Paid Family Leave

Description of the policy and how it works in practice

Paid family leave (PFL) provides employees with paid time off during pregnancy, after the birth or adoption of a child, or when a family member or child requires serious medical care. Length of leave, amount of benefit, job protection, and qualifying conditions vary by employer and state. Paid family leave is distinct from the 12 weeks of unpaid job-protected leave for eligible employees offered by the federal Family and Medical Leave Act (FMLA). Currently, 14 states and Washington, D.C., provide at least six weeks of paid family and medical leave.[40]

Health Impact

PFL policies offer the greatest potential benefits to low-income workers and workers of color. Studies have demonstrated that access to PFL has a positive effect on social determinants of health through advancing employment opportunities, public health, and economic security for families, thus improving health equity for all workers.[41] These effects are especially important for women of color who make up nearly 50% of low-wage workers.[42] PFL policies have been associated with improvement in infant health, decreased likelihood of preterm birth and infant mortality, increased parental bonding, and improved maternal, physical and mental health.[41] Additionally, many fathers report wanting to have a greater role in caring for young children and PFL has been associated with greater paternal involvement in childcare activities even after leave ends.[41] Despite these advantages, in the United States, only 6% of low-wage workers have access to PFL. Several studies have found that workers of color and part-time workers are significantly less likely to work for employers that offer PFL.[42] Moreover, a recent report examining the PFL policies of the nation's top 60 private employers revealed that half of the companies that disclosed their PFL policy information had "discriminatory policies that leave out fathers, adoptive parents, and low-wage employees."[43]

Feasibility

State paid family leave policies are typically financed through payroll contributions or deductions (premiums) that provide coverage for the full cost of benefits and administration of the program.[44] Although state funding may be provided to start up paid family leave programs, these funds will be paid back to the state after implementation of the policy.[44] Premiums for PFL can be paid by workers, employers, or both. On January 14, 2025, the Wage and Hour Division (WHD) of the U.S. Department of Labor (DOL) issued an opinion letter stating that employers cannot require employees to use their employer-provided paid time off such as vacation time while the employee is taking leave under the FMLA and receiving pay under a state or local PFML program. The WHD explained that the "DOL's FMLA regulations on substitution of paid leave apply to leave taken under a PFML program in the same way they apply when an employee is on FMLA leave and receiving benefits under a paid disability plan."[45]

Several states[46] have implemented laws that preempt local laws from requiring private employers to provide paid family leave.[32] In response, local governments in over 30 states have enacted PFL policies for their own government employees.[47] Similarly, six states—Georgia, Nevada, New Hampshire, South Carolina, Texas, and Utah—offer PFL for state employees.[48] Additionally, Rhode Island, Maine, and Oregon passed state laws that prohibited local governments from developing more restrictive paid family leave requirements that differ from state standards. As of February 2025, 14 states and Washington, D.C., have enacted mandatory paid family leave policies while an additional 10 states have voluntary policies that provide paid family leave through private insurance.[49]

Overview of the policy's impact on Black health and racial equity

Black women are more likely to be the primary or co-breadwinners for their households, primary caregivers, and are among the highest demographics of labor participation in low-paid jobs with little benefits. An estimated 38% of Black women who need leave do not take it, 55% take parental unpaid leave, and 36% take unpaid caregiver leave. Increased access to paid family leave will help Black women to retain and sustain their economic stability, while maintaining their physical and mental health. There is a small body of evidence that examines the economic and physical impact of paid

family leave policies by racial demographics. For example, a study of California's PFL law suggests that the largest increases in leave-taking after implementation were among Black mothers.[50] Another study that simulated leave-taking under various policy scenarios suggests that paid family leave would allow Black workers to gain a greater percentage of their family income back in comparison to white workers but would ultimately have less impact on the prevention of short-term economic hardships.[50]

However, it is important to ensure an equitable uptake of PFL policies that consider historical marginalization and discrimination of those most in need of the policy. For example, in 2016, Washington, D.C., implemented the Universal Paid Leave Amendment Act that established a paid family and medical leave program.[51] Due to the interconnectedness of Washington, D.C., Maryland, and Virginia, any private worker who spent more than 50% of their work time in the District was eligible. However, for the first 18 months after implementation, uptake rates for PFL were unequally distributed among the population and across the wards of the city. At face value, claims made by Black residents were comparable to their white counterparts. However, when examining uptake rates by ward and economic demographics, wards with higher rates of Black residents — who also reside in lower-income wards — had the highest rates of denial for paid leave applications. This highlights the need for additional administrative resources to help residents navigate the process successfully.

Summary information from policy assessment

- **Policy status**
  STRONG — The policy has been implemented and can be adopted in many jurisdictions; there is moderate evidence it improves Black health and equity when key considerations are incorporated to ensure equitable implementation.

- **Jurisdiction authority (federal, state, county, municipality, other)**
  STATE, COUNTY, MUNICIPALITY — PFL policies can be increased through state and local legal requirements, while employers can also voluntarily choose to implement policies for PFL.

- **Resource requirements (high, moderate, low)**
  HIGH — States and localities will need to invest funding and administrative support in establishing and implementing sustainable PFL policies.

- **Return on investment (no, yes—social, yes—environmental, yes—economic)**
  YES — ECONOMIC AND SOCIAL — PFL policies have demonstrated both economic and social benefit. Economically, families are less likely to experience financial stress and reduced gender bias in the workforce. Socially, parents are afforded more time to spend bonding and supporting their children.

- **Legal considerations**
  There are some states that have preempted local governments from implementing PFL policies. Additionally, depending on the funding mechanism for PFL policies, there might be some legal considerations for how these policies are funded and regulated (i.e., qualifying employers, qualifying events, etc.).

- **Strength of evidence (strong, moderate, weak)**
  MODERATE — While there is strong evidence demonstrating positive financial, physical, and mental health benefits of PFL policies as well as equitable outcomes, there is little evidence that focuses specifically on the impact on Black families and women.

- **Equity (yes, unclear/sometimes, no)**
  SOMETIMES — PFL policies have the potential to improve equity outcomes; however, implementation of these policies can either exacerbate or improve equity outcomes.

- **Operational approach to equity (distributional, procedural, structural)**
  STRUCTURAL AND DISTRIBUTIONAL — PFL policies promote economic equity and gender pay equity for Black families, which have historically worked in jobs that don't permit PFL or only offer a limited amount of PFL.

Example of the successful implementation of the policy in Black communities

California has been a leader in implementing PFL policies at state and local levels.[52] MomsRising, the Black Maternal Health Caucus, and the NAACP have also been involved in some advocacy efforts.

In 2009, California became the first state to implement a PFL policy The policy permits up to 12 weeks (up to four weeks before birth and six or eight weeks after birth) of PFL for expectant mothers and birthing individuals. As of 2025, California provides a maximum wage replacement rate of at least 90% for lower earners.[53] Eligibility for PFL is broad for family leave programs and has an inclusive approach to tenure and contribution requirements to ensure the majority of workers who earn wages in California are eligible.[53] Additionally, California also provides job protection for those who choose to take family leave. One study found that after passage of the law, mothers in CA took double the amount of leave, with Black and Hispanic mothers as the groups showing the greatest gains.[54]