



Statutory State PFML Laws: Coordination, Compliance, and Pitfalls

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Top 10 Compliance Questions Employers Need to Answer

1. Which state PFML law applies to remote/hybrid workers?
2. How PFML and FMLA coordinate?
3. Payroll withholding & reporting obligations?
4. Differences across state PFML programs?
5. Upcoming PFML programs to prepare for?
6. How PFML interacts with PTO/STD/parental leave?
7. Is PFML job-protected in every state?
8. Documentation & notice requirements?
9. Biggest risks/pitfalls for multi-state employers?
10. What managers can/cannot say re: PFML?



Understanding PFML: An Overview

PFML provides state mandated, paid, job-protected leave for family and medical needs.

State-mandated programs provide paid leave for:

- *Bonding with a new child*
- *Serious health conditions (self or family)*
- *Military-exigency*
- *Domestic violence / safe leave (Only available in some states)*

Funded through employer and/or employee payroll contributions.

Program specifics vary significantly by jurisdiction.



PFML vs FMLA: What Employers Must Know

Paid Family and Medical Leave (PFML)

- **Jurisdiction:** State law- applies only to employees working within that state
- **Payment:** PFML provides partial wage replacement.
- **Coverage:** State PFML often covers all employers, regardless of size.
- **Job Protection:** While some state PFML programs also provide job protection, the primary focus is wage replacement.
- **Scope:** State PFML programs may have broader definitions of family members (e.g., in some states, domestic partners or grandparents), and may expand leave reasons to include domestic deployments or safety leave.
- **Retaliation:** PFML often imposes a stronger presumption of retaliation against employers if they take adverse action near the leave period compared to FMLA.

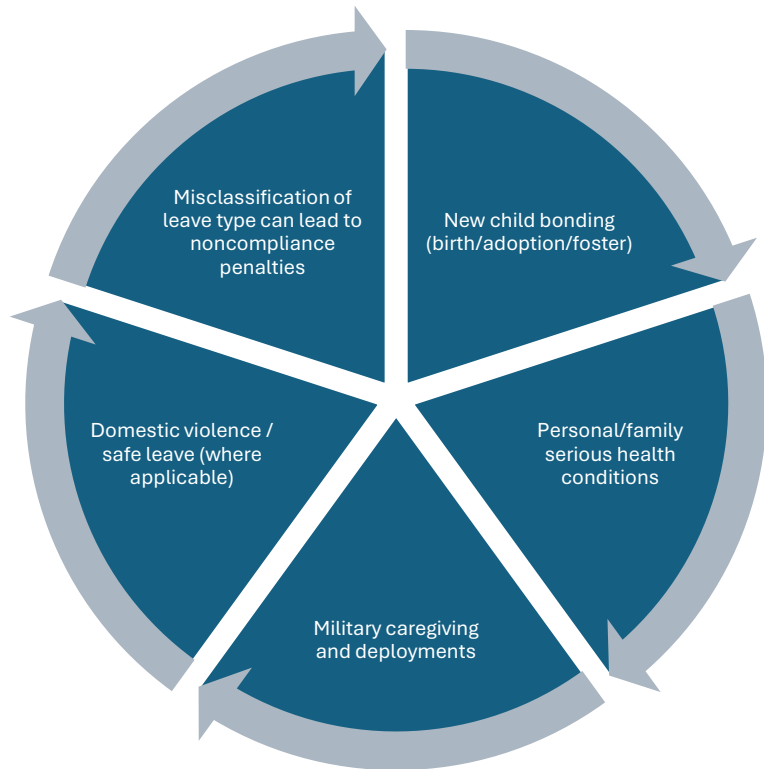
Family and Medical Leave Act (FMLA)

- **Jurisdiction:** Federal law- applies to all employers in the United States who meet eligibility criteria.
- **Payment:** FMLA is unpaid, though employees may use accrued paid time off.
- **Coverage:** FMLA applies to employers with 50+ employees.
- **Job Protection:** FMLA guarantees job restoration.
- **Scope:** FMLA covers specific family/medical reasons.
- **Retaliation:** PFML often imposes a stronger presumption of retaliation against employers if they take adverse action near the leave period compared to FMLA



PFML Leave Types & Compliance Triggers

Ensure policies cover legally required leave for:



Key Triggers for Employer Notice:

- **Knowledge of Condition:**
When an employer learns an employee or their family member has a serious health condition requiring time off.
- **"Reasonably Should Know":**
This includes recognizing behavioral changes, unusual/sudden performance drops, or verbal mentions of family health issues.
- **Leave Requests:**
Any request for time off for 1 medical reasons, even if not explicitly labeled as FMLA/PFML.
- **Inpatient Care:**
An overnight stay in a hospital or medical facility is an automatic.



Who Qualifies for PFML?

Hint: Eligibility rules differ by state

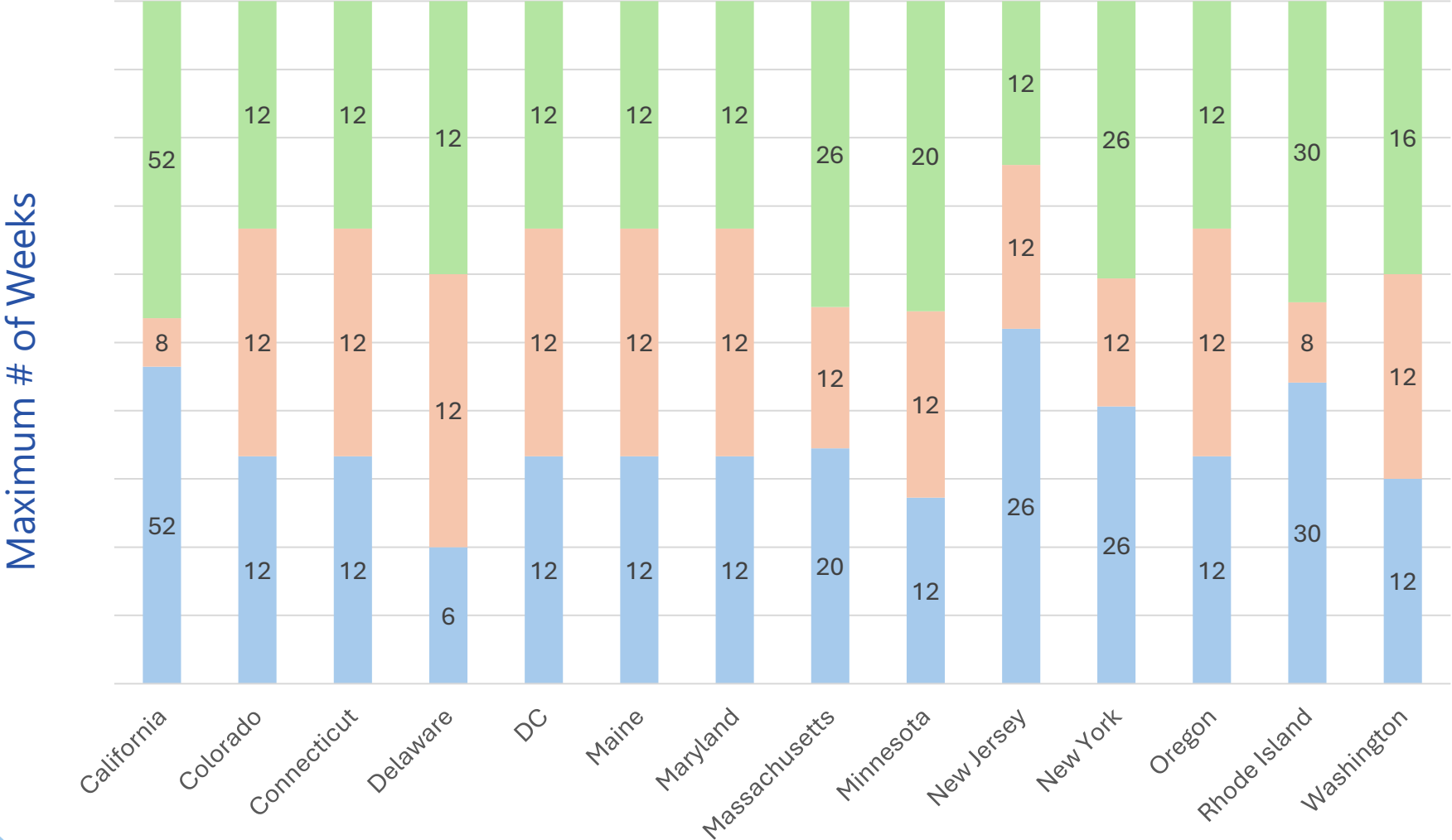
State	Eligibility Criteria
California	Must have earned at least \$300 in wages during the base period (roughly 5–18 months prior to leave) and be covered by state disability insurance.
Colorado	Must have earned at least \$2,500 in wages within the state during the last 4 calendar quarters.
Connecticut	Must have worked for a covered employer in CT and earned at least \$2,325 in the highest-earning quarter of the base period.
Delaware	Must have worked in DE for the employer for at least 12 months and at least 1,250 hours in the past 12 months.
DC	Must work for a private employer in DC; includes self-employed individuals who opt in.
Maine	(Benefits start May 2026) Employees must have earned at least six times the state average weekly wage during their base period.



Maryland	(Benefits start 2028) Must have worked at least 680 hours in the 12 months prior to the start of leave.
Massachusetts	Generally, requires earnings in the state; covers W-2 employees, seasonal workers, and some 1099 contractors.
Minnesota	Employees must have earned at least 5.3% of the state's average annual wage during the 12 months prior to applying (~\$3,700) and have worked in Minnesota for more than 50% of the year.
New Jersey	Must have worked at least 20 weeks or earned 1,000 times the minimum wage (\$15,400 as of 2026) in the base period.
New York	Must work for a private employer for 26 consecutive weeks (full-time) or 175 days (part-time)
Oregon	Must have earned at least \$1,000 in the base year and contributed to the state fund.
Rhode Island	Employees must have earned at least \$19,200 in total wages during the base period.

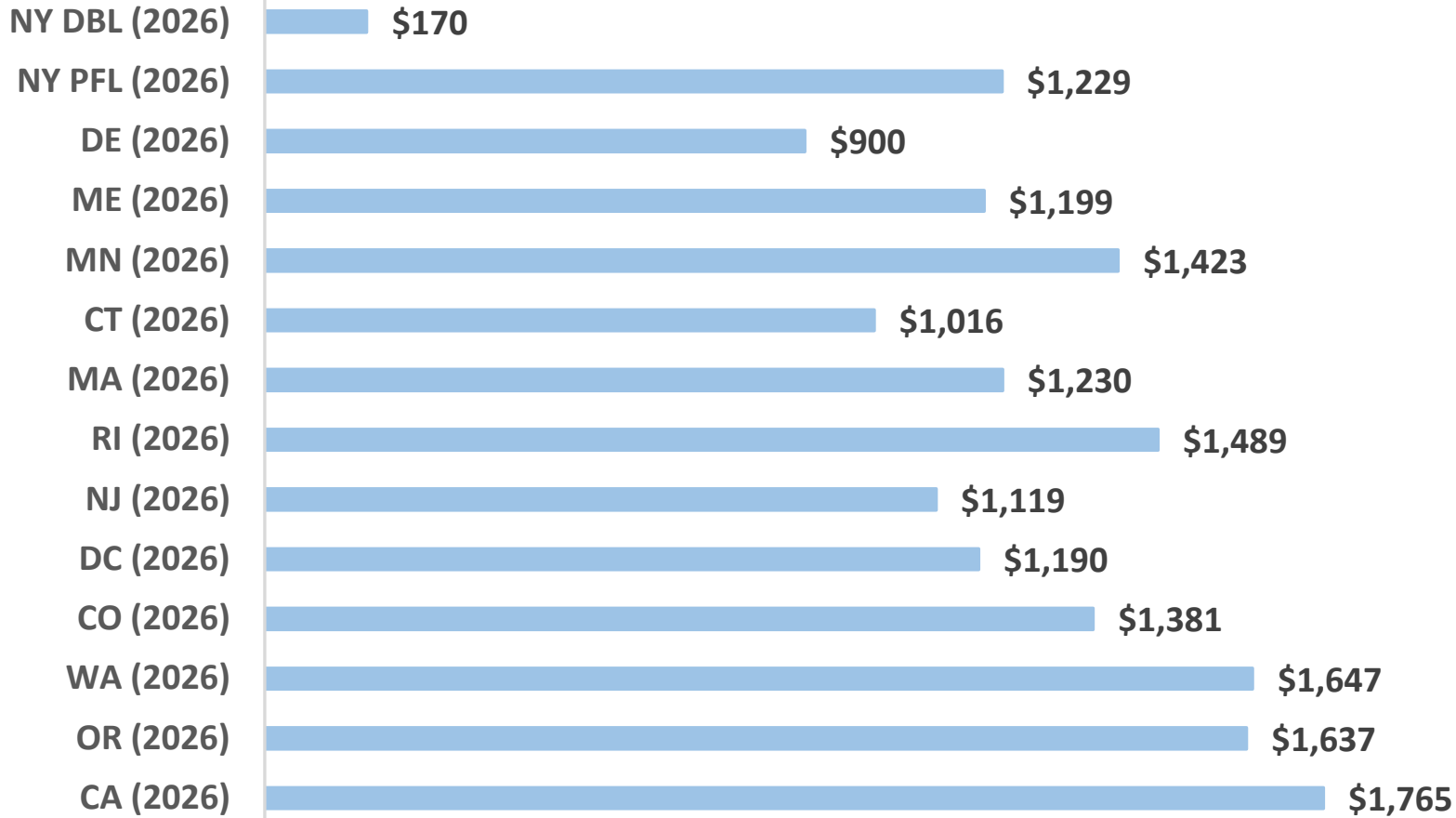


Maximum Leave Duration



■ Medical Leave
 ■ Family Leave
 ■ Combined

Maximum Wage Replacement



Your Statutory Obligations as an Employer

- ✓ Administer payroll deductions accurately;
- ✓ Distribute required notices (e.g., posters, onboarding materials);
- ✓ Maintain health insurance (where mandated);
- ✓ Job reinstatement or documentation of exceptions;
- ✓ Keep detailed records for audits and reporting requirements.



Coordinating PFML with FMLA, STD, PTO, & Internal Policies

FMLA (Federal): Job protection and benefit continuation only.

PFML (State): Wage replacement for family/medical reasons, often covering a broader definition of family than FMLA.

STD (Private): Usually covers an employee's *disability* (e.g., pregnancy) and likely has different eligibility rules than PFML.

PTO (Company): Used to "top off" or cover the waiting period for state/STD benefits.



Integrating PFML with Existing Leave Policies

Audit	Update	Train	Communicate
<p>Audit Current Policies: Review existing STD, PTO, and Sick Leave policies against PFML regulations.</p>	<p>Update Employee Handbook: Include new PFML procedures.</p>	<p>Train Managers: Educate managers on how to handle leave requests and avoid discriminatory practices.</p>	<p>Communicate: Send clear, written communication to all employees regarding the new policy.</p>



Documentation & Reporting

To keep your compliance radar sharp, here is a succinct breakdown of the standard PFML reporting requirements across these states:



Quarterly Filing:

Almost all states (except NY) require quarterly wage reports and premium remittances, typically due the last day of the month following the quarter's end.



Registration & Portals:

Employers must register on state-specific portals (e.g., FAMLI in Colorado, Paid Leave WA) to file reports and manage account details.



Employee Notifications:

You are legally required to provide written notice of the program to new hires and post a state-approved workplace poster in a conspicuous location.



Premium Splits:

Most states split the premium cost between the employer and employee, though the specific percentage split often shifts based on your total headcount.



Private Plan Exemption:

If you offer a private plan that meets or exceeds state benefits, you must still apply for an exemption through the state and, in some cases, continue to file "informational" wage reports.



Job Protection:

Eligibility for job-protected leave often differs from eligibility for payment; check the specific employee tenure requirements (e.g., 180 days or 1,250 hours) for each state.



1099 Workers:

Some states (like CA, WA, and OR) allow self-employed individuals to opt-in, but employers are generally not required to report for independent contractors unless they meet specific "covered" criteria.

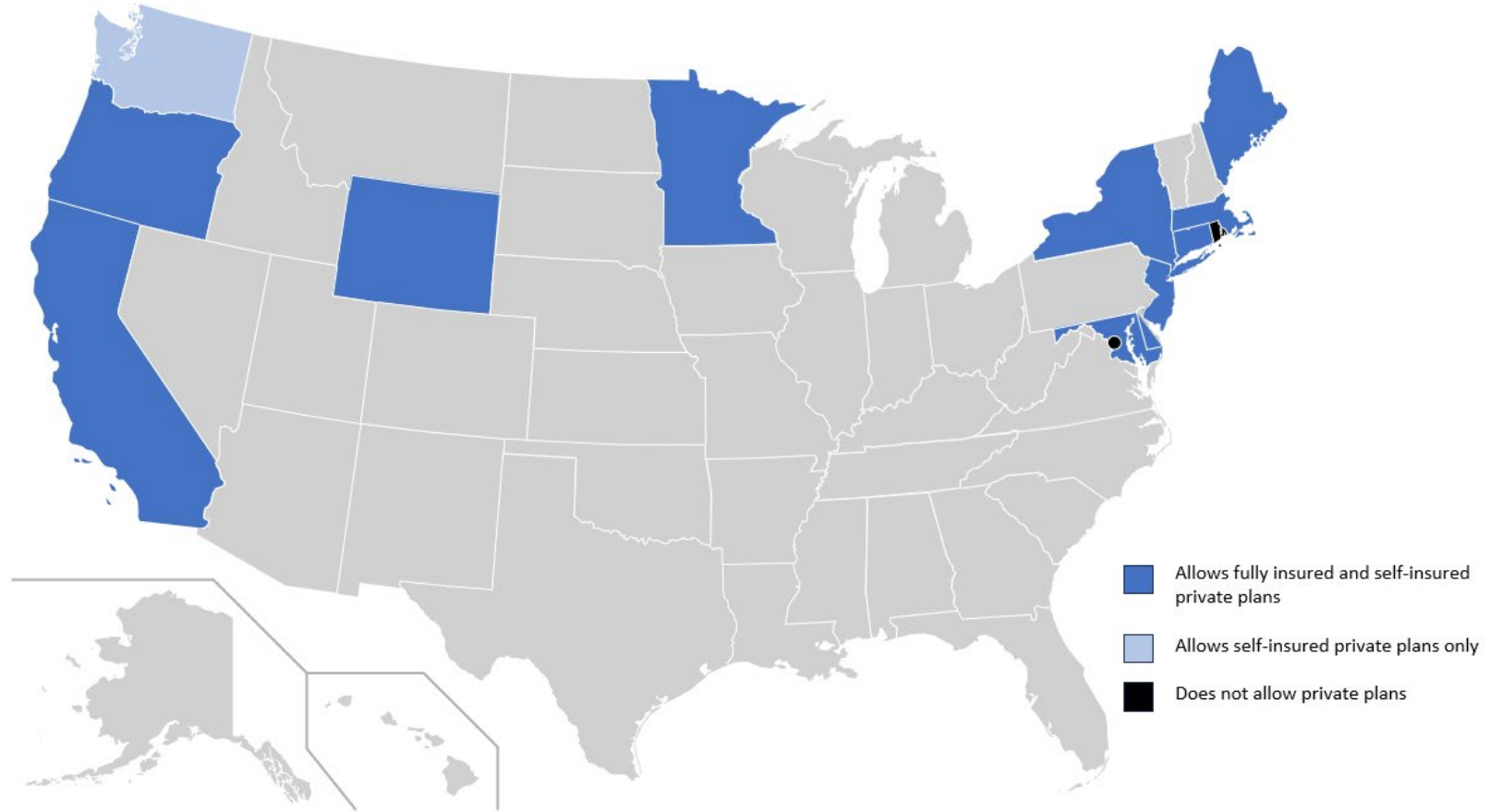


Private PFML Plans Employer Options & Compliance Requirements

- Some states allow employers to use a private plan instead of the state program if strict requirements are met.
- Private plans must match or exceed state PFML benefits (duration, wage replacement, covered reasons/relationships).
- State approval/exemption is required before opting out.
- Can coordinate with PTO, STD, and salary continuation to streamline administration.
- Often requires annual recertification/renewal and ongoing compliance monitoring.
- Non-compliant plan design or operating without approval can trigger penalties and loss of exemption.
- Private plans often do not alleviate employer from all state



States with a Private / Equivalent Plan Option





Recap/Key Takeaways

An employer should:

- Create a PFML multi-state matrix (if in multiple PFML states).
- Build employee-facing communication templates.
- Train managers on anti-retaliation rules.
- Comply with reporting obligations, policy updates, and systems audits.

Remember:

- PFML ≠ FMLA; coordination is essential.
- Communication and



Questions?

