

Getting Time Off: Access to Leave among Working Parents

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"Mommy, I don't feel good." "Honey, it's time to go to the hospital." When working parents, or parents-to-be, hear these phrases, their anxiety levels often increase. Not only because their children are sick or their partners are in labor, but also because they will have to find a way to keep their jobs while tending to their families' needs. Maternity and paternity leave, along with vacation, sick leave, and personal leave, help workers balance their responsibilities at home and at the office. This brief uses new data from the National Survey of America's Families (NSAF) to portray which working parents have access to paid and maternity/paternity leave.

Although federal law guarantees job-protected, unpaid family leave to many workers, only three in five American workers are eligible to take this leave (Cantor et al. 2001). Moreover, no state or federal legislation requires employers to provide paid leave of any kind. Because access to leave is not universal, some caregivers do not fully realize the benefits of job-protected leave, namely job security and some flexibility to care for children.

This analysis examines whether access to leave differs by socioeconomic characteristics. The data suggest that the majority of working parents can take maternity or paternity leave from their jobs. Although access to maternity/paternity leave varies with measures of economic well-being, it is much more equal than access to paid leave. Most poor workers, working welfare recipients, and working recent welfare leavers cannot take paid leave from their jobs. And those who can take paid leave typically have fewer days of paid leave than non-

poor workers or workers with no recent welfare experience. The relatively even distribution of access to maternity and paternity leave, compared with the uneven access to paid leave, could be an effect of the Family and Medical Leave Act of 1993 (FMLA).

Policy Background

The FMLA provides eligible employees with 12 unpaid workweeks of job-protected leave during any 12-month period for the birth or adoption of a child; the foster care of a child; the care of a seriously ill child, spouse, or parent; or an employee's own serious illness.¹ Although FMLA-mandated leave is unpaid, accrued paid leave offered by the employer can often be used to cover periods of FMLA leave. The FMLA covers Congress, private establishments, and federal, state, and local governments, but does not apply to all workers. Only workers who (1) have at least 12 months of tenure with their employer; (2) have worked at least 1,250 hours for their employer during the 12 months preceding the leave period; and (3) work for an employer who employs at least 50 people within a 75-mile radius of the employee's work site are eligible for FMLA leave. Some additional workers have rights to unpaid family leave through state legislation.²

Approximately 58 percent of workers in private establishments meet the employer-size eligibility criterion of the FMLA (Cantor et al. 2001). However, low-income workers are more likely to work in smaller firms than higher-income workers (Ross Phillips 2002).³ Approximately

More than half of poor workers, working welfare recipients, and workers who recently left welfare cannot take paid leave from their jobs.

81 percent of all workers who work for an employer large enough to be covered by the FMLA meet the job tenure and hours requirements of the legislation (Cantor et al. 2001). Low-income workers are less likely to meet these eligibility requirements than higher-income workers (Ross Phillips 2002).

Although no data exist to determine eligibility for leave benefits provided through private employer policies, data from the Bureau of Labor Statistics' establishment surveys of employee benefits suggest that low-income workers have less access to all forms of leave. For example, new blue-collar workers must typically work for more months than new professional and technical workers before becoming eligible for leave benefits (Ross Phillips 2002).

Legislative provisions, survey data on eligibility for FMLA leave, and establishment reports of employee benefit provision all suggest that certain workers will have less access than others to maternity/paternity and paid leave. The NSAF data help identify these workers, and the extent of their access to leave.

Data

The 2002 NSAF includes three questions designed to capture how much leave workers can take from their jobs. Because the NSAF oversamples low-income families, it is an ideal dataset to examine whether access to leave is associated with measures of economic well-being. All workers who are neither self-employed nor unpaid or occasional workers are asked these three questions:

- Are you entitled to any *fully paid* leave, such as sick leave or vacation leave from your employer?
- Including vacation days, sick leave, personal days, and other forms of paid leave, how many days of leave with full pay are you entitled to receive each year? Please do not include national holidays or regular days off, such as weekends, in your count. [*Only asked of respondents who are entitled to some fully paid leave.*]
- Are you able to take paid or unpaid maternity/paternity leave and return to your employer?

Workers' responses are confounded by their knowledge of their employee benefits package. While most workers know their paid leave allotments, some may be unaware of their rights to maternity or paternity leave until the need to take such leave arises. Whether this lack of awareness leads to over- or underreporting of leave is unclear. Many workers may assume they have rights to maternity or paternity leave under the FMLA without knowing whether they are actually eligible to take FMLA leave. On the other hand, respondents with rights to maternity or paternity leave might reply that they cannot take it only because they have never tried.

The results in this brief are for working parents between the ages of 18 and 54. Of all workers, this group is quite likely to know about their access to maternity and paternity leave. And among working parents, those with the youngest children are probably the most likely to know about their rights to maternity and paternity leave.

Who Has Access to Leave?

Eighty percent of working parents between the ages of 18 and 54 report that they have access to some paid leave. The same percentage is able to take maternity or paternity leave when they have a child.⁴ As table 1 shows, women are more likely to have access to maternity leave than men are to have access to paternity leave (89.3 percent versus 71.9 percent).⁵ But women are less likely to have any paid leave (76.2 percent versus 83.5 percent). Among working parents with some paid leave, women are more likely to have one workweek or less and men are more likely to have more than three workweeks of leave.⁶

Access to leave varies by the worker's age and the age of the youngest child. Older workers are more likely to have leave than younger workers. Similarly, access to leave and the amount of leave available also increase with the age of the youngest child. Since the likelihood of being employed at a job for two or more years increases with age, the relationships between access to leave and age might reflect a link between job tenure and job benefits. Regardless of the explanation, the relationship implies that workers with a great need for leave—

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TABLE 1. Working Parents with Access to Leave, 2002 (percent)

| | Maternity or paternity leave | Any paid leave | Workweeks of paid leave (among those with paid leave) | | |
|-----------------------------|------------------------------|----------------|---|-------|-------------|
| | | | 1 or less | 1-3 | More than 3 |
| Female | 89.3* | 76.2* | 12.9* | 40.2 | 46.9* |
| Male ^a | 71.9 | 83.5 | 9.6 | 38.4 | 52.0 |
| Age | | | | | |
| 18-24 | 75.4* | 63.5* | 26.3* | 45.1 | 28.5* |
| 25-34 ^a | 81.0 | 77.4 | 13.9 | 44.7 | 41.5 |
| 35-54 | 80.4 | 82.6* | 8.9* | 36.4* | 54.7* |
| Age of youngest child | | | | | |
| Younger than 1 ^a | 77.4 | 76.3 | 13.4 | 43.6 | 43.0 |
| 1-3 | 78.5 | 77.9 | 12.5 | 41.6 | 45.9 |
| 4-6 | 79.7 | 78.8 | 12.6 | 39.2 | 48.4* |
| 7-12 | 81.9* | 80.9* | 10.2* | 38.0* | 51.8* |
| 13 or older | 82.1* | 84.2* | 8.4* | 36.2* | 55.2* |
| Marital status | | | | | |
| Married ^a | 79.7 | 81.5 | 9.7 | 38.8 | 51.5 |
| Single | 83.0* | 73.8* | 17.3* | 41.3 | 41.4* |

Source: Urban Institute calculations from the 2002 National Survey of America's Families.

Note: Parents are age 18-54.

^a Base category for statistical comparisons.

*Significantly different from comparison group at the .01 level.

parents with very young children—are the least likely to have access to leave.

Access to leave also varies by marital status. Single parents are more likely to have maternity or paternity leave, but less likely to have access to any paid leave. Married parents are more likely to have more than three workweeks of paid leave; single parents are more likely to have one workweek or less. Since single parents are overwhelmingly female, it is not surprising that these patterns are the same as the ones found when examining sex differences.

Access to Leave and Economic Well-Being

Income and welfare experience also appear related to access to leave. Access is highest for working parents with family incomes greater than twice the federal poverty level (table 2). Interestingly, however, the discrepancy among the income groups is much larger for access to any paid leave than for access to maternity or paternity leave. This differential may be an effect of the FMLA, as covered employers must offer maternity and paternity leave to all

eligible workers rather than only certain, highly compensated employees.

Working welfare recipients are less likely to have access to either maternity/paternity or paid leave than other working parents, even those who recently left welfare. Only about two in five welfare recipients have access to paid leave (41.4 percent). And of the working welfare recipients with paid leave, many (31.8 percent) are entitled to one workweek or less of paid leave and only 18.6 percent are entitled to more than three workweeks. Thus, across all working welfare recipients, 58.6 percent have no paid leave, 13.2 percent have one workweek or less, 20.5 percent have between one and three workweeks, and 7.7 percent have more than three workweeks.

The lack of access to leave for working welfare recipients is troubling. These parents may be trying to move off public assistance. Without ample work supports, including job-protected leave, they may be unable to keep their ties to the labor market in the event of a family crisis, or even just a sick child. The access-to-leave

TABLE 2. Access to Leave and Economic Well-Being among Working Parents, 2002 (percent)

| | Maternity or paternity leave | Any paid leave | Workweeks of paid leave (among those with paid leave) | | |
|---|------------------------------|----------------|---|-------|-------------|
| | | | 1 or less | 1–3 | More than 3 |
| All parents | | | | | |
| Family income relative to the federal poverty level | | | | | |
| Less than 100% | 66.5* | 45.8* | 35.1* | 35.9 | 29.0* |
| 100%–200% | 73.6* | 61.2* | 30.4* | 46.2* | 23.4* |
| 200% or more ^a | 81.7 | 83.6 | 8.7 | 38.6 | 52.8 |
| Welfare status | | | | | |
| Current recipient | 57.2* | 41.4* | 31.8* | 49.6 | 18.6* |
| Left welfare after 2000 | 78.4 | 57.9* | 36.2* | 41.0 | 22.7* |
| Left welfare before 2000 | 77.7 | 73.2* | 17.2* | 43.9* | 38.9* |
| Never received welfare ^a | 80.8 | 81.2 | 10.3 | 38.8 | 51.0 |
| Single parents only | | | | | |
| Family income relative to the federal poverty level | | | | | |
| Less than 100% | 65.6* | 44.9* | 40.0* | 39.4 | 20.6* |
| 100%–200% | 78.2* | 61.6* | 32.1* | 45.9* | 22.0* |
| 200% or more ^a | 87.3 | 83.0 | 10.8 | 39.8 | 49.4 |

Source: Urban Institute calculations from the 2002 National Survey of America's Families.

Note: Parents are age 18–54.

^a Base category for statistical comparisons.

*Significantly different from comparison group at the .01 level.

Across measures of economic well-being, access to maternity and paternity leave is less varied than access to any paid leave.

differential might also imply that welfare recipients are taking any job available in an effort to meet a work requirement to maintain benefit eligibility. A more sanguine interpretation of the result would explain the disparity in leave access through a difference in job tenure.

On a positive note, welfare leavers are very likely to have access to maternity or paternity leave. More than three-quarters (78.4 percent) of parents who left welfare after 2000 have access to maternity or paternity leave. The likelihood that recent leavers have access to this leave is statistically the same as the likelihood that parents who never received welfare can take maternity or paternity leave, again suggesting a possible effect of the FMLA. However, recent leavers are less likely to have access to any paid leave than either parents who never received welfare or parents who left welfare before 2000.⁷

Examining single parents by income yields a pattern of leave access very similar to the pattern for all parents by income. But working single parents at all income levels have fewer workweeks of paid leave

than working parents in general. This result is somewhat surprising; economic theory suggests that single parents might choose lower-paying jobs with better benefits because they are unable to rely on a spouse to care for their children in the event of a child's illness.

Job Characteristics and Access to Leave

Across measures of economic well-being, access to maternity and paternity leave is less varied than access to any paid leave, perhaps reflecting the effectiveness of the FMLA. To further study this possible connection between the FMLA and leave, table 3 examines access to leave across the three job characteristics tied to FMLA eligibility: hours of work, job tenure, and employer size. Access differences that are consistent with the legislation would provide support for a possible effect of the law. If the FMLA has had spillover effects—causing firms to provide maternity/paternity leave to all workers regardless of eligibility or encouraging smaller firms to provide leave—then

TABLE 3. Job Characteristics of Working Parents with Access to Leave, 2002 (percent)

| | Maternity or paternity leave | Any paid leave | Workweeks of paid leave (among those with paid leave) | | |
|-------------------------------------|------------------------------|----------------|--|-------|-------------|
| | | | 1 or less | 1-3 | More than 3 |
| Usual hours of work | | | | | |
| Less than 20 | 70.5* | 34.7* | 25.2* | 46.5* | 28.3* |
| 21-34 | 79.7 | 56.7* | 20.5* | 46.1* | 33.4* |
| 35 or more ^a | 81.0 | 85.1 | 10.1 | 38.6 | 51.3 |
| Tenure on current job | | | | | |
| Less than 1 year ^a | 71.5 | 56.0 | 25.2 | 47.4 | 27.3 |
| 1-2 years | 77.5* | 72.9* | 19.9* | 47.4 | 32.7* |
| 2 or more years | 82.5* | 85.9* | 8.2* | 37.3* | 54.5* |
| Employer size | | | | | |
| Less than 25 employees ^a | 72.3 | 64.0 | 18.6 | 47.8 | 33.6 |
| 25-49 employees | 77.6* | 77.8* | 15.2 | 45.1 | 39.7* |
| 50-99 employees | 79.7* | 81.1* | 11.7* | 42.9 | 45.5* |
| 100-499 employees | 82.0* | 86.2* | 10.3* | 39.3* | 50.4* |
| 500 or more employees | 87.3* | 89.8* | 6.7* | 29.7* | 63.6* |

Source: Urban Institute calculations from the 2002 National Survey of America's Families.

Note: Parents are age 18-54.

^a Base category for statistical comparisons.

*Significantly different from comparison group at the .01 level.

the differences among the job characteristics would be muted.⁸

Most working parents report they have access to maternity or paternity leave regardless of their work hours, job tenure, or firm size. Although some statistical differences exist among the different groups of workers, the actual differences never exceed 15 percentage points. The results, however, are consistent with the FMLA. For example, 70.5 percent of parents who work less than 20 hours per week have access to maternity or paternity leave but 81.0 percent of parents who work 35 or more hours per week can take maternity or paternity leave.

Access to paid leave varies significantly by hours of work, firm size, and tenure. Only 34.7 percent of parents who work less than 20 hours per week have access to any paid leave, but 85.1 percent of parents who work at least 35 hours per week can take some paid leave. Although a majority of workers with less than one year of job tenure can take paid leave (56.0 percent), significantly more workers with two or more years of job tenure have

access to paid leave (85.9 percent). For working parents with access to paid leave, hours of work, job tenure, and firm size are also positively associated with the amount of available leave.

The percentage of working parents with maternity/paternity leave and the percentage of working parents with paid leave are very similar for each firm size. For example, 77.6 percent of working parents in firms with 25 to 49 employees have access to maternity/paternity leave and 77.8 percent have access to paid leave. Perhaps once firms decide to provide one form of leave, they provide all forms of leave but restrict access—particularly to paid leave—by measurable worker characteristics such as hours of work and job tenure.

Table 4 examines access to paid leave by both income status and job characteristics. In general, the pattern of results mirrors those in tables 2 and 3. Within each job characteristic, poor working parents are less likely than nonpoor working parents to have access to paid leave.⁹ And among nonpoor working parents, hours of

TABLE 4. Working Parents' Access to Any Paid Leave, by Income and Job Characteristics, 2002 (percent)

| | Family income relative to the federal poverty level | | |
|-------------------------------------|---|-----------|----------------|
| | Less than 100% | 100%–200% | More than 200% |
| Overall | 45.8 | 61.2 | 83.6 |
| Usual hours of work | | | |
| Less than 20 | 19.9* | 28.0* | 37.2* |
| 21–34 | 36.7 | 42.7* | 62.5* |
| 35 or more ^a | 54.7 | 67.5 | 88.0 |
| Tenure on current job | | | |
| Less than 1 year ^a | 41.9 | 44.0 | 61.7 |
| 1–2 years | 46.1 | 63.0* | 76.8* |
| 2 or more years | 53.4 | 69.5* | 87.9* |
| Employer size | | | |
| Less than 25 employees ^a | 29.2 | 49.7 | 69.4 |
| 25–99 employees | 51.3* | 63.4* | 82.8* |
| 100 or more | 60.9* | 74.2* | 89.6* |

Source: Urban Institute calculations from the 2002 National Survey of America's Families.

Note: Parents are age 18–54.

^a Base category for statistical comparisons.

* Significantly different from comparison group at the .01 level.

Parents with young children and working welfare recipients are less likely than other parents to have access to leave.

work, job tenure, and employer size are all positively related to paid leave access. But interestingly, for poor working parents, longer job tenure is not associated with increased access to paid leave. Poor working parents with less than one year of job tenure are statistically as likely to have paid leave as poor working parents with two or more years of job tenure.

Discussion

Although access to maternity/paternity and paid leave is not universal, most working parents age 18 to 54 are employed at jobs that provide both. Unfortunately, parents who are likely to need leave—those with young children and working welfare recipients—are less likely than their counterparts to have access to leave, especially paid leave. Among working parents with paid leave, parents with young children, poor parents, welfare recipients, and recent welfare leavers are most likely to have only a workweek or less of paid leave. Not surprisingly, part-time workers and workers with fewer years on their current jobs are less likely to have any paid leave.

The results in this brief suggest a possible effect of the FMLA. With few exceptions, most working parents have access to

maternity or paternity leave. Even among groups with less access to maternity/paternity leave—working welfare recipients and poor working parents—the majority have rights to job-protected leave for the birth of a child. While this news is good, it highlights a group of workers that could benefit from additional family leave legislation. Loosening eligibility restrictions would provide more parents with access to leave.

Certain parents are much less likely to have any paid leave. More than half of poor workers, working welfare recipients, and workers who recently left welfare cannot take paid leave from their jobs. When they do have access to paid leave, these workers are more likely than others to have only one workweek of leave or less. These economically vulnerable workers probably do not have sufficient savings to cover lost wages if they need to take some time away from work. Further, without leave available, these working parents risk losing their jobs if they need to stay home with a sick child.¹⁰

Although job-protected, the family leave provided by the FMLA and most state laws is unpaid. Even if access to family leave were universal, many workers could not afford to take periods of unpaid

leave. Some states—California, Hawaii, New Jersey, New York, and Rhode Island—provide remuneration for maternity leave. California law also replaces a portion of wages for up to six weeks of paternity and other family leave. Increasing access to employer-provided paid leave or developing a mechanism for payment during FMLA leave could help ensure that eligible working parents are economically able to take FMLA leave. Increasing access to paid leave in general would help provide some economic security to many working parents.

Notes

1. Unlike many forms of leave offered through an employer, including paid leave, FMLA leave is job-protected. After an FMLA leave, an employer must allow the leave-taker to return to either the same position or a position with equivalent pay, benefits, terms of employment, and seniority. There are exceptions to the reinstatement provision for certain employees.
2. Nine states and the District of Columbia have leave legislation with more lenient eligibility criteria—either applying to smaller firms, requiring less job tenure, or requiring fewer hours of work—for some workers (Ross Phillips forthcoming). In eight of these states, the more lenient eligibility criteria apply to maternity and paternity leave.
3. Low-income workers are those with family incomes below 200 percent of the federal poverty level, or FPL; higher-income workers are those with family incomes at or above 200 percent of FPL.
4. The maternity/paternity leave may be either unpaid or paid.
5. These percentages are higher than results from the 1996 wave of the National Longitudinal Survey of Youth (NLSY). Waldfogel (1999) calculates that, in 1996, 78 percent of working women had maternity leave but only 56 percent of working men had paternity leave. The overall differences may reflect actual changes in coverage, perhaps because of increased coverage under the FMLA, differences in the survey instrument, or differences in the sample population. Members of the 1996 NLSY sample were primarily in their 30s, and Waldfogel did not restrict her analysis to parents.
6. There are five days in a workweek. For example, a worker with two workweeks of leave has 10, rather than 14, days of leave.
7. It is not possible to identify exactly when former recipients stopped receiving welfare using NSAF data, unless it was between 2000 and 2002.
8. State legislation that expands eligibility for maternity/paternity leave to workers in smaller firms and workers with less job tenure will also cloud the differences.
9. Poor workers are those with family incomes below 100 percent of FPL; nonpoor workers are those with family incomes at or above 100 percent of FPL.
10. The FMLA allows an eligible worker time off to care for a child with a “serious illness.” But children with illnesses that would not meet the severity requirement of the law are nevertheless unable to attend child care or school. In these cases, even FMLA-eligible parents would not be able to use FMLA leave to care for their children at home. Instead, they would have to find a substitute care arrangement or stay home from work.
Moreover, not all employers allow their employees to use sick leave to take care of their children or attend children’s doctors’ appointments. Thus, parents with access to employer-provided paid leave might also be unable to take time off to care for sick children.

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This series presents findings from the 1997, 1999, and 2002 rounds of the National Survey of America's Families (NSAF). Information on more than 100,000 people was gathered in each round from more than 42,000 households with and without telephones that are representative of the nation as a whole and of 13 selected states (Alabama, California, Colorado, Florida, Massachusetts, Michigan, Minnesota, Mississippi, New Jersey, New York, Texas, Washington, and Wisconsin). As in all surveys, the data are subject to sampling variability and other sources of error. Additional information on the NSAF can be obtained at <http://newfederalism.urban.org>.

The NSAF is part of *Assessing the New Federalism*, a multiyear project to monitor and assess the devolution of social programs from the federal to the state and local levels. Alan Weil is the project director. The project analyzes changes in income support, social services, and health programs. In collaboration with Child Trends, the project studies child and family well-being.

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