

March 3, 2022

Dear Member of Congress,

On behalf of the undersigned organizations and the tens of millions of working families and thousands of businesses we represent, we write in support of the Job Protection Act. The Job Protection Act would improve and strengthen the Family and Medical Leave Act (FMLA), which was signed into law 29 years ago in 1993, and provides eligible workers with up to 12 weeks of unpaid, job-protected leave to bond with a new child; care for a seriously ill or injured spouse, parent, or child; address their own health condition; or up to 26 weeks to care for a servicemember or address needs related to a family member's deployment.

The FMLA has been used more than 315 million times by working people who needed to care for their own health or the health of their families.¹ Nearly 15 million workers take FMLA leave each year.² The FMLA is [a key protective measure for millions of American workers](#), not only ensuring that they have time to prioritize their personal health and that of their loved ones, but ensuring that they are able to return to jobs that have been waiting for them.

The FMLA has helped to transform workplaces, but too many people are still left behind. Many workers, especially workers of color, are not able to access unpaid leave through the FMLA. About 44 percent of workers – including 48 percent of Latinx, 47 percent of Asian American, 43 percent of Black and 42 percent of white workers – are not covered by the FMLA because they work for small employers, do not work enough hours or have not worked for their employer for long enough.³ One in five LGBTQ+ people have fears of discrimination could prevent them from requesting a leave if it would require disclosing their LGBTQ identity.⁴ The existing one-year tenure requirement excludes more than one in five workers, and especially large shares of women (23.3 percent), Latinx workers (25.5 percent) and Black workers (25.8 percent).⁵ Among workers who are not protected by the FMLA, nearly 2.6 million each year need leave but do not take it because they fear losing their job.⁶

The FMLA will be a critical tool to help people return to the workforce as the COVID-19 pandemic continues, and when it eventually becomes endemic. In October 2021, 12.6 million people were not working due to personal medical or caregiving needs, and record numbers of workers, including 4 million in August and September 2021, are leaving the workforce each month.⁷ As these workers return to the workforce, they will all fall short of the current 12-month employment requirement and thus lack any FMLA coverage. Additionally, many workers, and disproportionately women, have had to reduce their paid work hours to provide care for their families during the pandemic, and many workers continue to suffer from long-haul COVID-19 symptoms that could impact their ability to work full-time. Extending FMLA protections to people returning to the workforce, as well as those who have reduced their hours due to caregiving or medical issues, will be key to making sure they are able to return to and stay in the workforce without sacrificing their health or the health of their families.

The Job Protection Act would close these gaps by expanding FMLA coverage and strengthening the law’s protections. While the lack of pay during leave remains a significant barrier to taking time off and a financial strain on those who need leave, without job protection, even those who have access to paid leave may not be able to risk losing their jobs. The Job Protection Act would protect employees at small businesses by eliminating the requirement that a workplace have 50 or more employees within a 75-mile radius, which currently excludes an estimated 33 million workers at small employers.⁸ It would eliminate the requirement that a worker must have worked 1,250 hours at a single workplace over the previous year, protecting both part-time workers and many workers, particularly those in low-wage jobs, who work more than one job but do not meet this requirement in any one of them. Finally, it would reduce the amount of time that a worker must have worked at their workplace from one year to 90 days, ensuring that people changing jobs or returning to work, either by choice or necessity, will have protections. Strengthening FMLA with the Job Protection Act would also help boost our economy by improving employee morale and productivity; enhancing consumer confidence in returning in person to the marketplace; and level the competitive playing field for those companies, especially smaller enterprises, that already offer these benefits.

We urge you to support this essential legislation that will strengthen protections for our nation’s workers, help keep Americans attached to the workforce, and prevent millions from having to sacrifice their health or the health of their families.

Sincerely,

National

1,000 Days

A Better Balance

AFL-CIO

American Association of University Women

American Federation of Government Employees

American Federation of State, County and Municipal Employees (AFSCME)

American Federation of Teachers

American Public Health Association

American Sustainable Business Network

Asian Pacific American Labor Alliance, AFL-CIO

Association of Maternal & Child Health Programs

Association of State Public Health Nutritionists

Breastfeeding Coalition of Washington

Campaign for a Family Friendly Economy

Caring Across Generations

Center for American Progress

Center for Economic and Policy Research

Center for Law and Social Policy (CLASP)

Children’s Defense Fund

Coalition of Labor Union Women, AFL-CIO
Communications Workers of America (CWA)
Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces
Economic Policy Institute
Educare Learning Network
Family Values @ Work
First Focus Campaign for Children
HealthConnect One
Human Impact Partners (HIP)
Human Rights Campaign
Institute for Women's Policy Research
Jewish Women International
Jobs With Justice
Justice for Migrant Women
La Leche League of the United States of America
Main Street Alliance
MANA, A National Latina Organization
March of Dimes
Maternal Mental Health Leadership Alliance
MomsRising
NARAL Pro-Choice America
National Advocacy Center of the Sisters of the Good Shepherd
National Association of Councils on Developmental Disabilities
National Council of Jewish Women
National Domestic Workers Alliance (NDWA)
National Education Association
National Employment Law Project
National Employment Lawyers Association
National Military Family Association
National Network to End Domestic Violence
National Organization for Women
National Partnership for Women & Families
National Provincial Council Clerics of St. Viator
National Women's Law Center
NETWORK Lobby for Catholic Social Justice
Paid Leave for All
Paid Leave for the U.S. (PL+US)
Public Advocacy for Kids (PAK)
ROC United
Service Employees International Union
Shriver Center on Poverty Law
Start Early
The Arc of the United States
The Gerontological Society of America

The National Domestic Violence Hotline
UltraViolet
Union for Reform Judaism
United Food and Commercial Workers International Union
United State of Women
U.S. Breastfeeding Committee
Women Effect Action Fund
Women's Law Project
Women's Media Center
Workplace Fairness
YWCA USA

Alabama

AIDS Alabama

California

California Breastfeeding Coalition
California Latinas for Reproductive Justice
California Work & Family Coalition
Contra Costa County NOW
Legal Aid at Work

Connecticut

Connecticut Women's Education and Legal Fund (CWEALF)

Delaware

Delaware Civil Rights Coalition
Women's March Sussex - Delaware

Florida

Women's Foundation of Florida

Hawai'i

Hawai'i Children's Action Network Speaks!

Illinois

Chicago Foundation for Women
COFI
Kids Above All (formerly ChildServ)
Illinois Action for Children (IAFC)
Illinois Association for Infant Mental Health
I PROMOTE-IL
Start Early
Stephenson County Health Department

Women Employed

Indiana

MCCOY (Marion County Commission on Youth, Inc.)

Kansas

Kansas Breastfeeding Coalition

Louisiana

National Association of Social Workers – Louisiana Chapter

Massachusetts

Coalition for Social Justice

Maryland

Public Justice Center

Michigan

Mothering Justice

Michigan League for Public Policy

Minnesota

TakeAction Minnesota

Nebraska

Nebraska Appleseed

New Hampshire

Campaign for a Family Friendly Economy, New Hampshire

New Jersey

NJ State Industrial Union Council

Office of Peace, Justice, and Ecological Integrity, Sisters of Charity of Saint Elizabeth

North Carolina

Association of State Public Health Nutritionists

LGBT Center of Raleigh

Mental Health Transformation Alliance (MHTA)

NC Child

North Carolina A. Philip Randolph Institute

North Carolina Coalition Against Domestic Violence

North Carolina Council of Churches

North Carolina Justice Center

North Carolina State AFL-CIO

Women AdvaNce

Ohio

The Ohio Women's Public Policy Network

Pennsylvania

Christine's Care & Compassion

Pennsylvania Council of Churches

Women and Girls Foundation of Southwest PA

Women's Law Project

Rhode Island

Economic Progress Institute

Rhode Island KIDS COUNT

Right from the Start Campaign

Women's Fund of Rhode Island

South Carolina

Women's Rights and Empowerment Network

Texas

Every Texan

Washington

Northwest Harvest

Virginia

Social Action Linking Together (SALT)

¹ National Partnership for Women & Families. (2021, January). *Key Facts: The Family and Medical Leave Act*. Retrieved 20 January 2022, from <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-leave/key-facts-the-family-and-medical-leave-act.pdf>

² Ibid.

³ See note 2, Exhibit 2-2. Estimates based on the average civilian noninstitutionalized, employed workforce in 2019 of 157,529,000.

⁴ HRC Foundation. (2018). *2018 LGBTQ+ U.S. Paid Leave Survey Report*. Washington, DC. Retrieved 1 February 2022, from <https://hrc-prod-requests.s3-us-west-2.amazonaws.com/files/images/resources/2018-HRC-LGBTQ-Paid-Leave-Survey.pdf>

⁵ Based on the most recent data available, collected in January 2020, and may be a conservative estimate given higher-than-usual rates of layoffs, firm closures and quits during the pandemic. U. S. Bureau of Labor Statistics. (2020, September 22). *Employee Tenure in 2020 (Table 3. Distribution of employed wage and salary workers by tenure with current employer, age, sex, race, and Hispanic or Latino ethnicity, January 2020)*. Retrieved 19 January 2021, from <https://www.bls.gov/news.release/tenure.t03.htm>.

⁶ Ibid. Appendix Exhibit B6-2, Rate of Unmet Need for Leave for a Qualifying FMLA Reason in the Past 12 Months, by Demographic Characteristics and Appendix B6-4, Reasons That Needed Leave Was Not Taken.

⁷ Novello, A. (2021, December). *The Great Resignation Shows Great Need for Paid Leave*. Retrieved 20 January 2022 from the National Partnership for Women & Families website: <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-leave/issue-brief-the-great-resignation.pdf>

⁸ U. S. Bureau of Labor Statistics. (2021, October 27). *National Business Employment Dynamics Data by Firm Size Class (Table F. Distribution of private sector employment by firm size class: 1993/Q1 through 2021/Q1, not seasonally adjusted)*. Retrieved 19 January 2021, from https://www.bls.gov/web/cewbd/table_f.txt