

Left Behind:

How California's Paid Family Leave Program is Failing People in Low-Wage Jobs and the Gig Economy

A report by PL+US: Paid Leave for the United States

“I wanted to keep breastfeeding and be home with my baby but I couldn’t afford to.”

—Mayra Lopez of Riverside, California

On July 1, 2004, California made history. In a country that still doesn’t guarantee its residents paid time off to bond with a new child or care for a seriously ill family member, California became the first state to implement its own paid family leave program. The policy, signed into law in 2002 and put into force two years later, gave many state residents up to six weeks of partial pay to care for a new child or sick relative. Disability Insurance is also available to Californians who give birth (6 to 8 weeks postpartum, and up to 4 weeks prepartum at partial pay) or who experience non-work-related illness or injury.¹

This program has had a significant impact on how many people take time off for the arrival of a new child or when a family member gets sick. A 2013 study found that the introduction of paid family leave doubled the use of maternity leave, increased breastfeeding rates, and had a positive impact on children’s health by the time they reached kindergarten.²

But despite the history-making program’s successes, there remain barriers that block far too many Californians from accessing paid leave. As the federal government grapples with options to address paid family leave benefits, the California program once heralded as a national model is showing significant cracks that must be addressed.

In the years since the California policy passed, the state has been plagued with a gross and growing inequality. California is the wealthiest state in the country and yet has the highest rate of poverty.³ Housing costs are skyrocketing, good jobs are being transformed into “contract” work with no benefits, and millions of hardworking Californians are struggling to provide and care for their families.

It’s time to take a hard look at who California’s paid leave policy benefits, who is being left out, and how we can make it work for everyone.

1 https://edd.ca.gov/Disability/Types_of_Claims.htm

2 http://econ.ucsb.edu/~mrossin/RossinSlater_maternity_family_leave.pdf

3 <https://www.census.gov/content/dam/Census/library/publications/2016/demo/p60-258.pdf>

Who has access to—and the ability to take—paid family leave in California today sadly marks another example of our stratified state. While it’s not uncommon for private sector technology companies to offer paid leave benefits to attract and retain employees, public sector workers, and independent contractors are largely left to fend for themselves. Salaried employees working in top tech and finance companies in California are likely to have access to the best paid family leave policies in the country. **Meanwhile, the people we rely on in our day-to-day lives: to drive our buses to work, serve our children lunch at school, care for our elderly parents, clean our restrooms at work, and draw our blood at the doctor’s office—have no employer-provided paid leave and may not even be covered by the state’s program.**

Our current policy is not working for families who most need it. Because of these inequities, less than half of families with newborns in California⁴ had even one parent who took paid family leave through the state program last year.⁵ California has the power to change that for the good of California’s children, families, and economy.

A Snapshot of Paid Family Leave Policies at California Workplaces

POSITION	EMPLOYER	WEEKS LEAVE— BIRTHING PARENTS	WEEKS PARENTAL LEAVE— DADS AND OTHER NON-BIRTHING PARENTS	WEEKS FAMILY CAREGIVING LEAVE
Salaried	Netflix ⁶	52	52	0
Salaried	Lyft	18	18	12
Salaried	Facebook	16	16	6
Government Employee	U.C. Berkeley	6 partial pay, if individual pays into private insurance option	6 partial pay, if individual pays into private insurance option	0
Caregiver	Private Caregiving Provider	12-18 partial pay (6 to 8 weeks postpartum, and up to 4 weeks prepartum)	6 partial pay	6 partial pay
Teacher	L.A. Unified School District	12 (must exhaust all vacation and sick days, then receive partial pay for up to 12 weeks total)	12 (must exhaust all vacation and sick days, then receive partial pay for up to 12 weeks total)	0
Driver	Lyft, Uber, Amazon	12 (partial pay, and must pay into system to be eligible)	6 (partial pay, and must pay into system to be eligible)	6 (partial pay, and must pay into system to be eligible)
Government Employee	City of Palo Alto	0	0	0

4 <https://www.cdc.gov/nchs/data/vsrr/report004.pdf>

5 <https://data.edd.ca.gov/Disability-Insurance/Paid-Family-Love-PFL-Monthly-Data/r95e-fvkm/data>

6 <https://www.businessinsider.com/netflix-offers-more-paid-leave-to-hourly-employees>

CALIFORNIA'S PAID LEAVE POLICY: WHO'S IN AND WHO'S OUT

A shocking number of working families are excluded outright from the state's law. And with a widening gap between the state's wealthiest and poorest people, many residents simply cannot afford to take home only a portion of their salary.

Those in the lowest-earning income brackets are less likely to take paid family leave than those who earn more.⁷ In fact, since the program started there has been a steady decline in the percentage of paid family leave claims filed by people with the lowest incomes while people in the highest income bracket doubled their share of all paid family leave claims.⁸

Overview of Eligibility for California Program

TYPE OF EMPLOYMENT	CA PROGRAM ELIGIBILITY	EXAMPLE PROFESSIONS
Regular (W2 tax form)	In order to be eligible for paid family leave, Californians must be unable to work due to the need to provide care or to bond with a new child, have lost wages because of caring for a seriously ill family member or bonding with a new child, and have earned at least \$300 from which State Disability Insurance (SDI) deductions were withheld during their base period. ⁹	Any private sector or non-profit. Can include temporary and seasonal
Public Sector	Any public sector worker who isn't covered by the State Disability Insurance program is not eligible. Public sector employees are only included if their employer or union "opts-in" to the program. ¹⁰ As of 2011, more than one in five public employees in "high-quality" jobs and almost half of those in "low-quality" jobs received no pay at all when they took family leave. ¹¹	Public school teachers and employees, federal employees, and some county and state employees ¹²
Self employed or independent contractors (1099 tax form)	Self-employed residents who contribute to the separate Disability Insurance Elective Coverage Program in the previous 6 months can draw benefits ¹³ and participants must continue to pay into the D.I.E.C. system for 2 full years. ¹⁴	All independent contractors or self-employed individuals, ex: Uber/Lyft drivers, nail technicians, landscape gardeners, many other contract or "gig" jobs

7 <https://www.aeaweb.org/articles?id=10.1257/pandp.20181113>

8 <https://sor.senate.ca.gov/sites/sor.senate.ca.gov/files/Californias%20Paid%20Family%20Leave%20Program.pdf>

9 https://www.edd.ca.gov/disability/Am_I_Eligible_for_PFL_Benefits.htm

10 <https://www.sacbee.com/opinion/california-forum/article169010282.html>

11 <http://cepr.net/documents/publications/paid-family-leave-1-2011.pdf>

12 http://www.edd.ca.gov/Disability/pdf/Paid_Family_Leave_Market_Research_Report_2015.pdf

13 http://www.edd.ca.gov/disability/FAQ_PFL_Eligibility.htm

14 https://www.edd.ca.gov/disability/Self-Employed_Eligibility.htm and https://www.edd.ca.gov/disability/Self-Employed_Elective_Coverage_Premiums.htm

1. PUBLIC SECTOR EMPLOYEES ARE LARGELY LEFT OUT

Any public sector worker who isn't covered by the State Disability Insurance program—which is the majority of them—isn't eligible for paid family leave. That includes over 500,000 people like public school teachers and employees, federal employees, and some county and state workers.¹⁵ University of California is California's largest state employer with over 200,000 public employees.¹⁶ Anyone working in a department or employee category that has not opted to pay into the State Disability Program is left out of California's paid family leave program.

In 2011, almost half of low-wage public sector employees received no pay at all when they took family leave.

As of 2011, more than one in five public employees in “high-wage” jobs and almost half of those in “low-wage” jobs received no pay at all when they took family leave.¹⁷

Lacey Lutes is pregnant with her first child and has worked for the city of Palo Alto for six years. She is also a member of the National Guard and was recently called on for service to address the region's wildfires. **Under current California law, Lacey is ineligible for the state's paid family leave plan simply because she's a city employee.** Her work colleagues, seeing this injustice, rallied in support by launching an online fundraiser to support Lacey and her family.¹⁸ Lacey and hundreds of thousands like her should not have to crowdfund to take care of their families.

Lena Perkins is Lacey's colleague at the City of Palo Alto and one of the driving forces behind the crowdfunding campaign to support Lacey. After giving birth to multiple children while working for the City of Palo Alto, Lena has first-hand experience of the challenges Lacey now faces without paid leave.

Other public sector workers are also starting to push for paid family leave policies. Last year, teachers for Los Angeles Unified School District succeeded in passing a law that would allow them to have a portion of their salary for parental leave.¹⁹ The California legislature is currently considering a bill²⁰ which would extend the option to contribute to the State Disability Insurance program to state employees. If implemented, this bill would resolve access to this critical benefit.

2. INDEPENDENT CONTRACTORS ARE ELIGIBLE IN NAME ONLY

In order to ensure access to paid family leave for those who are self-employed, independent contractors, and small business owners, California established the Disability Insurance Elective Coverage (D.I.E.C.) program that is overseen by California's Employment Development Department (E.D.D.) This program is separate from the state's Paid Family Leave program and requires a separate application process in order to access benefits. PL+US contacted E.D.D. to request usage data for paid family leave via the D.I.E.C. program, and found that only 32 independent contractors were

15 http://www.edd.ca.gov/Disability/pdf/Paid_Family_Leave_Market_Research_Report_2015.pdf

16 <https://www.thrillist.com/news/nation/biggest-employers-us-every-state-map>

17 <http://cepr.net/documents/publications/paid-family-leave-1-2011.pdf>

18 <https://www.plumfund.com/baby-fund/12-weeks-for-laceys-little-one>

19 <https://www.utla.net/resources/parental-paid-leave-eligible-district-employees-laUSD-bulletin-68610>

20 https://leginfo.legislature.ca.gov/faces/billStatusClient.xhtml?bill_id=201720180AB3145



*“I’ve worked for the City of Palo Alto for nearly three years and was surprised to learn that City employees are not able to access paid family leave through the state program. **I had no idea that organizations with greater than 20 employees are legally permitted to not provide paid leave at least equivalent to the state minimum requirement.** I was also surprised at how many health issues come up for newborns in the first 12 weeks (the fourth trimester), and how mothers returning to work before that period can detrimentally impact the health of their babies. **I returned to work full-time six weeks after my first child was born, and my son did not gain weight properly and had several scary weeks. I also planned to return to work six weeks after my second son was born, only to learn he needed emergency, life-saving surgery.** I’m looking forward to seeing how the City of Palo Alto addresses paid family leave for future employees as a way to look out for new mothers, fathers, and their babies.”*

— **Lena Perkins** of Palo Alto, California

able to access paid family leave in 2017—a tiny fraction of the 245,387²¹ total individuals who accessed leave through the state’s program last year.

In fact, over the course of the past ten years (2007-2017), only 413 individuals accessed paid family leave benefits via the D.I.E.C. program—a minuscule figure given estimates that independent contractors amount to between 14²² and 35²³ percent of the current workforce.

E.D.D. does not collect data on the total number of people who are enrolled in the D.I.E.C. program who applied for paid family leave benefits nor does it collect data on how many of those who apply are ultimately denied. Without that data for reference, it is unclear whether very few people apply for benefits or whether very few are approved after application. We can only speculate that the small number of people accessing paid family leave through the D.I.E.C. program is a result of the following possible explanations:

1. **Very few independent contractors are aware that California provides a mechanism for this category of employment to access benefits.** Overall awareness of California’s paid family leave program is already low—and many Californians only have heard of the program via an employer²⁴—a notably absent communication avenue for independent contractors.
2. **The process is cumbersome and expensive.** For those who are aware of the D.I.E.C. program and intend to make use of it, the process involves many steps, including needing to pay into the program for a minimum of two years and generally requiring a minimum of 6 months enrollment before a valid claim can be filed. In other words, you would have to enroll in the program at least 6 months prior to your leave and would have to continue to pay into the program for over a year after your leave. Moreover, D.I.E.C. enrollees pay a much higher percentage of their earnings in premiums than employees enrolled in the state paid family leave program.
3. **Some independent contractors may be denied because they are misclassified** and should be regular employees receiving W2 forms. There is growing concern that many people working as independent contractors are misclassified and should be considered regular employees.²⁵ In fact, the State of California just recently announced a new “test” for businesses to determine whether someone is an independent contractor or should be a regular employee.²⁶ Unfortunately, many employees do not realize they have been misclassified until after they apply for paid family and are denied for failing to make contributions, at which point it is too late to enroll in the D.I.E.C. program.

From 2007 to 2017, virtually no independent contractors in California accessed paid family leave: 413 individuals in a segment of the economy that now comprises between 14 to 35 percent of the state’s workforce.

21 https://www.edd.ca.gov/Disability/pdf/qspfl_PFL_Program_Statistics.pdf

22 <https://www.bls.gov/news.release/pdf/conemp.pdf>

23 <https://www.upwork.com/i/freelancing-in-america/2017/>

24 <http://www.femst.ucsb.edu/projects/crwsj/engagements/pdf/Engeman-PFL-Policy-Brief.pdf>

25 <https://hbr.org/2017/07/lots-of-employees-get-misclassified-as-contractors-heres-why-it-matters>

26 <https://www.employmentmattersblog.com/2018/05/what-californias-new-independent-contractor-test-means-for-your-business/>

Salvador Guillermo is a husband, U.S. military veteran and father. He has served his country and works as a subcontractor at a large healthcare provider and sometimes drives for Lyft. He and his wife, Rosario, are expecting their second child, but they simply cannot afford to pay into California's program for independent contractors and only receive partial pay while on leave. Many independent contractors or "gig" workers like Salvador face similar circumstances as they are typically not eligible for benefits through an employer.

ADDITIONAL BARRIERS KEEPING PEOPLE FROM ACCESSING CALIFORNIA'S PAID LEAVE PROGRAM

The rate of wage replacement, lack of job protection, bureaucratic hurdles, and lack of awareness of California's program also account for the low usage rate.

"I can't afford to take the time"

Your job and your income determine whether you have access to paid family leave. In California and nationwide, high-income earners are the most likely to have access to paid leave, while the lowest-income earners are likely to have little to no access.

The greatest barrier to utilizing the program is that residents don't receive their full pay while on leave. Without a full paycheck, they cannot afford to take time off. In California, the proportion of the lowest-earning residents who took paid leave declined over the first nine years that the program existed, while those at the top of the income scale nearly doubled their time to care for a newly arrived child.²⁷

A 2011 survey found that nearly a third of Californians who were eligible but didn't apply for paid family leave said it was because the pay would be too low.²⁸ And dads in low-income families are the least likely to take leave because it would reduce the family's income too dramatically.

While the law was updated recently to provide up to 70 percent wage replacement for lowest-income earners, it's still just not enough for many families living paycheck to paycheck.

A national study of the effects of paid family leave programs found that 84 percent of working people with only partially paid leave reported having difficulty paying bills when they took time off—delaying rent or buying groceries. Nearly half of new parents who make less than \$30,000 annually who did not have fully paid parental leave had to go on public assistance.²⁹

Mayra Lopez is a wife and mother of two living in Riverside, and a caretaker in an assisted living facility. She gave birth to her second child six months ago and was able to take six weeks of paid leave after receiving her state disability insurance and earned 60 percent of her wages, but it was a struggle to pay the bills. Her husband was working full time at a recycling company because Mayra's partial wage replacement was not enough to cover living expenses. While Mayra and her husband made due with California's program, they also found that the time provided was not enough for their family.

27 <https://sor.senate.ca.gov/sites/sor.senate.ca.gov/files/Californias%20Paid%20Family%20Leave%20Program.pdf>

28 <http://cepr.net/documents/publications/paid-family-leave-1-2011.pdf>

29 https://www.urban.org/sites/default/files/publication/90201/paid_family_leave_0.pdf



*“I feel it is just as important for fathers to have the same right to experience the beauty of new life beginning as mothers. After the birth of my first child, I wanted to spend more time bonding with him and supporting my wife. I didn’t want to miss out on the precious moments that I knew I wouldn’t ever get back. **Family is all we have so it just breaks my heart that as an independent contractor it’s too expensive for families like mine to access California’s paid family leave plan.** Every year there are hundreds of thousands of hardworking families like mine who don’t have the paid time we need to care for our families.”*

— Salvador Guillermo of Los Angeles, California

“I am a caretaker, taking care of the elderly every day in my work, but I need paid time off to take care of my own baby. The state’s wage replacement helped with our bills, but it’s not enough. Our family needs my full paycheck to make ends meet. Six weeks after I gave birth to my son I had to start weaning him from breastfeeding so that he wouldn’t get too used to it when I had to go back to work. If I didn’t have to go back to work so quickly, I would still be breastfeeding. As it is now, there are no lactation accommodations at work. When I went back to work, he wouldn’t nap while I was gone for my entire 8-hour shift. It’s been tough. My husband would call me and say, ‘talk to him, he can’t stop crying.’ And my daughter would say, ‘why can’t we all be together like we used to be when baby was born.’”

— **Mayra Lopez** of Riverside, California

For other Californians, six weeks of paid leave is simply inadequate to provide the necessary time to bond and care for a new child and prepare for returning to work. In many cases, parents feel financially squeezed and forced to return to work before they or their child are ready. As a new mother navigating the challenges of breastfeeding an infant, Olivia Beltran of Los Angeles, pushed herself to go back to work after six weeks only to find that leaving her newborn so she could go back to work had serious consequences.

LACK OF JOB PROTECTION

Another major barrier to the state’s policy is that it provides no job protection. “Attorneys and outreach workers alike have reported that the lack of job protection is a central hurdle to workers taking [paid family leave],” Netsy Firestein, Ann O’Leary, and Zoe Savitsky wrote in a 2011 report.³⁰

Unlike similar programs in New York and Rhode Island, California’s law comes with no job protection, no guarantee that people can return to their jobs when their leave is over, and no guarantee they can continue their healthcare coverage.

The non-profit legal services organization Legal Aid at Work reports receiving calls from employees who took paid leave with the false belief that their job was protected, only to find that they were no longer employed. Many participants in a 2015 focus group expressed concern over the lack of job protection, with one father saying, “The employer doesn’t have to let you come back and that is a serious problem.”³¹

30 http://paidfamilyleave.org/pdf/pfl_guide.pdf

31 http://www.edd.ca.gov/Disability/pdf/Paid_Family_Leave_Market_Research_Report_2015.pdf



*“I had to return to work at six weeks postpartum. I used all of my sick/vacation time to cover three of the six weeks I was gone. Unfortunately, living in southern California is expensive. My husband and I both have to work. Returning to work was difficult. I was committed to breastfeeding my daughter, but she had not yet adapted to a bottle of pumped milk. My daughter reverse cycled. I work all day, and fed all night long. I was a walking zombie. **Had I just had a few more weeks of paid leave to establish breastfeeding and introduce a bottle on a more realistic timeline, I would have been a more effective employee upon my return, and a more present mother in those early weeks.**”*

— **Olivia Beltran** of Los Angeles, California



“California’s program needs to work for EVERYONE. My friends and colleagues are white-collar professionals—and the fact that we have more access to the program than those working in the informal economy just perpetuates race and class inequities. Low-income people and too many people of color don’t have the same leg up and access to resources. All babies deserve to have moms and dads who can be a little bit more rested and less stressed out—which is what paid leave provides. Moms need time to be with their babies and they need a break from the strain of worrying about how to pay bills or make it through the day because that stress gets passed to the baby. Paid family leave provides that. It’s an investment in the next generation.”

— Vanessa Pierce of Oakland, California

“The employer doesn’t have to let you come back and that is a serious problem.”

AWARENESS AND BUREAUCRACY BARRIERS

Yet another barrier is that many Californians do not know the program exists. Even among Californians aware of the paid family leave program, access is cumbersome and complicated. These problems are compounded when considering that the Paid Family Leave application is only available in English, and attempting to reach E.D.D.’s “customer service” by phone is nearly impossible without waiting on hold for hours at a time or having to call back multiple times. **A 2011 report found that while all the people surveyed had a reason to take paid leave, over half didn’t know the program existed, with awareness lowest among low-wage working people, immigrants, and Latinos.**³² Other surveys have also found that low-income, non-white, and immigrant residents are less likely to be aware of it.^{33 34}

California residents who are aware of the program often find it cumbersome and difficult to manage. Seren Pendleton-Knoll is pregnant with her first child and is the sole income earner in her family as an associate director in the Haas School of Business at the University of California in Berkeley. While the vast majority of public employees are ineligible for the state’s leave policy, Seren is able to take leave because her department has opted to arrange for private insurance for employees to cover paid family leave. Seren’s situation is just one of many examples of the patchwork nature of the current policy that creates exceptions and opportunities for some, while leaving many others out.

32 <http://cepr.net/documents/publications/paid-family-leave-1-2011.pdf>

33 https://fhop.ucsf.edu/sites/fhop.ucsf.edu/files/custom_download/Unfinished%20Business%20-%20Paid%20Family%20leave%20in%20CA%20and%20the%20future%20of%20US%20Work-Family%20Policy.pdf

34 Milkman, Ruth. “NEW DATA ON PAID FAMILY LEAVE.” (Not available online.)



*“I’m expecting my first child in October and I’m the sole income earner in my family at the moment. I’ve been trying to navigate the paid family leave policy for some time now and it’s atrocious. **The system is set up assuming you can afford to take home just part of your paycheck while on leave or that you can find a care provider after 6 weeks. This is just not our reality living in the Bay Area or in the state of California.** I’m fortunate that I’m in a position to take leave under the current policy. I’m lucky that I have bosses that say I can work from home or bring my baby to work, but I don’t want to take advantage of my privilege. I think this inequity is extremely frustrating. I know there are other staff who don’t have this. We need to fix the program by increasing the amount of time off and ensuring everyone has easy access to it.”*

— Seren Pendleton-Knoll of Berkeley, California

THE SOLUTION: “A POLICY FOR ALL CALIFORNIANS”

California made history when it passed the nation's first paid family leave policy more than fifteen years ago, but today California's policy is no longer leading the nation. Over the last several years, six additional states have passed paid family leave policies that feature elements that build upon the foundation that California established. See a fuller comparison in the Overview of State Paid Family Leave Programs on the following page.

California has an opportunity to close the current divide and once again lead the nation by expanding its paid family leave program to ensure all of California's families have the time they need to care for sick and new family members. The cracks in the state's current system mean many vulnerable California residents are denied the support they need during some of life's most critical junctures—moments that are often chaotic and stressful under even the best financial circumstances.

At a minimum, California should work towards an updated model that includes: 100% wage replacement for low-income families; job protection so working people have assurance their jobs will not disappear after taking paid family leave; an extended length of time for people who need to provide care and bonding; and ensuring access for people working in non-traditional jobs in the growing gig economy. By ensuring California's paid family leave policies work for to the people who need them most, California can materially improve the lives of families across the state while offering an updated, family-centered model to policymakers in Washington, D.C.

ACKNOWLEDGMENTS:

PL+US would like to thank the Californian mothers and fathers who graciously shared their families' personal stories with us as well as Legal Aid at Work, a non-profit legal services organization assisting low-income families, for its generous contributions to this report.

We want to acknowledge the California Work & Family Coalition for its work to pass the Paid Family Leave program in California and its members' ongoing organizing and advocacy to expand the program and address the inequities that we've outlined in this report.

Overview of State Paid Family Leave Programs

STATE	LENGTH OF TIME ALLOWED	% WAGE REPLACEMENT
California passed in 2002, implemented in 2004	6 weeks for family leave 52 weeks for own disability	For workers whose quarterly earnings are at least \$929 but less than 1/3 of the state average quarterly wage, the weekly benefit is 70 percent of the worker's weekly wage. For workers whose quarterly earnings are at least 1/3 of the state average quarterly wage, the weekly benefit rate is 23.3 percent of the state average weekly wage OR 60 percent of the worker's weekly wage, whichever is greater. The maximum weekly benefit is \$1,216 in 2018.
District of Columbia passed in 2017, will be implemented in 2020	8 weeks for parental leave 6 weeks for family care 2 weeks for own serious health condition No more than eight weeks total/year for combined family and medical leave	For workers paid wages less than or equal to 150 percent of the D.C. minimum wage multiplied by 40, the weekly benefit rate is 90 percent of the worker's average weekly wage rate. For workers paid more than 150 percent of the D.C. minimum wage multiplied by 40, the weekly benefit rate is 90 percent of 150 percent the D.C. minimum wage multiplied by 40 plus 50 percent of the amount by which the worker's average weekly wage exceeds 150 percent of the D.C. minimum wage multiplied by 40, up to a maximum of \$1,000 per week beginning in 2021.
Massachusetts passed in 2018, will be implemented in 2020	12 weeks for family leave 26 weeks for caring for a covered service member 20 weeks for own serious health condition No more than 26 weeks total/year for combined family and medical leave	For workers paid 50 percent or less of the statewide average weekly wage (AWW), the weekly benefit rate is 80 percent of the worker's AWW. For workers paid more than 50 percent of the statewide AWW, the weekly benefit rate is 80 percent of the employee's AWW up to 50 percent of the statewide AWW, plus 50 percent of the employee's AWW that is more than 50 percent of the statewide AWW. The maximum weekly benefit is \$850 in the first year.
New Jersey passed in 2008, implemented in 2009	6 weeks for family leave 26 weeks for own disability	The weekly benefit rate is 66 percent of a worker's average weekly wage, with a maximum benefit of \$637 in 2018.
New York passed in 2016, implemented in 2018	8 weeks for family leave in 2018; increasing to 10 weeks in 2019 and to 12 weeks in 2021 (increases subject to delay) 26 weeks for own disability	For family care, in 2018, the weekly benefit rate is 50 percent of a worker's average weekly wage (AWW), not to exceed 50 percent of the state AWW; benefit amounts increase in 2019 to 55 percent of the worker's weekly wage up to 55 percent of the state AWW; in 2020 to 60 percent of the worker's weekly wage up to 60 percent of the state AWW; and in 2021, to 67 percent of the worker's weekly wage up to 67 percent of the state AWW (increases subject to delay). For own disability, the weekly benefit rate is 50 percent of the employee's weekly wage, with a maximum benefit of \$170; however, if the employee earns less than \$20 per week, the benefit will be their full average weekly wage.
Rhode Island passed in 2013, implemented in 2014	4 weeks for family leave 30 weeks for own disability; no more than 30 weeks total/year for combined own disability and family care	The average weekly benefit rate is 4.62 percent of wages paid during the highest quarter of worker's base period, up to \$831 per week for claims effective January 1, 2018 or later.
Washington passed in 2017, will be implemented in 2021	12 weeks for family leave 12 weeks for own serious health condition (14 if employee experiences pregnancy-related serious health condition that results in incapacity) No more than 16-18 weeks total/year for combined own serious health condition and family leave	For workers paid 50 percent or less of the statewide average weekly wage (AWW), the weekly benefit rate is 90 percent of the worker's AWW. For workers paid more than 50 percent of the statewide AWW, the weekly benefit rate is 90 percent of the employee's AWW up to 50 percent of the statewide AWW, plus 50 percent of the employee's AWW that is more than 50 percent of the statewide AWW. The maximum weekly benefit is \$1,000 in the program's first year.

Data Sourced from National Partnership for Women and Families³⁵

35 <http://www.nationalpartnership.org/research-library/work-family/paid-leave/state-paid-family-leave-laws.pdf>

“Left Behind: How California’s Paid Family Leave Program is Failing People in Low-Wage Jobs and the Gig Economy”

A report by **PL+US**: Paid Leave for the United States.

www.paidleave.us