



2006

## State-by-State Guide to Unpaid, Job-Protected Extended Time off Laws

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# State-by-State Guide to Unpaid, Job-Protected Extended Time off Laws<sup>\*</sup>

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<sup>\*</sup> Based in part on National Partnership for Women, *State-by-State Guide to Unpaid, Job Protected Family and Medical Leave Laws* (2003), available at <http://www.nationalpartnership.org/portals/p3/library/FamilyMedicalLeave/StateunpaidFMLLaws.pdf> (last visited Sept. 25, 2006).

Applicable Statute or Regulation	Covered Employers	Employee Eligibility	Qualifying Reasons	Amount of Time Off	Relationship to Other Types of Time Off	Benefits	Other Significant Differences from Federal FMLA
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<b>Alabama</b>							
N/A							
<b>Alaska</b>							
Alaska Stat. §§ 39.20.305, 39.20.500 to .550	State facility that employs at least 21 employees during 20 consecutive weeks who live w/in 50 miles of the employment facility	State gov't employees who have worked at least 35 hrs/wk for 6 months OR at least 17.5 hrs/wk for 12 months	Serious health condition of self or family member; pregnancy, childbirth or adoption for both male and female employees	18 weeks in 2 years for serious health condition of self or family member; AND 18 weeks in 1 year for pregnancy, childbirth, or adoption	Guaranteed time off is unpaid. An employee taking time off under this section shall use accrued paid time off until the employee has only five days of paid time off remaining. The employee may choose whether to retain a balance of five days of paid time off and take the remaining time off as unpaid or whether to exhaust the paid time off balance.	The employer shall maintain group health insurance during the employee's time off, but the employer may require that the employee pay all or part of the costs for maintaining health insurance coverage during a period of unpaid time off.	
<b>Arizona</b>							
Ariz. Admin. Code § R2-5-412	State gov't	State gov't employees	Serious health condition of self or family member	12 weeks in 1 year	An employee with a serious health condition may take up to 12 weeks of time off. The employee must first exhaust all accrued sick and annual time off to which the employee is entitled, and remaining time off will be unpaid.		
Ariz. Admin. Code § R2-5-411	State gov't	State gov't employees	Pregnancy, childbirth, miscarriage, abortion, or adoption of children	12 weeks in 1 year	Employees are not required to exhaust all annual time off, sick time off, or compensatory time off before taking parental time off without pay; employees may specify the number of hours of annual time off, sick time off, or compensatory time to apply to parental time off.		
2006 Ariz. Sess. Laws 11 (revising Ariz. Rev. Stat. § 41-783)	State gov't	State gov't employees	Seriously incapacitating illness or injury of self or family member; seriously incapacitating illness of self or family member related to pregnancy	Time off donated by other employees may not exceed 6 consecutive months	Accumulated time off may be transferred from one employee to another within the same agency, or between two employees at different agencies if the employees are members of the same family. An employee must exhaust all own available time off before using transferred time off.		"family" means spouse, natural child, adopted child, foster child, stepchild, natural parent, stepparent, adoptive parent, grandparent, grandchild, brother, sister, sister-in-law, brother-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew or niece
Ariz. Admin. Code § R2-5-413 to -414	State gov't	State gov't employees	Time off if employee is unable to work due to a non-job-related, seriously incapacitating and extended illness or injury	Up to 180 days	The employee must exhaust all other time off, including any time off donated to the employee.		

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Arkansas							
Ark. Code Ann. § 21-4-210	State agency	Permanent or probationary state employees	Discretionary leave of absence without pay	Up to 6 months	Except with respect to maternity time off, time off shall not be granted until all of the employee's accumulated vacation time has been exhausted. Time off due to illness shall not be granted until all of the employee's accumulated sick time has been exhausted. In the case of maternity time off, the employee may elect to take unpaid time off without exhausting accumulated vacation and sick time.	Nothing in this subsection shall preclude an employee from paying the total costs of agency group insurance during such time off and being reinstated into such a program on return to duty.	
California							
Cal. Gov't Code § 12945	Public and private sector employers with 5 or more employees	Female employees	Pregnancy, childbirth, or related medical conditions	"Reasonable period of time" not to exceed 4 months	The employee shall be entitled to utilize any accrued vacation time during this period of time off.		"Reasonable period of time" means that period during which the female employee is disabled on account of pregnancy, childbirth, or related medical conditions.
Cal. Gov't Code § 12945.2	Employers with 50 or more employees within 75 miles of the worksite; or the state; or any political or civil subdivision of the state and cities	Employees with at least 12 months of service and 1,250 hours within 12 months	Serious health condition of self or family member; birth or placement of a child of the employee	12 weeks in 1 year	An employee may elect, or an employer may require the employee, to substitute accrued vacation time as part of time off taken under this section, or other time off as agreed upon by employee and employer. For employee's own serious health condition, employer may require employee, or employee may elect, to use accrued sick time as part of time off under this section. The employee may not use accrued sick time for the birth or placement of a child or to care for a family member with a serious health condition unless agreed upon with the employer.	Same as federal FMLA	
Cal. Gov't Code § 19991.6	State agency	Permanent state employees	Time off for pregnancy, childbirth, or recovery therefrom; to care for a newborn; or for adoption of a child	Not to exceed 1 year			

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<b>Colorado</b>							
4 Colo. Code Regs. § 801-1	State gov't	Employees with 12 months total state service or 1,250 hours within the previous 12 months	Same as federal FMLA		All other types of time off run concurrently with time off taken pursuant to the federal FMLA and do not extend the time to which the employee is entitled. The employee must first use all accrued personal time off subject to the conditions for use of such time. Employees are not required to first use their workers' compensation time or their compensatory time earned in lieu of overtime pay.	If the time off taken under the federal FMLA is unpaid, the employee must pay the employee share of premiums as prescribed by benefits and payroll procedures.	
<b>Connecticut</b>							
Conn. Gen. Stat. §§ 31-51kk to 31-51nn	Private sector employers with 75 or more employees	Employees who have worked at least 1,000 hours within the 12 months preceding time off	As in federal FMLA, plus time off for organ donation	16 weeks in 24 months	An employee may elect, or an employer may require the employee, to substitute any of the employee's accrued paid vacation days, personal days, family time off or medical or sick time off for any part of this 16-week period.	The taking of time off shall not result in the loss of any employment benefit accrued prior to the date on which the time off commenced.	
Conn. Gen. Stat. § 46a-60	The state and all political subdivisions thereof and any person or employer with 3 or more employees	Female employees, except those employed by a family member or in domestic service	Employer must provide "reasonable" time off for a female employee with a pregnancy related disability				
Conn. Gen. Stat. § 5-248a	State gov't	Permanent state gov't employees	Birth, adoption, or placement of child, or serious health condition of family member; AND for employee's own serious health condition or to be organ or bone marrow donor	24 weeks in 2 years for birth, adoption, or serious health condition of family member; AND 24 weeks in 2 years for own serious health condition or organ or bone marrow donation  Total time off: 48 weeks in 2 years	The time off granted by this section shall be in addition to any other paid time off which is otherwise available to the employee	The state shall pay for the continuation of health insurance benefits for the employee during any time off taken pursuant to this section. The employee shall contribute that portion of the premium the employee would have been required to contribute had the employee remained an active employee during the time off.	

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<b>Delaware</b>							
Del. Code Ann. tit. 29, § 5116	State gov't	Employees who have been employed full-time for at least 1 year	Time off for adoption of a child by employee	6 weeks	Employees shall be entitled to utilize accumulated sick time to travel out of the United States for the purpose of adopting a child from a foreign country. Before time off shall be granted the employees must provide documentation that they have applied for the adoption and that the travel is required for the adoption to be approved. Once the adoption has been approved the employee's time off will be pursuant to the federal FMLA.		
<b>District of Columbia</b>							
D.C. Code §§ 32-501 to -503	Public or private employer who employs 20 or more persons in the District.	Employees who have worked for 1 year for the employer for at least 1,000 hours w/in previous year	Time off for birth or placement of child or serious health condition of family member; AND time off for employee's own serious health condition	16 weeks in 2 years for birth or placement of child or serious health condition of family member; AND 16 weeks in 2 years for employee's own serious health condition  Total time off: 32 weeks in 2 years	Any paid family, vacation, personal, or compensatory time off provided by an employer that the employee elects to use for family time off shall count against the 16 workweeks of allowable family time off provided in this chapter.		Family member: person related by blood, legal custody, or marriage; child who lives with employee; person who has shared a mutual residence within last year with employee and with whom employee maintains a committed relationship
<b>Florida</b>							
Fla. Stat. §§ 110.123, 110.221	State gov't	State gov't employees: "career service" employees	Serious illness of self or family member ("serious family illness"); birth or adoption of a child	Employer shall not refuse to grant time off for a period not to exceed 6 months	A career service employee may use accrued sick time or family sick time for any reason deemed necessary by a physician or as established by policy.	The state shall continue to pay the healthcare premiums for full-time employees or part-time permanent employees in the respective proportions for up to 6 months for any such employee who has been granted an approved parental or medical time off without pay.	Serious family illness: including an accident, disease; or condition that poses imminent danger of death, requires hospitalization involving an organ transplant, limb amputation, or other procedure of similar severity; or any other mental or medical condition that requires constant in-home care

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<b>Fla. (cont.)</b>							
Fla. Admin. Code Ann. r. 60L-34.0051	State agencies	State agency employees	Serious health condition of family member as defined by federal FMLA; birth or adoption of a child by employee; non-medical family responsibilities	Up to 6 months for serious health condition of family member or birth or adoption. Up to 30 days for non-medical family responsibilities, provided that time off does not have a material effect on the employee's work unit	The employee may request to use accrued leave credits. If the employee does not so request, the agency shall place the employee on time off without pay.		Non-medical family responsibility: including but not limited to caring for aging parents, involvement in settling parents' estate upon death, relocating children into schools, visiting family members in places that require extensive travel time
<b>Georgia</b>							
Ga. Comp. R. & Regs. 478-1-.18	State gov't	State gov't employees on "permanent or working test status"	Employee "may", upon approval by appointing authority, obtain job-protected time off w/o pay for any personal reason	Not to exceed 12 months	Upon approval of the appointing authority, an employee may use accrued sick time for absence due to personal illness or disability; for dental or medical care; for the adoption of a child by the employee where the employee's presence is required for health-related reasons; and for absence due to dental care or medical care, illness, accident or death in the employee's immediate family which requires the employee's presence.	The employer will pay for the employee's health insurance during approved family or medical time off for up to 12 weeks	Immediate family: the employee's spouse, child, parent, brother, sister, or dependent residing with employee
<b>Hawaii</b>							
Haw. Rev. Stat. §§ 398-1 to -10	Public or private sector employers with 100 or more employees	Employees who have worked for at least 6 consecutive months	Birth or adoption of a child, care for a family member with serious health condition	4 weeks in 1 year	An employee or employer may elect to substitute any of the employee's accrued paid time off as part of the 4 weeks of family time off, provided that an employee shall not use more than ten days of sick time per year for this purpose		Family member: child, parent, parent-in-law, spouse, reciprocal beneficiary, legal guardian, grandparent, or grandparent-in-law
<b>Idaho</b>							
Idaho Admin. Code r. 15.04.01.242	State gov't FMLA applies without regard to the exclusion for worksites employing fewer than 50 employees in a 75 mile area, and without the limitation on reinstatement of the highest-paid employees	State gov't employees	As in federal FMLA				

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<b>Illinois</b>							
Ill. Admin. Code tit. 2, § 600.686	State gov't	State gov't employees	As in federal FMLA	As in federal FMLA, but may be extended for up to 6 months at the discretion of the Auditor General	Accrued sick and vacation time off may be applied to family or medical time off at the employee's option.	The State will continue to pay the premiums for the basic (State-paid) health and life insurances for an employee on sick time off until expiration of authorized time off and return to active service, but not to exceed twenty-four (24) months	
<b>Indiana</b>							
N/A							
<b>Iowa</b>							
Iowa Code § 216.6	Public and private sector employers who employ 4 or more persons regularly	Female employees, except those who work for family members, those who work in the employer's home if the employer or members of the employer's family reside there at the time, and personal service employees	Where time off is insufficient or unavailable under private health, temporary disability time off, or sick plans, employers shall not refuse to grant a pregnant employee time off for pregnancy related disability	For the period of pregnancy disability or 8 weeks, whichever is less			
11 Iowa Admin. Code r. 63.4(8A)	Employees in executive branch of state gov't	As in federal FMLA	As in federal FMLA				
11 Iowa Admin. Code r. § 63.5 (8A)	Employees in executive branch of state gov't	State gov't employees	Unpaid time off at discretion of employer	Up to 1 year			
<b>Kansas</b>							
N/A							



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Kentucky							
Ky. Rev. Stat. Ann. §§ 337.010 to .015	Public and private sector employers	Public and private employees, subject to exceptions in this section	Reasonable personal time off for adoption of a child under the age of 7	Not to exceed 6 weeks			Employee shall not include individuals employed: in agriculture; in a bona fide executive, administrative, supervisory, or professional capacity; as an outside salesman or outside collector; by the United States; in domestic service in a private home; in retail stores or service industries with less than \$95,000 in gross sales for the past 5 years; as babysitters, caregivers, or newspaper delivery persons; as camp employees; as employees of 24-hour residential care facilities for children; or any individual classified and given a certificate by the commissioner showing a status of learner, apprentice, worker with a disability, sheltered workshop employee, or student
101 Ky. Admin. Regs. 2:102	State gov't	State gov't employees	As in federal FMLA				
Louisiana							
La. Rev. Stat. Ann. § 23:341 to :342	Private and public sector employers with more than 25 employees in each of 20 or more weeks in the preceding calendar year	Female employees	Unlawful to refuse to allow time off for childbirth related disability for a "reasonable period of time"	Not to exceed 6 weeks for normal childbirth, but may take up to 4 months	Employee shall be entitled to utilize any accrued vacation time during this period.		

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<b>Maine</b>							
Me. Rev. Stat. Ann. tit. 26, § 843	Private sector employers with 15 or more employees; the State; or any city, town, or municipal agency with 25 or more employees	Employees who have been employed for 12 consecutive months	Time off for same reasons as in federal FMLA, as well as for organ donation	10 weeks in 2 years			
<b>Maryland</b>							
N/A							
<b>Mass.</b>							
Mass. Gen. Laws ch. 149, § 105D	Public and private sector employers with 6 or more employees, including the Commonwealth	Female employees who have completed an initial probationary period or have been employed full-time by the same employer for 3 consecutive months	Job-protected time off for female employees who are absent for pregnancy-related reasons	Up to 8 weeks.	Such maternity time off shall not affect the employee's right to receive vacation time, sick time, bonuses, advancement, seniority, length of service credit, benefits, plans or programs for which she was eligible at the start of her time off, and any other advantages or rights of her employment incident to her employment position.	The employer need not provide for the cost of any benefits, plans, or programs during the period of maternity time off unless such employer so provides for all employees during time off.	
<b>Michigan</b>							
N/A							
<b>Minnesota</b>							
Minn. Stat. § 181.940 to .942	Person or entity with 21 or more employees at at least one site, including public sector employers	Employees who have worked for 12 consecutive months and for an average of hours equal to one-half of the full-time equivalent position	Birth or placement of a child	6 weeks		The employer must continue to make coverage available to the employee while on time off under any group insurance policy, group subscriber contract, or health care plan for the employee and any dependents. Nothing in this section requires the employer to pay the costs of the insurance or health care while the employee is on time off.	
<b>Mississippi</b>							
N/A							
<b>Missouri</b>							
N/A							

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<b>Montana</b>							
Mont. Code Ann. § 49-2-310; Mont. Admin. R. 24.9.1203	Employers with one or more employee		Unlawful to refuse to grant "reasonable" time off for disability as a result of normal as well as abnormal pregnancies	"[T]he period of coverage extends from the onset of actual disability through termination of gestation and a reasonable period of recovery, to be determined by competent medical authority." <i>see Mtn. States Tel. &amp; Tel. Co. v. Comm'r of Labor &amp; Indus.</i> , 608 P.2d 1047, 1062 (Mont. 1979).		Unlawful for employer to deny to the employee who is disabled as a result of pregnancy any compensation to which she is entitled as a result of the accumulation of disability or time off benefits accrued pursuant to plans maintained by her employer, provided that the employer may require disability as a result of pregnancy to be verified by medical certification that the employee is not able to perform her employment duties.	
<b>Nebraska</b>							
Neb. Rev. Stat. § 48-234	Public and private sector employers		An employer who provides time off for pregnancy or childbirth must provide equivalent time off for adoption				
<b>Nevada</b>							
Nev. Rev. Stat. § 284.360	Public sector employers	"unclassified and classified" employees	Natural parents of a child less than 6 months old or parents who have recently adopted a child	Not to exceed 12 weeks		Benefits are retained during time off and paid by the employer	This section only applies if the federal FMLA ceases to provide parental time off for at least 12 weeks.
Nev. Admin. Code §§ 284.5231 to .5238	Public sector employers	Public sector employees	As in federal FMLA				
<b>New Hampshire</b>							
N.H. Rev. Stat. Ann. § 354-A:7	Employers with 6 or more employees	Female employees	Unlawful for employers to refuse to allow female employees to take time off for temporary pregnancy-related disability	The period of pregnancy-related temporary physical disability			

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<b>New Jersey</b>							
N.J. Stat. Ann. §§ 34:11B-1 to -4; N.J. Admin. Code § 4A:6-1.21A	Employers with 50 or more employees for 20 or more weeks, including both public and private sector	Employees who have worked for employer for 12 consecutive months for at least 1,000 base hours during past 12 months; excluding employees who are among the highest paid 5% of employees and the seven highest paid employees	As in federal FMLA				
<b>New Mexico</b>							
N.M. Code R. § 1.7.7.12	State gov't	As in federal FMLA	As in federal FMLA				
<b>New York</b>							
N/A							
<b>North Carolina</b>							
25 N.C. Admin. Code 1E.1402	State gov't	Employees who have worked at least 1,040 hours (half-time) during the previous 12 month period	As in federal FMLA				
<b>North Dakota</b>							
N.D. Cent. Code § 54-52.4-02	State gov't	State gov't employees	Time off to care for a family member with a serious health condition, adoption, or birth of a child	12 weeks in 1 year for full-time employees; time off determined on pro-rata basis for part-time employees based on average number of hours worked per week			
<b>Ohio</b>							
N/A							

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<b>Oklahoma</b>							
Okla. Stat. tit. 74, § 840-2.22	State gov't (a 2001 amendment reserves state immunity)	State employees	As in federal FMLA		Such time off rules shall permit an employee to select any one or a combination of the following types of time off to account for authorized absences covered by the federal FMLA: time off without pay; annual and sick time accumulated by the employee; annual and sick time donated by other state employees; and compensatory time.		This statute reserves State immunity under the federal FMLA. The immunity provision contains guidelines for time off rules that would go into effect if the FMLA should cease to cover state employees. A new time off law must include time off for childbirth, adoption, and care for terminally ill dependents.
<b>Oregon</b>							
Or. Rev. Stat. §§ 659A.150 to .174; Or. Admin. R. 839-009-0240	Public or private sector employers with 25 or more employees in the past 20 weeks	Employees who have worked at least 25 hours per week in the past 180 days	Time off under federal FMLA; AND time off for pregnancy related disability; AND time off to care for a child with a serious illness requiring home care	12 weeks in 1 year for time off pursuant to federal FMLA; AND 12 weeks in 1 year for pregnancy disability; AND 12 weeks in 1 year to care for child with serious illness  Maximum for women is 36 weeks in 1 year; maximum for men is 24 weeks in 1 year	An employee on family time off is entitled to utilize any paid accrued vacation time during the period of family time off. Additionally, an employee is entitled to utilize any paid accrued sick time.  Subject to the terms of any agreement between employee and employer or the terms of a collective bargaining agreement, employer may determine the particular order in which accrued time off is to be used in circumstances in which more than one type of accrued time off is available to the employee.		Family member: spouse, parent, child, parent-in-law, in loco parentis relationship with the employee
<b>Pennsylvania</b>							
N/A							
<b>Puerto Rico</b>							
N/A							

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<b>Rhode Island</b>							
R.I. Gen. Laws §§ 28-48-1 to -10; 2006 R.I. Pub. Laws 316	Public and private sector employers with 50 or more employees; cities or towns with 30 or more employees	Full-time employees who work an average of 30 or more hours per week and have been employed for 12 consecutive months	Leave for serious illness of a family member, including self, or leave for birth or adoption of a child	13 weeks in 2 years	Any employer who allows sick time of an employee to be utilized after the birth of a child shall allow the same time to be used for the placement of a child 16 years of age or less with an employee in connection with the adoption of the child by the employee.	The employer shall maintain any existing health benefits.  Prior to commencement of parental time off or family time off, the employee shall pay to the employer a sum equal to the premium required to maintain the employee's health benefits in force during the period of parental time off. The employer shall return the payment to the employee within 10 days following the employee's return to employment.	"Family member" means a parent, spouse, child, mother-in-law, father-in-law, or the employee himself or herself, and with respect to the State shall include domestic partners.
<b>South Carolina</b>							
S.C. Code Ann. Regs. 19-712.01; S.C. Code Ann. § 8-11-40	State gov't	State gov't employees	As in federal FMLA		Employee will be required to substitute accrued sick time for unpaid FMLA time off when the FMLA time off requested qualifies for sick time usage, or an eligible employee may elect to substitute accrued annual time off for unpaid FMLA time off. Employees may use up to 10 hours of sick time to care for ill members of their immediate family.		
<b>South Dakota</b>							
S.D. Admin. R. 55:01:22:08.02	State gov't	State gov't employees	As in federal FMLA		Sick time off may be used for FMLA time off.		
<b>Tennessee</b>							
Tenn. Code Ann. § 4-21-408	Public and private sector employers with at least 100 employees	Female employees who have worked full-time for 12 consecutive months	Maternity time off; job protection if employee gives 3 months notice; job protection not forfeited if employee was prevented from giving notice due to medical emergency	Pregnant employees "may be absent" for a period up to four months			

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<b>Tenn. (cont.)</b>							
Tenn. Code Ann. § 8-50-806	State gov't	State gov't employees	Time off for adoption	30 days guaranteed. Additional leave may be granted at the discretion of the appointing authority up to 1 year.	Employees may use sick time for all or a portion of 30 days if the child is less than 1 year old.		
<b>Texas</b>							
Tex. Gov't Code Ann. § 661.912	State gov't	State gov't employees	As in federal FMLA		The employee must first use all available and applicable paid vacation and sick time while taking time off under this section, except that an employee who is receiving temporary disability benefits or workers' compensation benefits is not required to first use applicable paid vacation or sick time while receiving those benefits.		
<b>Utah</b>							
Utah Admin. Code r. 477-7-13	State gov't	Full-time employees	Unpaid time off may be granted for non-medical reasons when employee expects to return to work; for medical reasons when employee is ineligible for FMLA, Workers Compensation, or Long Term Disability	Up to 12 months	An employee may take up to ten consecutive working days of time off without pay without affecting the paid time off accrual rate.	An employee who receives no compensation for a complete pay period shall be responsible for payment of the full premium of state provided benefits.	
Utah Admin. Code r. 477-7-15	State gov't	As in federal FMLA	As in federal FMLA		An employee shall be required to exhaust accrued annual time off, sick time off, converted sick time off and excess hours prior to going into time off without pay status for the family and medical time off period.  Time off taken for a serious health condition covered under workers' compensation may be counted towards an employee's FMLA entitlement. Use of accrued paid time off shall not be required for FMLA time off at the same time the employee is collecting a workers' compensation benefit.		

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<b>Vermont</b>							
Vt. Stat. Ann. tit. 21, §§ 471 – 472	Public and private sector employers with 10 or more employees for purposes of parental time off, and 15 or more employees for purposes of family time off	Employees who work an average of 30 hrs/wk continuously for 1 year	Time off for employee's own or family member's serious illness; time off for birth or adoption	12 weeks in 12 months	At the employee's option, the employee may use accrued sick time or vacation time or any other accrued paid time off, not to exceed six weeks. Utilization of accrued paid time off shall not extend the time off provided herein.	The employer shall continue employment benefits for the duration of the time off at the level and under the conditions that coverage would be provided if the employee continued in employment for the duration of the time off. The employer may require that the employee contribute to the cost of the benefits during the time off at the existing rate of employee contribution.	Family member: child, parent, spouse, parent of spouse  Serious illness: accident, disease or physical or mental condition that poses imminent danger of death, requires inpatient care in a hospital or requires continuing in-home care under the direction of a physician
<b>Virginia</b>							
N/A							
<b>Washington</b>							
S.B. 6185, 59th Reg. Sess., 2d Sess. (Wash. 2006) (amending Wash. Stat. §§ 49.78.010 to .020; repealing § 49.78.030)	Private sector employers that employed 50 or more employees for 20 or more weeks in the previous calendar year; the state, state institutions, and state agencies; and any unit of local gov't	As in federal FMLA	As in federal FMLA		If an employer provides paid time off for fewer than twelve workweeks, the additional weeks of time off necessary to attain the twelve workweeks of time off required under this chapter may be provided without compensation.  Time off under this chapter and time off under the federal FMLA is in addition to any time off for sickness or temporary disability because of pregnancy or childbirth.	During any period of time off taken under this act, if the employee is not eligible for any employer contribution to medical or dental benefits under an applicable collective bargaining agreement or employer policy during any period of time off, an employer shall allow the employee to continue, at the employee's expense, medical or dental insurance coverage, including any spouse and dependent coverage, in accordance with state or federal law. The premium to be paid by the employee shall not exceed one hundred two percent of the applicable premium for the time off period.	



Applicable Statute or Regulation	Covered Employers	Employee Eligibility	Qualifying Reasons	Amount of Time Off	Relationship to Other Types of Time Off	Benefits	Other Significant Differences from Federal FMLA
<b>WA (cont.)</b>							
Wash. Admin. Code 162-30-020	Public and private sector employers with 8 or more employees	Female employees	Time off for pregnancy or childbirth related conditions	For the period of pregnancy related to illness or disability			"Pregnancy related conditions" include, but are not limited to, related medical conditions, miscarriage, pregnancy termination, and the complications of pregnancy
<b>West Virginia</b>							
W. Va. Code R. § 21-5D-2 – 9	State gov't	State gov't employees	As in federal FMLA		An employee shall be entitled to a total of twelve weeks of unpaid family time off, following the exhaustion of all his or her annual and personal time off, during any twelve-month period.	During any family time off by an employee, the employer shall continue group health insurance coverage for such employee; provided, That the employee shall pay the employer the premium costs of such group health insurance coverage.	
<b>Wisconsin</b>							
Wis. Stat. § 103.10	State gov't and private sector employers with 50 or more permanent employees	Employees who have been employed for 12 months and who work more than 30 hours per week	Birth or adoption; AND care for a family member with a serious health condition; AND employee's own serious health condition	6 weeks for birth or adoption; AND 2 weeks for a family member's serious health condition; AND 2 weeks for employee's own serious health condition  Total time off: 10 weeks		As in federal FMLA, plus:  1. An employer may require an employee to have in escrow with the employer an amount equal to the entire premium for 8 weeks.  2. An employee may pay the amount required under subd. 1. in equal installments at regular intervals over at least a 12-month period.  3. An employer shall return to the employee any payments made under subd. 1., plus interest, when the employee ends his or her employment with the employer.	
Wis. Admin. Code ER § 18.14	Public sector employers	Public sector employees	Maternity, paternity, pre-adoptive, or foster care time off without pay shall be granted	Not to exceed 6 months	Part or all of the original time off, extension or renewal may be covered by sick time off, time off without pay, earned annual time off, sabbatical time off, holiday time off, compensatory time off at the employee's discretion, or anticipated annual time off.		
<b>Wyoming</b>							
N/A							