

Paid Family and Medical Leave: An Overview

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Nearly all workers need to take time away from work at some point to deal with a serious personal or family illness or to care for a new child. **Laws providing paid family and medical leave allow workers to meet these needs without jeopardizing their economic security.**

The Nuts and Bolts of “Paid Leave” Laws

Paid leave laws allow workers to continue to earn a portion of their pay while they take time away from work to:

- ▶ Address a **serious health condition** (including pregnancy);
- ▶ Care for a **family member** with a serious health condition; or
- ▶ Care for a **newborn, newly-adopted child or newly-placed foster child.**

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A **serious health condition** is one requiring either inpatient care or continuing treatment by a health care provider. For example, serious conditions like cancer and Alzheimer’s, as well as chronic conditions like diabetes and asthma, may all be serious health conditions. Pregnancy-related complications and recovery and the need for prenatal care also qualify as serious health conditions.

The definition of a **family member** varies under different proposals, but parents, spouses, domestic partners and children are typically covered. Under some proposals, grandparents, siblings, in-laws and the parents of domestic partners may also qualify.

The **length of the leave** also varies by proposal. In the three states with paid family leave laws, one (Rhode Island) allows family caregivers to take leave from work for up to four weeks while the other two (California and New Jersey) allow family caregivers to take **up to six weeks**. In some of the five states with Temporary Disability Insurance (TDI) programs that allow workers to take time away from work to attend to their own serious health conditions, workers may take substantially longer periods of time if their conditions require it.

The **amount of pay** a worker receives varies by proposal, but a worker can typically expect to receive a portion of his or her current wages while on leave. Depending on the system, workers

either receive a percentage of their wages (up to a maximum cap) or all workers receive a flat benefit amount regardless of their current wage level.

Programs are **funded** either by joint employer-employee contributions or solely by employee contributions. Under most systems and proposals, special insurance systems are created and workers' wage replacement is paid from these funds.

Where in the United States Do Paid Leave Laws Exist Now?

- ▶ California (passed in 2002, implemented in 2004), New Jersey (passed in 2008, implemented in 2009) and Rhode Island (passed in 2013, implemented in 2014) have enacted paid family leave laws that allow workers to take paid leave to care for an ill family member or bond with a new child. These laws complement the states' TDI programs, which provide paid medical leave for a worker's own serious illness.
- ▶ TDI programs are also in place in Hawaii, New York and Puerto Rico.

These state programs show that progress is possible, but too many working families still struggle without paid leave.

All Working Families Need Access to Paid Leave

Only 13 percent of workers in the United States have access to paid family leave through their employers, and fewer than 40 percent have access to personal medical leave through employer TDI programs.¹ The Family and Medical Leave Act (FMLA) has kept millions of people from losing their jobs when serious medical needs arise. But the FMLA only covers 60 percent of the workforce, and it guarantees only *unpaid* leave, which millions cannot afford to take.²

Nationwide or statewide paid family and medical leave laws would give more workers access to the paid time they need to recover from a serious illness or care for a sick family member or new child. Federal initiatives in support of paid family and medical leave include:

- ▶ The Family And Medical Insurance Leave (FAMILY) Act, which would create a national paid family and medical leave insurance program that would provide up to 12 weeks of partially-paid leave for reasons covered by the FMLA.
- ▶ More than \$2.2 billion proposed in the Department of Labor's Fiscal Year 2016 budget that would help states fund and implement new paid family and medical leave programs, and \$35 million proposed for states to create the infrastructure needed to develop new state paid leave programs.
- ▶ The Federal Employees Paid Parental Leave Act, which would provide six weeks of paid parental leave to federal workers.

Join us in supporting paid family and medical leave proposals like these. Working families can't wait any longer. Learn more at www.NationalPartnership.org.

1 U.S. Department of Labor, Bureau of Labor Statistics. (2014, September). *Employee Benefits in the United States National Compensation Survey: Employee Benefits in the United States, March 2014* (Tables 16 and 32). Retrieved 4 March 2015, from <http://www.bls.gov/ncs/ebs/benefits/2014/ebbl0055.pdf>

2 Abt Associates. (2012, September). *Family and Medical Leave in 2012: Technical Report*. Retrieved 3 March 2015, from <http://www.dol.gov/asp/evaluation/fmla/fmla2012.htm>

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