

Paid Family and Medical Leave: An Overview

OCTOBER 2017

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;
- ▶ Address family circumstances arising from a **military service member’s deployment**; or
- ▶ Care for a **newborn, newly-adopted child or newly-placed foster child**.

Only 15 percent of workers in the United States have access to paid family leave through their employers.

A **serious health condition** is one requiring either inpatient care or continuing treatment by a health care provider. For example, 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.

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 in effect, one (Rhode Island) allows new parents and family caregivers to take leave from work for up to four weeks while the other two (California and New Jersey) allow new parents and family caregivers to take up to six weeks. In the places where paid leave laws have passed but are not yet in effect, two (New York and Washington) allow new parents and family caregivers to take leave from work for up to 12 weeks, and one (Washington, D.C.) allows new parents and family caregivers to take leave from work for up to eight and six weeks, respectively. In some of the five states with Temporary Disability Insurance (TDI) programs that allow people to take time away from work for their own serious health conditions, including the health effects of

pregnancy, workers may take substantially longer periods of time if their conditions require it.

The **amount of pay** a worker receives varies by proposal, but workers can typically expect to receive a portion of their current wages while on leave. Typically, workers receive a percentage of their wages (up to a maximum cap).

Programs are **funded** by joint employer-employee contributions or solely by employee or employer 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. New York passed a paid family leave law in 2016 that will start phasing in beginning in 2018. These laws complement the states' TDI programs, which provide paid medical leave for a worker's own serious illness.
- ▶ The District of Columbia and Washington state passed laws in 2017 that will both take effect in 2020. These are the first laws to be enacted without the infrastructure of an existing state TDI program.
- ▶ TDI programs are also in place in Hawaii 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 15 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.

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

1 U.S. Department of Labor, Bureau of Labor Statistics. (2017, September). *Employee Benefits in the United States National Compensation Survey: Employee Benefits in the United States, March 2017* (Tables 16 and 32). Retrieved 16 October 2017, from <https://www.bls.gov/ncs/ebs/benefits/2017/ebb10061.pdf>

2 Klerman, J.A., Daley, K., & Pozniak, A. (2012, September 7). Family and Medical Leave in 2012: Technical Report (p. 21). Abt Associates Publication. Retrieved 4 November 2015, from <http://www.dol.gov/asp/evaluation/fmla/FMLA-2012-Technical-Report.pdf>; diversitydatakids.org. (2015). *Working Adults Who Are Eligible For and Can Afford FMLA Unpaid Leave (Share)*. Brandeis University, The Heller School, Institute for Child, Youth and Family Policy Publication. Retrieved 16 October 2017, from <http://www.diversitydatakids.org/data/ranking/529/working-adults-who-are-eligible-for-and-can-afford-fmla-unpaid-leave-share/#loct=2&cat=44,25&tf=17>

© 2017 National Partnership for Women & Families. All rights reserved.