



Webinar Series: Guidance on State and Local Paid Family Leave Laws

Part XI: Staying Ahead of 2025 Changes and Preparing for 2026

December 16, 2025

Seyfarth Shaw LLP

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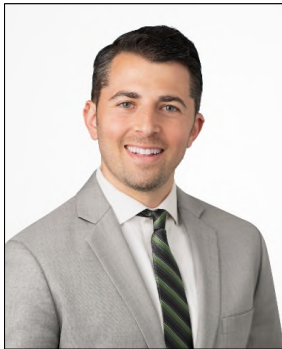
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Speakers



Joshua Seidman
Partner
New York Office

jseidman@seyfarth.com



Jean Wilson
Senior Counsel
Boston Office

jwilson@seyfarth.com



Renate Walker
Associate
Atlanta Office

rewalker@seyfarth.com



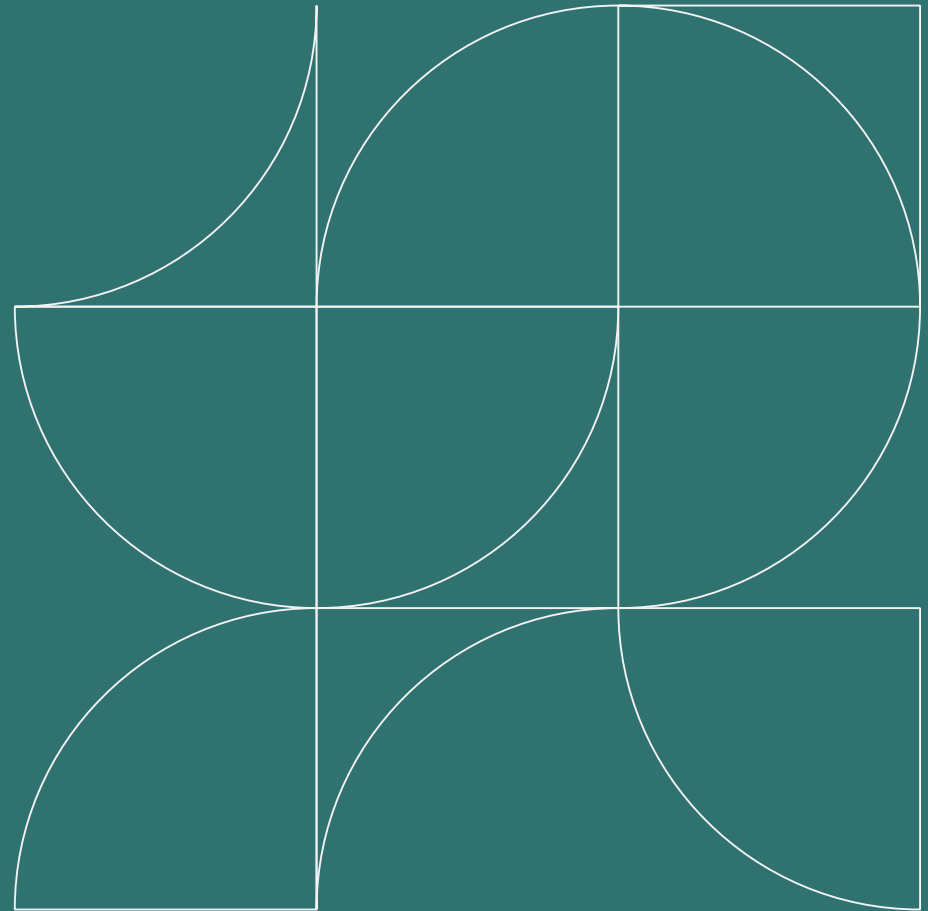
Ashley Casey
Associate
New York Office

acasey@seyfarth.com

Agenda

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Nationwide Paid Family Leave Law Overview



Paid Family Leave Laws Overview

- **Existing PFL / PFML Laws: 16 TOTAL LAWS**

- **14 States + DC**

- CA, CO, CT, DC, DE, MA, MD, MN, NH*, NJ, NY, OR, RI, VT*, & WA

- **1 Municipality**

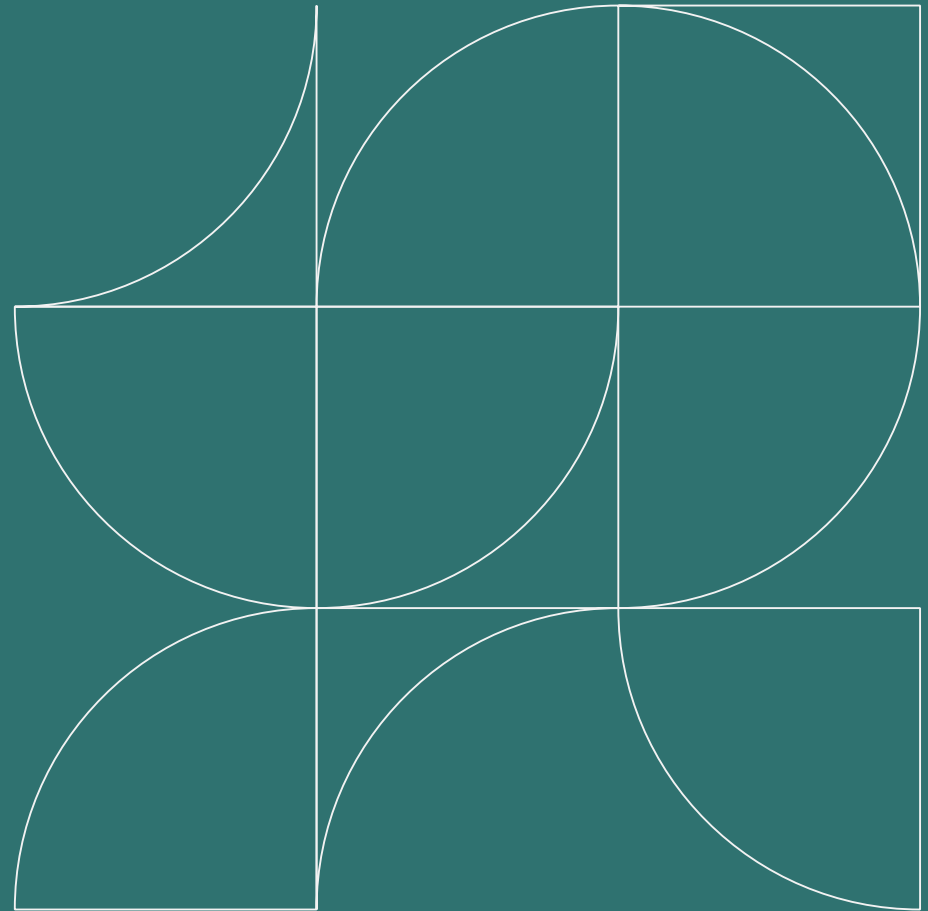
- San Francisco, CA

- Note: This list does **not** include states that have added paid family leave as a class of insurance.
- Note: SDI laws exist in CA, HI, NJ, NY & RI
- Note: AL, AR, FL, KY, SC, TN, TX, VA added Family Leave Insurance as a class of insurance

*State has instituted voluntary PFML program.



Minnesota Paid Family Medical Leave Updates



Minnesota Paid Leave Milestones and Important Deadlines

- **Signed by the Governor:** May 25, 2023
- **First Quarterly Wage Report Due:** October 31, 2024
- **Notice Requirement Deadline:** December 1, 2025
- **Payroll Deductions Begin:** January 1, 2026
- **Use of Paid Leave Begin:** January 1, 2026
- **First Quarterly Premiums Due:** April 30, 2026

Employee and Employer Coverage – Minnesota Paid Leave

- **Employee:** Employees are covered under the Minnesota Paid Leave Law if:
 - (1) 50% or more of their employment is performed in Minnesota; or
 - (2) less than 50% of their employment is performed in Minnesota, **but** the employee resides in Minnesota 50% or more of the calendar year.

“Employee” **does not include:**

- (1) a self-employed individual
 - (2) an independent contractor; or
 - (3) certain seasonal employees.
- **Employer:** Employer means any person, organization or entity that employs at least one covered employee.

Reasons for Use – Minnesota Paid Leave

Covered Reasons for Use:

- **Bonding:** Includes spending time with a biological, adopted, or foster child following the child's birth, adoption or placement.
- **Family Care:** Includes caring for a family member with a serious health condition or caring for a family member who is a military member.
- **Qualifying Exigency:** Includes a need arising out of a military member's active duty service or notice of an impending call or order to active duty.
- **Safety Leave:** Includes leave from work because of domestic abuse, sexual assault, or stalking, provided the leave is to seek medical attention, obtain counseling or other services, seek relocation, obtain legal advice or take legal action.
- **Serious Health Condition:** Includes a physical or mental illness, injury, impairment, condition or substance use disorder that includes, for example, inpatient care or continuing treatment.
- **Medical Care Related to Pregnancy:** Includes prenatal care or incapacity due to pregnancy or recovery from childbirth, stillbirth, miscarriage, or related health conditions.

Covered Family Members – Minnesota Paid Leave

Covered Family Members include:

- (1) a spouse or domestic partner;
- (2) a child;
- (3) a parent or legal guardian;
- (4) a sibling;
- (5) a grandchild;
- (6) a grandparent or spouse's grandparent;
- (7) a son-in-law or daughter-in-law; and
- (8) an individual who has a personal relationship with the employee that creates **an expectation and reliance that the employee care for the individual without compensation** (regardless of whether the employee resides with this person).

Amount of Leave – Minnesota Paid Leave

- **Length of Benefits:**

- Up to a **maximum of 12 weeks** of paid family or medical leave benefits in a benefit year.
- If an employee qualifies for both medical and family leave in a single benefit year, they can take a total of **20 weeks combined**.

- **Benefit Year:**

- The 12-month period that starts when Minnesota Paid Leave is **first taken** by the employee.

- **Continuous or Intermittent:** Benefits will be available on a continuous or intermittent basis.

Amount of Pay – Minnesota Paid Leave

- **Beginning January 1, 2026:** Covered employees may be entitled to Minnesota Paid Leave benefits as follows:
 - (1) 90% of wages that do not exceed 50% of the state's average weekly wage; **plus**
 - (2) 66% of wages that exceed 50% of the state's average weekly wage but not 100%; **plus**
 - (3) 55% of wages that exceed 100% of the state's average weekly wage.
- Benefits will be paid to employees on a **weekly** basis.
- Employees will receive payments **directly** from the State of Minnesota.

How Leave Is Funded – Minnesota Paid Leave

- **Funding:** The program is funded through employee payroll deductions **AND** employer contributions, if the employer so chooses.
- **Employers' Contribution to the Program (as of January 1, 2026):** Employers must pay a minimum of 50% of the annual premiums.
- **Employee Deductions:** Employees must pay the remaining portion not paid by the employer, up to 0.44% of wages.
- **2026 Premium Rates:**
 - 0.66% for **small employers** (30 or fewer EEs in each quarter and average EE wage equal to or less than 150% of the statewide average wage); and
 - 0.88% for **large employers**.

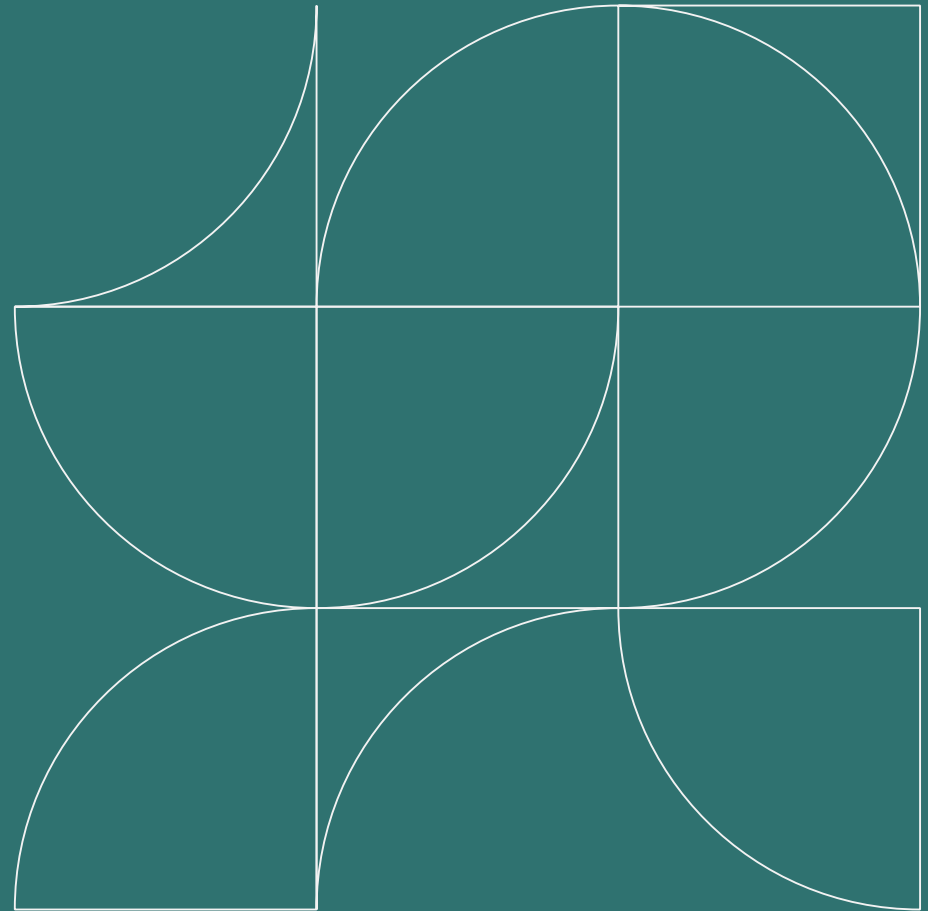
Private Plan Exemption – Minnesota Paid Leave

- **Overall:** Private plan must provide benefits equal to those required under the Paid Leave Law for paid family and/or medical benefits.
- **Request Timeline:**
 - (1) Request must have been received by Nov. 15, 2025 for private plan to take effect on Jan. 1, 2026.
 - (2) Private plan will take effect on April 1, 2026 (at the earliest) for all requests submitted after Nov. 15, 2025.
- **Approved Private Plans:** The Minnesota Department of Commerce published a list of approved private plans, which can be found on the Minnesota Paid Leave website. The list is updated regularly.

Notice and Posting Requirements – Minnesota Paid Leave

- **Posting**
 - Display model poster in a conspicuous location.
 - Post in English & any language that is the first language spoken by at least 5% of the workforce.
 - Sample posters available on MN Paid Leave website.
- **Notice must be provided:** Customizable model notice available on the MN Paid Leave website.
 - **Deadline:** December 1, 2025
 - **Acknowledgment:** EE must acknowledge that they received this information – signing a form, acknowledging receipt electronically (i.e., payroll system) or in another way ER decides
- **Earning statements:** Must include any amount deducted by ER for paid leave benefits.

Delaware Paid Family Medical Leave Updates



Delaware PFML – Key Provisions

Topic	Detail
Covered Employers	<p><u>Overall</u>: Private employers with 10 or more employees working in Delaware</p> <p><u>Application of Specific Provisions</u>: 10-24 employees (Parental Leave only); 25+ employees (all Leaves)</p>
Employee Eligibility	<p>Employees who have worked at least 12 months and 1,250 hours for their employer in the prior 12 months. Also need to assess if individual “primarily” in DE**</p>
Reasons for Leave	<p><u>Parental Leave</u>: birth, adoption, or placement through foster care, available for first year following bonding event</p> <p><u>Medical Leave</u>: EE’s own serious health condition</p> <p><u>Family Caregiving</u>: caring for a family member with a serious health condition</p> <p><u>Qualifying Exigency</u>: active military duty</p>
Family Members	<p><u>Includes</u>: child, parent, and spouse (same as FMLA)</p> <p><u>Excludes</u>: siblings, parents-in-law, or any other relations</p>

Delaware PFML – Key Provisions (con't)

Topic	Detail
Amount of Leave	<p>Maximum of 12 weeks for all leave reasons in application year</p> <p><u>Medical, Family Caregiving, Qualifying Exigency</u>: 6 weeks in 24-month period**</p> <p><u>Parental Leave</u>: 12 weeks in an application year**</p>
Amount of Pay	<p>80% of average weekly wages during the 12-months preceding application submission</p> <p><u>Minimum</u>: \$100 per week</p> <p><u>Maximum</u>: \$900 per week (for 2026 and 2027)</p>
Employee Contributions	<p><u>Total Contribution of ER and EE</u>: 0.8% of wages</p> <p><u>Medical Leave</u>: 0.4% of wages</p> <p><u>Qualifying Exigency & Family Caregiving</u>: 0.08% of wages</p> <p><u>Parental Leave</u>: 0.32% of wages</p> <p>May deduct up to 50% of the cost of the plan from EE wages</p> <p>ER can elect to cover EE portion</p>

Important Dates for Employers



Delaware PFML – December 2025 Amended Regulations

- **Application Year:**

- **Prior Standard:** “Application year” means 12-month period as defined in FMLA.
- **Amended Standard:** The “12-month period measured forward” method **shall** be used by **all** employers
 - **Meaning:** 12-month period begins on the first day an employee takes family and medical leave and continues for the next 12 months
 - **In Practice:** Complexity for ERs – (a) current DE PFML policy and programming; and (b) coordination with FMLA

- **24-Month Period:** No longer allows flexibility; Begins on 1st day of requested leave **“for that benefit type”** and continues for 24 months from date EE first used the benefit type

- **Interplay Between Medical, Family Caregiving, and Qualifying Exigency:** 6 weeks for ***each*** benefit type within applicable 24-month period

Delaware PFML – December 2025 Amended Regulations

- **Employee Eligibility:** Definition of “*primarily*” has changed. Focus went from time worked in Delaware to wages earned in Delaware
- **Coordination of Benefits – Paid Time Off:**
 - **Prior Standard:** ER may require EE to use up to 75% of earned, unused paid time off before accessing DE PFML
 - **Amended Standard:** ER **cannot** require EE to use earned, unused paid time off before accessing DE PFML. ER and EE **can** enter into mutual agreement to use paid time off to supplement wages up to 100%, **but** agreement **MUST** be **(a)** in writing, **and (b)** signed by the EE and ER.
- **Primary Payor:** Where ER maintains ER-provided disability or paid leave policy, DE PFML is the primary payor.
- **Notice of Coordination:** Requirement has been **removed** from regulations
- **Private Plan Application / Renewals:** Changed from **(a)** apply / renew between 10/1-12/1 to begin 1/1 of following year, to **(b)** apply / renew on rolling basis with effective dates at start of each quarter

Delaware PFML – Claim Administration Process

- **ER Responsibility:** Under DE PFML, the statute expressly states that “an *employer must approve or deny* an application for benefits . . . within 5 business days of receipt of a completed application.”
- **Options:** (a) elect to use DE state public plan **or** (b) opt-out in favor of an approved private plan (through an insurance carrier or self-administered).
 - TPA: In either case, ER may engage a third-party administrator (“TPA”) to facilitate applications.
- **Online System:** ERs using Public Plan option are directed to use **Delaware LaborFirst** – State’s online system for managing DE PFML. Private Plans can use system as well.
- **Steps in Process:** (a) Profile Setup; (b) EE claim submission; (c) Advisory Notice to ER; (d) Application Review re “Reasonable Person” Standard; (e) Final Decision-making (must adhere to deadlines); (f) Approval / Denial Notices; (g) Claims Review

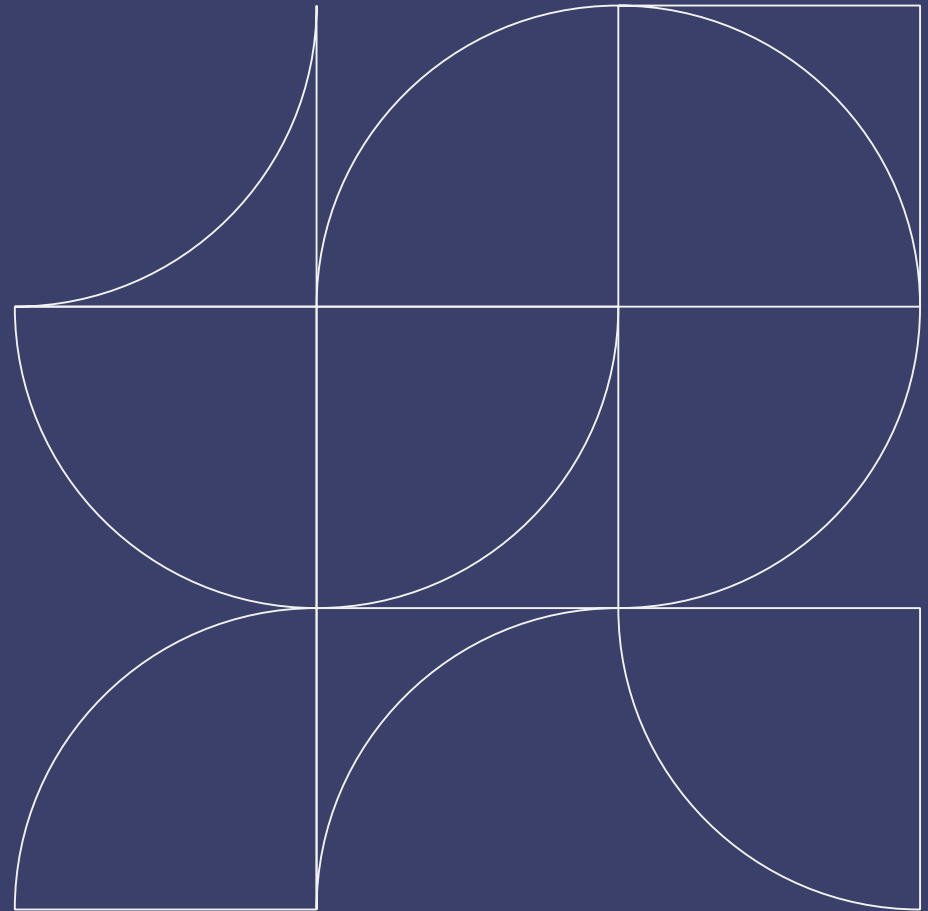
Notice & Posting Requirements

- **Timing of Initial Notice:** Employers cannot start deducting contributions until 30 days after the employees have been given notice of the withholding
- **Notice Requirements:**
 - Provide at the time of hiring *and* when an employee requests covered leave or the employer acquires knowledge that an employee's leave may be for a qualifying event
 - Distribution via work or personal email address
 - For specific content requirements, see Delaware website for model notice
- **Notice of Employee Rights:** Model notice is available at https://laborfiles.delaware.gov/main/pfl/Notice_of_Employee_Rights.docx
- **Posting Requirements:**
 - English, Spanish, other language spoken by at least 5% of workforce
 - For specific content requirements, see Delaware website for poster

Electing to Use a Private Plan

- **Private Plan Options:** ERs can choose to provide paid leave through a private plan, either a DOI-approved insurance policy or a DOI-approved self-insured plan
 - The private plan **cannot** charge the employee more than the state plan would
 - **Self-Insured Option:** ER generally should have at least 100 covered individuals in the plan at all times
- There are **many** substantive *and* administrative components that must be met in order to obtain private plan approval
- Employer should use **Delaware LaborFirst** to manage private plan (i.e., approval, renewals, etc.)
 - **Existing Private Plan** – Ends on last day of 4th quarter after plan's effective date
 - **Apply / Renew:** Must be submitted at least 30 days before effective date (1/1, 4/1, 7/1, 10/1)

Maine Paid Family and Medical Leave Updates



Key Dates – ME PFML

Date	Action
July 2023	ME PFML Act passed
January 2025	Payroll contributions
April 2025	Quarterly reports and payment submission
May 1, 2026	Benefits available to employees

[ME DOL: Paid Family and Medical Leave Website](#)

ME PFML Basics

- **Plan Type:** **Private** plan or **public** option
 - Public option administered by ME PFML Benefits Authority
- **Coverage:** All employers with at least one employee in Maine with limited exceptions
- **Funding:** **50/50 split** between employer and employee – 1%
 - no employer contribution if fewer than 15 employees
 - Employee count - 20 or more weeks in 12-month period preceding September 30th – applies to following year
- **Eligibility:**
 - Earnings of at least 6 x the state average weekly wage (\$7,188) in the first 4 of the last 5 completed quarters
 - **No tenure requirement**
- **Benefit Amount:** percentage of average weekly wage up to max benefit of \$1,198.84 - **adjusted annually – July 1**
- **Notice**
 - Notice must be provided within **30 days of hire** – requires customization
 - [ME PFML Poster](#)

Reasons for Use & Duration of Leave

- **Duration of leave**

- **12 weeks** of leave in a 12-month period
 - 12-month period begins on the Sunday prior to when leave starts
 - ME-PFML will run concurrently with other leaves - federal FMLA & ME Family Medical Leave
 - ME-PFML duration will be reduced by any federal FMLA leave or unpaid ME Family Medical Leave taken within 12-month period before ME-PFML begins

- **Reasons for leave**

- **Bonding** – to care for a child within 12 months of birth, adoption, or foster placement
- **Family Caregiver** – Caring for a family member with a serious health condition
- **Employee Medical** – Managing personal medical needs due to a serious health condition
- **Military Exigency** – Addressing military exigencies related to a family member's active duty
- **Injured Servicemember** – Caring for a covered service member who is a family member
- **Safe leave** – For situations involving domestic violence, sexual assault, or stalking

Private Plan - Basics

- Employers must submit private plan application to the ME PFML Benefits Authority
- Plan must provide **equivalent benefits** to state plan
 - Fully insured or self-insured (w/surety bond)
- If approved, valid for **3 years**
- Effective date – exemption from making contributions
 - First day of the quarter in which plan is approved
 - If submitted less than 30 days before end of a quarter, first day of the following quarter
- Must **renew application** at least **30 days before plan expiration date**
 - ME PFML Benefits Authority will provide 60-day notice of expiration

Intermittent & Reduced-Schedule Leave

- **Types of Leave**
 - Continuous
 - Intermittent
 - Reduced schedule (number of days, number of hours/day)
- **Increments of Use – Intermittent Leave**
 - Can require that employees take intermittent leave in **one-day increments**
 - based on employee's regular schedule
 - if hours so variable that can't determine how many hours worked in a week, use average hours over preceding 12 weeks
 - employers can agree in writing to smaller increment
 - **not less than 1-hour increment**
- **Notice – Intermittent Leave**
 - employees must report intermittent leave use to the ME-PFML Authority within 15 days of occurrence
 - must also follow employer's reporting policies

Employee Notice to Employer

- Employees must provide **reasonable written notice** that includes:
 - **reason for leave** (family, medical, safe leave, qualifying exigency, etc.)
 - **type of leave** (continuous, reduced schedule, intermittent)
 - **duration of leave** (actual/anticipated start and end date)
 - cannot require notice on specific form if information provided is sufficient
- **30 days** written notice presumed to be reasonable
- If emergency, sudden illness, or other sudden necessity – employee must make good faith effort to provide written notice as soon as feasible
- If employee incapacitated, notice may be provided by a family member or health care provider
- For public option
 - may apply **60 days** before leave begins
 - must apply within **90 days** of leave beginning

Undue Hardship - Timing of Leave

- **Definition**

- The timing or duration of leave creates **undue hardship** if there is a significant impact of the **operation of the business** or **significant expense** considering the employer's
 - financial resources
 - size of the workforce
 - nature of industry
- **That cannot be overcome with the amount of notice given.**

- Undue hardship determination considered **reasonable** if:

- **Employer provides written explanation to employee** demonstrating (based on totality of circumstances) how the specific employee's absence and specific timing and/or duration of requested leave will cause significant impact on business operations or significant expense
- **Employee retains right to take leave within a reasonable time frame**
- Employer has made good faith attempt to work out an **alternative leave schedule** with the employee
- If employee medical leave, employer's proposed schedule meets employee's need for care as determined by their health care provider

- Employer must notify employee of undue hardship within **10 days** of application for ME-PFML

- **Waiver** of undue hardship

Applying for Leave & Waiting Period

- **Application**

- Employees must provide documentation substantiating need for leave to the Authority or private plan administrator
- **Portal available** for employees to apply online
- Authority will notify employer within 5 business days
- Employer has 10 business days to respond to application
- Assert or waive **undue hardship**
- Authority will notify employer and employee
 - amount of leave granted
 - benefit amount
 - qualifying reason
 - when benefits will begin

- **Waiting period**

- **Employee medical only**
- **7-day** waiting period for benefits; waiting week counts as first week of leave
- Only **one** waiting period **per 12-month period**

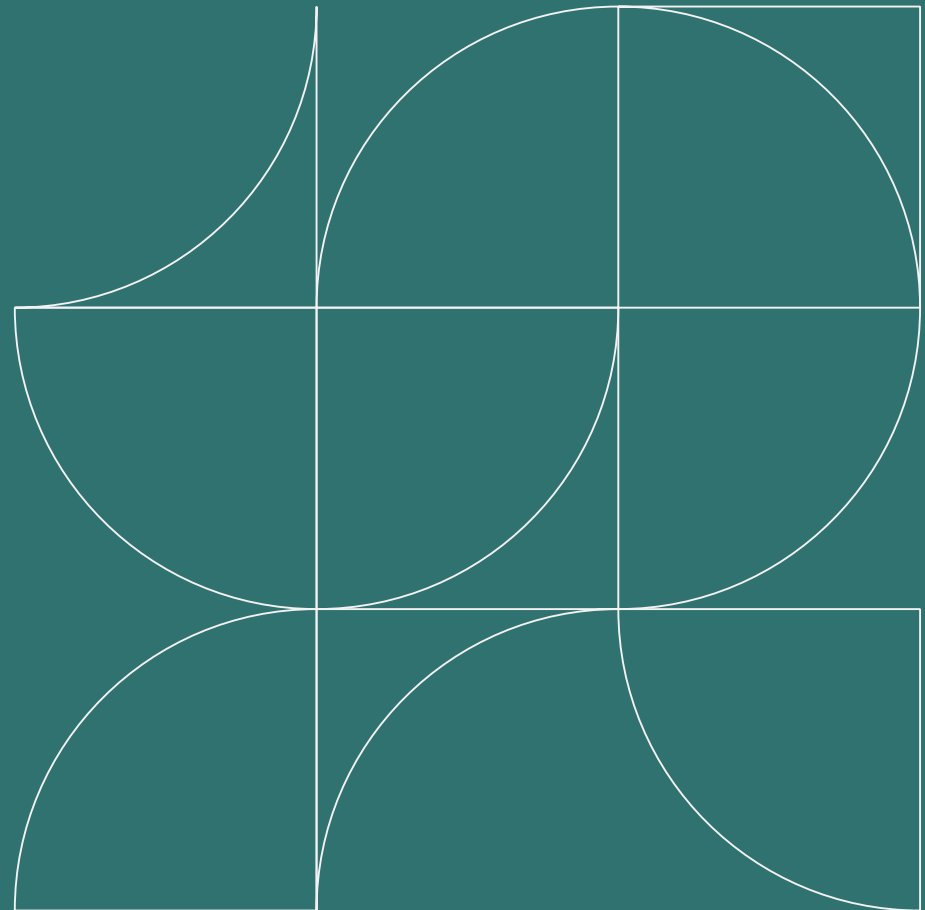
Coordination with Other Paid Leave/Benefits

- **ME PFML reduced dollar for dollar by following payments:**
 - State **unemployment** insurance benefits
 - **Worker's compensation**, except for benefits for partial incapacity for an injury that occurred prior to the PFML claim
 - Any **government-provided short-term disability or long-term disability** program (such as Social Security Disability Insurance)
 - A **long-term disability** insurance plan from a **current or prior employer** of yours
- **ME PFML not reduced by:**
 - **Employer provided short-term disability** insurance benefits
 - STD Plan may deduct ME PFML benefit from STD benefit amount
 - **Salary continuation** paid by employer to top off ME PFML benefit
 - **Paid time off** used to top off ME PFML benefit
 - Cannot require employees to use paid time off before/during ME PFML (vacation, sick, personal, floating holidays, etc.)
 - **Worker's compensation benefits** for partial incapacity for an injury that occurred **prior** to the PFML claim.

Job Protection

- **Job protection**
 - **Only** if employed for **120 consecutive days** before ME-PFML begins
 - Must be restored to the same or an equivalent position
- **Affect of leave on other benefits**
 - For all employees, ME-PFML does not affect employees' right to accrue or receive other benefits, including:
 - **accrual of sick time and vacation**
 - bonuses, advancement, seniority, or service credit
 - participation in benefit plans or programs, including health insurance continuation
 - provide health insurance under same conditions as if employee not on leave
 - employee remains responsible to pay their portion of the health insurance premium

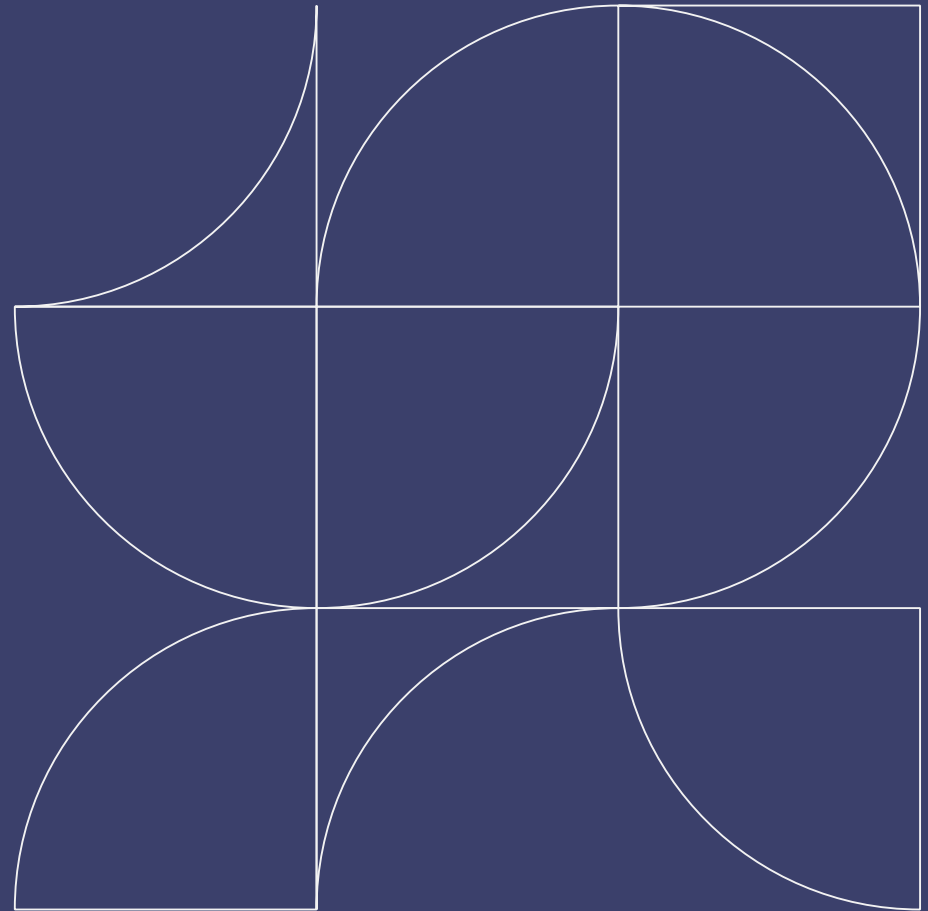
Rhode Island Paid Family Leave Updates



Rhode Island Temporary Caregiver Insurance Leave

- Changes effective **January 1, 2026**
- **Amount of Leave**
 - **Increase from 7 weeks to 8 weeks** of leave in a 12-month period
- **Reasons for Leave**
 - Added **bone marrow donation or organ donor transplant**
 - **5 business days** following bone marrow donation
 - **30 business days** following organ donor transplant
 - TCI may be used for:
 - medical tests
 - procedures
 - surgeries
 - recovery

Colorado Paid Family & Medical Leave



Key Dates – CO PFML

Date	Action
January 1, 2023	Payroll contributions began
January 1, 2024	Benefits available to employees
January 1, 2026	Amended

CO PFML Basics

- **Employer Coverage:** All employers with at least one employee in Colorado, except for the federal government
- **Employee Eligibility:** Earned at least \$2,500 in wages during base period or alternative base period
- **No Usage Waiting Period**
- **Job Protection:** Must have at least 180 days of employment with current employer
 - Need not be consecutive
 - Can become eligible during *intermittent* leave
- **Plan Types:** Private plan or public option
- **Notice/Posting:**
 - Model notice must be posted in a prominent location in the workplace
 - Employers must provide notice to employees, in writing, upon hiring and upon learning of an employee experiencing an event that triggers eligibility

CO PFML Funding & Benefits

- **Premium Rates:**
 - January 1, 2023 – December 31, 2025: 0.9% of wages, up to social security taxable wage base (\$176,100)
 - January 1, 2026 – December 31, 2026: 0.88% of wages, up to social security taxable wage base (\$184,500)
 - January 1, 2027 and beyond – by September 1 of each year, premium rates will be evaluated and set by state (not to exceed 1.2% of wages)
- **Employee Contributions:**
 - Employers with 10+ employees (in the U.S.) may deduct up to 50% of the premium from each employee's wages
 - Employers with fewer than 10 employees (in the U.S.) are not required to pay employer share
- **Benefit Amount:**
 - Percentage of average weekly wage up to max benefit of \$1,381.45 (as of **July 1, 2025**)

CO PFML Reasons for Use

- **Bonding** – to care for a child during first year after birth, adoption, or foster placement
- **Family Medical** – to care for a family member with a serious health condition
- **Employee Medical** – employee's own serious health condition
- **Qualifying Exigency** – arising from family member's active duty military service or notice of impending call to active duty
- **Safe Leave** – when an employee or family member is the victim of domestic violence, stalking, sexual assault, or abuse
- **NICU Leave** (effective January 1, 2026) – because the employee's child is receiving inpatient care in a neonatal intensive care unit

CO PFML Covered Family Members

- **Child** – regardless of age, a biological, adopted or foster child, stepchild, or legal ward, a child of a domestic partner, a child to whom the employee stands or stood in loco parentis
- **Parent** – biological, adoptive, or foster parent, stepparent, or legal guardian of employee or employee's spouse/domestic partner, or individual who stood in loco parentis to employee or employee's spouse/domestic partner
- **Spouse / Domestic Partner**
- **Grandparent** – biological, foster, adoptive, or step grandparent of employee or employee's spouse/domestic partner
- **Grandchild** – biological, foster, adopted, or step grandchild of employee or employee's spouse/domestic partner
- **Sibling** – biological, foster, adopted, or step sibling of employee or employee's spouse/domestic partner
- **Other Individual with Significant Personal Bond** – is or is like a family relationship (regardless of biological or legal relationship)

CO PFML Duration of Leave

- **12 weeks** of leave in a 12-month period
- Additional **4 weeks** for a serious health condition related to pregnancy complications or childbirth complications
- **Effective January 1, 2026, additional 12 weeks** of NICU leave

CO PFML can be used on a continuous or intermittent / reduced schedule basis

Practical Tip: Consider how NICU leave will interplay with employer-provided leave benefits, such as paid parental bonding leave.

Coordination of CO PFML with Other Paid Leave / Benefits

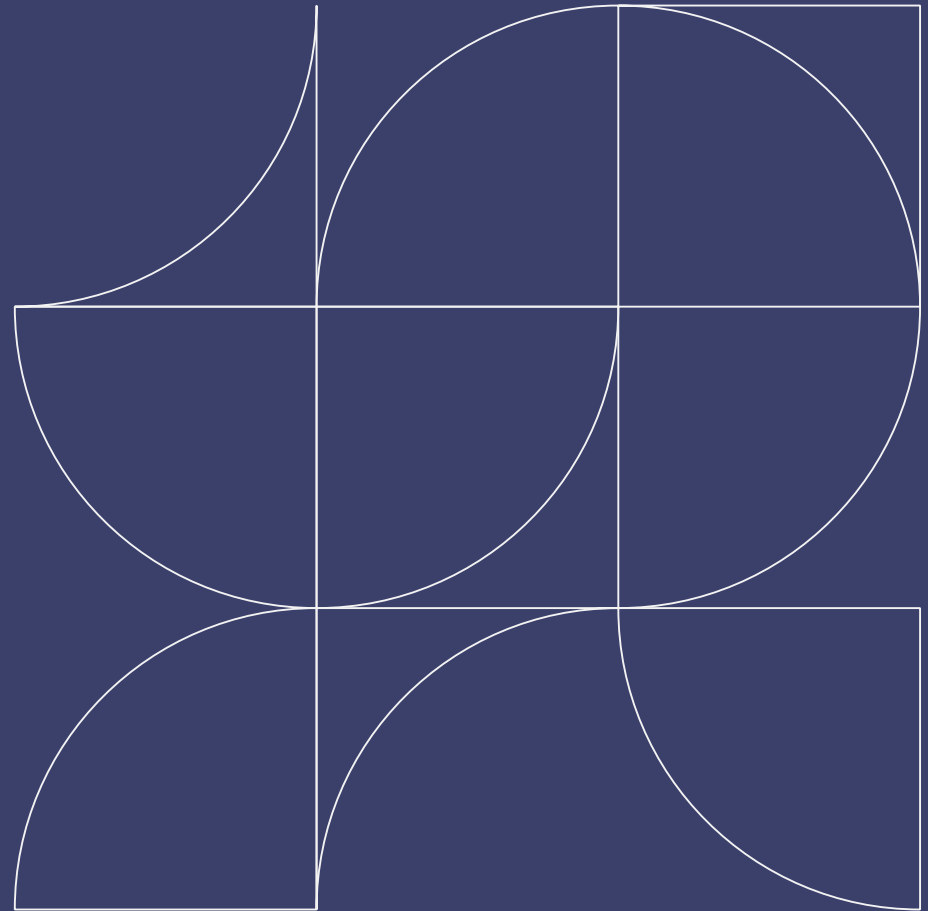
- **Disability and PFML Policies:**

- Employer can require coordination of CO PFML with disability leave or separate bank of time off solely for PFML purposes, including requiring employees to exhaust available CO PFML as a condition to access such benefits
- Must give employees written notice of this requirement

- **Accrued Paid Time Off:**

- Employees cannot be required to use accrued vacation / sick leave / PTO before or during CO PFML
- Employer and employee may mutually agree to use accrued paid time off to top up CO PFML, up to employee's average weekly wage

Washington Paid Family & Medical Leave



Key Dates – WA PFML

Date	Action
January 1, 2019	Payroll contributions began
January 1, 2020	Benefits available to employees
January 1, 2026	Amended

WA PFML Basics

- **Employer Coverage:** All employers with at least one employee in Washington, except for the federal government
- **Employee Eligibility:** Worked at least 820 hours during qualifying period
- **Plan Types:** Private plan or public option
- **Notice/Posting:**
 - Model notice must be posted in a conspicuous location in the workplace
 - Employers must provide notice to employees, in writing, when employee is absent for a PFML reason for more than 7 consecutive days

WA PFML Usage Waiting Period

- **Family or Medical Leave:**

- 7 consecutive calendar days (beginning Sunday of first week an employee takes WA PFML)
- Through December 31, 2025 – triggered by claim of at least 8 consecutive hours
- **Beginning January 1, 2026 – triggered by claim of at least 4 consecutive hours**

- **Birth/Placement or Qualifying Exigency Leave:**

- No waiting period

WA PFML Funding & Benefits

- **Premium Rates**

- 2025: 0.92% of gross wages, up to social security taxable wage base (\$176,100)
- 2026: 1.13% of gross wages, up to social security taxable wage base (\$184,500)

- **Employee Contributions**

- 2025: up to 71.52% of premium
- 2026: up to 71.43% of premium
- Small businesses (fewer than 50 employees in WA) are not required to pay employer portion

- **Benefit Amount**

- Percentage of average weekly wage up to maximum benefit
 - 2025: \$1,542
 - 2026: \$1,647

WA PFML Reasons for Use & Covered Family Members

- **Reasons for Use:**

- employee's own serious health condition
- to care for a covered family member with a serious health condition
- to bond with a new child within 12 months after birth or placement
- because of a qualifying military exigency
- bereavement leave for new child

- **Covered Family Members:** child, grandchild, grandparent, parent, sibling, spouse/domestic partner, and any individual who regularly resides in the employee's home or where the relationship creates an expectation that the employee care for the person, and that individual depends on the employee for care

WA PFML Duration of Leave

- **Paid Family Leave: 12 weeks** of leave in a 12-month period
- **Paid Medical Leave: 12 weeks** of leave in a 12-month period
 - Additional **2 weeks** if employee experiences a serious health condition with a pregnancy that results in incapacity
- **Aggregate: 16 weeks** of leave in a 12-month period
 - Additional **2 weeks** if employee experiences a serious health condition with a pregnancy that results in incapacity
- **Bereavement Leave: 7 days**
- **Minimum Claim Duration:**
 - Through December 31, 2025: 8 consecutive hours
 - Beginning January 1, 2026: 4 consecutive hours

WA PFML Job Protection

- **Current:**

- Applies only to employers with 50+ employees in WA
- Employees must have worked for employer for at least 12 months and 1,250 hours during 12 months prior to taking WA PFML

- **As Amended (beginning January 1, 2026):**

- Reduces the length of service requirement to 180 calendar days as of the start of leave
- Eliminates hours requirement
- Expands job protection requirements for employers with fewer than 50 employees as follows:
 - In 2026, employers with 25 or more employees will have job protection obligations
 - In 2027, employers with 15 or more employees will have job protection obligations
 - In 2028, employers with 8 or more employees will have job protection obligations

Additional Impact of WA PFML Amendments

January 1, 2026

- Employers **can count** qualifying federal FMLA leave toward WA PFML job protection
 - Must provide written notice to employees if doing this
 - Notice must be provided the earlier *of* 5 days after the employee requests or uses FMLA leave, and on an on-going basis each month for the FMLA period
- Employers **must** provide notice regarding reinstatement and return to work date
- Eliminates requirements that WA PFML must have at least one day of overlap with FMLA for purposes of benefit continuation



CLE: NEW PROCESS

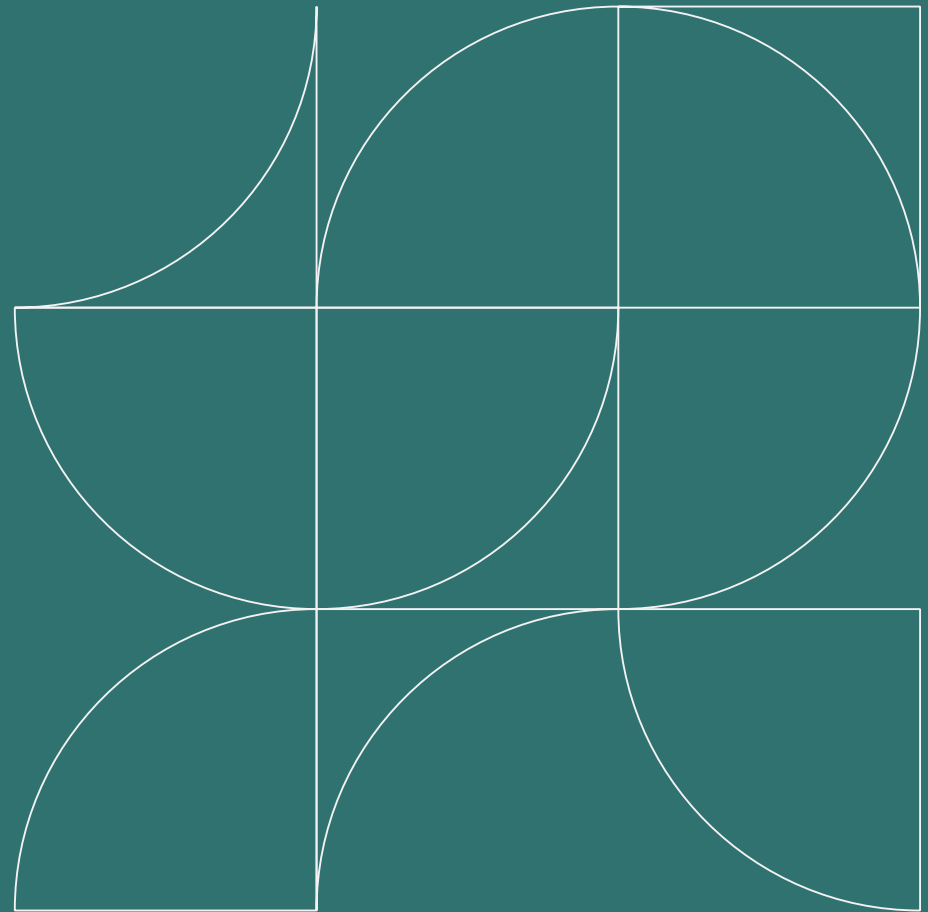
Please scan the QR code and complete the digital attendance verification form to receive CLE credit for this program.

You will need:

1. **Title:** Paid Family Leave Laws - Part XI:
Paid Family Leave Roadmap
2. **Date Viewed:** December 16, 2025
3. **Attendance Verification Code** _____

State-specific CLE credit information can be found in the form.

2026 Federal and State Paid Family Leave Outlook



Additional PFL and PFML 2026 Updates

- **Colorado:**

- 2025 maximum weekly benefit (until June 30, 2025): \$1,324.21
- 2026 maximum weekly benefit (starting July 1, 2025): \$1,381.45

- **Connecticut:**

- 2025 maximum weekly benefit: \$981
- 2026 maximum weekly benefit: \$1,016.40

- **Delaware:**

- 2025 maximum weekly benefit: N/A
- 2026 maximum weekly benefit: \$900

- **Massachusetts:**

- 2025 maximum weekly benefit: \$1,170.64
- 2026 maximum weekly benefit: \$1,230.39

- **Minnesota:**

- 2025 maximum weekly benefit: N/A
- 2026 maximum weekly benefit: \$1,423

- **New Jersey:**

- 2025 maximum weekly benefit: \$1,081
- 2026 maximum weekly benefit: \$1,199

- **New York:**

- 2025 maximum weekly benefit: \$1,177.32
- 2026 maximum weekly benefit: \$1,228.53

- **Oregon:**

- 2025 maximum weekly benefit (through July 5, 2025): \$1,568.60
- 2026 maximum weekly benefit (until June 30, 2026): \$1,636.56

- **Washington:**

- 2025 maximum weekly benefit: \$1,542
- 2026 maximum weekly benefit: \$1,647

Recent PFML Activity and Potential Future Changes



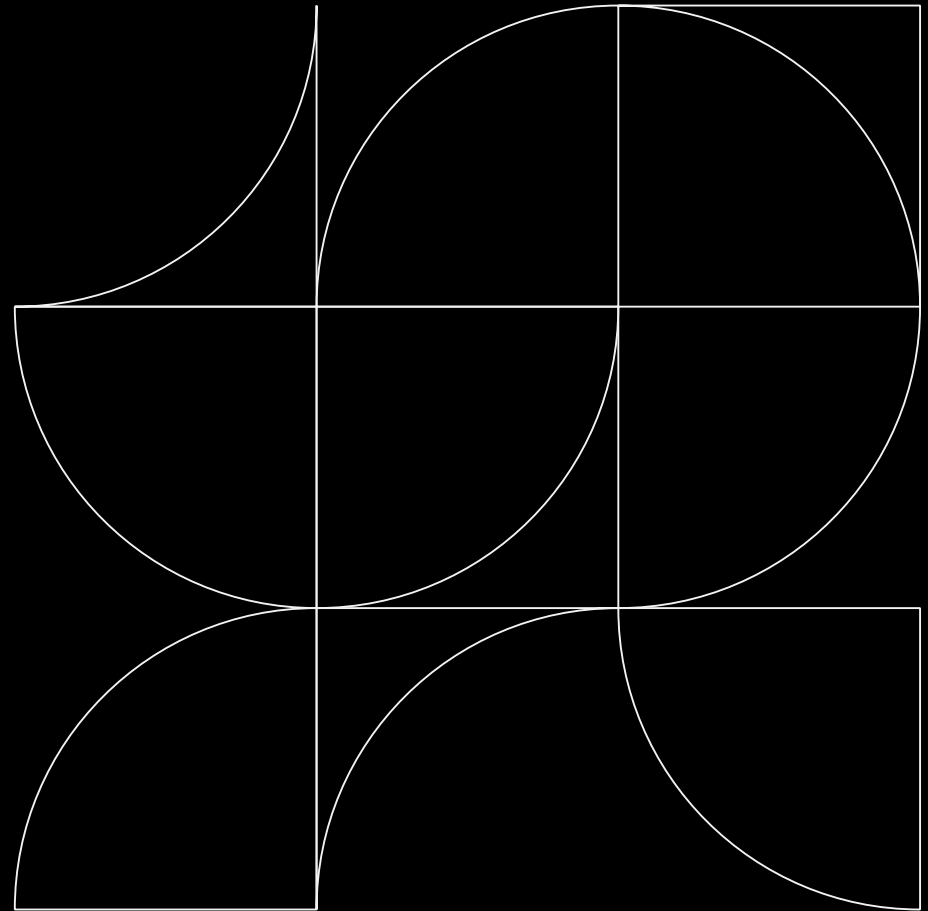
- **Colorado, Washington, Rhode Island:**
Amendments effective 1/1/2026
- **Other Enacted Laws with Expected 2025 Activity:** **Delaware, Maine, Minnesota** (all “go live” in 2026); **Maryland** (effective date delayed via 2025 amendment; aspects of law now begin 2027 – 2028)
- **Where Next (mandatory PFML)?**
 - **Virginia** – Youngkin roadblock removed
 - **New Mexico; Hawaii; Nevada; Michigan; Illinois; Vermont**

Federal Paid Leave Updates

- **I-PLAN (HR 3090):** Creates an “Interstate Paid Leave Action Network (I-PLAN)” that would drive improvements in coordination and harmonization across states.
- **“More Paid Leave for More Americans Act” (HR 3089):** Public/Private Partnership State Paid Leave Pilot Programs – encouraging new states voluntary paid leave programs building upon the private sector.
- **45S Tax Credit:** Expanded in July 2025 via **H.R. 1** (i.e., One Big Beautiful Bill Act)
 - Key Change: Allow companies to claim the credit for PFML insurance premiums (outside of PFML law context), giving them the option to buy short-term disability insurance to cover wages rather than paying workers directly during their absences



Seyfarth Paid Leave Resources



Seyfarth Paid Leave Resources



If you have questions about or would like assistance with the country's **Paid Family Leave “Patchwork”** here are some ways Seyfarth can help:

(A) Premium PFL Survey: Seyfarth maintains a *comprehensive PFL survey* breaking down the specific requirements of *each* existing state and local PFL law.

For more information contact: paidleave@seyfarth.com

(B) Paid Leave Mailing List: Seyfarth regularly publishes Legal Updates and Blog Posts on PFL and other paid leave law developments.

You can sign up here:

<https://connect.seyfarth.com/9/7/landing-pages/subscription.asp>

Seyfarth Paid Leave Resources



(C) Webinar Series – Guidance on PFL: This webinar series is a great tool for you!

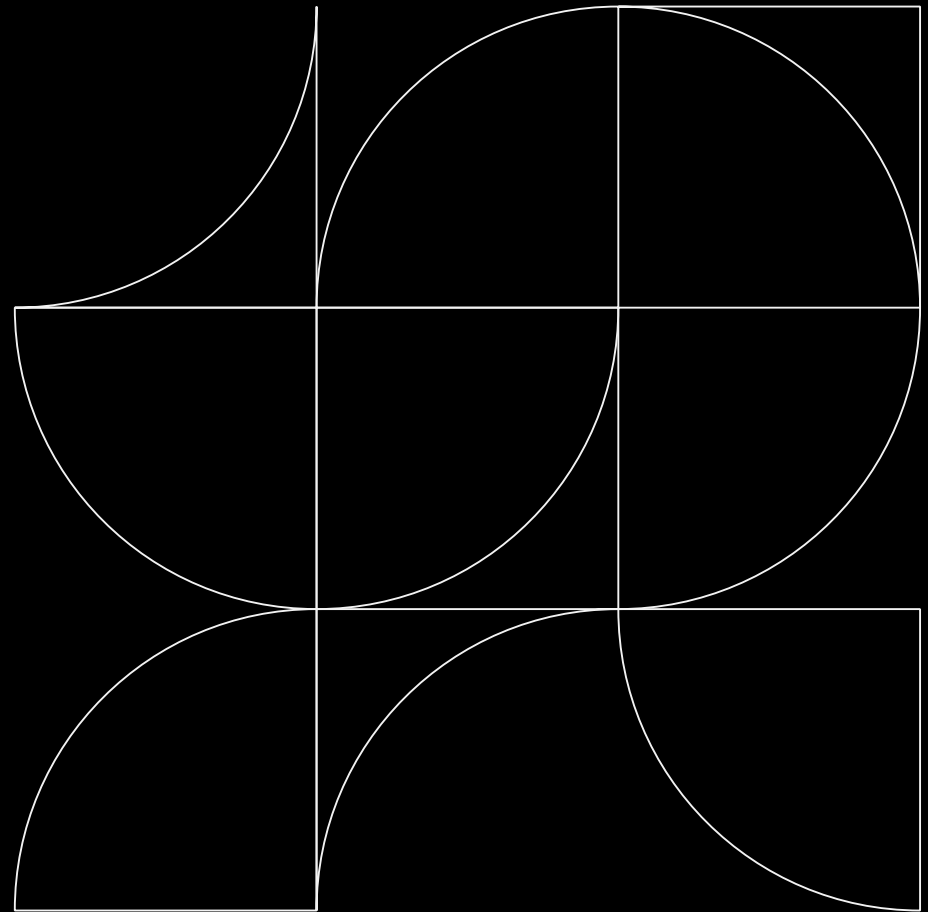
- Part 1 – MA, CT, DC and WA PFL updates
- Part 2 – CA, CO, NJ, NY and OR PFL updates
- Part 3 – Federal Paid Leave Prospects detailed review
- Part 4 – Federal + CT, DC, OR and NH PFL updates
- Part 5 – CT PFML detailed review
- Part 6 – DE, MD, DC, MA and CT PFL updates
- Part 7 – CO, OR and WA PFL updates
- Part 8 – PFL Comparisons and 2023 Mid-Year Update
- Part 9 – PFL Comparisons, Challenges and Federal Outlook
- Part 10 – Spotighting Delaware, Maine, Maryland, and Minnesota
- Part 11 - TODAY!

Note: We also have a separate Webinar Series focused on Paid Sick Leave guidance.

(D) “Take It or Leave It” Podcast: In late 2021, Seyfarth launched a podcast focused exclusively on workplace leaves, absence management, and accommodations. Episodes streaming on Spotify, SoundCloud, and Apple Podcasts, and available on Seyfarth’s website.

More info at: <https://www.seyfarth.com/trends/take-it-or-leave-it-podcast.html>

Questions?



**thank
you**

For more information, please contact:

Josh Seidman

email: jseidman@seyfarth.com

Jean Wilson

email: jwilson@seyfarth.com

Renate Walker

email: rewalker@seyfarth.com

Ashley Casey

email: acasey@seyfarth.com