

# Comparison of Connecticut's Paid Family Medical Leave Bill to Recently Enacted Programs in Massachusetts and Washington

By: Lee Hansen, Principal Analyst  
August 21, 2018 | 2018-R-0192

## Issue

This report compares the main provisions of the paid family and medical leave program proposed in Connecticut's 2018 SB 1 with similar programs recently enacted in Massachusetts and Washington state.

## Summary

In its 2018 legislative session, Connecticut considered a bill ([SB 1](#)) to establish a program that would provide employees with a limited wage replacement benefit while they were taking family and medical leave from their employment. The bill was reported favorably by the Labor and Public Employees Committee, but a subsequent motion to report it favorably in the Finance, Revenue and Bonding Committee failed. To date, six other states have enacted similar legislation, most recently Washington in 2017 ( [2017 substitute Senate Bill 5975](#)) and Massachusetts in 2018 ([2018 Mass. Acts Chapter 121](#)).

While all of these programs similarly aim to provide employees on leave with wage replacement benefits, they also vary in certain significant ways, such as how an individual's benefit is determined, the extent to which employers must protect the jobs of employees on leave, and how the programs are funded. Table 1 below compares the main provisions of Connecticut's SB 1 and the new programs created in Massachusetts and Washington.

**Table 1: Comparison of Connecticut’s Paid Family Medical Leave (FML) Proposal ([2018 sSB 1](#)), Massachusetts’ Paid FML Program (as enacted by [2018 Mass. Acts Chapter 121](#)), and Washington’s Paid FML Program (as enacted by [2017 substitute Senate Bill 5975](#))**

<i>Provision</i>	<i>CT</i>	<i>MA</i>	<i>WA</i>
<b>Reasons for paid leave</b>	<ul style="list-style-type: none"> <li>Employee’s own serious health condition</li> <li>Birth of an employee’s child or placement of a child with an employee for foster care or adoption</li> <li>Family member’s serious health condition</li> <li>Donate an organ or bone marrow</li> <li>Care for family members in the armed forces who are undergoing treatments for injury or illness incurred in the line of duty</li> <li>For family violence victims to seek care, obtain services, relocate, or participate in related civil or criminal proceedings</li> </ul>	<p>Medical Leave</p> <ul style="list-style-type: none"> <li>Employee’s own serious health condition</li> </ul> <p>Family Leave</p> <ul style="list-style-type: none"> <li>Bonding after the birth of an employee’s child or placement of a child with an employee for foster care or adoption</li> <li>Employee’s family member’s serious health condition</li> <li>Care for family members in the armed forces who are undergoing treatment for injury or illness incurred in the line of duty</li> <li>Family members’ military exigency (e.g., short notice deployments, military events, urgent childcare and related activities, post-deployment activities)</li> </ul>	<p>Medical Leave</p> <ul style="list-style-type: none"> <li>Employee’s own serious health condition</li> </ul> <p>Family Leave</p> <ul style="list-style-type: none"> <li>Bonding after the birth of an employee’s child or placement of a child with an employee for foster care or adoption</li> <li>Employee’s family member’s serious health condition</li> <li>Family members’ military exigency (e.g., short notice deployments, military events, urgent childcare and related activities, post-deployment activities)</li> </ul>
<b>Definition of family member</b>	Employee’s child, grandchild, grandparent, parent, parent-in-law, sibling, spouse, and anyone related by blood or whose close association with the employee is the equivalent of a family member	Employee’s child, grandchild, grandparent, parent, parent-in-law, sibling, spouse, and domestic partner	Employee’s child, grandchild, grandparent, parent, parent-in-law, sibling, and spouse
<b>Employee benefit eligibility requirements</b>	Earned at least \$2,325 during one of the five most recently completed quarters	Earned enough to qualify for unemployment benefits ( <a href="#">currently</a> at least \$4,700 and 30 times the weekly unemployment benefit over the last four complete quarters )	Completed at least 820 hours of work for an employer over the qualifying period (the first four of the last five full calendar quarters)
<b>Covered employers</b>	<p>For collecting and submitting employee contributions and providing job-protected leave: private-sector employers with at least two employees</p> <p>State and municipal employers are excluded from the benefit program unless their employees collectively bargain to participate (they receive job protected leave under different laws)</p> <p>Public and private elementary and secondary school employees cannot participate in the paid benefit program</p>	<p>For collecting and submitting employee contributions and providing job-protected leave: all employers subject to the state’s unemployment law, except municipal employers (unless they opt in through a vote of their legislative bodies)</p> <p>For paying employer share of medical leave premiums: employers with at least 25 employees</p>	<p>For collecting and submitting employee premium contributions: all employers</p> <p>For paying employer share of medical leave premiums: employers with at least 50 employees</p> <p>For providing employee job protections while employee is on leave: employers with at least 50 employees (employees who work for employers with less than 50 employees must pay contributions and will be eligible for benefits, but they are not provided with job protected leave)</p>

<b>Provision</b>	<b>CT</b>	<b>MA</b>	<b>WA</b>
<b>Benefit amount</b>	<p>100% of the employee's weekly earnings</p> <p>Maximum weekly benefit is \$1,000 for the program's first year, to be adjusted for inflation in subsequent years</p>	<p>If the employee's average weekly wage (AWW) is 50% or less than the statewide AWW:</p> <ul style="list-style-type: none"> <li>80% of the employee's AWW</li> </ul> <p>If the employee's AWW is more than 50% of the state's AWW:</p> <ul style="list-style-type: none"> <li>80% of the employee's AWW, up to 50% of the state AWW, plus 50% of the amount by which the employee's AWW exceeds 50% of the state AWW</li> </ul> <p>Maximum weekly benefit is \$850 for the program's first year (2021), and 64% of the state AWW for all subsequent years</p>	<p>If the employee's average weekly wage (AWW) is 50% or less than the statewide AWW:</p> <ul style="list-style-type: none"> <li>90% of the employee's AWW</li> </ul> <p>If the employee's AWW is more than 50% of the state's AWW:</p> <ul style="list-style-type: none"> <li>90% of the employee's AWW, up to 50% of the state AWW, plus 50% of the amount by which the employee's AWW exceeds 50% of the state AWW</li> </ul> <p>Maximum weekly benefit is \$1,000 for the program's first year (2020), and 90% of the state AWW for all subsequent years</p>
<b>Maximum benefit duration</b>	<p>12 weeks over a 12-month period</p> <p>An additional two weeks is available for a serious health condition during pregnancy that results in incapacitation</p> <p>Department of Labor (DOL) may reduce the maximum benefit duration if the program is underfunded</p>	<p>Generally, 20 weeks for medical leave or 12 weeks for family leave per 52 weeks; total medical and family leave benefit duration cannot exceed 26 weeks per 52 weeks</p>	<p>12 weeks for medical leave or 12 weeks for family leave per 52 weeks; total medical and family leave benefit duration cannot exceed 16 weeks per 52 weeks</p> <p>An additional two weeks is available if an employee has a serious health condition with a pregnancy that results in incapacity</p>
<b>Eligibility for job protection while on leave</b>	<p>Eligible employees must:</p> <ol style="list-style-type: none"> <li>work for an employer with at least two employees,</li> <li>have worked for the employer for at least six months, and</li> <li>have worked at least 500 hours in the last 12 months</li> </ol>	<p>Eligible employee must have earned enough to qualify for unemployment benefits (<u>currently</u> at least \$4,700 and 30 times the weekly unemployment benefit over the last four complete quarters )</p>	<p>Eligible employees <u>must</u>:</p> <ol style="list-style-type: none"> <li>work for an employer with at least 50 employees,</li> <li>have worked for the employer for at least 12 months, and</li> <li>have worked at least 1,250 hours in the last 12 months</li> </ol>
<b>Funding</b>	<ul style="list-style-type: none"> <li>Employee contribution rate to be determined by DOL; no employer contributions required</li> <li>Contribution rate is capped at 0.5% of wages</li> <li>Wages subject to contributions is capped at the amount of wages subject to Social Security taxes</li> <li>Contributions must total at least \$4 million per month</li> <li>Authorizes \$20 million in GO bonds for start-up costs</li> <li>DOL may reduce the maximum benefit duration if the program is underfunded</li> </ul>	<ul style="list-style-type: none"> <li>Total premium for first year is 0.63% of wages subject to Social Security taxes</li> <li>Employees pay 100% of the family leave portion of the premium and 40% of the medical leave through wage deductions</li> <li>Employers with at least 25 employees pay the other 60% of employees' medical leave portion of the premium</li> <li>Employers with fewer than 25 employees are exempt from paying the employer share of premiums</li> <li>Employers may opt to pay some or all of their employees' share of premiums</li> </ul>	<ul style="list-style-type: none"> <li>Total premium for first year is 0.4% of wages subject to Social Security taxes</li> <li>2/3 of premium covers medical leave</li> <li>1/3 of premium covers family leave</li> <li>Employees pay 100% of the family leave portion of the premium and 45% of the medical leave through wage deductions</li> <li>Employers with at least 50 employees pay the other 55% of employees' medical leave portion of the premium</li> <li>Employers with less than 50 employees are exempt from paying the employer share of premiums (but employers who opt to pay are eligible for financial assistance from</li> </ul>

<b>Provision</b>	<b>CT</b>	<b>MA</b>	<b>WA</b>
		<ul style="list-style-type: none"> <li>• Future total premiums will be adjusted so that an amount equal to 140% of the previous year's benefits paid and administrative costs is maintained in the trust fund</li> </ul>	the state) <ul style="list-style-type: none"> <li>• Employers may opt to pay some or all of their employees' share of premiums</li> <li>• Future total premiums will be adjusted under a specified formula; an additional solvency surcharge will be assessed if the funding falls below a specified level</li> </ul>
<b>Waiting period</b>	None	Seven days	Seven days (except for child birth or placement of a child with the employee for foster care or adoption)
<b>Employer Opt Out for Voluntary Plan</b>	None	Employers may opt out of the state-run program if they have a voluntary plan that meets certain standards (e.g., provides the same level of benefits, has payroll deductions that do not exceed deductions under the state program)	Employers may opt out of the state-run program if they have a <a href="#">voluntary plan</a> that meets certain standards (e.g., provides the same level of benefits, has payroll deductions that do not exceed deductions under the state program)

For additional information about Washington's program, see also:

- FAQs on the [legislation](#) and [employer impact](#) from the state's Employment Security Department (ESD)
- The [final summary](#) of the legislation
- ESD's Paid FML [website](#)

## Additional Information

For additional information about Paid Family and Medical Leave programs in California, New Jersey, and Rhode Island, see OLR Report [2016-R-0030](#). For a summary of Connecticut's Family and Medical Leave Act, which requires certain employers to provide their employees with unpaid, job-protected leave, see OLR Report [2015-R-0308](#).

LH:tjo