

# Workplace Leave 101 for Policymakers

Explore the evolving landscape of paid family and medical leave across the U.S.

## WHAT IS LEAVE?

Leave is an approved period of extended absence from work for a specific reason (ex. family and medical leave, military leave, etc.). Time off refers to planned or unplanned time away from work that is generally short in duration (ex. sick time, vacation, personal days, etc.).

*Paid leave* ensures employees receive all or part of their wages during an absence, while *unpaid leave* provides job protection without wages, though some benefits such as health insurance may still apply.

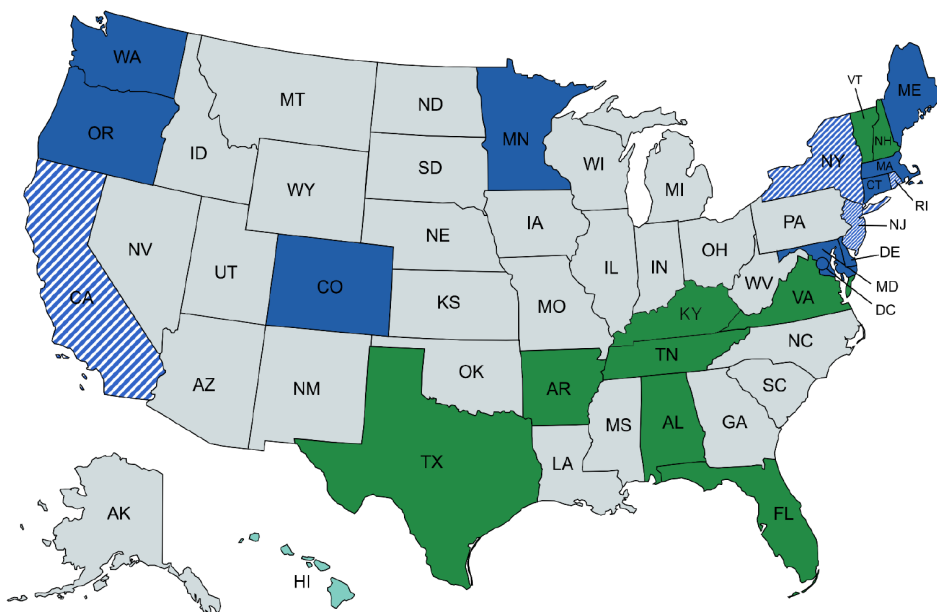
## WHY LEAVE MATTERS

Leave benefits allow workers to take necessary time away from work without sacrificing job security. These benefits vary in important ways: they may be paid or unpaid, required by law or offered voluntarily, used with advance planning or unexpectedly, and tied to specific purposes such as vacation, holidays, illness, or personal needs.

The structure and availability of leave can influence workforce stability, employee wellbeing, and employers' ability to attract and retain talent. Research suggests that paid family and medical leave may be associated with higher employment rates for new mothers and family caregivers, improved earnings over time for new parents, improved health outcomes, and potentially lower costs compared to other types of leave programs.

## FEDERAL POLICY: THE FAMILY AND MEDICAL LEAVE ACT (FMLA)

The Family and Medical Leave Act (FMLA) guarantees many workers the right to take up to 12 weeks of job-protected leave each year. In addition, eligible employees may take up to 26 weeks of leave in a single 12-month period to care for a covered servicemember with a serious injury or illness. However, FMLA leave is *unpaid*, and an estimated 40% of U.S. employees are not eligible for it due to employer size, tenure requirements, or employment status. This often includes low-wage employees, particularly those working in the private-sector, or for small businesses. Currently, there is no federal requirement for private-sector employers to offer *paid* family or medical leave.



### Paid Leave Policies

■ States with Mandatory Paid Family & Medical Leave (Implemented and Scheduled)

▨ States with Statutory Disability Insurance & Paid Family & Medical Leave

■ States with Voluntary Private Insurance

■ States with Statutory Disability Insurance

## STATE APPROACHES TO PAID FAMILY AND MEDICAL LEAVE

As of 2025, [13 states](#) and the District of Columbia (DC) have their own paid family or medical leave system. These policies vary in specifics, such as statutory leave duration, benefit amount, and job protection. The vast majority offer a maximum of 12 weeks of paid leave ([Colorado](#), [Connecticut](#), [Delaware](#) (starting in 2026), [DC](#), [Maine](#) (starting in 2026), [Maryland](#) (starting in 2026), [Massachusetts](#), [Minnesota](#) (starting in 2026), [New Jersey](#), [New York](#), [Oregon](#), and [Washington](#)).

In addition, 16 states plus DC extend unpaid, job-protected leave beyond the federal 12-week FMLA requirement. For example, DC offers up to 16 weeks of unpaid family leave (plus another 16 weeks for personal medical conditions), and Massachusetts allows up to 26 weeks for parental or military injury leave, 20 weeks for the worker's own serious health condition, and 12 weeks for family caregiving.

Five states ([California](#), [Hawaii](#), [New Jersey](#), [New York](#), and [Rhode Island](#)) have mandatory statutory disability insurance (SDI). SDI provides partial wage replacements to employees who are temporarily disabled and unable to work because of a non-occupational illness or accident.

Additionally, [Alabama](#), [Arkansas](#), [Florida](#), Kentucky, New Hampshire, [Tennessee](#), [Texas](#), [Virginia](#) and Vermont allow the provision of the benefit in the private insurance market. [New Hampshire](#) and [Vermont](#) actively facilitate the voluntary program through a designated insurer, automatically covering state workers and offering opt-in access to private employers, with negotiated rates and marketing support.



## DMEC'S ROLE AND RESOURCES

DMEC supports state policymakers through nonpartisan education, customizable policy tools, and direct access to a national network of leave and disability management experts and practitioners. Create a free policymaker account to access [Legislative Updates](#) and the [DMEC State and Local Leave Law Map](#). To learn more, visit [our website](#) or contact [partners@dmecc.org](mailto:partners@dmecc.org).

## CONSIDERATIONS FOR POLICYMAKERS

While paid leave programs offer potential benefits for workers and employers, it's important to recognize the diverse policy approaches and operational realities across states and businesses:

- **Small Business Impact:** For smaller employers, especially those not covered by FMLA, implementing paid leave programs may present **administrative and financial challenges**. These businesses often operate with limited HR infrastructure and tighter margins, making compliance and funding more complex.
- **State-Level Diversity:** States vary widely in their **economic conditions, workforce demographics, and political priorities**, which shape their decisions around paid leave. Some states have opted for comprehensive public programs, while others have taken more incremental or market-based approaches.
- **Voluntary Models:** States like **New Hampshire** and **Vermont** have introduced **voluntary opt-in programs** facilitated through private insurers. These models offer flexibility and may appeal to policymakers seeking **market-driven solutions** or **limited government involvement**.
- **Employer Flexibility:** Many employers prefer to **customize leave benefits** to meet the specific needs of their workforce. Voluntary or incentive-based models allow businesses to innovate and align benefits with company culture, industry norms, and employee expectations.