



Statewide Paid Leave Protections Guide

What Should Trans & Non-Binary People Know?

I. Introduction



At some point during the course of our lifetimes, most if not all of us will experience the need to take leave from work, whether it is to care for a sick loved one, bond with a new child, or recover from illness, injury, surgery, or medical or other health needs.

Unfortunately, the United States does not have a universal paid leave program that covers workers across the country. Only 13 states and Washington D.C. have paid family and medical leave programs (and several are so new that workers will not be eligible for paid leave until 2026). Although some employers offer their own paid family and medical leave programs, most do not. Though there is currently no national **paid** family and medical leave program, the Family and Medical Leave Act of 1993 (FMLA) does offer—to some employees—**unpaid**, job-protected leave to recover from a serious health condition, bond with a new child, care for a seriously ill family member, or address certain needs related to a family member’s military service.

This guide was created to help transgender, non-binary, and gender-nonconforming people understand their rights under statewide paid family and medical leave laws, but much of the information here will be helpful to others as well. Though the federal FMLA provides important access to job-protected, *unpaid* leave for covered workers throughout the country, many state paid family and medical leave programs offer additional rights and benefits, including partial or full wage replacement, inclusive definitions of family, and enforcement protections against retaliation for vulnerable workers.



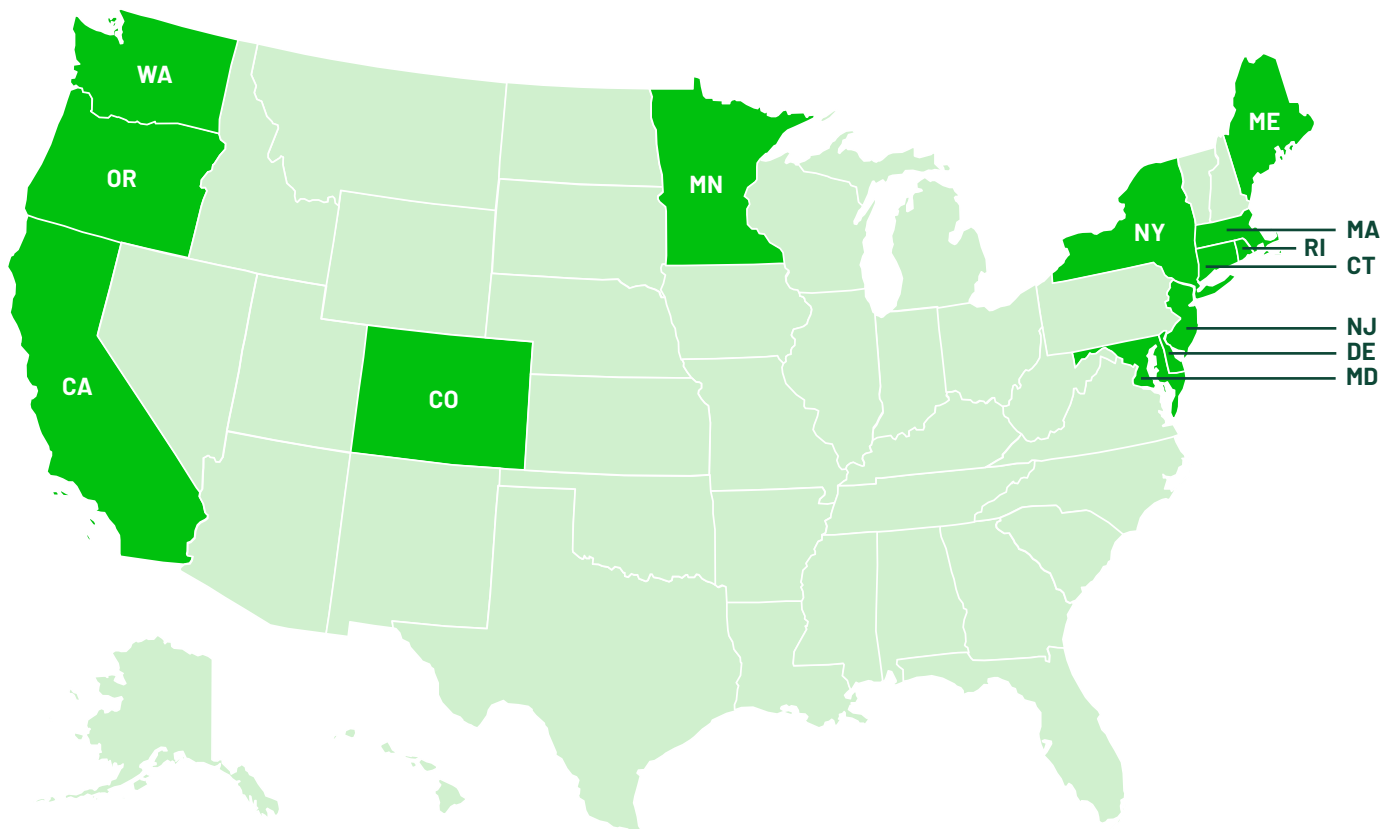
This guide is designed to assist you in understanding your basic rights under the various state paid family and medical leave laws and other state laws that may provide covered workers with paid time off. It does not cover all aspects of these laws and does not constitute legal advice.

I. Introduction

What does this guide cover?

This guide provides an overview of several types of laws that impact your ability to take leave from work and information about how to make sure your rights are enforced when trying to use these laws. These include paid family and medical leave, paid sick time, and safe leave laws, as well as other nondiscrimination protections. Throughout, this guide focuses on scenarios that transgender and non-binary people may experience, including the need for leave to recover from gender-affirming surgery and other medical care, leave to bond with a child, and leave to take care of loved ones.




There are currently paid family and medical leave laws in the following states (and Washington, D.C.): California, Colorado, Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New York, Oregon, Rhode Island, and Washington. In Delaware and Minnesota, benefits begin Jan. 1, 2026. In Maine, benefits begin May 1, 2026. In Maryland, benefits begin July 1, 2026. All other states and DC already have active programs.



I. Introduction

Each state's paid family and medical leave law is unique, and it is important to understand your rights under your state's law (if your state has paid family and medical leave). Eligibility requirements, amount of wage replacement (the percentage of your usual paycheck you would receive under the program), length of leave available, family members and loved ones you can take leave to care for, and definitions (such as serious health condition and other key terms) differ from law to law.

While this guide does not provide detailed information about each state's program, [Section II](#) of this guide includes:

-  Important things to know when reviewing your state's paid family and medical leave law, if there is one
-  Overview of family definitions, including which family members and loved ones you can take leave to care for under each state's paid family and medical leave law
-  Specific things to know when seeking medical leave to recover from gender-affirming healthcare

[Section III](#) of this guide covers other state-based protections including paid sick time laws and paid safe leave. Paid sick time laws typically provide short-term time off. Some states have paid sick time laws, but do not have a broader paid family and medical leave law. Paid safe leave protections exist for workers and their family members who are survivors of domestic violence, sexual assault, or stalking to take time off to address related needs. Some state paid family and medical leave laws, as well as some state paid sick time laws, include paid safe leave.

[Section IV](#) of this guide covers enforcement of these laws, protection from employer interference and retaliation, an overview of reasonable accommodations, other anti-discrimination protections, and resources for if you believe your rights have been violated.

I. Introduction

It is important to note here that employers may voluntarily provide leave and benefits that exceed their requirements under state laws, or may be obligated to provide additional leave and benefits under a collective bargaining agreement. Your employer's policies may contain information or details about your rights to paid and unpaid leave, as well as rights to reasonable accommodations, protections against discrimination at work, and other workplace rights. If you are unable to find information about a workplace policy, you can contact your employer's human resources department or reach out to a supervisor.

What is Not Included in this Guide?

This guide focuses only on state paid leave laws. If your state does not have a paid family and medical leave program, you may be eligible to take **unpaid** (but job-protected) leave under the nationwide Family and Medical Leave Act (FMLA). For more information see our [FMLA guide](#).

In addition to the several states with paid family and medical leave laws, some states also have their own *unpaid* family and medical leave laws, similar to the FMLA. For more information about your rights and options for leave in each state, see [A Better Balance's Workplace Rights Hub](#).

While this guide contains some individualized information about each state with a paid leave law, the details of each state's laws are too numerous to include in this one guide. For more information about your rights see A Better Balance's Workplace Rights Hub, where you can search state by state for a comprehensive overview of your workplace rights. For a more detailed look at each state's leave law, see A Better Balance's [interactive comparison chart](#).



II. State Paid Family and Medical Leave Laws

Considerations When Reviewing a State Paid Family and Medical Leave Law

There are several important questions to consider when reviewing your state's paid family and medical leave law, including:

- What are the requirements to qualify for benefits?
- What is the maximum weekly benefit amount?
- For what reasons can you take leave?
- Is there an unpaid waiting period?
- Which family members can you take leave to care for?
- What is the definition of a serious health condition? Does it differ from the federal FMLA's definition?
- For how long can a worker receive benefits?
- Are workers entitled to have their jobs back when they return?
- How does a worker access paid family and medical leave benefits?
- Can self-employed workers opt-in to coverage?
- Are domestic workers covered?



Though all of these questions are important, this guide highlights some of the areas that may be most relevant to transgender workers, including the scope of family and loved ones covered under each state's law, as well as important considerations when seeking gender-affirming healthcare.

II. State Paid Family and Medical Leave Laws

Scope of Family and Loved Ones Covered in State Paid Family and Medical Leave Laws

Of the states with paid family and medical leave laws, **13 states** and **Washington, D.C.** have passed laws that expand upon the federal FMLA's family definition¹ by guaranteeing paid family leave to care for a broader list of family members.

	Chosen Family ²	Domestic Partners ⁵	Children Under 18	Grandchildren & Adult Children	Siblings
California		✓	✓	✓	✓
Colorado	✓	✓	✓	✓	✓
Connecticut	✓	✓	✓	✓	
Delaware ⁶			✓		✓
Washington D.C.		✓	✓	✓	✓
Maine ⁶	✓	✓	✓	✓	✓
Maryland ⁶		✓	✓	✓	✓
Massachusetts		✓ ⁴	✓	✓	✓
Minnesota ⁶	✓	✓	✓	✓	✓
New Jersey	✓	✓ ³	✓	✓	✓
New York		✓ ⁴	✓	✓	✓
Oregon	✓	✓	✓	✓	✓
Rhode Island		✓	✓	✓	
Washington	✓	✓	✓	✓	✓

- 1 The FMLA defines family narrowly and covers only an eligible worker's parent, child, or spouse with a serious health condition.
- 2 Chosen family members are close loved ones who are not biologically or legally related.
- 3 In New Jersey, the law covers "civil union" partners, rather than domestic partners, but the coverage is functionally the same.
- 4 In New York and Massachusetts, for example, registration as a domestic partner is not required. Instead, a list of factors that demonstrate partnership are used including owning property together, living together, children in common, signs of intent to marry, shared budgeting, and the length of the relationship. Not all factors need to be present in order to demonstrate partnership. N.Y. Workers' Comp. Law § 200 et seq.; Mass. Gen. Laws ch. 175M, § 1 et seq.
- 5 See A Better Balance's statewide leave [interactive comparison chart here](#).
- 6 The paid family and medical leave insurance programs in Delaware and Minnesota will begin paying benefits in January 2026; Maine, in May 2026; and Maryland, in July 2026.

II. State Paid Family and Medical Leave Laws

Gender-Affirming Healthcare

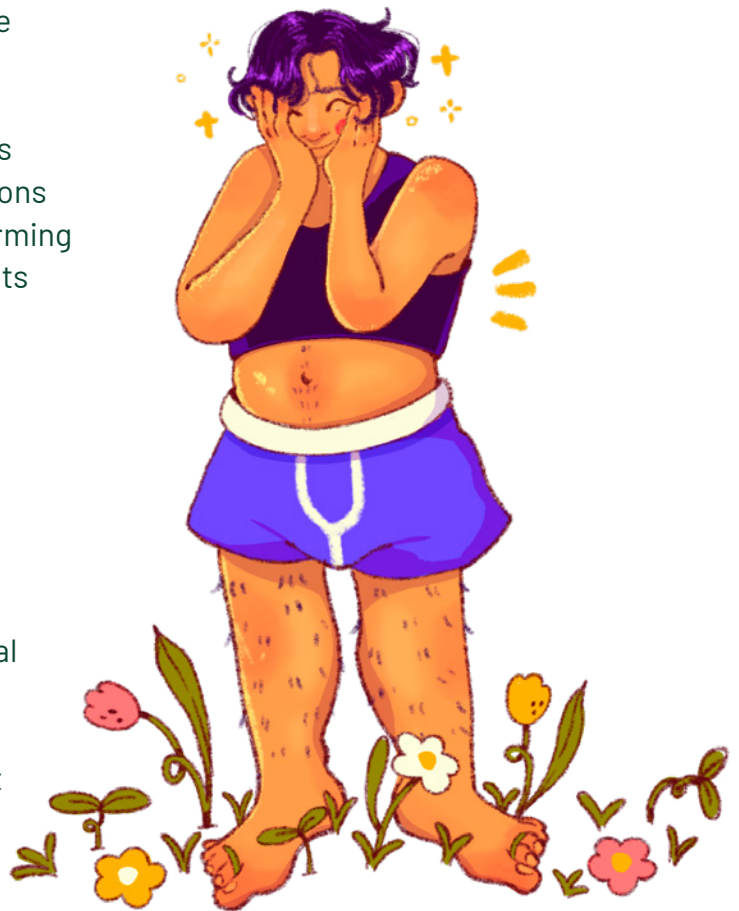
If you are a covered worker under your state's paid family and medical leave law, you may be eligible to take leave to recover from gender-affirming healthcare. Under the federal FMLA, you can take leave to recover from a **serious health condition** that makes you unable to perform the functions of your position.



The FMLA defines a covered **“serious health condition”** as an **“illness, injury, impairment, or physical or mental condition that involves inpatient care...or continuing treatment by a healthcare provider”**

Most statewide paid family and medical leave laws use the FMLA's definition, or one that is very similar. Of note, Washington D.C.'s paid family and medical leave law explicitly addresses trans-related healthcare in its definition of serious health condition and that exclusions for “cosmetic treatments” do not apply to gender-affirming procedures: “conditions for which cosmetic treatments are administered are not serious health conditions; provided, that procedures related to an individual's gender transition...shall not be considered cosmetic treatments...”

Under the definition that the FMLA and all state paid family and medical leave laws use (even where definitions vary), gender-affirming surgery or other health needs involving an overnight stay in the hospital are likely to qualify for leave because the definition of “inpatient care” is met. The same is likely true for gender-affirming surgeries or other health needs that require you to be out of work for three consecutive days and involve ongoing treatment from—or under the supervision of—a health care provider.



II. State Paid Family and Medical Leave Laws

If you are seeking leave for a gender-affirming surgery or other treatment that does **not** involve an overnight stay or continuing treatment by a healthcare provider, you may not qualify for leave under state paid family and medical leave laws even if you are otherwise eligible, because this scenario would likely not meet the definition of serious health condition needed to qualify for coverage.

You may also be eligible under these laws to care for a family member or loved one recovering from gender-affirming surgery.

- ✓ **First, you must be a covered worker under your state’s paid family and medical leave law.**
- ✓ **Second, the relationship between you and the family member or loved one must be covered under your state’s paid family and medical leave law, as described in the previous section of this guide.**
- ✓ **Third, that individual’s situation must meet the definition of serious health condition, and documentation from their health care provider will be required.**

Despite this general guidance, determination of whether your circumstances meet the coverage requirements under your state’s paid family and medical leave law is made on a case-by-case basis and depends on your individual situation. See [Section IV](#) for more information about available resources.

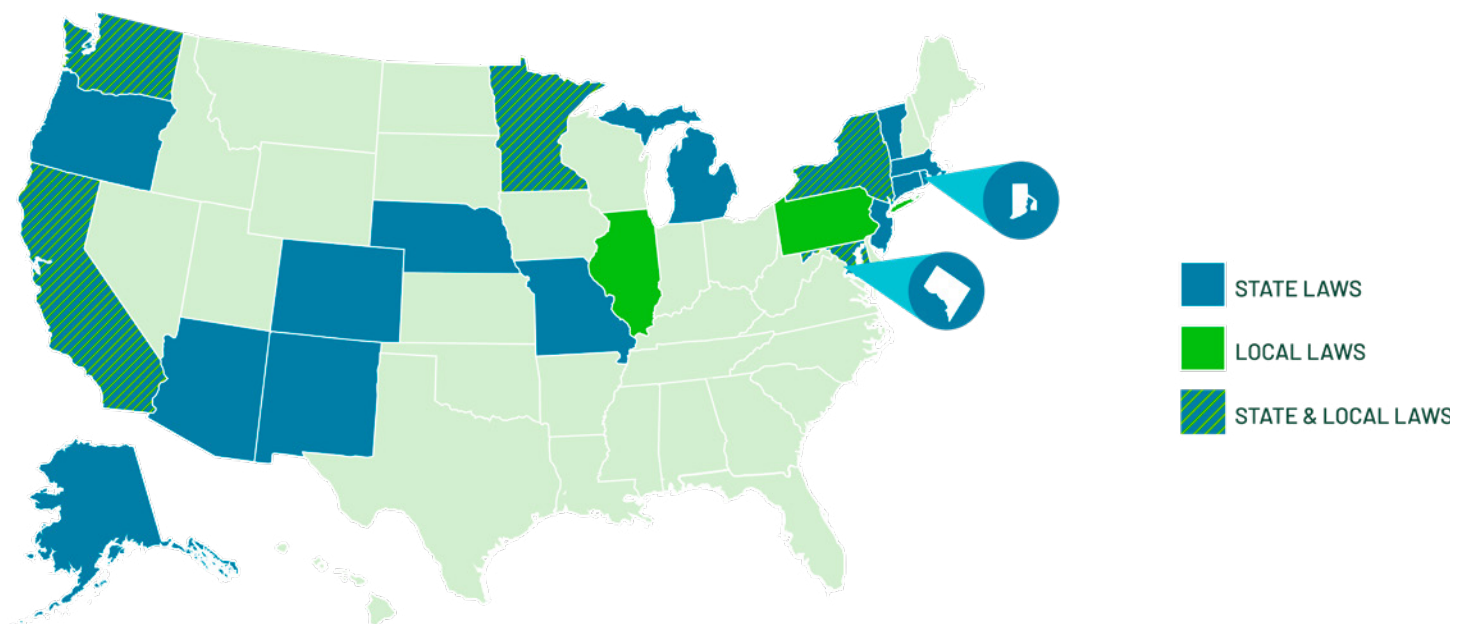


III. Other State-Based Protections

Paid Sick Time

In the United States, dozens of jurisdictions—including 18 states, Washington, D.C., and many cities, and counties—have paid sick time laws on the books. A paid sick time law typically provides covered workers with short-term time off, often in increments of hours or days. Under the state paid sick time laws, sick time can typically be used if you need time off because you have a shorter-term illness (such as a bad cold or stomach bug), you need to attend a medical appointment be it for illness or preventative care (such as an annual check up), you need to care for a covered loved one who is ill, or you need to address needs related to domestic violence. The exact purposes, including coverage of domestic violence needs, may vary across each law.

The 15 states (plus Washington D.C.) that have paid sick time laws currently in effect are Arizona, California, Colorado, Connecticut, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, New York, Oregon, Rhode Island, Washington State, and Vermont. In November 2024, voters in Alaska, Missouri, and Nebraska approved new paid sick time laws that are currently scheduled to take effect on various dates in 2025. For more information about state and local paid sick time laws, including coverage requirements, the amount of time that can be earned and used under the law, how families are defined and other key definitions, and many other important considerations, see [A Better Balance's FAQs on paid sick time laws](#).



III. Other State-Based Protections

Paid Safe Leave

As described throughout this guide, states and local governments across the country are increasingly passing laws giving workers a right to paid family and medical leave and/or paid sick leave. Many of those laws contain “safe leave” provisions that protect workers when they or their family members are survivors of domestic violence, sexual assault, or stalking. While all workers covered by paid leave laws can use that time to address qualifying medical needs resulting from domestic violence, safe leave laws provide additional protection to address other personal or family needs related to violence or abuse, such as obtaining a protective order, accessing social services, or relocating to safety.

Seventeen states, Washington D.C., 13 cities, and 2 counties have passed paid sick time laws—providing short-term time off—that include paid safe leave. These laws vary on whether the time can be used to care for a family member experiencing domestic violence, and which, if any, family members are covered. All safe leave laws cover domestic violence survivors; most cover survivors of stalking and sexual assault. In addition, New Jersey, Colorado, Connecticut, and Oregon currently provide more extended paid benefits for workers taking safe leave under their paid family and medical leave programs, while Maine and Minnesota will do so as of 2026; these paid family and medical leave programs provide benefits for longer periods of time off than paid sick time laws. For more information about paid safe leave protections, see [A Better Balance’s Paid Safe Time factsheet](#).

In addition to the inclusion of paid safe leave, paid sick time, and paid family and medical leave laws, other non-discrimination or *unpaid* state leave laws may provide workplace protections related to domestic violence, sexual assault, or stalking. For more information about these workplace protections, see [this guide](#) with state-by-state information from Legal Momentum.

17

States &
Washington D.C.

13

Cities

2

Counties

have passed
paid sick time
laws—providing
short-term time
off—that include
paid safe leave.

IV. Enforcement and Other Considerations

Protection From Employer Interference and Retaliation Under State Paid Family and Leave Laws

Each state paid family and medical leave law prohibits employers from discriminating or retaliating against employees for requesting or taking leave. This means that an employer cannot interfere with or attempt to restrain your rights under your state's paid family and medical leave law, including punishing you for asking for leave or taking approved leave.

Keep in mind that not every state's paid family and medical leave law offers job protection for all workers, and some may have specific eligibility requirements, which means that you may or may not be guaranteed to come back to work after taking leave.

Shorter-term paid sick time laws around the country also generally prohibit employers from interfering with, retaliating against, or discriminating against a worker for taking protected sick time under the law, and ensure that workers do not lose their job while taking a few days of sick leave.

If you have questions about your individual situation, think your rights have been violated, or need more information about your protections under paid leave laws, the following resources may be useful to you:



Call A Better Balance's free and confidential legal helpline at **1-833-NEED-ABB (1-833-633-3222)** or complete our [online contact form](#).



Contact Transgender Law Center's legal information helpdesk by using our [online intake form](#).

IV. Enforcement and Other Considerations

Additional Protections Against Employment Discrimination

Following the Supreme Court's landmark *Bostock v. Clayton County* decision in 2020, transgender and non-binary people with an employer that has at least 15 employees are protected under federal law against employment discrimination based on sexual orientation or gender identity. In addition to federal protections, many states and cities have their own anti-discrimination laws protecting against discrimination based on sexual orientation and gender identity. If you believe you have been discriminated against based on your sexual orientation or gender identity you can [file a complaint](#) with the Federal Equal Employment Opportunity Commission (EEOC).

You may also be able to file a complaint with your state and/or local discrimination enforcement agency. For more information about employment discrimination see Transgender Law Center's online [employment resources](#). If you feel that you are experiencing workplace discrimination, the Transgender Law Center's [Legal Information Helpdesk](#) can provide information about addressing employment discrimination and legal resources.



[File a Complaint](#)
with the Federal
Equal Employment
Opportunity
Commission



Transgender Law
Center's [Employment
Discrimination
Resources](#)



Transgender Law
Center's [Legal
Information Helpdesk](#)

IV. Enforcement and Other Considerations

Reasonable Accommodations

Transgender and non-binary workers with an employer that has at least 15 employees may be eligible for reasonable accommodations under the Americans with Disabilities Act (ADA), even where ineligible for leave under the federal Family and Medical Leave Act (FMLA) or a state paid leave law. State and local laws may provide protections for workers who work for employers with less than 15 employees.

Examples of reasonable accommodations include leave to attend healthcare appointments, temporary schedule changes, or other changes in terms of employment. The process for requesting a reasonable accommodation is separate from the process for requesting FMLA leave. When you request a workplace accommodation, your employer is required by law to engage in a good-faith interactive process with you to determine whether you have a qualifying disability and, if so, whether there is an accommodation the employer can provide to address your health needs that will not cause an undue hardship to the employer. An undue hardship is an action requiring significant difficulty or expense, and is a case-by-case decision based on several factors including the nature and cost of the accommodation in relation to the size, resources, nature, and structure of the employer's operation.

Additionally, pregnant and postpartum workers nationwide, including pregnant transgender and non-binary workers, may also be entitled to reasonable accommodations under the Pregnant Workers Fairness Act and the PUMP Act. For more information about the rights of pregnant trans workers, see our [Pregnant Workers Guide](#).

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