



# State Family and Medical Leave Laws

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## Summary

In 1993, Congress passed the Family and Medical Leave Act (“FMLA”) to “balance the demands of the workplace with the needs of families.” When the FMLA was enacted, it supplemented approximately 30 state statutes that provided some form of family and medical leave to employees who worked in those states. Although the FMLA and state family and medical leave laws are generally similar with regard to the availability of leave, they differ both in terms of coverage and scope. This report includes summaries of the family and medical leave laws of forty-five states and the District of Columbia. Laws pertaining to family and medical leave and maternity leave were not found in the codes of all 50 states. Summaries of the relevant leave statutes and regulations are organized in alphabetical order.

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In 1993, Congress passed the Family and Medical Leave Act (“FMLA”) to “balance the demands of the workplace with the needs of families.”<sup>1</sup> Recognizing that many employees had to choose between parenting or caregiving and job security, Congress sought to enable employees to take “reasonable leave” for medical reasons, for the birth or adoption of a child, and for the care of a child, spouse, or parent with a serious health condition.<sup>2</sup>

When the FMLA was enacted, it supplemented approximately 30 state statutes that provided some form of family and medical leave to employees who worked in those states. Congress did not intend to preempt these laws.<sup>3</sup> Rather, Congress wanted to establish minimum standards for the availability of family and medical leave, particularly in states that did not have statutes extending such leave to their employees. Congress understood that more favorable leave benefits could be available under some state laws. Thus, section 401(b) of the FMLA indicates that nothing in the federal law “shall be construed to supersede any provision of any State or local law that provides greater family or medical leave rights than the rights established under [the FMLA].”<sup>4</sup>

Although the FMLA and state family and medical leave laws are generally similar with regard to the availability of leave, they differ both in terms of coverage and scope. For example, under the FMLA and many of the state family and medical leave statutes and regulations, only certain employers are required to provide leave to their employees. The FMLA applies only to employers engaged in commerce or in an industry affecting commerce that have at least 50 employees who are employed for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year.<sup>5</sup> In contrast, the state family and medical leave laws vary with regard to the number of employees who must be employed by an employer before it becomes subject to a law.<sup>6</sup>

The FMLA and state family and medical leave laws also differ with regard to scope. Section 102(a)(1) of the FMLA provides for a total of 12 workweeks of leave during any 12-month period for one or more of the following reasons:

- (1) Because of the birth of a son or daughter of the employee and in order to care for such son or daughter;
- (2) Because of the placement of a son or daughter with the employee for adoption or foster care;
- (3) In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition;

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<sup>1</sup> 29 U.S.C. § 2601 *et seq.*

<sup>2</sup> *See* 29 U.S.C. § 2601(b)(2).

<sup>3</sup> *See* S.Rept. 103-3, at 38 (1993).

<sup>4</sup> 29 U.S.C. § 2651(b).

<sup>5</sup> 29 U.S.C. § 2611(4)(I). *See also* 29 U.S.C. § 2611(2)(B)(ii) (Employers who employ 50 or more employees within a 75-mile radius of an employee’s worksite are subject to the FMLA even if they may have fewer than 50 employees at a single worksite.).

<sup>6</sup> For example, in Montana, an employer of just one individual is subject to the relevant state law. Alternately, the Oregon family and medical leave statute applies to an employer of 25 or more employees during each of 20 or more calendar workweeks.

(4) Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.<sup>7</sup>

In contrast, some state laws permit leave for reasons other than pregnancy, adoption, or a serious health condition.<sup>8</sup>

Forty-five states and the District of Columbia now appear to have family and medical leave laws. The following section provides citations and brief descriptions of the relevant laws. Many of the laws identified in this section govern state government employers. Title II of the FMLA amended the U. S. Code to add family and medical leave provisions to title 5 of the Code, the title that governs employees in the federal government. Under the Federal Employees Family Friendly Leave Act, federal employees are also entitled to use sick leave to care for a family member with an illness or injury, to make funeral arrangements for a family member, and to attend the funeral of a family member.<sup>9</sup>

## State Family and Medical Leave Laws

### Alabama

*Ala. Code § 36-27-58 (2007)*: An Employees' Retirement System member may purchase up to one year's service credit in the system for any period of time while he or she is on maternity leave without pay.

*Ala. Code § 16-1-18.1 (2007)* and *Ala. Admin. Code r. 670-X-14-.01 (2007)*: State employees may take sick leave for personal illness, to care for a sick family member, for incapacitating personal injury, for the death of a family member, or for the death or serious illness of a non-family member with strong personal ties to the employee. Employees may accumulate an unlimited amount of sick leave at the rate of one day of leave per month of employment, and sick leave days may be transferred between employees. In case of serious illness, a permanent employee may be advanced an additional 24 days of sick leave.

### Alaska

*Alaska Stat. § 39.20.305 (2007)*: An officer or employee of the state who is otherwise qualified to take leave of absence may take family leave because of a serious health condition for a total of 18 workweeks during any 24-month period. An otherwise qualified officer or employee may take family leave because of pregnancy and childbirth or adoption for a total of 18 workweeks within a 12-month period. An eligible employee may take family leave for the birth or adoption of a child, to care for a child, spouse or parent with a serious health condition, or because of the employee's own health condition.

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<sup>7</sup> 29 U.S.C. § 2612(a)(1).

<sup>8</sup> For example, under Rhode Island law, an employee is entitled to 10 hours of unpaid leave during a 12-month period to attend a child's school conferences or other school-related activities. Similarly, under Louisiana law, employers of 20 or more individuals shall grant up to 40 hours of leave for bone marrow donation.

<sup>9</sup> See 5 U.S.C. § 6307.

## Arizona

*Ariz. Rev. Stat. § 41-783 (2007)*: Personnel rules shall provide for the transfer of accumulated annual leave (1) between state employees in the same agency, or (2) between state employees in different agencies if the employees are members of the same family. Such transfers may occur if the employee to whom the leave is transferred has a seriously incapacitating and extended illness or a seriously incapacitating and extended disability that is caused by pregnancy or childbirth or a member of the employee's immediate family has a seriously incapacitating and extended illness or injury or a seriously incapacitating and extended disability that is caused by pregnancy or childbirth and the employee has exhausted all available leave balances.

*Ariz. Admin. Code § 2-5-404 (2007)*: A state employee may take sick leave for personal illness or for the illness of the employee's spouse, child, or parent. Sick leave may also be taken for a disability caused by pregnancy, childbirth, miscarriage, or abortion.

*Ariz. Admin. Code § 2-5-411 (2007)*: With regard to state employees, "parental leave" means any combination of annual leave, sick leave, compensatory leave, or leave without pay taken by an employee due to pregnancy, childbirth, miscarriage, abortion, or adoption of children. Parental leave shall not exceed 12 weeks. An agency shall not require an employee to exhaust all annual leave, sick leave, or compensatory leave before taking leave without pay.

## Arkansas

*Ark. Code Ann. § 21-4-209 (2007)*: For public employees, maternity leave shall be treated as any other leave for sickness or disability. Accumulated sick leave and annual leave, if requested by the employee, shall be granted for maternity use, after which leave without pay may be used.

*Ark. Code Ann. § 21-4-210 (2007)*: Public employees may be granted up to 6 months leave without pay for maternity and sick leave.

*Ark. Code Ann. § 21-4-215 (2007)*: Public employees are entitled to up to 7 days leave to serve as a bone marrow donor and up to 30 days leave to serve as an organ donor.

## California

*Cal. Gov't Code § 12945 (2007)*: Public employers and private employers with 5 or more employees must provide reasonable accommodations for conditions related to pregnancy and must allow an employee disabled by pregnancy, childbirth or related medical conditions to take up to 4 months of leave and return to work.

*Cal. Gov't Code § 12945.2 (2007)*: Public employees and private employees in organizations with 5 or more workers who have more than 12 months of service and with at least 1,250 hours of service during the previous 12-month period must be allowed up to a total of 12 workweeks in any 12-month period for family care and medical leave. "Family care and medical leave" means any of the following: (1) leave for the birth of a child, the placement of a child with an employee for adoption or foster care, or the serious health condition of a child of the employee; (2) leave to care for a parent or a spouse who has a serious health condition; or (3) leave because of an employee's own serious health condition that makes the employee unable to perform the

functions of the position of that employee, except for leave taken for disability on account of pregnancy, childbirth, or related medical conditions.

*Cal. Gov't Code §§ 19991.6 and 19991.11 (2007)*: State employees are entitled to a year of leave without pay for pregnancy, 30 days leave with pay to be an organ donor, and 5 days leave without pay to be a bone marrow donor.

*Cal. Lab. Code §§ 230.7 and 230.8 (2007)*: No employer who employs 25 or more employees working at the same location shall discharge or in any way discriminate against an employee who is a parent, guardian, or grandparent having custody of one or more children in kindergarten or grades 1 to 12, inclusive, or in a licensed child day care facility, for taking off up to 40 hours each year, not exceeding 8 hours in any calendar month, to participate in activities of the school or licensed child day care facility of any of his or her children or grandchildren.

*Cal. Lab. Code § 233 (2007)*: Any employer who provides sick leave must allow sick leave to be used to attend to the illness of a child, spouse, parent, or domestic partner of the employee.

## **Colorado**

*Colo. Rev. Stat. § 19-5-211 (2007)*: An employer who permits paternity or maternity time off for the birth of a child must allow equal time off for the adoption of a child. If the employer has established a policy providing time off for biological parents, that period of time shall be the minimum period of leave available for adoptive parents. Any other benefits provided by the employer, such as job guarantees or pay or time off to care for a sick child, shall be available to both adoptive and biological parents on an equal basis.

## **Connecticut**

*Conn. Gen. Stat. § 5-248a (2007)*: Each permanent state employee shall be entitled to the following: (1) a maximum of 24 weeks of family leave of absence within any 2-year period upon the birth or adoption of a child of such employee, or upon the serious illness of a child, spouse or parent of such employee; and (2) a maximum of 24 weeks of medical leave of absence within any 2-year period upon the serious illness of such employee or in order for such employee to serve as an organ or bone marrow donor. Any such leave of absence shall be without pay.

*Conn. Gen. Stat. §§ 31-51kk and 31-51ll (2007)*: A public and private employer of 75 or more employees shall grant a total of 16 workweeks of leave during any 24-month period. Leave may be taken for the birth or adoption of a child; to care for a spouse, child or parent with a serious health condition; to serve as an organ or bone marrow donor; because of a serious health condition of the employee; or upon the placement of a child with the employee for foster care.

*Conn. Gen. Stat. §§ 46a-60 and 46a-51 (2007)*: It shall be a discriminatory practice for any state employer and any employer of 3 or more employees to refuse to grant to an employee a reasonable leave of absence for disability resulting from her pregnancy or to deny that employee any compensation to which she is entitled as a result of the accumulation of disability or leave benefits accrued pursuant to plans maintained by the employer.



## Delaware

*Del. Code Ann. tit. 29, § 5120* (2007): For child care purposes, a full-time or part-time employee of the state shall be allowed to use accumulated sick leave upon the birth of a child of the employee or the employee's spouse, or upon the adoption by the employee of a pre-kindergarten age child.

*Del. Code Ann. tit. 29, § 5116* (2007): An employee of the state is entitled to 6 weeks unpaid leave upon the adoption of a minor child.

## District of Columbia

*D.C. Code § 1-612.32* (2007): A voluntary transfer of leave is authorized when a potential recipient state employee will suffer a prolonged absence due to the employee's serious health condition or the employee's responsibility to provide personal care to an immediate relative.

*D.C. Code §§ 32-501 and 32-502* (2007): A public or private employee is allowed 16 workweeks of family leave during any 24-month period for: (1) the birth of a child; (2) the placement of a child with the employee for adoption or foster care; (3) the placement of a child with the employee for whom the employee permanently assumes and discharges parental responsibility; or (4) the care of a family member of the employee who has a serious health condition.

*D.C. Code § 32-503* (2007): A public or private employee who becomes unable to perform the functions of the employee's position because of a serious health condition shall be entitled to medical leave for as long as the employee is unable to perform the functions, except that the medical leave shall not exceed 16 workweeks during any 24-month period.

*D.C. Code §§ 32-1201 and 32-1202* (2007): Any public or private employee who is a parent shall be entitled to a total of 24 hours leave during any 12 month period to attend or participate in a school-related event for his or her child.

## Florida

*Fla. Stat. § 110.221* (2007): The state shall not: (1) terminate the employment of any employee in the career service because of pregnancy or the adoption of a child; (2) refuse to grant to a career service employee parental or family medical leave without pay for a period not to exceed six months; (3) deny a career service employee the use of and payment for annual leave credits for parental or family medical leave; (4) deny a career service employee the use of and payment for accrued sick leave or family sick leave for any reason deemed necessary by a physician or as established by policy. The statute also provides that upon returning at the end of a parental or family medical leave of absence, the employee shall be reinstated to the same job or to an equivalent position with equivalent pay and with seniority, retirement, fringe benefits, and other service credits accumulated prior to the leave period.

## Hawaii

*Haw. Rev. Stat. § 398-3* (2007): Any public or private employee shall be entitled to a total of four weeks of family leave during any calendar year upon the birth or adoption of a child, or to care

for the employee's child, spouse or reciprocal beneficiary, or parent with a serious health condition.

## **Idaho**

*Idaho Admin. Code § 15.04.01.242* (2007): The provisions of the federal Family and Medical Leave Act shall apply without regard to the exclusion for worksites employing less than 50 employees in a 75 mile area, and without the limitation on reinstatement of the highest-paid employees.

*Idaho Admin. Code § 15.04.01.243* (2007): Pregnancy, childbirth, and related medical conditions are considered disabilities for sick leave purposes. Maternity and paternity leave for reasons other than disability shall be leave without pay unless the employee elects to use vacation time.

## **Illinois**

*5 Ill. Comp. Stat. Ann. 400/10* (2007): Public employees may participate in a sick leave bank to be used by any participating employee who has exhausted his or her accrued vacation time, personal days, sick leave, and compensatory time. An employee may only use leave from the sick leave bank for the employee's personal catastrophic illness or injury.

*5 Ill. Comp. Stat. Ann. 327/20* (2007): Public employees may use (i) up to 30 days of organ donation leave in any 12-month period to serve as a bone marrow donor, (ii) up to 30 days of organ donation leave in any 12-month period to serve as an organ donor, (iii) up to one hour or more to donate blood every 56 days, and (iv) up to 2 hours or more to donate blood platelets. Leave to donate blood platelets may not be granted more than 24 times in a 12-month period. An employee may not be required to use accumulated sick or vacation leave time before being eligible for organ donor leave.

*820 Ill. Comp. Stat. Ann. 147/15 and 147/40* (2007): Public employers and private employers of 50 or more people must grant leave of up to a total of 8 hours during any school year, no more than 4 hours of which may be taken on any given day, to attend school conferences or classroom activities related to the employee's child if the conference or classroom activities cannot be scheduled during nonwork hours; however, no leave may be taken by an employee unless the employee has exhausted all accrued vacation leave, personal leave, compensatory leave and any other leave that may be granted to the employee except sick leave and disability leave.

## **Indiana**

*Ind. Admin. Code tit. 31, r. 2-11-4, 2-11-4.5, and 2-11-8* (2007): State employees accumulate paid sick and personal leave.

## **Iowa**

*Iowa Code § 216.6* (2007): Disabilities caused or contributed to by the public employee's pregnancy, miscarriage, childbirth, legal abortion and recovery therefrom are temporary disabilities and shall be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment. Where sufficient leave is not available, the

employer of a pregnant employee shall not refuse to grant to the employee a leave of absence for the period that the employee is disabled because of the employee's pregnancy, childbirth, or related medical conditions, or for 8 weeks, whichever is less.

## **Kansas**

*Kan. Stat. Ann. § 75-5549 (2007)*: State employees may donate annual and sick leave to other state employees who are suffering from, or who have a family member suffering from, an extraordinary or severe illness, injury, impairment or physical or mental condition which has caused, or is likely to cause, the employee to take leave without pay or terminate employment. "Extraordinary or severe" means serious, extreme or life threatening.

*Kan. Admin. Regs. §§ 1-9-5 and 1-9-6 (2007)*: State employees may use sick leave with pay for illness or disability of the employee, including pregnancy, childbirth, miscarriage, abortion, and recovery therefrom; the illness or disability, including pregnancy, childbirth, miscarriage, and abortion, and recovery therefrom of a family member; or for the adoption of a child or placement of a foster child. Employees may also receive up to one year of leave without pay for the same purposes.

## **Kentucky**

*Ky. Rev. Stat. Ann. § 18A.197 (2007)*: State employees with more than 75 hours sick leave may donate sick leave to other state employees who are suffering from, or have an immediate family member suffering from, a medically certified illness, injury, impairment, or physical or mental condition which has caused, or is likely to cause, the employee to go on leave for at least 10 consecutive working days. To qualify for a donation, an employee must have exhausted his or her accumulated sick leave, annual leave, and compensatory leave balances.

*Ky. Rev. Stat. Ann. § 337.015 (2007)*: Public and private employees may take up to 6 weeks leave for the adoption of a child under age 7.

## **Louisiana**

*La. Rev. Stat. Ann. §§ 23:341 and 23:342 (2007)*: Employers of 25 or more people are required to treat problems arising from pregnancy childbirth like any other temporary disability and to provide up to 6 weeks disability leave. Total pregnancy leave, including accrued vacation time, can be up to 4 months.

*La. Rev. Stat. Ann. § 40:1299.124 (2007)*: Employers of 20 or more people shall grant up to 40 hours leave for bone marrow donation.

## **Maine**

*Me. Rev. Stat. Ann. tit. 26, § 636 (2007)*: Employees of public and private employers with 25 or more employees must be allowed to use at least 40 hours of paid leave in a 12-month period to care for a sick child, spouse, or parent, if such leave is provided. "Paid leave" includes sick time, vacation time, and compensatory time, but does not include paid short-term or long-term disability, catastrophic leave or similar types of benefits.

*Me. Rev. Stat. Ann. tit. 26, §§ 843 and 844 (2007)*: Public employees and private employees of organizations that employ 15 or more people are entitled to up to 10 work weeks of family medical leave in any 2 years. “Family medical leave” means leave requested by an employee for: a serious health condition of the employee; the birth of a child or a domestic partner’s child; the adoption placement of a child 16 years of age or younger with the employee or a domestic partner; the serious health condition of a child, parent, spouse, domestic partner, or child of a domestic partner; the donation of an organ for a human organ transplant; or the death or serious health condition of a spouse, domestic partner, parent or child in the state military who dies or incurs a serious health condition while on active duty. Family medical leave may consist of unpaid leave. If an employer provides paid family medical leave for fewer than 10 weeks, the additional weeks of leave added to attain the total of 10 weeks required may be unpaid.

## Maryland

*Md. Code Ann., State Pers. & Pens. § 9-501 (2008)*: A state employee may use sick leave for personal illness or disability; the death, illness, or disability of an immediate family member; the birth or adoption of a child; or a medical appointment of the employee or a member of immediate family.

*Md. Code Ann., State Pers. & Pens. § 9-505 (2008)*: An employee who is responsible for the care and nurturing of a child may use, without certification of illness or disability, up to 30 days of accrued sick leave to care for the child during the period immediately following the birth or adoption placement of the child. If two employees are responsible for the care and nurturing of a child, both employees in aggregate may use, without certification of illness or disability, up to 40 days, not to exceed 30 days for one employee, of accrued sick leave to care for the child during the period immediately following the birth or adoption placement of the child.

*Md. Code Ann., State Pers. & Pens. § 9-604 (2008)*: An employee who receives leave through the Leave Donation Program may only use the leave for an illness or disability of the employee due to the medical condition that existed at the time of the donation; or a catastrophic illness or injury of a member of the employee’s immediate family.

*Md. Code Ann., State Pers. & Pens. § 9-1001 (2008)*: A state employee may use other available accrued leave concurrently with family and medical leave.

*Md. Code Ann., State Pers. & Pens. § 9-1106 (2008)*: State employees are entitled to 30 days of leave to serve as an organ donor and 7 days of leave to serve as a bone marrow donor.

*Md. Code Ann., Lab. & Empl. § 3-802 (2008)*: An employer who provides paid leave following the birth of a child shall provide the same leave following the adoption of a child.

## Massachusetts

*Mass Ann. Laws ch. 149, § 33D (2007)*: Public employees shall be allowed a leave of absence without loss of pay of not more than 8 hours in each calendar year for the purpose of donating platelets, plasma white cells or whole blood to any cancer research center.

*Mass Ann. Laws ch. 149, § 33E (2007)*: Public employees may take a leave of absence of not more than 30 days in a calendar year to serve as an organ donor, without loss of or reduction in

pay, without loss of leave to which he is otherwise entitled and without loss of credit for time or service.

*Mass Ann. Laws ch. 149, § 52D (2007)*: Employers must offer 24 hours of leave during any 12-month period, in addition to leave available under the federal Family and Medical Leave Act, to participate in a child's school activities, or to accompany a child or elderly relative to routine medical or dental appointments.

*Mass. Ann. Laws ch. 149, § 105D (2007)*: State employers and private employers of 6 or more employees must allow 8 weeks maternity leave for the birth of child, adoption of a child under the age of 18, or adoption of a child under the age of 23 if the child is mentally or physically disabled.

## **Michigan**

*Mich. Comp. Laws § 38.1375 (2007)*: Public school employees may purchase service credits for maternity, paternity, or child rearing. The total service credited under this section shall not exceed 5 years.

## **Minnesota**

*Minn. Stat. §§ 18.940 and 181.941 (2007)*: A public and private employer of 21 or more employees must provide up to 6 weeks maternity leave in conjunction with the birth or adoption of a child.

*Minn. Stat. § 181.9412 (2007)*: An employer must allow employees 16 hours during any 12-month period to attend school conferences or school-related activities provided the conferences or school-related activities cannot be scheduled during nonwork hours. This provision also applies to the school activities of foster children.

*Minn. Stat. § 181.9413 (2007)*: An employer must allow employees to use personal sick leave benefits for absences due to an illness of or injury to the employee's child for such reasonable periods as the employee's attendance with the child may be necessary.

*Minn. Stat. § 181.945 (2007)*: A public or private employer of 20 or more employees must grant paid leaves of absence to an employee who seeks to undergo a medical procedure to donate bone marrow. The combined length of the leaves may not exceed 40 work hours, unless agreed to by the employer.

*Minn. Stat. § 181.9456 (2007)*: A public employer of 20 or more employees must grant paid leaves of absence to an employee who seeks to undergo a medical procedure to donate an organ or partial organ to another person. The combined length of the leaves may not exceed 40 work hours for each donation, unless agreed to by the employer.

## **Mississippi**

*Miss. Code Ann. § 25-3-95 (2007)*: Public employees may use major medical leave for the injury or illness of an immediate family member. Any employee may donate a portion of his or her

earned personal leave or major medical leave to another employee who is suffering from a catastrophic injury or illness, or to another employee who has a member of his or her immediate family who is suffering from a catastrophic injury or illness.

*Miss. Code Ann. § 25-3-103 (2007)*: State employers shall provide time off with pay for state employees who donate an organ, bone marrow, blood or blood platelets. Employees may use 30 days in any 12-month period to serve as a bone marrow or an organ donor, up to 1 hour to donate blood every 56 days, and up to 2 hours to donate blood platelets in accordance with appropriate medical standards. Leave for donating blood platelets may not be granted more than 24 times in a 12-month period.

## **Missouri**

*Mo. Rev. Stat. § 105.266 (2007)*: A state employee must be granted a leave of absence of 5 workdays to serve as a bone marrow donor and 30 workdays to serve as a human organ donor.

*Mo. Rev. Stat. § 105.271 (2007)*: Public employees may use the same leave granted to biological parents upon the birth of a child to adopt a child and may use the same leave granted to biological parents to care for a sick child to care for a sick adopted child or stepchild.

## **Montana**

*Mont. Code Ann. § 2-18-606 (2007)*: State employees are entitled to up to 15 days of leave for the birth or adoption of a child.

*Mont. Code Ann. §§ 49-2-101(11) (2007)*: Employer means an employer of one or more persons or an agent of the employer but does not include a fraternal, charitable, or religious association or corporation if the association or corporation is not organized either for private profit or to provide accommodations or services that are available on a nonmembership basis.

*Mont. Code Ann. § 49-2-310 (2007)*: An employer must grant to the employee a reasonable leave of absence for pregnancy; and must allow an employee disabled as a result of pregnancy to use accrued disability or leave benefits.

## **Nebraska**

*Neb. Rev. Stat. § 48-234 (2007)*: An employee who offers maternity leave for the birth of a child must also provide leave for the adoption of a child.

## **Nevada**

*Nev. Rev. Stat. § 392-920 (2007)*: It is unlawful for an employer or his agent to terminate the employment of a person who, as a parent, guardian or custodian of a child appears at a conference requested by an administrator of the school attended by the child, or is notified during his work by a school employee of an emergency regarding the child.

*Nev. Rev. Stat. § 613.335 (2007)*: An employer who offers sick leave must offer leave for pregnancy, miscarriage and childbirth.

## New Hampshire

*N.H. Rev. Stat. Ann. § 100-A:9-a* (2007): Any member of the New Hampshire retirement system who is on leave under the provisions of the federal Family and Medical Leave Act shall be considered in service for purposes of eligibility for death or disability benefits.

## New Jersey

*N.J. Stat. Ann. § 34:11B-3* (2007): A private or public employer of 50 or more employees shall provide family leave to employees who been employed for 1,000 base hours during the immediately preceding 12-month period.

*N.J. Stat. Ann. § 34:11B-4* (2007): An employee shall be entitled to 12 weeks of leave in any 24-month period. Family leave means the birth of a child; the placement of a child in connection with adoption; the serious health condition of a family member. Leave may be paid, unpaid or a combination of paid and unpaid.

## New York

*N.Y. Lab. Law. § 201-c* (2007): Whenever an employer or governmental agency permits leave for the birth of a child, an adoptive parent shall be entitled to the same leave.

*N.Y. Lab. Law. § 202-a* (2007): A public or private employer who employs 20 or more employees must grant leaves of absence for the donation of bone marrow who works for an average of 20 or more hours per week. The combined length of the leaves may not exceed 24 work hours.

*N.Y. Lab. Law. § 202-b* (2007): Any state employee shall be allowed up to 7 days paid leave to donate bone marrow and up to 30 days paid leave to serve as an organ donor. Such leave shall be in addition to any other sick or annual leave allowed.

*N.Y. Workers' Comp. Law § 201(9)* (2007): A private employers' disability benefits shall also include pregnancy.

## North Carolina

*N.C. Gen. Stat. § 95-28.3* (2007): An employer shall grant 4 hours of leave so that an employee may attend or otherwise be involved at a child's school. An employer is not required to pay for leave.

## North Dakota

*N.D. Cent. Code § 54-06-14.1* (2007): State employees who suffer from or have a relative or household member suffering from an extraordinary or severe illness may use shared leave, including both annual and sick leave, that shall not exceed 4 months in any 12-month period.

*N.D. Cent. Code § 54-06-14.2* (2007): State employees who suffer from an extraordinary or severe illness may use shared leave, including both annual and sick leave, that shall not exceed 4 months in any 12-month period.

*N.D. Cent. Code § 54-06-14.4 (2007)*: The state may grant leave of absence, not to exceed 20 workdays for the donation of an organ or bone marrow. An employee may use donated annual leave or sick leave. The state may grant a paid leave for up to 20-workdays.

*N.D. Cent. Code § 54-52.4-01 (2007)*: A state employee shall be entitled to family leave if employed for at least 12-months, and has worked at least 1,250 hours over the previous 12-months.

*N.D. Cent. Code § 54-52.4-02 (2007)*: A state employer shall grant family leave for the care of a child (includes adopted or foster) within 12-months of the child's birth or placement; the care of a child, spouse, or parent with a serious health condition; or because of the employee's serious health condition. An employee may take leave in any 12-month period for not more than 12-workweeks. Leave is not required to be granted with pay.

*N.D. Cent. Code § 54-52.4-03 (2007)*: A state employer that provides leave for its employees for illnesses or other medical or health reasons shall grant an employee's request to use that leave to care for the employee's child, spouse, or parent with a serious health condition. An employee may take not more than 40 hours of leave in any 12 month period. The employer shall compensate the employee for leave.

## Ohio

*Ohio Rev. Code Ann. § 124.136 (2007)*: State permanent full-time and part-time employees who work 30 or more hours per week may be eligible for parental leave and benefits upon the birth or adoption of a child. Employees may elect to receive \$2,000 for adoption expenses in lieu of receiving the paid leave benefit. Parental leave shall not exceed 6 continuous weeks. Use of parental leave does not prohibit taking leave under the federal Family and Medical Leave Act.

*Ohio Rev. Code Ann. § 124.139 (2007)*: A full-time state employee shall receive up to 240 hours of leave with pay during each calendar year for the donation of a liver or kidney. A full-time state employee shall receive up to 56 hours of leave with pay during each calendar year for the donation of bone marrow.

## Oklahoma

*Okla. Stat. tit. 74, § 840-2.20B (2007)*: Any state employee shall be granted a leave of absence of 5 workdays to serve as a bone marrow donor and 30 workdays to serve as a human organ donor.

*Okla. Stat. tit. 74, § 840-2.23 (2007)*: An eligible state employee who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate employment may participate in the state leave sharing program. An employee may use up to 261 days of donated leave during total state employment. An employee suffering from a terminal illness may receive up to 365 days of donated leave during total state employment.

*Okla. Admin. Code § 530:10-15-45 (2007)*: An eligible employee is entitled to family and medical leave for up to a total of 12 weeks during any 12-month period for the birth and care of a newborn child; placement of an adopted or foster child; care for a spouse, son, daughter, or parent



with a serious health condition; and a serious health condition that makes the employee unable to perform the functions of the job.

## Oregon

*Or. Rev. Stat. § 659A.153 (2007)*: A public or private employer of 25 or more persons during each of 20 or more calendar workweeks is required to grant family leave to eligible employees.

*Or. Rev. Stat. § 659A.156 (2007)*: An employee shall have worked 180 days or 25 hours per week during the 180 days immediately before the date on which the family leave would commence.

*Or. Rev. Stat. § 659A.159 (2007)*: Family leave may be taken to care for an infant or newly adopted child under 18 years of age, or for a newly placed foster child under 18 years of age, or for an adopted or foster child older than 18 years of age if the child is incapable of self-care because of a mental or physical disability; to care for a family member with a serious health condition; to recover from or to seek treatment for a serious health condition of the employee; or to care for a child who is suffering from an illness, injury or condition that is not a serious health condition but that requires home care. Leave must be completed within 12 months after birth or placement of the child.

*Or. Rev. Stat. § 659A.162 (2007)*: An eligible employee is entitled to up to 12 weeks of family leave within any one-year period. In addition, a female employee may take a total of 12 weeks within any one-year period for an illness, injury or condition related to pregnancy or childbirth. An employee may take an additional 12 weeks of leave within one year to care for a sick child.

*Or. Rev. Stat. § 659A.312 (2007)*: An employer shall grant already accrued paid leave to an employee for the donation of bone marrow. The leave shall not exceed accrued paid leave or 40 work hours, whichever is less. An employee shall have worked an average of 20 or more hours per week.

## Rhode Island

*R.I. Gen. Laws § 28-48-1 (2007)*: A private employer of 50 or more employees, a state employer, and a public employer of 30 or more employees are required to grant parental and family leave.

*R.I. Gen. Laws § 28-48-2 (2007)*: An employee shall be entitled to 13 weeks of parental or family leave in any 2 calendar years. Leave may consist of paid and unpaid leave.

*R.I. Gen. Laws § 28-48-11 (2007)*: An employer who allows sick time or sick leave to be utilized after the birth of a child shall allow the same time for the adoption placement of a child 16 years of age or less.

*R.I. Gen. Laws § 28-48-13 (2007)*: An employee shall be entitled to 10 hours during 12 months to attend school conferences or other school-related activities for a child. The employee is not entitled to paid leave; except accrued paid leave.

## South Carolina

*S.C. Code Ann. § 8-11-40* (2006): Eligible full-time state employees are entitled to 15 days' sick leave a year with pay. Eligible part-time state employees are entitled to sick leave prorated on the basis of 15 days a year. Employees may use no more than 10 days of sick leave annually to care for ill members of their immediate families.

*S.C. Code Ann. § 8-11-65* (2006): A public employee who wishes to be an organ donor and who accrues annual or sick leave is entitled to leave of up to 30 days in a fiscal year.

*S.C. Code Ann. § 8-11-155* (2006): A state adoptive parent may use up to 6 weeks of accrued sick leave to care for a child after placement.

*S.C. Code Ann. §§ 8-11-700 and 8-11-710* (2006): State employees may request leave from the pool leave account for a personal emergency.

*S.C. Code Ann. § 44-43-80* (2006): A public or private employer of 20 or more employees may grant paid leave for the donation of bone marrow. An employee who works an average of 20 or more hours a week may request paid leave not to exceed 40 work hours.

## South Dakota

*S.D. Codified Laws § 3-6-7* (2007): An eligible state employee may use up to 5 days for sick leave for personal emergency. Adoption of a child is treated as natural childbirth for leave purposes.

*S.D. Codified Laws § 3-6-8* (2007): Sick leave, not exceeding 28 days, may be advanced to an employee who has used up all of his accumulated and earned leave.

*S.D. Codified Laws § 3-6-10* (2007): Employees may take leave without pay.

## Tennessee

*Tenn. Code Ann. § 4-21-408* (2007): Full-time employees of private and public employers with 100 full-time employees may be absent for up to 4 months for adoption, pregnancy, childbirth and nursing an infant. Leave may be with or without pay.

*Tenn. Code Ann. § 8-50-802* (2007): Sick leave for maternity or paternity for state employees shall not exceed the accumulated sick leave balance or 30 working days, whichever is less.

*Tenn. Code Ann. § 8-50-806* (2007): State adoptive parents are granted a special 30-day leave. An employee may use sick leave for all or a portion of that 30 days, not to exceed the employee's leave balance if the child is one year old or less.

*Tenn. Code Ann. §§ 8-50-905 and 8-50-907* (2007): An eligible state employee may participate in the sick leave bank. Participants may be granted up to 90 days of leave.

## Texas

*Texas Gov't Code Ann. § § 661.004 and 661.006 (2007):* An eligible state employee may withdraw time contributed to an agency-sponsored sick leave pool for the catastrophic illness or injury of the employee or an immediate family member. Time withdrawn shall not exceed the lesser of 1/3 of the total time in the pool or 90 days.

*Texas Gov't Code Ann. § 661.206 (2007):* A state employee may use up to 8 hours of sick leave to attend parent-teacher conferences.

*Texas Gov't Code Ann. § 661.902 (2007):* A state employee is entitled to emergency leave without a deduction in salary because of death in the family.

*Texas Gov't Code Ann. § 661.906 (2007):* A state employee is entitled to leave without a deduction in salary for attending meetings regarding a foster child.

*Texas Gov't Code Ann. § 661.909 (2007):* A state employer may grant leave without pay. Leave may not exceed 12-months.

*Texas Gov't Code Ann. § 661.913 (2007):* A state employee who has been employed for fewer than 12 months or who worked fewer than 1,250 hours during the 12-month period preceding the beginning of leave is eligible to take parental leave of absence not to exceed 12 weeks for the birth of a natural child or adoption or foster care placement of a child younger than 3 years of age. The employee must first use all available and applicable vacation and sick leave while taking the leave, and the remainder of the leave is unpaid.

## Vermont

*Vt. Stat. Ann. tit. 21, § 471 (2007):* Parental leave requirements apply to a private or public employer of 10 or more individuals who are employed for an average of 30 hours per week during a year. Family leave requirements apply to private and public employers of 15 or more individuals who are employed for an average of 30 hours per week during a year. "Family leave" means leave for the serious illness of the employee or the employee's child, stepchild or ward who lives with the employee, a foster child, parent, spouse, or parent of the employee's spouse. "Parental leave" means leave for the birth of a child or the initial placement of a child 16 years of age or younger for adoption.

*Vt. Stat. Ann. tit. 21, § 472 (2007):* An employee, during any 12-month period, shall be entitled to take unpaid leave not to exceed 12 weeks for parental or family leave. The employee may use accrued sick, vacation, or other accrued paid leave, not to exceed 6 weeks.

*Vt. Stat. Ann. tit. 21, § 472a (2007):* In addition, an employee shall be entitled to take unpaid leave not to exceed 4 hours in any 30-day period and not to exceed 24 hours in any 12-month period to attend a child's school activities; family member's medical/dental or professional services appointments; and to respond to a child's medical emergency.

## Virginia

*Va. Code Ann. § 51.1-1107 (2007)*: Eligible state employees shall receive a calculated amount of family and personal leave based on the number of months of state service.

*Va. Code Ann. § 51.1-1108 (2007)*: Eligible state employees can take family and personal leave for short-term incident, illness or death of a family member, or other personal need. Employers shall compensate employees 100% for each hour taken, not to exceed the employee's family and personal leave balance.

*Va. Code Ann. § 51.1-1110 (2007)*: Short-term disability benefits shall be payable only during periods of total disability, partial disability, maternity leave, or periodic absences due to a major chronic condition.

## Washington

*Wash. Rev. Code § 41.04.665 (2007)*: A state employer may permit an employee to receive leave if the employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature. The employee shall not receive more than 260 days leave from the leave sharing program.

*Wash. Rev. Code § 49.78.020 (2007)*: A private or public employer of 50 or more employees is required to provide medical and family leave.

*Wash. Rev. Code § 49.78.220 (2007)*: An employee is entitled to a total of 12 workweeks of leave during any 12-month period for the birth and care of a child; the placement of a child for adoption or foster care; to care for a family member who has a serious health condition; or because of a serious health condition of the employee.

*Wash. Rev. Code § 49.78.240 (2007)*: Leave granted may consist of unpaid leave.

*Wash. Rev. Code § 49.78.380 (2007)*: Nothing in the state's family leave provisions shall be construed to discourage employers from adopting or retaining leave policies more generous than any policies that comply with the requirements under this chapter.

*Wash. Rev. Code § 49.78.390 (2007)*: Family leave provided under state law and leave under the federal Family and Medical Leave Act is in addition to any leave for sickness or temporary disability because of pregnancy or childbirth.

## West Virginia

*W. Va. Code § 21-5D-3 (2007)*: A public employer is not prohibited from providing employees with rights to family leave which are more generous.

*W. Va. Code § 21-5D-4 (2007)*: An employee shall be entitled to 12 weeks of unpaid family leave, following the exhaustion of all annual and personal leave, during any 12-month period. Leave may be taken because of the birth of a child, the placement of an adopted child, or to care for a child, spouse, parent or dependent who has a serious health condition.

*W. Va. Code § 29-6-28 (2007)*: A full-time state employee shall receive up to 120 hours of paid leave for donation of a liver or kidney. A full-time state employee shall receive up to 56 hours of paid leave for the donation of bone marrow.

*W. Va. Code R. § 143-2-3 (2007)*: An eligible employee may receive donations of annual leave for the medical condition of the employee or a member of the employee's immediate family.

## **Wisconsin**

*Wis. Stat. § 103.10 (2006)*: Family leave applies to state employers and private employers of 50 or more individuals on a permanent basis. Eligible employees must have been employed for at least 1,000 hours during the preceding 52-week period. In a 12-month period, an employee may take 6 weeks for the birth or adoption placement of a child; 2 weeks to care for a child, spouse, or parent who has a serious health condition; or 8 weeks for any combination of reasons. No employee may take more than 2 weeks of medical leave during a 12-month period. An employee may use paid or unpaid leave.

*Wis. Stat. § 230.35 (2006)*: A state employer shall grant 5 workdays of leave to a bone marrow donor. A state employer shall grant 30 workdays of leave to a human organ donor. An employee shall receive his or her base state pay without interruption during the leave of absence.

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