) in 2021 to 1.1% in 2022. The 2022 maximum weekly benefit of \$1,540 reflects an increase from the 2021 maximum of \$1,357.

#### Connecticut

The Connecticut maximum weekly PFML benefit of \$780 in January 2022 will increase to \$840 on July 1, 2022. The employee 2022 contribution is 0.5% of wages up to the annually adjusted Social Security maximum taxable earnings (\$147,000).

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#### Hawaii

The 2022 Temporary Disability Insurance (TDI) weekly wage base has increased to \$1,200.30 from \$1,102.90 in 2021. Hawaii law permits employee contributions of up 0.5% of wages (capped at the weekly wage base), with a maximum weekly contribution of \$6.00, up from \$5.51 in 2021. The 2022 maximum weekly benefit is \$697, an increase from \$640 in 2021. Hawaii doesn't currently have a paid family leave mandate or program.

#### **Massachusetts**

The state's PFML benefits are calculated using the employee's and the state average weekly wage (AWW). The maximum weekly benefit amount for 2022 is \$1,084.31 per week, up from \$850 in 2021. Total contributions in 2022 have decreased to 0.68% from 0.75% of an employee's wages up to the Social Security maximum taxable earnings (\$147,000). Employers with at least 25 Massachusetts employees owe a medical leave contribution of 0.336% in 2022, down from 0.372% in 2021. Employees' 2022 contributions also have dropped to 0.12% for family leave and 0.224% for medical leave.

#### **New Jersey**

The 2022 taxable wage base is \$151,900, up from \$138,200 in 2021, for both Temporary Disability Insurance (TDI) and Family Leave Insurance (FLI). For 2022, the employee contribution rate for TDI is 0.14%. The 2022 FLI contribution rate is 0.14%, for a combined employee contribution of 0.28%. The maximum weekly benefit for TDI or FLI beginning in 2022 is \$993, up from \$903 in 2021.

#### **New York**

The disability benefits law (DBL) sets employee contributions equal to 0.5% of wages up to a maximum of \$0.60 per week. The maximum weekly benefit for a nonwork-related disability is \$170. These statutory amounts have remained unchanged since 1989 and are distinct from the state's annually adjusted PFL benefit.

The 2022 employee contribution rate for PFL coverage remains unchanged at 0.511% of an employee's wages. This includes a 0.005% risk adjustment for COVID-19 claims. Contributions are limited to an annual maximum of \$423.71 in 2022, up from a 2021 annual maximum contribution of \$385.34. The weekly PFL benefit is 67% of an employee's average weekly wage to a maximum weekly benefit of \$1,068.36, an increase from \$971.61 in 2021.

#### **Puerto Rico**

The disability law permits employee contributions at the rate of 0.3% of wages up to \$9,000. The maximum weekly benefit is \$113 (\$55 for agricultural workers). These statutory amounts haven't changed since July 1972.

#### **Rhode Island**

The 2022 taxable wage base is \$81,500 up from \$74,000 in 2021, for combined TDI and Temporary Caregiver Insurance (TCI) programs. The 2022 employee contribution rate has dropped from 1.3% to 1.1% of wages. Rhode Island updates its weekly benefit amount each July. The maximum weekly benefit is \$978 for leave beginning on or after July 1, 2021, until a new rate is announced in July 1, 2022. Beginning Jan. 1, 2022, Rhode Island has extended the duration of available family leave from four to five weeks. That amount will rise to six weeks in 2023.

#### Washington

Washington's 2022 employee contribution rate has increased from a 2021 rate of 0.2533% to 0.4393% of wages up to a taxable wage base of \$147,000. Employers with at least 50 employees in the state contribute 0.16068% in 2022, an increase from 0.14668% of wages. The maximum weekly benefit also increases to \$1,327 in 2022, up from \$1,206 in 2021.

#### Washington, DC

The employer contribution rate is unchanged from the program's start — 0.62% of DC payroll. Due to the city's home rule structure, employees can't be charged an employment tax to help cover the cost of program. The district doesn't limit contributions to a taxable wage base. For leaves that start on or after Sept. 26, 2021, the Universal Paid Leave (UPL) law adds two weeks of paid prenatal leave, increases the maximum duration of medical leave from two to six weeks, and allows its use for miscarriage or stillbirth. Additionally, UPL permits individuals using both parental/new child bonding leave and prenatal leave to take a total of 10 weeks paid leave in a 52-week period, rather than only 8 weeks. The maximum weekly benefit for leave beginning on or after Sept. 26, 2021, is \$1,009.

# Chart: 2022 paid disability/medical and family leave key elements

The chart starting on the next page presents a high-level review of the programs in <u>California</u>, <u>Connecticut</u>, <u>Hawaii</u>, <u>Massachusetts</u>, <u>New Jersey</u>, <u>New York</u>, <u>Puerto Rico</u>, <u>Rhode Island</u>, <u>Washington</u>, and <u>Washington</u>, <u>DC</u>. The chart includes current rates, key definitions and other important facts, as well as additional Mercer resources.

2022 paid disability/medic	cal and family leave key elements
California	
Covered employer	Employers paying wages exceeding \$100 in a calendar quarter to 1 or more employees working in the state
Eligible employee	Earned at least \$300 subject to SDI withholding during the base period; generally includes employees subject to unemployment insurance. See <u>website</u> for details.
Leave duration	Employee's own nonwork-related disability: 52 weeks New child, military exigency or family member's health condition: 8 weeks Maximum available in 52-week period: 52 weeks
Family member	Employee's child, parent, parent-in-law, grandparent, grandchild, sibling, spouse or registered domestic partner
Public plan	Administered with unemployment insurance by the <u>Employment</u> <u>Development Department</u>
Private plan	Permitted for self-insured SDI and PFL; insured not available
Employer contribution	None
Employee contribution	SDI and PFL combined: 1.1% of 2022 wages up to annual wage base of \$145,600
Benefit calculation	60% or 70%, depending on greatest quarterly base period earnings above or below 1/3 of the state's average quarterly rate (\$6,803.33 for 2022)
Base period	First 4 of last 5 completed calendar quarters preceding leave
Maximum weekly benefit	\$1,540 for leave beginning in 2022
Waiting period	7 consecutive days for SDI benefits; no waiting period for PFL
Job protections	Job protections and continued health benefits under <u>California Family</u> <u>Rights Act and Pregnancy Disability Law</u>
Employer notice	Conspicuous posting. Brochure for new hires and employees requesting time off for a nonwork-related illness, injury, pregnancy or childbirth.
Legal cites	CA Unemp. Ins. Code §§ 2601–3308; CA Code Regs. tit. 22, §§ 2601 et seq.
Website	Employment Development Department
Mercer resources	Changes to California's paid leave programs coming in 2023 (Oct. 8, 2021)

2022 paid disability/medic	cal and family leave key elements
Connecticut	
Covered employer	Employers with one or more Connecticut employees
Eligible employee	Employed (or recently employed) in Connecticut and earned wages of at least \$2,325 in the highest-earning quarter of the base period
Leave duration	Combination of family, medical and military exigency leaves: 12 weeks Serious health condition during pregnancy: 2 additional weeks Safe leave: 12 days for employee experiencing family violence
Family member	Spouse, son, daughter, parent, sibling, grandparent, grandchild, including by blood, marriage, adoption, foster care or <i>in loco parentis</i> relationships and anyone with whom the employee has family-equivalent relationship
Public plan	Connecticut Paid Leave
Private plan	<ul> <li>Plan must:</li> <li>Offer at least the same number of weeks of benefits</li> <li>Offer at least the same level of wage replacement</li> <li>Deduct the same amount from employee paychecks as the state plan</li> <li>Cover all Connecticut employees</li> <li>Obtain approval by a majority of employees</li> <li>Register with the state</li> <li>Complete a surety bond</li> <li>Offer one plan that covers both types of leave</li> </ul>
Employer contribution	None
Employee contribution	0.5% of wages up to \$147,000 in 2022
Benefit calculation	95% of the base weekly earnings up to \$520 (\$560 beginning July 1), plus 60% of weekly earnings exceeding \$520 (\$560 beginning July 1)
Base period	2 highest-earning quarters in the first 4 of last 5 completed calendar quarters
Maximum weekly benefit	\$780 through June, \$840 beginning July 1
Waiting period	None
Job protections	Job protections included in law
Employer notice	Notice of employee rights under program at hire
Legal cites	Conn. Gen. Stat. §§ 31-49e to 30-49t, 31-51kk to 31-51rr
Website	Connecticut Paid Leave
Mercer resources	<u>Connecticut readies its paid family and medical leave program</u> (Dec. 2, 2021) <u>Connecticut enacts paid family and medical leave</u> (Aug. 29, 2019)

2022 paid disability/medic	al and family leave key elements
Hawaii	
Covered employer	All employers with 1 or more employees working in Hawaii
Eligible employee	Is currently employed and worked for 1 or more employers at least 20 hours/week for 14 consecutive or nonconsecutive weeks and earned at least \$400 in past 52 weeks
Leave duration	Employee's own nonwork-related disability: 26 weeks Family leave: Not available Maximum available in 52-week period: 26 weeks
Family member	Not applicable
Public plan	No public plan
Private plan	Permitted through approved carrier or approved self-insured plan
Employer contribution	Balance of plan costs after employee contribution; employer may pay entire cost of TDI or share cost with eligible employees
Employee contribution	One-half of the premium cost but not more than 0.5% of weekly wage base of \$1,200.30 or \$6.00 per week in 2022
Benefit calculation	58% of employee's average weekly wage (AWW) in the base period
Base period	52 weeks preceding disability
Maximum weekly benefit	\$697 for leave beginning in 2022
Waiting period	7 consecutive days or until 1st day of hospital stay, whichever occurs sooner
Job protections	Job protections under separate family and medical leave law
Employer notice	Conspicuous posting
Legal cites	<u>HI Rev. Stat. ch. 392; HI Code R. § 12-11</u>
Website	Labor and Industrial Relations Department's Disability Compensation Division TDI website

2022 paid disability/medic	al and family leave key elements
Massachusetts	
Covered employer	All private employers with at least one employee in Massachusetts
Eligible employee	Earned at least \$5,700 during the last 4 completed calendar quarters and at least 30 times more than weekly PFML benefits
Leave duration	New child bonding, family member's serious health condition or military exigency: 12 weeks Employee's own serious health condition: 20 weeks Care for a covered servicemember: 26 weeks
Family member	Employee's parent, spouse or domestic partner, child (including foster, adopted or step-child or legal ward), grandchild, grandparent, or sibling; spouse's or domestic partner's child or parent; and anyone with whom employee has an <i>in loco parentis</i> relationship
Public plan	Administered by the Massachusetts <u>Department of Family and Medical</u> Leave
Private plan	Permitted for medical and/or family leave benefits through approved carrier or approved self-insured plan
Employer contribution	Employers > 25 Massachusetts employees: 0.336% of wages in 2022 for family leave; none for medical leave Employers ≤ 25 Massachusetts employees: none
Employee contribution	Family leave: 0.12% of wages in 2022 Medical leave: 0.224% of wages in 2022
Benefit calculation	80% of employee's AWW up to 50% of state AWW (\$1,694.24 for 2022), and 50% for AWW exceeding 50% of state AWW
Base period	Last 4 completed calendar quarters within past 5 quarters before start of claim
Maximum weekly benefit	\$1,084.31
Waiting period	7 consecutive calendar days
Job protections	Job protections and continued health benefits included in law
Employer notice	Workplace poster; written notice (paper or electronic) within 30 days of hire; new hires can acknowledge or decline to acknowledge receipt
Legal cites	MA Gen. Laws ch. 175M; 458 MA Code Regs. 2.00
Website	Department of Family and Medical Leave
Websile	Department of Farmiy and Medical Ecove

2022 paid disability/medic	al and family leave key elements
New Jersey	
Covered employer	Employers with at least 1 NJ employee and annual payroll of \$1,000
Eligible employee	Worked at least 20 weeks earning at least \$240 weekly or earned a combined total of \$12,000 in the base period; generally includes employees subject to unemployment insurance
Leave duration	Employee's own nonwork-related disability/health condition: 26 weeks Family: 12 weeks (56 days intermittent) SAFE Act: 20 days Maximum in 52-week period: 38 weeks
Family member	Employee's spouse or domestic partner, child (of any age), parent or person standing <i>in loco parentis</i> ; parent-in-law; sibling; grandparent or grandchild; any blood relative; or any family-equivalent relationship
Public plan	Administered with unemployment insurance through the <u>Division of</u> <u>Temporary Disability and Family Leave Insurance</u>
Private plan	Permitted for TDI; may be self-insured or insured, or through a union welfare fund. No private plans approved for family leave insurance
Employer contribution	For TDI, balance of plan costs after employee contribution; none for PFL
Employee contribution	Disability: 0.14% of the first \$151,900 earned in 2022 Family leave: 0.14% of the first \$151,900 earned in 2022
Benefit calculation	85% of AWW
Base period	First 4 of last 5 completed calendar quarters preceding leave
Maximum weekly benefit	\$993 for leave starting in 2022
Waiting period	7 consecutive days; benefit payments are paid retroactively to the start of disability after 3 additional weeks; no waiting period for FLI
Job protections	No, but the Family Leave Act provides job and health benefit protections
Employer notice	Conspicuous posting
Legal cites	NJ Stat. Ann. § 43:21-25; NJ Admin. Code § 12:18-1-1
Website	Division of Temporary Disability and Family Leave Insurance
Mercer resource	New Jersey updates, expands family and disability benefits (March 26, 2019)

2022 paid disability/medic	al and family leave key elements
New York	
Covered employer	Employers with 1 or more New York employees for 30 days in the year
Eligible employee	DBL: Has worked 4 consecutive weeks for covered employer PFL: Has worked full-time for 26 consecutive weeks (175 days if regularly working fewer than 20 hours per week) with same employer
Leave duration	Nonwork-related disability: 26 weeks New child, family member's health condition or qualifying military exigency: 12 weeks Maximum available in 52-week period: 26 weeks combined
Family member	Employee's spouse or domestic partner, child, stepchild, parent, stepparent, parent-in-law, grandparent, or grandchild
Public plan	Available through NY State Insurance Fund
Private plan	Permitted for one or both DBL and PFL; can be insured or self-insured
Employer contribution	DBL: Balance of plan costs after employee contribution PFL: None
Employee contribution	DBL: 50% of premium up to \$0.60/week Family leave: 0.511% of wages to \$423.71 in 2022
Benefit calculation	DBL: 50% of AWW PFL: 67% of AWW
Base period	8 weeks of covered employment preceding leave
Maximum weekly benefit	DBL: \$170 PFL: \$1,068.36 in 2022
Waiting period	DBL: 7 consecutive days Family leave: No waiting period
Job protections	Job protections and continued health benefits included in law
Employer notice	Conspicuous posting
Legal cite	<u>NY Workers' Comp. Law §§ 200–242;</u> <u>NY Comp. Codes R. &amp; Regs. tit. 12,</u> <u>§§ 355.1 et seq.</u>
Website	Paid Family Leave; Workers' Compensation Board's disability benefits

Puerto RicoCovered employerEmployers with 1 or more employees in Puerto Rico during any day of current or previous calendar yearEligible employeeEmployee must: • Be unable to perform any work for which he or she is reasonably qualified • Be under doctor's care and treatment • Have earned at least \$150 through covered employment during base periodLeave duration26 weeks in any consecutive 52-week periodPublic planSeguro por Incapacidad No Ocupacional Temporal (SINOT)Private planEmployers may offer private plan instead of commonwealth plan: • Must be a paproved by commonwealth employment security agency • Must be at paproved by commonwealth plan • Cannot require employees to pay more than in commonwealth fund or more than employer contribution • Must be approved by majority of employees if employees must contributioEmployer contribution0.6% of workers' wages up to \$9,000, less employee contributions Administrative expenses as determined by secretary of LaborBenefit calculation65% of average weekly wage in the base periodBase periodMaximum weekly benefit: \$113 (\$55 for agricultural workers) Minimum weekly benefit: \$12Valting periodN/ALigal citePK Laws Ann. tit. 11 §§ 201–212WebsiteSeguro por Incapacidad No Ocupacional Temporal (SINOT)	2022 paid disability/medic	cal and family leave key elements
Eligible employeeEmployee must: 	Puerto Rico	
Be unable to perform any work for which he or she is reasonably qualifiedBe under doctor's care and treatmentHave earned at least \$150 through covered employment during base periodLeave duration26 weeks in any consecutive 52-week periodFamily memberN/APublic planSeguro por Incapacidad No Ocupacional Temporal (SINOT)Private planEmployers may offer private plan instead of commonwealth plan: • Must be approved by commonwealth employment security agency • Must be approved by commonwealth employment security agency • Must be approved by commonwealth plan • Cannot require employees to pay more than in commonwealth fund or more than employer contributionEmployer contribution0.6% of workers' wages up to \$9,000, less employees must contributeEmployee contribution0.3% of wages of up to \$9,000Benefit calculation65% of average weekly wage in the base periodBase periodThe first 4 of the last 5 consecutive calendar quarters immediately preceding the application for benefitsMaximum weekly benefit: \$113 (\$55 for agricultural workers) Minimum weekly benefit: \$12Vaiting period7-day waiting period or until 1st day of hospital stay, whichever occurs soonerJob protectionsCovered under the federal Family and Medical Leave Act (FMLA)Employer noticeN/ALegal citePR Laws Ann. tit. 11 §§ 201–212	Covered employer	
Family memberN/APublic planSeguro por Incapacidad No Ocupacional Temporal (SINOT)Private planEmployers may offer private plan instead of commonwealth plan: • Must be approved by commonwealth employment security agency • Must be at least as favorable as commonwealth plan • Cannot require employees to pay more than in commonwealth fund or more than employer contribution • Must be approved by majority of employees if employees must contributeEmployer contribution0.6% of workers' wages up to \$9,000, less employee contributions Administrative expenses as determined by secretary of LaborEmployee contribution0.3% of wages of up to \$9,000Benefit calculation65% of average weekly wage in the base periodBase periodThe first 4 of the last 5 consecutive calendar quarters immediately preceding the application for benefitsMaximum weekly benefit%113 (\$55 for agricultural workers) Minimum weekly benefit: \$112Waiting periodCovered under the federal Family and Medical Leave Act (FMLA)Employer noticeN/ALegal citePR Laws Ann. tit. 11 \$\$ 201-212	Eligible employee	<ul> <li>Be unable to perform any work for which he or she is reasonably qualified</li> <li>Be under doctor's care and treatment</li> <li>Have earned at least \$150 through covered employment during base</li> </ul>
Public planSequro por Incapacidad No Ocupacional Temporal (SINOT)Private planEmployers may offer private plan instead of commonwealth plan: • Must be approved by commonwealth employment security agency • Must be at least as favorable as commonwealth plan • Cannot require employees to pay more than in commonwealth fund or more than employer contribution • Must be approved by majority of employees if employees must contributeEmployer contribution0.6% of workers' wages up to \$9,000, less employee contributions Administrative expenses as determined by secretary of LaborEmployee contribution0.3% of wages of up to \$9,000Benefit calculation65% of average weekly wage in the base periodBase periodMaximum weekly benefit: \$113 (\$55 for agricultural workers) Minimum weekly benefit: \$12Waiting period7-day waiting period or until 1st day of hospital stay, whichever occurs soonerJob protectionsCovered under the federal Family and Medical Leave Act (FMLA)Employer noticeN/ALegal citePR Laws Ann. tit. 11 §\$ 201–212	Leave duration	26 weeks in any consecutive 52-week period
Private planEmployers may offer private plan instead of commonwealth plan: • Must be approved by commonwealth employment security agency • Must be at least as favorable as commonwealth plan • Cannot require employees to pay more than in commonwealth fund or more than employer contribution • Must be approved by majority of employees if employees must contributeEmployer contribution0.6% of workers' wages up to \$9,000, less employee contributions Administrative expenses as determined by secretary of LaborEmployee contribution0.3% of wages of up to \$9,000Benefit calculation65% of average weekly wage in the base periodBase periodThe first 4 of the last 5 consecutive calendar quarters immediately preceding the application for benefitsMaximum weekly benefit\$113 (\$55 for agricultural workers) Minimum weekly benefit: \$113Waiting period7-day waiting period or until 1st day of hospital stay, whichever occurs soonerJob protectionsCovered under the federal Family and Medical Leave Act (FMLA)Employer noticeN/ALegal citePR Laws Ann. tit. 11 §§ 201–212	Family member	N/A
Must be approved by commonwealth employment security agencyMust be at least as favorable as commonwealth planCannot require employees to pay more than in commonwealth fund or more than employer contributionMust be approved by majority of employees if employees must contributeEmployer contribution0.6% of workers' wages up to \$9,000, less employee contributions Administrative expenses as determined by secretary of LaborEmployee contribution0.3% of wages of up to \$9,000Benefit calculation65% of average weekly wage in the base periodBase periodThe first 4 of the last 5 consecutive calendar quarters immediately preceding the application for benefitsMaximum weekly benefit\$113 (\$55 for agricultural workers) Minimum weekly benefit: \$12Waiting periodCovered under the federal Family and Medical Leave Act (FMLA)Employer noticeN/ALegal citePR Laws Ann. tit. 11 §§ 201–212	Public plan	Seguro por Incapacidad No Ocupacional Temporal (SINOT)
Administrative expenses as determined by secretary of LaborEmployee contribution0.3% of wages of up to \$9,000Benefit calculation65% of average weekly wage in the base periodBase periodThe first 4 of the last 5 consecutive calendar quarters immediately preceding the application for benefitsMaximum weekly benefitMaximum weekly benefit: \$113 (\$55 for agricultural workers) Minimum weekly benefit: \$12Waiting period7-day waiting period or until 1st day of hospital stay, whichever occurs soonerJob protectionsCovered under the federal Family and Medical Leave Act (FMLA)Employer noticeN/ALegal citePR Laws Ann. tit. 11 §§ 201–212	Private plan	<ul> <li>Must be approved by commonwealth employment security agency</li> <li>Must be at least as favorable as commonwealth plan</li> <li>Cannot require employees to pay more than in commonwealth fund or more than employer contribution</li> <li>Must be approved by majority of employees if employees must</li> </ul>
Benefit calculation65% of average weekly wage in the base periodBase periodThe first 4 of the last 5 consecutive calendar quarters immediately preceding the application for benefitsMaximum weekly benefitMaximum weekly benefit: \$113 (\$55 for agricultural workers) Minimum weekly benefit: \$12Waiting period7-day waiting period or until 1st day of hospital stay, whichever occurs soonerJob protectionsCovered under the federal Family and Medical Leave Act (FMLA)Employer noticeN/ALegal citePR Laws Ann. tit. 11 §§ 201–212	Employer contribution	
Base periodThe first 4 of the last 5 consecutive calendar quarters immediately preceding the application for benefitsMaximum weekly benefitMaximum weekly benefit: \$113 (\$55 for agricultural workers) Minimum weekly benefit: \$12Waiting period7-day waiting period or until 1st day of hospital stay, whichever occurs soonerJob protectionsCovered under the federal Family and Medical Leave Act (FMLA)Employer noticeN/ALegal citePR Laws Ann. tit. 11 §§ 201–212	Employee contribution	0.3% of wages of up to \$9,000
Image: Proceeding the application for benefitsMaximum weekly benefit:Maximum weekly benefit:Minimum weekly benefit:Minimum weekly benefit:Maximg periodT-day waiting period or until 1st day of hospital stay, whichever occurs soonerJob protectionsCovered under the federal Family and Medical Leave Act (FMLA)Employer noticeN/ALegal citePR Laws Ann. tit. 11 §§ 201–212	Benefit calculation	65% of average weekly wage in the base period
Minimum weekly benefit: \$12Waiting period7-day waiting period or until 1st day of hospital stay, whichever occurs soonerJob protectionsCovered under the federal Family and Medical Leave Act (FMLA)Employer noticeN/ALegal citePR Laws Ann. tit. 11 §§ 201–212	Base period	
Job protections       Covered under the federal Family and Medical Leave Act (FMLA)         Employer notice       N/A         Legal cite       PR Laws Ann. tit. 11 §§ 201–212	Maximum weekly benefit	
Employer notice         N/A           Legal cite         PR Laws Ann. tit. 11 §§ 201–212	Waiting period	
Legal cite PR Laws Ann. tit. 11 §§ 201–212	Job protections	Covered under the federal Family and Medical Leave Act (FMLA)
•	Employer notice	N/A
Website         Seguro por Incapacidad No Ocupacional Temporal (SINOT)	Legal cite	PR Laws Ann. tit. 11 §§ 201–212
	Website	Seguro por Incapacidad No Ocupacional Temporal (SINOT)

2022 paid disability/medic	al and family leave key elements
Rhode Island	
Covered employer	Employers with 1 or more employees in Rhode Island
Eligible employee	Earned \$14,700 in base-period wages; alternative earnings test available, if needed
Leave duration	Nonwork-related disability: 30 weeks New child or family member's health condition: 5 weeks in 2022 Maximum available in 52-week period: 30 weeks combined
Family member	Employee's child, parent, parent-in-law, grandparent, spouse or domestic partner
Public plan	Administered with unemployment by the Department of Labor and Training
Private plan	None permitted
Employer contribution	None
Employee contribution	Disability and family leave: 1.1% of wages to \$81,500 in 2022
Benefit calculation	4.62% of highest quarterly earnings in base period (~60% of AWW)
Base period	First 4 of last 5 completed calendar quarters before start of claim
Maximum weekly benefit	\$978 starting on or after July 1, 2021
Waiting period	None (but benefit eligibility requires at least 7 days of unemployment due to nonjob-related illness)
Job protections	Job protections and continued health benefits under the <u>Rhode Island</u> Parental and Family Medical Leave Act
Employer notice	Conspicuous posting
Legal cite	RI Gen. Laws §§ 28-39 to 28-41
Website	Department of Labor and Training

2022 paid disability/medical and family leave key elements	
Washington	
Covered employer	Private and nonfederal governmental employers with employees working in Washington
Eligible employee	Worked $\ge$ 820 hours in the first 4 of the last 5 completed calendar quarters before leave
Leave duration	Serious health condition: 12 weeks New child, family member's health condition or qualifying military exigency: 12 weeks each Maximum available in 52-week period: 16 weeks (may be extended to 18 weeks for a pregnancy-related disability)
Family member	Employee's child, son-in-law, daughter-in-law, parent or person standing <u>in loco parentis</u> , spouse or domestic partner, sibling, grandchild, or grandparent
Public plan	Administered by the Washington <u>Employment Security Department</u> , which administers unemployment insurance
Private plan	Permitted for one or both, self-insured or insured — but no insurers currently participate
Employer contribution	Medical contribution (0.16068% of wages) in 2022; no contribution if fewer than 50 employees in the state
Employee contribution	Medical and family leave combined: 0.43939% of wages up to \$147,000 in 2022
Benefit calculation	90% of employee's AWW up to 50% of state AWW (\$1,475 in 2022), and 50% for AWW over 50% of the state's AWW
Base period	First 4 of last 5 completed calendar quarters before start of claim
Maximum weekly benefit	\$1,327 in 2022
Waiting period	7 consecutive days except for bonding leave
Job protections	Job protections for employees with 12 months of service and 1,250 hours worked for the same employer; continued health benefits if at least one day overlaps with leave under federal FMLA
Employer notice	Conspicuous posting; notice to PFML-eligible employees after an absence of more than 7 consecutive days; optional paystub insert
	WA Rev. Code tit. 50A; WA Admin. Code § 192-500-010 et seq.
Legal cite	<u></u>

2022 paid disability/medic	cal and family leave key elements
Washington, DC	
Covered employer	Employers of any size with direct or indirect control over a worker's wages, hours or working conditions
Eligible employee	Worked in the city some or all of the 52 calendar weeks immediately before leave; generally covers all employers subject to the city's unemployment insurance law
Leave duration	Own serious health condition: 6 weeks New child bonding: 8 weeks Pre-natal care: 2 weeks Family member's serious health condition: 6 weeks Maximum available in 52-week period: 8 weeks (but 10 weeks for someone taking both parental/child bonding and prenatal leave)
Family member	Employee's spouse or domestic partner, child, parent or person standing <u>in loco parentis</u> , sibling, or grandparent; or spouse's or domestic partner's child or parent
Public plan	Administered with unemployment insurance by the <u>Department of</u> Employment Services
Private plan	None allowed
Employer contribution	0.62% of Washington, DC, payroll per quarter
Employee contribution	None
Benefit calculation	90% of 1.5 times the city minimum wage (\$930 as of Jan. 1, 2022; \$990 as of July 1, 2022) plus 50% of (employee's AWW — \$930)
Base period	4 of the last 5 completed calendar quarters
Maximum weekly benefit	\$1,009 beginning Sept. 26, 2021
Waiting period	1 week
Job protections	Job protections and continued health benefits under the DC FMLA
Employer notice	Conspicuous poster; notice of rights at hire and annually
Legal cites	D.C. § 32-541.01 et seq.; 7 D.C. Mun. Regs tit. 7 § 34
Website	DC Office of Paid Family Leave
Mercer resources	Washington, DC, amends and extends paid family and medical leave (Nov. 2, 2021) Washington, DC's paid leave program starts July 1 (June 10, 2020)

### **Related resources**

#### **Non-Mercer resources**

- <u>CA disability insurance contribution rate and other changes effective Jan. 1, 2022</u> (Employment Development Department)
- <u>CA Family Rights Act and Pregnancy Disability Law requirements and obligations</u> (Department of Fair Employment and Housing)
- CA Unemp. Ins. Code §§ 2601–3308 (Legislature)
- CA Code Regs. tit. 22, §§ 2601 et seq. (Westlaw)
- Conn. Gen. Stat. §§ 31-49e to 30-49t, 31-51kk to 31-51rr
- <u>Connecticut Paid Leave</u> website
- DC Office of Paid Family Leave
- DC Department of Employment Services
- DC Code § 32-541.01 et seq. (City Council)
- DC Mun. Regs. tit. 7 § 34 (District of Columbia Register, June 21, 2019)
- DC Mun. Regs. tit. 7, ch. 35 (Department of Employment Services)
- HI approved TDI carriers (Department of Labor and Industrial Regulations)
- <u>HI Disability Compensation Division</u> (Department of Labor and Industrial Regulations)
- <u>HI Rev. Stat. ch. 392</u> (Legislature)
- <u>HI Code R. § 12-11</u> (Disability Compensation Division)
- <u>NJ Division of Temporary Disability and Family Leave Insurance</u> (Department of Labor and Workforce Development)
- <u>NJ Family Leave Act notice</u> (Division of Civil Rights)
- <u>NJ Stat. Ann. § 43:21-25</u> (Legislature)
- <u>NJ Admin. Code § 12:18-1-1</u> (LexisNexis)
- NY State Insurance Fund
- <u>NY state paid family leave website</u>

- <u>NY disability benefits</u> (Workers' Compensation Board)
- <u>NY Workers' Comp. Law §§ 200–242</u> (State Senate)
- <u>NY Regs. tit. 12, §§ 355.1 et seq.</u> (Westlaw)
- PR Laws Ann. tit. 11 §§ 201–212
- Seguro por Incapacidad No Ocupacional Temporal (SINOT)
- <u>RI Parental and Family Medical Leave Act notice</u> (Department of Labor and Training)
- <u>RI Gen. Laws §§ 28-39 to 28-41</u> (General Assembly)
- <u>RI temporary disability/caregiver insurance</u> (Department of Labor and Training)
- WA paid family & medical leave website

#### Mercer Law & Policy resources

- Connecticut readies its paid family and medical leave program (Dec. 2, 2021)
- Washington, DC, amends and extends paid family and medical leave (Nov. 2, 2021)
- New Hampshire enacts voluntary paid family leave program (July 15, 2021)
- Colorado voters approve paid family and medical leave law (Nov. 10, 2020)
- San Francisco aligns paid parental leave law with state family leave (July 21, 2020)
- Washington, DC's paid leave program starts July 1 (June 10, 2020)
- Massachusetts readies for paid family and medical leave (Jan. 13, 2020)
- Employers need to prepare now for Washington, DC's universal paid leave (June 11, 2019)
- New Jersey updates, expands family and disability benefits (March 26, 2019)

#### **Other Mercer resources**

- Life, absence & disability
- Think globally, comply locally: How employers navigate leave laws (Nov. 15, 2018)

Note: Mercer is not engaged in the practice of law, accounting or medicine. Any commentary in this article does not constitute and is not a substitute for legal, tax or medical advice. Readers of this article should consult a legal, tax or medical expert for advice on those matters.