

# The Family And Medical Insurance Leave (FAMILY) Act

115th Congress: H.R.947/S.337

## PROBLEM

Virtually all working people will at some point need time away from a job to meet caregiving responsibilities or recover from a serious illness or injury, but access to paid family and medical leave that would enable them to do so without risking their financial security is rare.

Despite policy advances at the state level and new or expanded company policies, **just 15 percent of working people have paid family leave** through their employers to care for a new child or sick family member – and **fewer than 40 percent have personal medical leave**

through an employer-provided disability program to address their own serious health condition. Workers who are paid low wages have even lower rates of access.

## SOLUTION

All working people need access to paid family and medical leave, no matter where they live or work or the kind of job they hold. The FAMILY Act would **create an affordable, comprehensive national paid family and medical leave insurance program** that would provide all workers with access to paid leave to care for a new child or seriously ill or injured family member, or to address their own serious health issue or circumstances related to a service member's deployment.

## Key Elements

- ▶ **The FAMILY Act – which is modeled on successful state programs – would provide working people with up to 12 weeks of partially paid time away from their jobs to address the serious family and medical needs that virtually all workers will experience at some point in their lives.**
  - ▶ The FAMILY Act would allow working people to take partially paid time away from work to address their own serious medical condition, including pregnancy and recovery from childbirth; the birth or adoption of a new child; the serious health condition of a child, parent, spouse or domestic partner; and/or certain military caregiving and leave needs.

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- ▶ **The FAMILY Act would create a self-sustaining national paid leave program that’s affordable for employees, employers and the government.**
  - ▶ The program the FAMILY Act would create would be funded through minimal employee and employer contributions – two cents per \$10 in wages, or less than \$1.50 per week for a typical worker – and administered through a new Office of Paid Family and Medical Leave within the Social Security Administration.
  - ▶ Contributions to the fund would cover both the cost of leave and administration.
- ▶ **The FAMILY Act would ensure that all workers have access to a meaningful portion of their regular wages so they can manage their health and caregiving responsibilities while still meeting their basic financial needs.**
  - ▶ Working people who take leave through the FAMILY Act program would receive 66 percent of their monthly wages, up to a capped amount of \$4,000 per month.
- ▶ **Under the FAMILY Act, people would be protected from negative employment consequences – such as discrimination or retaliation – when they need leave.**
  - ▶ The FAMILY Act would explicitly prohibit employers from discriminating against or firing a worker who has applied for, expressed intent to apply for, or has taken paid family and medical leave under the law.
- ▶ **The FAMILY Act would recognize the diversity of families and their needs.**
  - ▶ Couples in a “committed relationship” – including domestic partners – would have paid family leave protections. Workers who need time away from their jobs to care for a domestic partner or a partner’s child – in addition to providing care for a spouse, parent, or biological or adopted child – would be able to do so.

## Public Support

- ▶ **Voters express broad and intense support for a 12-week, comprehensive national paid family and medical leave law.<sup>1</sup>**
  - ▶ More than three-quarters of voters (78 percent) say they would favor – including nearly two-thirds (64 percent) who say they “strongly favor” – establishing a national law that provides 12 weeks of paid family and medical leave.
  - ▶ That support extends across party lines: 93 percent of Democrats (83 percent “strongly favor”), 77 percent of independents (61 percent “strongly favor”) and 66 percent of Republicans (46 percent “strongly favor”).
- ▶ **Voters are willing to contribute to a national paid family and medical leave fund.<sup>2</sup>**
  - ▶ Nearly two-thirds of all voters (64 percent) in 15 “battleground” states say they are willing to contribute to a paid leave fund, and both lower- and higher-wage workers are equally willing to contribute.

<sup>1</sup> National Partnership for Women & Families. (2016, November). *Key Findings: 2016 Election Eve/Election Night Survey*. Retrieved on 26 September 2017, from <http://www.nationalpartnership.org/research-library/work-family/key-findings-2016-election-eve-election-night-survey.pdf>

<sup>2</sup> National Partnership for Women & Families. (2016, September). *Memo: Voters’ Willingness to Pay for a National Paid Leave Fund*. Retrieved 26 September 2017, from <http://www.nationalpartnership.org/research-library/work-family/paid-leave/memo-voters-willingness-to-pay-for-a-national-paid-leave-fund.pdf>

- ▶ Among paid leave supporters, nearly nine in 10 (86 percent) are willing to contribute, including more than seven in 10 (72 percent) who are willing to contribute much more than the FAMILY Act would require.

## Talking Points and Call Script

**Use these key points and script for calls and other communication with Congress.** Be sure to note your full name and affiliation (i.e., constituent in a particular state, business leader, professor, organization, etc.) and provide your contact information in all outreach.

### TALKING POINTS: THE NEED AND DEMAND FOR NATIONAL PAID LEAVE

#### Why does the United States need a federal paid family and medical leave law?

- ▶ Parents should be able bond with their new children without worrying about losing a job or risking their families' economic security.
- ▶ Some new mothers without access to paid family leave don't even have a full week to heal and recover from childbirth before they have to return to work.
- ▶ When people are diagnosed with serious illnesses or seriously injured, their spouses or partners shouldn't have to choose between keeping food on the table and their loved one's health and well-being.
- ▶ When an elderly parent falls ill, adult children should not have to worry about meeting their own living expenses or saving for their futures if they need to take time away from work to help with recovery or hospice care.
- ▶ When a person is diagnosed with a serious illness or has a serious accident, the last thing that person should have to worry about is rent or mortgage payments.

#### Is a federal paid family and leave law something workers and families in the United States actually want?

- ▶ The fact that cities and states are increasingly considering and passing paid leave laws makes it clear that people are hungry for a solution to the United States' paid leave problem. But access to paid leave shouldn't be based on geography.
  - ▶ Three states already have successful paid leave programs. In 2016, New York state passed a paid leave law that will take effect in 2018, and Washington, D.C., and Washington state passed paid leave laws that will take effect in 2020. Bills had bipartisan interest in a number of state legislatures in 2017.
  - ▶ Cities and counties across the country, including in states like Ohio, Missouri, North Carolina and Florida, are adopting paid leave policies for public employees to address some caregiving needs.
- ▶ More than 80 percent of 2016 voters say the president and Congress should consider a paid family and medical leave law, and 78 percent – including 93 percent of Democrats, 77 percent of independents and 66 percent of Republicans – say they favor establishing a national law to provide 12 weeks of paid family and medical leave.

- ▶ Nearly two-thirds of all voters in 15 “battleground” states say they are willing to contribute to a paid leave fund, and both lower- and higher-wage workers are equally willing to contribute.

## **SAMPLE CALL SCRIPT FOR CONGRESSIONAL OUTREACH**

- ▶ My name is \_\_\_\_\_. I am [note City/State Name if applicable and affiliation].
- ▶ I’m calling today to ask [Rep. X/Sen. X] to co-sponsor the Family And Medical Insurance Leave Act (the FAMILY Act) (H.R.947/S.337), which has been introduced in the 115th Congress by Representative DeLauro and Senator Gillibrand.
- ▶ The FAMILY Act would create an affordable, self-sustaining, comprehensive national paid family and medical leave program.
  - ▶ It would help meet the needs of new mothers and fathers and people with serious personal or family health issues. It is important that a paid leave plan cover all these reasons, and no less.
  - ▶ The FAMILY Act is modeled after paid leave programs that are already working well in California, New Jersey and Rhode Island. Evidence shows that paid leave works – it’s not only good for workers and their families; it’s good for businesses’ bottom lines.
  - ▶ All working people need access to paid family and medical leave, no matter where they live or work or the kind of job they have.
- ▶ Access to paid family and medical leave really matters to [me/the people I’m representing/my community] because [key reason or tell your own or a member’s/supporter’s personal story].
- ▶ Please ask [Rep. X/Sen. X] to co-sponsor this bill.
  - ▶ If the staff member expresses concerns or has questions about the bill and you aren’t sure how to answer, note that you’ll get back to them. Contact Vicki Shabo (vshabo@nationalpartnership.org) or Lelaine Bigelow (lbigelow@nationalpartnership.org) who can help you respond.
  - ▶ Please send relevant feedback and questions from the congressional office to Vicki or Lelaine. This important information will help the coalition continue to work strategically to advance the bill.
- ▶ I will call back to see what [Rep. X’s/Sen. X’s] decision is. Thank you for your time.
  - ▶ Be sure to follow up within a week. Consistent contact is an effective way to demonstrate that you take this issue seriously.

## **Members of Congress who would like to become co-sponsors of the Family And Medical Insurance Leave (FAMILY) Act, should contact:**

**Keith Castaldo**  
General Counsel  
Office of Sen. Kirsten Gillibrand  
Keith\_Castaldo@gillibrand.senate.gov

**Liz Albertine**  
Senior Legislative and Policy Advisor  
Office of Rep. Rosa DeLauro  
Elizabeth.Albertine@mail.house.gov

## Letters to the Editor Templates

**Please consider working with your organization’s members and supporters to submit letters to the editor (LTEs) – or submit your own – to raise awareness of the need for paid family and medical leave, specifically the FAMILY Act.**

If the article you want to respond to doesn’t specifically mention paid leave or the FAMILY Act, you may still be able to raise the issue. Look for connections between the article’s content or theme and paid leave, including through key words and phrases that can help you pivot.

Before submitting an LTE, know your specific outlet’s submission guidelines, especially maximum length (usually no more than 250 – 300 words) and the contact information you are required to provide. An LTE is not the best place for a nuanced policy argument or list of facts. Instead, keep it simple.

### GENERAL

Dear Editor,

[Article Reference] from [Date]: Hardworking people throughout [City/State Name] and across the country are just one accident, diagnosis or new child away from financial hardship or devastation because they do not have access to paid family and medical leave. This urgent problem threatens our families, our community and our economy.

Fortunately, there is federal legislation, modeled after successful programs in California, New Jersey and Rhode Island, that would help. The Family And Medical Insurance Leave (FAMILY) Act (H.R.947/S.337) would establish a national paid leave insurance program to guarantee workers some pay when they need time to recover from their own serious illness or care for a new child or a sick family member.

Evidence from state programs shows that paid leave has a positive effect on families’ financial stability, children’s health, and businesses’ bottom lines, while reducing use of public assistance programs. And 82 percent of 2016 voters – across party lines – say it is important for the president and Congress to consider a paid family and medical leave law.

[State’s] congressional delegation [or specific member of Congress] should stand up for [City/State Name] working families, businesses and the local economy by supporting the FAMILY Act.

Sincerely,

[Name; Address; City, State; Phone Number; Email Address]

*Word count: Approx. 196*

## THE TRUMP ADMINISTRATION

Dear Editor,

[Article Reference] from [Date]: It was encouraging that – for the first time ever – presidential candidates from both major parties talked about paid leave during the election. It is unacceptable that most workers can't take time off to recover from a serious illness or care for a new child or sick family member without sacrificing a paycheck or a job.

That's why 82 percent of 2016 voters – of all political stripes – say it's important for the president and Congress to consider a paid family and medical leave law. President Trump says he has a plan, but it would do more harm than good. What we need is an affordable, inclusive national paid leave insurance program; one that covers the full range of caregiving and serious health needs virtually all working people have at some point.

The Family And Medical Insurance Leave (FAMILY) Act (H.R.947/S.337), which is currently before Congress, would do just that. The FAMILY Act would guarantee workers some pay when they need family leave to care for a new child or seriously ill loved one, or medical leave to recover from their own serious illness or condition.

If the president and Congress, including [state delegation/specific member], truly care about this issue, they should support the FAMILY Act, which is modeled after successful state programs. As a nation, we should not force those coping with a cancer diagnosis, recovering from childbirth or tending to a spouse's serious injury to choose between doctors' orders and keeping food on the table.

Sincerely,

[Name; Address; City, State; Phone Number; Email Address]

*Word count: Approx. 250*

## FAMILY VALUES

Dear Editor,

I read with interest [Article Reference] from [Date]. It is astounding to hear public figures talk about the issues that matter to them – from family values to strengthening our economy and standing up for [City/State Name] residents – while failing to mention paid family and medical leave.

Millions of people across the country, including in [City/State Name], lack access to paid family and medical leave to care for a new child or family member or to recover from a serious illness. If faced with a serious health event, 71 percent of 2016 voters say they or their families would face significant financial hardship. This is an urgent problem that affects all of us.

The Family And Medical Insurance Leave (FAMILY) Act (H.R.947/S.337), which is currently before Congress, is the solution we need. The FAMILY Act would establish an

affordable, comprehensive national paid leave insurance program to guarantee workers some pay when they need family or medical leave. It is a common sense proposal, modeled on programs that are working well in California, New Jersey and Rhode Island.

If our elected leaders, including those representing [State Name], really care about what is best for our families, communities, businesses and economy, they should prioritize policies like the FAMILY Act.

Sincerely,

[Name; Address; City, State; Phone Number; Email Address]

*Word count: Approx. 207*

### **BUSINESS OWNER/EMPLOYER\***

Dear Editor,

[Article Reference] from [Date]: As a [business owner/employer] in [City/State Name], it's important to me that our local economy thrives. This means ensuring that businesses are profitable and consumers have money in their pockets. A national paid family and medical leave insurance program would help on both fronts. That's why, like a growing number of [businesses/employers], [business name/I] supports the Family And Medical Insurance Leave (FAMILY) Act (H.R.947/S.337), which is currently before Congress.

The FAMILY Act would enable workers to take time to recover from a serious illness or care for a family member without losing all of their income. Employers like me know that supporting employees through both tough and joyous times creates a loyal, happy and productive workforce. And when workers in our communities aren't faced with financial collapse at critical times in their lives, consumer demand remains stable.

Many employers know that offering paid leave is the right thing to do, but some worry about costs. The FAMILY Act's insurance model addresses this by enabling employers to provide a critical benefit through a public system, funded by very small employee and employer contributions. In fact, businesses in California and New Jersey, where similar programs exist, say paid leave boosts their bottom lines.

It's time for all employers, employees and communities to enjoy the benefits of paid leave. [State delegation/specific member of Congress] should stand with [City/State Name] employers by supporting the FAMILY Act.

Sincerely,

[Name; Title, Business Name; Address; City, State; Phone Number; Email Address]

*Word count: Approx. 237*

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\* Special thanks to CLASP for contributing to this template.

## **PARENT WITHOUT PAID LEAVE**

Dear Editor,

[Article Reference] from [Date]: One of the first decisions I had to make as a new parent was also one of the hardest. That was the decision to keep my family afloat financially, or to care for my child at a critical time.

When my [child/son/daughter] was born, I was one of the 85 percent of workers without access to paid family leave through my employer. Despite doing everything we could to plan financially, without the income and job security paid leave provides during times of serious illness or when new children arrive, my family racked up debt just to cover basic expenses.

Stories like mine are all too common in [State Name] and across the country. In fact, 71 percent of 2016 voters say they worry that a new child or serious illness could mean significant financial hardship. That's why I support the federal Family And Medical Insurance Leave (FAMILY) Act (H.R.947/S.337), currently before Congress.

The FAMILY Act would establish an affordable, comprehensive national paid family and medical leave insurance program. It would mean that having a baby or needing to take time to care for a seriously ill spouse or aging parent would no longer force people into debt and poverty, and it would help strengthen our economy from the bottom up.

[State congressional members] should stand up for [State Name] working families, businesses and the local economy by supporting the FAMILY Act.

Sincerely,

[Name; Address; City, State; Phone Number; Email Address]

*Word count: Approx. 236*

## **CHILD ADVOCATE**

Dear Editor,

[Article Reference] from [Date]: It is well known that the first years of a child's life are crucial in determining success. And yet we are one of a handful of nations that do not guarantee paid leave to new mothers, and one of just a few economically competitive nations that do not guarantee it for new fathers. Only 15 percent of U.S. workers have access to paid family leave through their employers.

We know that paid leave benefits the well-being of children. Parents who take paid leave report that they were better able to care for a new child. Newborns whose mothers take 12 weeks of leave are more likely to be breastfed, receive regular checkups, and get critical immunizations. Paid parental leave also reduces infant mortality and produces better long-term health outcomes, especially for children with chronic health conditions.

If we care about kids, then we have to make sure their parents can take time to care for them without risking their families' economic security. That's why I support the federal Family And Medical Insurance Leave (FAMILY) Act (H.R.947/S.337), which is currently before Congress. The FAMILY Act would establish an affordable, comprehensive national paid family and medical leave insurance program. It would mean that having a baby or needing to take time to care for a seriously ill family member would no longer force people into debt and poverty, and it would help strengthen our economy from the bottom up.

Sincerely,

[Name; Address; City, State; Phone Number; Email Address]

*Word count: Approx. 236*

### **CARGIVER FOR AGING PARENT WITHOUT PAID LEAVE**

Dear Editor,

[Article Reference] from [Date]: I've been watching the national debate about paid leave and I'm thrilled to see the issue continuing to gain steam. But I'm also worried that family caregivers like me will be forgotten if the president and Congress advance a policy that only provides parental leave. To truly address our nation's paid leave crisis, we need a comprehensive program that applies to all workers and addresses the full range of caregiving responsibilities families have, including caring for a [dying/aging/sick] parent.

I'm one of the 85 percent of workers in this country without paid leave through my employer. I've also spent the last [number of days/months/years] caring for my [dying/aging/sick] [mother/father/mother-in-law/father-in-law]. I am increasingly faced with impossible choices. Do I focus on the needs of my [dying/aging/sick] [mother/father/mother-in-law/father-in-law] who needs more care every day, or do I abandon that responsibility so I can keep a roof over my family's head? No one should have to answer that question.

That's why I believe the Family And Medical Insurance Leave (FAMILY) Act (H.R.947/S.337), which is currently before Congress, is the policy our nation needs. The FAMILY Act – which is modeled after successful programs in California, Rhode Island and New Jersey – would establish an affordable, comprehensive national paid leave insurance program to guarantee workers some pay when they need time to care for a new child, help an [aging/sick] parent, or recover from a serious illness of their own.

Access to paid leave shouldn't depend on where you live or winning the "boss lottery." I hope [state's congressional delegation/specific member of Congress] stands up for all working families and family caregivers by prioritizing the FAMILY Act.

Sincerely,

[Name; Address; City, State; Phone Number; Email Address]

*Word count: Approx. 276*

## MEDICAL LEAVE

Dear Editor,

[Article Reference] from [Date]: I'm one of the 85 percent of U.S. workers without access to paid family and medical leave through my employer. So, when I was [diagnosed with illness/had a serious accident] – instead of focusing on my [recovery/treatment] – I wondered how I was going to pay the bills and keep my family afloat without any income.

No one should have to ask that question, yet there are countless people like me here in [State Name] and millions of people across the nation grappling with the same, dire dilemma. In fact, 71 percent of 2016 voters say they too worry that a new child or serious illness could mean significant financial hardship.

That's why I believe the Family And Medical Insurance Leave (FAMILY) Act (H.R.947/S.337), which is currently before Congress, is so vitally important. The FAMILY Act would establish an affordable, comprehensive national paid leave insurance program to guarantee workers some pay when they need time off to care for a new child, help a sick family member, or, like me, recover from a serious [illness or injury].

I urge [state's congressional delegation/or specific member of Congress] to stand up for all working people and their families by supporting the FAMILY Act.

Sincerely,

[Name; Address; City, State; Phone Number; Email Address]

*Word count: Approx. 204*

## Letter From State and Local Leaders Template

[Date]

Dear [Member of Congress]:

As the [title (*example: executive director*)] of [Organization Name] in [State Name], I urge you to support the Family And Medical Insurance Leave (FAMILY) Act (H.R.947/S.337), which is currently before the 115th Congress. [Organization Name] represents [number of members or followers and/or demographics (*example: "thousands of working families"*)] in our state who are committed to advancing this critical, common sense policy.

People in [City/State Name], like working people all across the nation, have an acute need for paid family and medical leave when babies are born, children are adopted, loved ones fall seriously ill or face a serious injury, and when a serious personal medical issue arises. National survey data show that 71 percent of 2016 voters say they or their families would face financial hardship in such a circumstance. A comprehensive national approach to paid family and medical leave would help tremendously.

For [Organization Name] and our [members/followers/constituents], paid family and medical leave is especially important because [insert one key fact about why your organization is invested in paid leave, or share a story about a worker in your state]. The FAMILY Act would address these challenges in a comprehensive, sustainable and responsible way. By guaranteeing workers access to up to 12 weeks of partially paid leave when specific family or medical needs arise, it would help [the people/community I serve] to meet their serious health and caregiving needs while still being able to make ends meet.

Current law, the Family and Medical Leave Act (FMLA) – the first and only federal law to help families manage their responsibilities at work with their health needs and the caregiving needs of their families – has been used more than 200 million times since its adoption nearly 25 years ago. But the FMLA is not enough for most working people. Nearly 40 percent of America’s workers are ineligible for the law’s protections and millions more simply cannot afford to take leave without pay.

**In fact, here in [State Name], [see chart below and enter appropriate number] working people either are not eligible for or can’t afford to take unpaid leave under the FMLA –** that means too many [State Demonym (example: Californians)] are faced with an impossible choice between their own health or the care of a loved one and their financial security. This harms all of us.

**But, America’s paid leave crisis has a clear solution: the FAMILY Act.** I hope you’ll stand up for [State Name] families and workers across the country by supporting it today.

Thank you,

[Name  
Title, Organization Name  
Contact Information]

**To become a co-sponsor of the Family And Medical Insurance Leave (FAMILY) Act, contact:**

**Keith Castaldo**  
General Counsel  
Office of Sen. Kirsten Gillibrand  
Keith\_Castaldo@gillibrand.senate.gov  
202-224-4451

**Liz Albertine**  
Senior Legislative and Policy Advisor  
Office of Rep. Rosa DeLauro  
Elizabeth.Albertine@mail.house.gov  
202-225-3661

## Working Adults Who Are Eligible For and Can Afford Unpaid Leave Under the Family and Medical Leave Act

**Source: DiversityDataKids.org**

|                      |       |
|----------------------|-------|
| <b>United States</b> | 38%   |
| <b>Alabama</b>       | 39.3% |

|                |       |
|----------------|-------|
| <b>Alaska</b>  | 36.5% |
| <b>Arizona</b> | 37.8% |

|                             |       |
|-----------------------------|-------|
| <b>Arkansas</b>             | 34.6% |
| <b>California</b>           | 34.4% |
| <b>Colorado</b>             | 36.4% |
| <b>Connecticut</b>          | 40.6% |
| <b>Delaware</b>             | 42%   |
| <b>District of Columbia</b> | 47%   |
| <b>Florida</b>              | 37.4% |
| <b>Georgia</b>              | 39.9% |
| <b>Hawaii</b>               | 39.2% |
| <b>Idaho</b>                | 28.6% |
| <b>Illinois</b>             | 40.1% |
| <b>Indiana</b>              | 37.2% |
| <b>Iowa</b>                 | 39.3% |
| <b>Kansas</b>               | 37.2% |
| <b>Kentucky</b>             | 37%   |
| <b>Louisiana</b>            | 35.2% |
| <b>Maine</b>                | 32.9% |
| <b>Maryland</b>             | 43.8% |
| <b>Massachusetts</b>        | 41.9% |
| <b>Michigan</b>             | 38.1% |
| <b>Minnesota</b>            | 40.6% |
| <b>Mississippi</b>          | 38%   |
| <b>Missouri</b>             | 40%   |
| <b>Montana</b>              | 28.1% |

|                       |       |
|-----------------------|-------|
| <b>Nebraska</b>       | 37.5% |
| <b>Nevada</b>         | 37.1% |
| <b>New Hampshire</b>  | 42.4% |
| <b>New Jersey</b>     | 40.1% |
| <b>New Mexico</b>     | 33.8% |
| <b>New York</b>       | 38.3% |
| <b>North Carolina</b> | 36.2% |
| <b>North Dakota</b>   | 34.8% |
| <b>Ohio</b>           | 37.6% |
| <b>Oklahoma</b>       | 37.1% |
| <b>Oregon</b>         | 32.8% |
| <b>Pennsylvania</b>   | 40.9% |
| <b>Rhode Island</b>   | 38.8% |
| <b>South Carolina</b> | 39.6% |
| <b>South Dakota</b>   | 31.7% |
| <b>Tennessee</b>      | 37.2% |
| <b>Texas</b>          | 38%   |
| <b>Utah</b>           | 35.8% |
| <b>Vermont</b>        | 33.8% |
| <b>Virginia</b>       | 44.7% |
| <b>Washington</b>     | 37.1% |
| <b>West Virginia</b>  | 39.4% |
| <b>Wisconsin</b>      | 36.9% |
| <b>Wyoming</b>        | 33.9% |