United States[586]

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April 2026

The United States is a federal state, with 50 states, a federal district (Washington, D.C.), and 5 inhabited territories.

For comparisons with other countries in this review on leave provision and early childhood education and care services please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

Note on United States leave policy: There is no statutory right to any of the types of leave or other statutory measures covered in the other country notes in this review. The federal Family and Medical Leave Act (FMLA) of 1993 provides unpaid leave for a variety of reasons, including: childbirth or the care of a newborn child up to the age of 12 months; for the placement and care of an adopted or foster child; for the care of a seriously ill child, spouse, or parent; or for a serious health condition of the employee that makes them unable to work their regular schedule. The federal Department of Labor is responsible for the FMLA. In addition, 14 states, the District of Columbia and one territory offer all or some employees the statutory right to partly paid leaves for family reasons. In March 2023, 27 per cent of all civilian workers had access to paid family leave, and 90 per cent had access to unpaid family leave.[587] There is currently a tax incentive in the United States for employers to provide paid family and medical leave to certain employees. This incentive is temporary and scheduled to expire at the end of 2025.[588]

[586] Please cite as: Gatenio Gabel, S., Kaufman, G., Petts, R.J., and Engeman, C. (2026) 'United States country note', in Dobrotić, I., Arnalds, A. A., Kaufman, G., Koslowski, A. Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2026*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

[587] Bureau of Labor Statistics (2023). *What data does the BLS publish on family leave?* Available at https://www.bls.gov/ebs/factsheets/family-leave-benefits-fact-sheet.htm

[588] Congressional Research Service (2023) *Paid Family and Medical Leave in the United States, September 2023*. Available at https://crsreports.congress.gov/product/pdf/R/R44835

a. Maternity Leave

There is no statutory right to maternity leave in the United States.

Regional or local variations in leave policy

- One state (Hawaii) and one U.S. territory (Puerto Rico) have policies that provide paid time off to mothers for pregnancy and childbirth.
    - **Hawaii**. The state's insurance programme, first enacted in 1969, uniquely focuses on pregnancy and childbirth. Hawaii does not have a *paid* family leave programme. Hawaii provides up to 26 weeks of partial wage replacement under its Temporary Disability Insurance (TDI) programme for leave to address health issues related to pregnancy and childbirth (certified by a health professional). Benefits are 58 per cent of average weekly wages, paid up to a limit which is set annually. In 2026, that ceiling was USD$831 [€727.29][589] per week.[590] The weekly wage base was USD$1,500.21 [€1,312.98] in 2026 and employee contributions are capped at 0.5 per cent of the weekly wage base (maximum contribution in 2025 is USD$7.50 [€6.56]). To be eligible for TDI benefits, employees must be employed and have worked for at least 14 weeks, for at least 20 hours per week for those 14 weeks in the year preceding leave. Under the Hawaii Family Leave Law and rules, an employee may be eligible for up to 4 weeks of *unpaid* family leave each calendar year for the birth or adoption of a child, or to care for his/her child, spouse, reciprocal beneficiary, or parent with a serious health condition. An employee may substitute accrued paid leave (i.e., vacation or sick leave) for any part of the State Family Leave. However, only the accrued and available sick leave in excess of the 15 days required under the State's self-insured Temporary Disability Benefits Plan, can be applied toward family leave purposes.

    - **Puerto Rico**. The Working Mothers Act (1942) requires employers to provide 8 weeks of Maternity leave paid at 100 per cent of earnings. Leave must begin 1 to 4 weeks prior to the expected delivery date.[591] A female employee who adopts a child under the age of 6 years is entitled to the same leave benefits as a person who gives birth.[592] [593] The Act was updated in 2020 to extend the right to 5 weeks of Maternity leave for working mothers who adopt children 6 years of age and older. The law does not extend the right to the leave to working fathers.[594] Under a separate disability law, workers have the right to 26 weeks of paid leave (in a 52-week period) to address a non-work-related disability, including pregnancy. The law permits employee contributions at the rate of 0.3 per cent of wages up to USD$9,000 [€7,876.77]. The maximum weekly

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[589] Conversion of currency undertaken for 20 July 2026, using: https://data.ecb.europa.eu/currency-converter.
[590] https://labor.hawaii.gov/dcd/files/2025/12/2026-Maximum-Weekly-Wage-Base.pdf
[591] Original: https://bvirtualogp.pr.gov/ogp/Bvirtual/leyesreferencia/PDF/2/0003-1942.pdf; English translation: https://bvirtualogp.pr.gov/ogp/Bvirtual/leyesreferencia/PDF/2-ingles/3-1942.pdf
[592] http://www.oslpr.org/download/en/2000/0120.pdf
[593] http://www.oslpr.org/download/en/2000/0425.pdf
[594] https://www.littler.com/publication-press/publication/puerto-rico-enacts-law-extending-maternity-leave-mothers-adopting

benefit is USD$113 [€98.90] (USD$55 [€48.14] for agricultural workers). These statutory amounts have not changed since July 1972.[595]

b. Paternity Leave

No statutory entitlement.

c. Parental Leave

The federal **Family and Medical Leave Act** (FMLA) of 1993 provides unpaid leave for a variety of reasons, including: childbirth or the care of a newborn child up to the age of 12 months; for the placement and care of an adopted or foster child; for the care of a seriously ill child, spouse, or parent; or for a serious health condition of the employee that makes them unable to work their regular schedule. The federal Department of Labor is responsible for the FMLA.

Length of leave

- The FMLA provides up to 12 weeks of leave in a 12-month period. Leave is an individual entitlement (for those who are eligible, see below).

Payment, funding and taxation

- Leave under the FMLA is unpaid and job-protected, meaning that employees are guaranteed a return to the same or similar position with the same employer.
- In addition to the FMLA, employers who extend paid family and medical leave benefits to qualifying employees are entitled to a tax credit, a policy mechanism first enacted through the 2017 Tax Cuts and Jobs Act and made permanent by the One Big Beautiful Bill Act of 2025.[596]

Flexibility in use

- FMLA leave may be taken in one continuous period or divided into several periods of time.

Eligibility (e.g., related to employment or family circumstances)

- The federal FMLA covers all employees (including foreign workers who have a valid work visa[597]) who work for a covered employer and who have worked for that employer for at least 1 year (even if not for a continuous period) for at least 1,250 hours over the preceding 12 months.
- FMLA defines a child as a biological, adopted, or foster child, stepchild, legal ward, or a child of a person standing *in loco parentis.*[598] As such, a same-sex

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[595] https://www.mercer.com/content/dam/mercer-dotcom/migrated-assets/blogs/law-and-policy/2026/02/pdf-2026-state-paid-family-and-medical-leave-contributions-and-benefits.pdf
[596] H.R.1 An act to provide for reconciliation pursuant to title II of H. Con. Res. 14. https://www.congress.gov/bill/119th-congress/house-bill/1/text
[597] https://www.dol.gov/whd/regs/compliance/FactSheet62/whdfs62I.pdf
[598] https://www.dol.gov/whd/fmla/adultchildfaqs.htm

parent may take leave under FMLA to care for their child, even if they are not an adoptive parent.
- The federal FMLA exempts (does not cover) private employers and non-profit organisations with fewer than 50 employees within a 75 mile radius (all public sector employees are covered).
- Because of the qualifying conditions, only about 58 per cent of workers in private firms are eligible for federal FMLA, with lower coverage for low-wage workers, workers with young children, and working welfare recipients.[599]

Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- None.

Regional or local variations in leave policy

- Some states and the District of Columbia have adopted parental leave[600], although considerable variation exists between them.[601] For details, see Annex at end of 1c.

Additional note (e.g., if leave payments are supplemented by collective agreements, employer exclusions, or rights to postpone)

- The Federal Employee Paid Leave Act (FEPLA) provides federal employees up to 12 weeks of paid time off for the birth of a child or the placement of a child for adoption or foster care. Leave may be used only during the 12-month period beginning on the date of the birth or placement involved as long as an employee has a continuing parental role with the child whose birth or placement was the basis for the leave entitlement. To receive paid leave benefits under FEPLA, federal employees must meet FMLA eligibility requirements.
- The majority of US workers lack access to paid family leave from any source. Only 27 per cent of private sector employees have access to paid family leave through their employers and 28 per cent of state and local government workers do.[602]

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599 Council of Economic Advisors (2014) *The Economics of Paid and Unpaid Leave*. Washington, DC: Office of the President.

600 Congressional Research Service (2023) *Paid Family and Medical Leave in the United States, September 2023*. Available at https://crsreports.congress.gov/product/pdf/R/R44835

601 Glass, R. and Marshall. K. (2026) *State paid family and medical leave contributions and benefits*. Mercer: Law & Policy Group. Available at: https://www.mercer.com/content/dam/mercer-dotcom/migrated-assets/blogs/law-and-policy/2026/02/pdf-2026-state-paid-family-and-medical-leave-contributions-and-benefits.pdf Glass, R. & K. Marshall (2026).

602 U.S. Bureau of Labor Statistics (2024) *Employee Benefits: What data does the BLS publish on family leave?* https://www.bls.gov/ebs/factsheets/family-leave-benefits-fact-sheet.htm

Annex: Parental leave programmes in individual states and the District of Columbia.

- The development of paid family and medical leave (PFML) programmes in the United States has unfolded across three distinct phases. The first phase, spanning the 1940s through the 1960s, saw 5 states (California, Hawaii, New Jersey, New York, and Rhode Island along with Puerto Rico) establish state disability insurance (SDI) programmes providing wage replacement for non-work-related disability leave. In the second phase, during the 2000s and 2010s, four of those states (California, New Jersey, New York, and Rhode Island) expanded their programmes by adding paid family leave (PFL) benefits. The third and most expansive phase began in the 2020s, with nine states (Colorado, Connecticut, Delaware, Maine, Maryland, Massachusetts, Minnesota, Oregon, and Washington and Washington, D.C.), enacting comprehensive PFML mandates. As jurisdictions with more established programmes continue to modernize their laws to align with newer frameworks, states that have yet to adopt any disability or PFML programme are increasingly likely to consider either implementing a comprehensive PFML mandate or permitting voluntary group PFL insurance. Eleven states currently authorize voluntary PFL group insurance programmes, while Michigan offers tax incentives to employers that provide certain paid leave benefits, contingent on the appropriation of state funds.[603]

  Most states fund the benefits through pooled payroll taxes on employees and/or employers, but this varies widely across the states. Several states - California, Connecticut, New Jersey (FLI), New York (PFL), Rhode Island, and Washington (PFL) - impose contribution obligations on employees only. Washington, DC represents the inverse, requiring contributions exclusively from employers. Colorado, Delaware, Maine, Maryland, Massachusetts, Oregon, and Washington further distinguish their programmes by waiving employer contribution requirements for small employers. Programme funding is typically capped at the maximum Social Security wage base (USD$184,500 [€161,473.83] for 2026) though exceptions apply.

  Most programmes provide at least partial wage replacement during leave, with some low-wage employees qualifying for full replacement. Mandated leave is generally required to run concurrently with federal Family and Medical Leave Act (FMLA) leave when both statutes apply. Covered individuals are determined by work location rather than residence, and employees are required to furnish documentation substantiating the need for leave.

  Total leave duration is typically capped at 8 to 16 weeks within a 12 month period. Contribution rates and maximum weekly benefits are adjusted annually with the exception of disability leave in New York and Puerto Rico. Intermittent leave is generally permitted, though some jurisdictions impose a separate duration limit for such leave. Employers are required to maintain health benefit continuation during leave periods.

  Most states allow employers to adopt a voluntary or private plan in lieu of participating in the state-administered programme; however, opt-out

[603] Ibid.

provisions are not available in Rhode Island or Washington, DC, nor for family leave benefits in New Jersey.

When compared with the FMLA, state programmes generally impose less stringent eligibility requirements, offer longer leave durations, and recognize a broader range of qualifying reasons for leave. Job protection provisions, however, tend to be less clearly defined than those afforded under the FMLA, though several states have enacted parallel legislation specifically addressing employment reinstatement rights.

For cross-national comparative purposes, we note that there are no nationality/citizenship-based eligibility requirements. Eligibility requirements centre on employment (i.e., number of weeks or hours worked, employer size, etc.). We also note that since the Supreme Court struck down state-level same-sex marriage bans in June 2015, leave to care for one's spouse includes married, same-sex couples, and leave to care for children includes children of same-sex couples where there is legal guardianship. Some states cover leave to care for children for employees standing in *loco parentis* – or acting as parents regardless of legal guardianship. This is noted in the descriptions of state provisions below.

- **California.** The first state to implement a comprehensive paid family leave (PFL) law in 2004, it covered all private sector employees. Some public sector employees are covered, and self-employed persons can opt in. PFL insurance allows covered employees, regardless of gender, to receive wage replacement benefits for up to eight weeks. Leave is partially paid at 70 to 90 per cent of earnings,[604] depending on income, up to a current maximum of USD$1,765 [€1,544.72] per week in 2026.[605] The average weekly benefit was USD$1,065 [€932.08] for 2025.[606] Leave is paid for childbirth, adoption, or care of a seriously ill child, grandchild, parent, parent-in-law, grandparent, spouse, or domestic partner. PFL was created by extending the State Disability Insurance (SDI) programme to cover family caregiving needs. The SDI provides 52 weeks of wage replacement benefits for leave related to employees' own temporary disability, serious illness, or non-work-related injury. Employee contributions fund PFL and SDI benefits and benefit levels are adjusted annually as wages increase.[607] As insurance programmes, the PFL and SDI programmes do not provide job protection. Job protection is provided under other laws, such as the FMLA or the California Family Rights Act. Under a separate law, pregnant employees have the right to an additional 4 months of job-protected leave for disability due to pregnancy, childbirth, or related health condition (if they work for an employer with 5 or more employees). They can receive wage replacement under SDI, typically for 4 weeks prior to and 6 weeks after childbirth (and this is in addition to 6 weeks of benefit payments under the PFL for bonding). Additional weeks can be granted with proper physician certification in cases of difficult pregnancies. In addition, workers in San Francisco city and county whose employers have 20 or more employees may be eligible for a top-off. The Paid Parental Leave Ordinance requires private sector employers in these

[604] https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB951
[605] https://edd.ca.gov/en/disability/Calculating_PFL_Benefit_Payment_Amounts
[606] https://edd.ca.gov/en/about_edd/Quick_Statistics#DIStatistics
[607] https://edd.ca.gov/about_edd/Quick_Statistics.htm#DIStatistics

locales to increase paid family leave benefits to 100 per cent of the average weekly wage or USD$2,522 [€2,207.25], whichever is less.[608]

A new law (2025 Ch. 772, SB 590) added designated persons to the list of family members for whom employees can take family care leave. A designated person is defined as a "care recipient related by blood or whose association with the individual is the equivalent of a family relationship." Employees must identify the designated person and attest that the individual qualifies as a designated person. The law will take effect on July 1, 2028.[609]

- **Colorado**. The state passed paid family leave in 2020, making Colorado the first state to establish a paid leave insurance programmeme via ballot initiative. Contributions to the employer-employee jointly-funded programmeme began in January 2023, and employees became able to access benefits starting in January 2024. The programmeme provides 12 weeks of paid, job-protected leave to bond with a new child (birth, adoption, foster), for self-care or to care for a family member with a serious illness or health condition, to address issues related to a family member's military service, or to address issues related to surviving domestic violence, stalking, sexual assault or abuse. Family members include a child, spouse, domestic partner, spouse's/partner's parent, grandparent, grandchild, sibling, and other individuals the beneficiary considers family regardless of biological ties. In 2025, the Family and Medical Leave Insurance (FAMLI) Division amended multiple regulatory provisions, including those necessary to implement Senate Bill 25-144, which extended paid family and medical leave (PFML) eligibility by 12 additional weeks for covered individuals providing care for an infant receiving inpatient treatment in a neonatal intensive care unit (NICU), effective January 1, 2026.[610] Eligibility for paid benefits requires employees to have earned at least USD$2,500 [€2,187.99] from current and previous jobs.[611] Eligibility for job protection requires 180 days of employment prior to taking leave. Employees of both the private sector and state and local government are covered, and self-employed individuals can opt in. Benefit amounts are determined through a sliding-scale formula that considers the claimant's average weekly wage from the five preceding calendar quarters relative to Colorado's statewide average weekly wage, with provisions for incremental increases over time. The Colorado average weekly wage for 2025–2026 is USD$1,534.94 [€1,343.37], yielding a tiered replacement structure in which the first USD$735.67 [€643.86] of an individual's average weekly wage is compensated at 90 per cent and any amount exceeding that threshold is compensated at 50 per cent, up to a maximum weekly benefit of USD$1,381.45 [€1,209.04].[612]
- **Connecticut**. The Connecticut (CT) Family and Medical Leave (CTFMLA) and CT Paid Leave (CTPL) have been in effect since 2022. The CTFMLA

[608] https://www.sf.gov/information--paid-parental-leave-ordinance
609 Glass & Marshall, 2026.

[610] Glass & Marshall, 2026
[611] https://famli.colorado.gov/individuals-and-families/how-famli-works/premium-and-benefits-calculator
[612] https://famli.colorado.gov/individuals-and-families/how-famli-works/premium-and-benefits-calculator

provides eligible employees with up to 12 weeks of job-protected leave to care for a new child (birth, adoption, foster); to care for one's own health condition; care for a family member (child, parent, spouse, domestic partner, grandparent, grandchild) with a serious health condition; to address issues related to a family member's active military duty; or to serve as a bone marrow or organ donor. The CT Paid Leave Act requires beneficiaries to have been employed at least three months immediately preceding their first date of leave to be eligible for CT state leave.[613] An employee may also be eligible for two additional weeks of CT leave if incapacitated due to a serious health condition that occurs during a pregnancy. State employees are eligible for a maximum of 24 weeks of leave within a two-year period to bond with a new child. Covered employees in Connecticut are eligible for benefits if they have earned wages of at least USD$2,325 [€2,034.83] in 1 of the 5 most recently completed quarters. If your wages are less than or equal to the Connecticut minimum wage, the benefit amount is 95 per cent of your average weekly wage and for 60 per cent of your average weekly wage for those above minimum wage, capped at USD$1,016.40 [€889.55] as of January 2026. This programmeme is funded by a withholding tax of 0.5 per cent of earnings. All private sector employees are covered, and self-employed individuals can opt into the programme.[614]

- **Delaware.** The Delaware Healthy Delaware Families Act in 2022 began distributing benefits 1 January 2026. The insurance programme is jointly funded by employees (payroll contributions) and employers. Eligible employees can access 12 weeks of wage replacement benefits during Parenting leave or 6 weeks for family or medical leave. Additionally, employers cannot require employees to exhaust their accrued paid time off, such as vacation or sick leave, before accessing state leave benefits. That said, employers and employees may mutually agree to use paid time off to supplement, or 'top off', Delaware Paid Leave benefits. Leave is job protected, and employers are required to continue benefit coverage (e.g., health care) during leave. Leave benefits cover 80 per cent of the employee's average weekly wages, with a minimum weekly benefit of USD$100 [€87.52]. The weekly benefit is capped at USD$900 [€787.68] for 2026 and 2027. After 2027, the benefit cap increases in proportion to increases in the Consumer Price Index. Eligibility requires 12 months of employment with 12 employer for at least 1,250 hours before taking leave from that employer. Employers with less than ten employees are not required to offer paid leave, employers with 10-25 employees, must offer parenting leave only, and employers with more than 25 employees, must provide parenting, family, and medical leave. Parenting leave can be used to care for a newborn, newly adopted or newly placed foster child. Family leave can be taken to care for a seriously ill parent, spouse or child. Leave can be taken intermittently or used to reduce the employee's regular schedule.[615]
- **Maine.** Contributions to Maine's programme began on 1 January 2025, and paid family and medical leave benefits will start on 1 May 2026 to all eligible workers in the private and public sectors who employ at least one

[613] https://portal.ct.gov/-/media/DAS/Statewide-HR/A---Z-Listing-Task-PDFs/ Family-Medical-Leave-DAS-General-Letter-39.pdf
[614] https://www.ctpaidleave.org/?language=en_US
[615] https://laborfiles.delaware.gov/main/pfl/Employer_and_TPAs_Guide_to_DPL.pdf

individual. To qualify for Maine Paid Family & Medical Leave (PFML) benefits, an employee must have earned wages in Maine totalling at least six times the state average weekly wage during the first four of the last five completed calendar quarters before the start of their benefit year, and must be actively employed either at the time of application (if applying before leave begins) or at the time leave starts (if applying retroactively). Employees who have worked for their employer for at least 120 consecutive days prior to taking leave are also entitled to job protection during that leave. This will cover part-time, seasonal, and temporary workers. Employees will receive up to 12 weeks of paid leave for family or medical reasons or for the birth or adoption of a child.[616] Benefits offer a 90per cent wage replacement for lower earners (up to 50per cent of the State Average Weekly Wage) and 66per cent for higher earners, capped at 100 per cent of the State Average Weekly, which was USD$1,198.84 [€1,049.22] in 2026. For 2026–2027, contribution rates are based on employer size. Employers with 15 or more employees contribute 1per cent of wages and may deduct up to 0.5per cent from employee wages. Employers with fewer than 15 employees contribute 0.5per cent and may deduct the full amount from employees.

- **Maryland**. Maryland's FAMLI programme provides up to 12 weeks of paid leave per year—with maximum benefits of up to USD$1,000 [€875.20] per week—for qualifying reasons including bonding with a new child, a serious personal health condition, caring for a family member with a serious health condition, or managing needs related to a family member's military service or deployment. Participation is mandatory for all Maryland workers and contributions are non-refundable. FAMLI will begin offering benefits in January 2028. The programme has been postponed several times. Covered individuals may take an additional 12 weeks of leave if the individual is eligible for leave both due to bonding with a new child and to care for their own serious health condition. Workers are eligible if they worked at least 680 hours in the year prior to the date on which leave is to begin, and self-employed workers can opt-in. For workers earning less than 65 per cent of the state AWW, wage replacement is 90 per cent. Leave is job protected, although there are certain circumstances in which employers may refuse to protect the job. FAMLI is funded through payroll contributions from both employers and employees, with employees paying less than 1per cent of wages; starting as early as January 2027, employers will deduct employees' share—up to 50per cent of the contribution rate—from each pay check, though some employers may choose to cover the full contribution.[617]
- **Massachusetts***.* Benefits for paid family medical leave first became available in 2021. The programme provides: up to 12 weeks to care for a new-born, newly adopted, or newly placed foster child; up to 20 weeks to address one’s own serious medical condition, including pregnancy- and childbirth-related health issues; up to 12 weeks to care for a family member (i.e., parent, spouse, child, domestic partner, grandparent, grandchild, sibling, parent-in-law, and domestic partner’s parent); up to 26 weeks to address issues related to the military deployment of a family member or a family member’s serious illness or injury incurred in active military duty; and up to 26 weeks of combined medical and family

[616] https://www.maine.gov/paidleave/
[617] https://paidleave.maryland.gov/employees/

caregiving leave. Employees standing in *loco parentis* to a child can take leave to care for the child. The wage replacement rate is 80 per cent of average weekly wages, up to 50 per cent of the state-wide average weekly wage (AWW), plus 50 per cent of wages beyond that amount up to a cap of USD$1,230.39 [€1076.83] per week in 2026.[618] To be eligible, employees must work at least 15 weeks and earn at least USD$6,300 [€5,513.74] in the past year and earned at least 30 times more than they are eligible to receive each week in benefits.[619] The programme covers all private sector and most public sector employees.[620] Self-employed individuals can opt in. Contributions are 0.88 per cent of employee wages (up to the Social Security maximum), and revenues are divided between allocations for family and medical leave. Employees can top off paid family and medical leave benefits from the state or an employer's plan to accrued paid leave or other paid leave benefits.[621]

- **Minnesota**. Benefits under Minnesota's Paid Leave began on 1 January 2026. Benefits are paid, and job guaranteed for 12 weeks to employees who take time after the birth, adoption or foster care placement of a child; care of self or a family member due to their serious illness; due to military deployment of a family member; or in relation to family violence. Workers may potentially receive up to 20 weeks of paid leave in a calendar year for a combination of more than one event. Those earning less than 50 per cent of the state's average will receive 90 per cent of their weekly wages; workers earning the state average will receive two-thirds of their wages; and those earning above the state average will be entitled to 55 per cent of their wages for a maximum benefit of USD$1,423 [€1,245.41] per week in 2026. Firms with fewer than 30 employees may be exempt. The 0.88 per cent premium is shared, with employers typically paying at least 50 per cent.[622]
- **New Jersey**. Effective 17 July 2026, New Jersey will make several changes to the state's Family Leave Act (FLA) and its Temporary Disability Insurance (TDI) and Family Leave Insurance (FLI) programmes. Under the FLA, the employer coverage threshold is reduced from 30 to 15 employees, and employee eligibility requirements are lowered from one year of employment and 1,000 hours worked to three months of employment and 250 hours worked in the past 12 months. For TDI/FLI, the new law addresses a longstanding gap by extending FLA job protections to employees who receive TDI or FLI benefits and meet the updated FLA eligibility threshold, ensuring that benefit eligibility and job protection are no longer treated independently. Additionally, employees who qualify for both TDI/FLI benefits and paid sick leave under the state's Earned Sick Leave Law may choose the order in which to use those benefits, though they may not receive both simultaneously. In 2026, New Jersey's paid family leave maximum benefits will increase to USD$1,119 [€979.35] per week. Eligible employees can receive 85per cent of their

[618] https://www.mass.gov/info-details/paid-family-and-medical-leave-pfml-overview-and-benefits
[619] https://www.mass.gov/doc/pfml-information-for-employees-overview/download
[620] https://www.mass.gov/info-details/your-eligibility-for-paid-family-and-medical-leave-pfml
[621] https://www.mass.gov/info-details/faqs-for-employers-about-topping-off-pfml-benefits
[622] https://paidleave.mn.gov/

average weekly wage, up to this maximum, for up to 12 weeks of leave to care for a loved one or bond with a new child. The 2026 taxable wage cap is USD$171,100 [€149,746.19]. Workers must have earned at least USD$310 [€271.31] weekly (for 20 weeks) or a total of USD$15,500 [€13,565.55] in the base year. Employees contribute 0.23 per cent of their earned wages up to USD$171,100 [€149,746.19].[623]

- **New York**. A comprehensive paid family leave policy was phased in beginning of 2018 in New York. Leave can be taken all at once or intermittently, in full-day increments. Twelve weeks of job-protected, paid leave to care for a new child, a seriously ill parent, spouse, domestic partner, child, grandparent, or grandchild, or to relieve family pressures when a spouse, domestic partner, child, parent, or sibling is called to active military service abroad are provided. Employees standing in *loco parentis* to a child can take leave to care for the child. Benefits are capped at 67 per cent of the state-wide AWW, or a maximum of USD$1,228.53 [€1,075.21] per week in 2026.[624] For 2026, employees will contribute 0.432 per cent of their gross wages per pay period, with a maximum annual contribution of USD$411.91 [€360.50] annually. Employees are eligible to participate after having worked for their employer for 26 weeks full-time or 175 days part-time. In addition to the paid family leave programme, the TDI programme for pregnancy and childbirth to birth mothers, paid at 50 per cent of average weekly wages up to a cap of USD$170 [€148.78] per week. This leave is managed through the TDI programme, which is jointly funded by employees and employers.[625] The total disability and family leave benefits in any 52-week period may not exceed 26 weeks. Self-employed individuals can opt in to the insurance programmes. As of 2026, PFL's benefits have been extended to construction workers covered by a collective bargaining agreement who worked at least 26 of the last 39 weeks.
- **Oregon**. The Paid Leave Oregon (PLO) programme began disbursing benefits on 3 September 2023.[626] Eligible employees may take up to 12 weeks in a benefit year to care for themselves or a family member, and up to two additional weeks for pregnancy, childbirth, or related circumstances. In some situations, up to 18 weeks may be taken in a benefit year, though four of those weeks may be unpaid.[627] Wage replacement is 65 per cent of state AWW plus 50 per cent of wages above the state AWW up to a maximum of USD$1,636.56 [€1,432.31] per week in 2026 which is 120 per cent of the state AWW.[628] Low-income workers will receive 100 per cent of the AWW. This programme is funded by a 1 per cent payroll tax, with employees paying 60 per cent and employers paying 40 per cent (businesses with fewer than 25 employees will be exempt from paying taxes though their employees will still be covered). Employees who earned at least USD$1,000 [€875.20] in the year they apply for paid leave are eligible for benefits, meaning that almost all

[623] https://www.nj.gov/labor/myleavebenefits/worker/fli/
[624] https://paidfamilyleave.ny.gov/2026
[625] https://www.wcb.ny.gov/content/main/DisabilityBenefits/employee-disability-benefits.jsp
[626] https://www.oregon.gov/employ/PFMLI/Documents/Milestoneper cent20Newsletter_Final.pdf
[627] https://www.oregon.gov/employ/PFMLI/Documents/PFMLI_003_0921.pdf
[628] https://www.thehartford.com/paid-family-medical-leave/or

employees, including part-time employees, are covered.[629] Recent updates limit leave to care for a child to those under age 18 or with a limiting physical impairment and also disqualify employees receiving unemployment benefits during leave.

- **Rhode Island**. A paid family leave programme (referred to as Temporary Caregiver Insurance) went into effect in 2014 and provides job protection and extends the state's existing TDI programme to provide paid leave to care for a new child or a parent, spouse, child, domestic partner, grandparent, or parent-in-law with a serious health condition. The programme is financed by employee contributions of 1.3 per cent of wages (maximum taxable wage is USD$89,200 [€78,067.57]). Up to 13 weeks of unpaid leave within a 2-year period to care oneself or family member due to illness, birth, adoption or foster care placement. Up to 8 weeks (as of 2026) of paid parental leave is available at 60 per cent of previous weekly earnings for those who have contributed to the fund and meet earning requirements. The maximum benefit is USD$1,103 [€965.34] per week for 2026.[630] Benefits can be higher with dependents and are available for bonding with a new child, caring for a family member (including siblings as of 2026), or organ/bone marrow donation. In addition, pregnant employees qualify separately for job-protected paid leave through the TDI programme. TDI covers leave to address medical issues related to pregnancy and childbirth (child bonding is covered by the Temporary Caregiver Insurance).
- **Washington (State)**. Since 2020, paid family leave insurance has provided wage replacement during leave to: care for a new-born, newly adopted, or newly placed foster child; or a parent, spouse, domestic partner, child, grandchild, grandparent, or sibling with a serious health condition; or to address issues related to a family member's active military duty. Employees standing in *loco parentis* to a child can take leave to care for the child. Leave can also be used to address an employee's own health issues, including those related to pregnancy or childbirth. Benefits pay 90 per cent of the employee's average weekly wages for employees who earn 50 per cent or less of the state-wide AWW. Employees who earn more receive 90 per cent of their AWW, up to 50 per cent of the state-wide AWW, then 50 per cent of their AWW that exceeds 50 per cent of the state-wide AWW. In 2026, the maximum weekly benefit is USD$1,647 [€1,441.45]. The total premium rate will rise to 1.13 per cent of employee wages (up to USD$184,500 [€161,473.83]), split between employers (28.57per cent) and employees (71.43 per cent). Benefits are paid for up to 12 weeks for either medical or family leave, 16 weeks for combined self-care and family caregiving, or for up to 18 weeks to address a serious pregnancy-related health condition combined with family caregiving needs. To be eligible, employees must have worked at least 820 hours in four out of five previous quarters. Self-employed individuals can opt in.[631]

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[629] https://www.oregon.gov/employ/PFMLI/Documents/PFMLI_003_0921.pdf
[630] https://dlt.ri.gov/press-releases/maximum-weekly-benefit-amounts-unemployment-and-temporary-disability-insurance-2
[631]https://info.usi.com/rs/121-VCO-807/images/Washington_Increases_2026_Paid_Family_and_Medical_Leave_Premium_Jan_6_2026.pdf?version=0

Washington's PFML programme includes several updates for 2026. Employers with 25 or more employees (previously, only employers with 50 or more employees were required) are now required to provide job protection to employees taking WA PFML leave, and must maintain health insurance coverage for those employees as if they were still actively working, though employees may still be required to pay their share of the premium. The minimum leave increment has been reduced from eight hours to four hours. Additionally, employers are now permitted to count FMLA-protected leave against an employee's WA PFML job restoration period—known as 'stacking'—resulting in a maximum job protection period of 16 weeks (or 18 weeks in certain circumstances) within a 52-week period when an employee takes leave that qualifies under both programmes. Employers must provide notice when FMLA leave is being counted against this period.[632]

- **District of Columbia**. The Universal Paid Leave (UPL) began distributing benefits in October 2022. UPL allows up to 12 weeks of paid parental leave for a new-born, newly adopted, or newly placed foster child; 12 weeks of family leave to care for a parent, spouse, child, domestic partner, grandparent, or sibling; 12 weeks of medical leave to address one's own serious health condition; and two weeks prenatal leave.[633] Employees standing in *loco parentis* for a child can take leave to care for the child. The Act covers all private sector employees covered by the D.C. Unemployment Compensation Act. Self-employed individuals can opt in. Leave is job-protected, and benefit payments are 90 per cent of the employee's AWW, up to a cap of USD$1,190 [€1,041.48] per week in 2026.[634]

Voluntary State Parental and Family Leave Programmes
11 states have permitted insurers to offer voluntary paid family leave (PFL) insurance, providing partial wage replacement for qualifying leave events without mandating employer participation.[635]

Alabama's Paid Family Leave Income Replacement Benefits Act allows insurers to offer group FLI policies or voluntary employee-purchased policies covering leave to care for a family member with a serious health condition or military injury, bond with a new child, handle qualifying military exigencies, and other policy-specified reasons. Similarly, **Arkansas** permits insurers to offer FLI as a standalone group policy or as an amendment to a group disability policy for the same core qualifying reasons. Florida allows FLI to be offered as a rider or amendment to a disability policy or as a separate policy, covering new child bonding, a family member's serious health condition, and qualifying military exigencies.

Kentucky authorizes PFL as group insurance — either as part of or a rider to a disability income policy or as a standalone policy — with a minimum benefit duration of two weeks in a 52-week period. **Texas** follows a similar

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632 https://info.usi.com/rs/121-VCO-807/images/Washington_Increases_2026_Paid_Family_and_Medical_Leave_Premium_Jan_6_2026.pdf?version=0
633 https://does.dc.gov/page/dc-paid-family-leave
634 https://dcpaidfamilyleave.dc.gov/workers/
635 See Glass & Marshall, 2026.

structure, allowing employers to purchase FLI as a separate policy or as a rider to a disability policy covering comparable qualifying events.

Tennessee's Paid Family Leave Insurance Act authorizes FLI as a standalone group policy or as an amendment or rider to a group disability or life insurance policy, though a tax incentive for employers that had been available for the 2024 and 2025 tax years has now expired. **South Carolina**'s Paid Family Leave Insurance Act similarly allows employers to provide PFL insurance as an amendment, rider, or separate policy, requiring at least two weeks of partial wage replacement for qualifying events; to date, no standalone PFL policies have been sold, with PFL instead being included within disability or income policies. **Michigan** offers a tax credit equal to 50per cent of an employee's wages, capped at USD$4,000 [€3,500.79] per employee, for up to 12 weeks of leave to bond with an adopted child, though the credit remains unavailable until funded by legislative appropriation.

New Hampshire's Granite State PFL Act requires PFL benefits for state employees through MetLife and makes the programme voluntary for other public and private employers, with individuals also able to purchase coverage independently. Benefits include 60per cent wage replacement for six or 12 weeks, covering serious health conditions, child bonding, military-related leave, and care for a service member. Employers offering MetLife coverage are eligible for a 50per cent business enterprise tax credit for the first six weeks of leave, and employers with 50 or more employees must provide job protection and group health coverage at active employee rates for employees who opt into the programme.

Vermont's voluntary VT-FMLI programme, launched through a governor's initiative rather than legislation, reached its third and final phase on January 1, 2026, extending coverage to employers with just one employee and to individuals without employer-sponsored PFML benefits. The programme provides 60per cent wage replacement, capped at the Social Security maximum, for up to six weeks in a 12-month period, covering new child bonding, care for a family member's or the employee's own serious health condition, and military-related qualifying events.

Virginia similarly allows insurers to offer family coverage as a class of insurance, covering new child bonding, care for a family member with a serious health condition, and military-related circumstances, though the law does not specify benefit amounts, costs, or duration.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other types of leave and flexible working

Adoption leave and pay

- The federal Family and Medical Leave Act (FMLA) of 1993 provides unpaid leave for the placement and care of an adopted or foster child. See details in section c.

Time off for the care of dependants

- The federal Family and Medical Leave Act (FMLA) of 1993 provides **unpaid leave for the care of a seriously ill child, spouse, or parent**. Paid family and medical leave programmes that function at the state level in some states (and D.C.) cover care of dependents, e.g., a seriously ill child, spouse, or parent. See details in section c.

Specific provision for (breast)feeding

- The Fair Labor Standards Act, amended by the Affordable Care Act in 2010, requires that employers provide hourly workers with reasonable break time for an employee to express breast milk for her nursing child up to one year after the child's birth and a place, other than a bathroom, that is private and free from intrusion to be used by an employee to express breast milk. Employers with fewer than 50 employees may seek to be excused from these requirements if they can show that these requirements would impose an undue hardship on the employer.[636]
- The Fifth Circuit of the federal Court of Appeals decided in 2013 that discriminating against a female employee because she is lactating or seeking to express breast milk may constitute sex discrimination under the Pregnancy Discrimination Act and Title VII of the Civil Rights Act.

Flexible working for carers

- The U.S. Department of Labor states that flexible work arrangements are 'a matter of agreement' between employers and employees.[637] Some states have 'fair workweek laws', but many of these laws only provide employees the right to request schedule changes without retaliation or protect employees against employer-driven flexibility. Such protective measures include the right to advanced scheduling or partial compensation when shifts are cancelled or reduced.[638]

Time off for antenatal appointments and care

- None.

Other provisions of leave

- None reported.

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[636] U.S. Department of Labor (January 2023). Fact Sheet #73: FLSA Protections for Employees to Pump Breast Milk at Work. https://www.dol.gov/agencies/whd/fact-sheets/73-flsa-break-time-nursing-mothers.

[637] See: https://www.dol.gov/general/topic/workhours/flexibleschedules

[638] https://www.abetterbalance.org/wp-content/uploads/2021/08/Updated-Fair-Flexible-Fact-Sheet.pdf

2. Relationship between leave policy and early childhood education and care policy

There is no statutory entitlement to paid leave or to Early Childhood Education and Care (ECEC).

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2025 (including proposals currently under discussion)

The One Big Beautiful Bill Act, enacted on 4 July 2025, made permanent a PFML tax credit that has been available since 2018 and two extensions through the end of 2025. Through 2025, the tax credit amount was determined solely based on wages paid to qualifying employees while on leave. Beginning in 2026, employers will have the additional option of calculating the credit based on premiums paid for an insured policy. The definition of a qualifying employee is also expanding. Through 2025, a qualifying employee was required to have at least 1 year of employment and earn less than 60 per cent of the highly compensated employee threshold. Beginning in 2026, the employee must also be regularly employed at least 20 hours per week, and while the one-year employment requirement remains the default, employers will have the option to reduce it to 6 months.

4. Uptake of leave

In 2025, approximately 15 million US workers took leave under the FMLA. This is similar to the numbers who took leave under FMLA in 2024. Of these, about half (51.5 per cent) took leave for their own illness; 20.8 per cent took leave for reasons related to a new child; and 23 per cent took leave to care for family members.[639] Though the law provides *de facto* parental leave entitlements, studies have found it has had generally small effects on mothers' likelihood of taking time off from work at childbirth,[640] [641] and little or no effects on time off taken by new fathers.[9] [10] Based on two national surveys, only 4 to 6 per cent of fathers take more than 2 weeks of Paternity leave[642]. This suggests there are limits to the extent to which families are willing and able to use unpaid leave. The National Partnership for Women and Families estimates that over 11 million workers needed leave but went without leave in 2025, with a majority saying they could not afford unpaid leave. [643] In contrast, evidence suggests that workers are much more likely

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[639] These are estimates reported by the National Partnership for Women and Families and based on data collected in a previous study. See https://nationalpartnership.org/report/fmla-key-facts/

[640] Han, W.J. and Waldfogel, J. (2003) 'Parental leave: The impact of recent legislation on parents' leave-taking', *Demography,* Vol.40, 1: 191-200.

[641] Han, W.J., Ruhm, C., and Waldfogel, J. (2009) 'Parental leave policies and parents' employment and leave-taking', *Journal of Policy Analysis and Management*, Vol.26, 1: 29-54.

[642] Petts, R. J., Knoester, C., and Li, Q. (2020) 'Paid paternity leave-taking in the United States', *Community, Work & Family*, Vol.23, 2: 162-183.

[643] These are estimates reported by the National Partnership for Women and Families and

to use paid leave. A report shows that among workers who have access to paid family or parental leave, 87 per cent of women and 59 per cent of men use at least half of the paid parental/family leave that they have access to (66 per cent of women and 36 per cent of men use all available paid leave).[644] Also, implementation of California's PFL law increased the leave-taking of new fathers by 46 per cent and new mothers by 13 per cent.[645] In the first 12 weeks after a first child is born, 45 per cent of mothers and 33 per cent of fathers take at least some paid Maternity/Paternity leave. Another 39 per cent of mothers use unpaid Maternity leave while another 35 per cent of fathers use paid vacation.[646]

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based on data collected in a previous study. See https://nationalpartnership.org/report/fmla-key-facts/

[644]ttps://www.shrm.org/hr-today/trends-and-forecasting/research-and-surveys/Documents/2017per cent20Employeeper cent20Benefitsper cent20Report.pdf

[645] Bartel, A. P., Rossin-Slater, M., Ruhm, C. J., Stearns, J., and Waldfogel, J. (2018) 'Paid family leave, fathers' leave-taking, and leave-sharing in dual earner households', *Journal of Policy Analysis and Management,* 37: 10-37.

[646] Scherer, Z. (2021) *Two-Thirds of Recent First-Time Fathers Took Time Off After Birth,* Washington, D.C.: Census. https://www.census.gov/library/stories/2021/09/two-thirds-recent-first-time-fathers-took-time-off-after-birth.html