



State Family and Medical Leave Laws that are More Expansive than the Federal FMLA

Dropping the Employer Threshold

The federal FMLA applies to employers with 50 or more employees. Because of this threshold requirement, 40% of private workers are not covered by the FMLA. Several states that have their own FMLAs have lowered their threshold to cover more workers.

State	Threshold
Maine	15 or more (private employers) ¹ 25 or more (city or town employers) ²
Minnesota	21 or more (provides parental leave only) ³
Oregon	25 or more ⁴
Rhode Island	50 or more (private employers) ⁵ 30 or more (public employers) ⁶
Vermont	10 or more (parental leave) ⁷ 15 or more (family and medical leave) ⁸
Washington	50 or more (FMLA reasons besides insured parental leave) ⁹ All employers (insured parental leave) ¹⁰
District of Columbia	20 or more ¹¹

Expanding the Definition of Family

The federal FMLA allows a worker to take leave to care for a new child or to care for a parent, a spouse, or a child under the age of 18 (or older if the child qualifies as a person with a disability) with a serious health condition. In 2008, the FMLA was amended to allow for 26 weeks of leave for military family members caring for wounded servicemembers. For this military family expansion, the definition of “family” has been increased to include next of kin.¹² State FMLA laws have also expanded the definition of family to include a wider range of family members.

State	Definition of family (beyond child, spouse and parent)
California	Domestic partner and domestic partner’s child ¹³
Connecticut	Civil union partner ¹⁴ , parent-in-law ¹⁵
Hawaii	Grandparent, parent-in-law, grandparent-in-law ¹⁶ or an employee’s reciprocal beneficiary ¹⁷
Maine	Domestic partner and domestic partner’s child ¹⁸ , siblings ¹⁹
New Jersey	Civil union partner and child of civil union partner ²⁰ , parent-in-law, step parent ²¹
Oregon	Domestic partner ²² , grandparent, grandchild or parent-in-law ²³
Rhode Island	Domestic partners of state employees, parent-in-law ²⁴
Vermont	Civil union partner ²⁵ , parent-in-law ²⁶
Wisconsin	Parent-in-law ²⁷
District of Columbia	Related to the worker by blood, legal custody, or marriage; person with whom the employee lives and has a committed relationship; child who lives with employee and for whom employee permanently assumes and discharges parental responsibility ²⁸

Increasing Uses for FMLA Leave

The federal FMLA provides for leave if the worker has serious health condition, to care for a family member with a serious health condition, to care for a new child, to care for a servicemember family member who has a serious injury or illness incurred in the line of duty, and to address qualifying exigencies arising out of a family member's deployment. States with their own FMLAs have expanded how workers can use FMLA leave.

State	Uses of FMLA Leave
Connecticut	Organ or bone marrow donor ²⁹
Maine	Organ donor ³⁰ ; death of employee's family member if that family member is a servicemember killed while on active duty ³¹
Oregon	Care of for the non-serious injury or illness of a child that requires home care ³²

In addition, several states have passed FMLA-type statutes to give parents unpaid leave to attend their child's school or educational activities (examples include California³³, the District of Columbia³⁴, Massachusetts³⁵, Minnesota³⁶, Rhode Island³⁷, Vermont³⁸). States have passed FMLA-type statutes to give workers unpaid leave to take family members to routine medical visits (examples include Massachusetts³⁹ and Vermont⁴⁰). And states have passed FMLA-type statutes to give workers unpaid leave to address the effects of domestic violence, stalking, or sexual assault (examples include Colorado⁴¹, Florida⁴², Hawaii⁴³, and Illinois⁴⁴).

¹ 26 ME. REV. STAT. ANN. § 843 (3)(A).

² 26 ME. REV. STAT. ANN. § 843 (3)(C).

³ MINN. STAT. § 181.940 (Subd. 3).

⁴ OR. REV. STAT. § 659A.153 (1).

⁵ R.I. Pub. Laws § 24-48-1(3)(i).

⁶ R.I. Pub. Laws § 24-48-1(3)(iii).

⁷ 23 VSA § 471(4).

⁸ 23 VSA § 471(3).

⁹ RCW § 49.78.020(5).

¹⁰ RCW § 49.86.010 (6)(a); RCW § 50.50.080(1).

¹¹ D.C. Code § 32-516(2).

¹² 29 U.S.C. § 2612 (a)(3).

¹³ CAL. FAM. CODE § 297.5.

¹⁴ CONN. GEN. STAT. § 46b-38nn.

¹⁵ CONN. GEN. STAT. § 31-51kk (7).

¹⁶ HAW. REV. STAT. § 398.1.

¹⁷ HAW. REV. STAT. § 398.3.

¹⁸ 26 ME. REV. STAT. ANN. § 843 (4)(D).

¹⁹ LD 2130 (takes effect June 2008).

²⁰ N.J. STAT. ANN. § 37:1-31.

²¹ N.J. STAT ANN. § 34-11B(3)(h).

²² HB 2007.

²³ OR. REV. STAT. § 659A.150 (4).

²⁴ R.I. Pub. Laws § 24-48-1(5).

²⁵ 23 VSA § 1204(a).

²⁶ 23 VSA § 471(3)(B).

²⁷ WIS. STAT. § 103.10(1)(f).

²⁸ D.C. Code 32-501(A), (B), (C).

²⁹ CONN. GEN. STAT. § 31-51ll (2)(E).

³⁰ 26 ME. REV. STAT. ANN. § 843 (4)(E).

³¹ 26 ME. REV. STAT. ANN. § 843 (4)(F).

³² OR. REV. STAT. § 659A.159 (d).

³³ CAL. LAB. CODE § 230.8.

³⁴ D.C. Code 32-1202.

³⁵ MASS. GEN. LAWS. Ch. 149 § 52(D)(b)(1).

³⁶ MINN. STAT. § 181.9412.

³⁷ R.I. Pub. Laws § 24-48-12.

³⁸ 23 VSA § 472a (a)(1).

³⁹ MASS. GEN. LAWS. Ch. 149 § 52(D)(b)(2)&(3).

⁴⁰ 23 VSA § 472a (a)(2).

⁴¹ COLO. REV. STAT. § 24-34-402.7.

⁴² FLA. STAT. § 741.313.

⁴³ HAW. REV. STAT. § 378-72.

⁴⁴ 820 ILL. COMP. STAT. 180/1-180/45