

# The Family and Medical Leave Act at 22: 200 Million Reasons to Celebrate and Move Forward

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2015 is the 22nd anniversary of the Family and Medical Leave Act (FMLA) – the first and only national law that enables workers to care for themselves and their loved ones without jeopardizing their jobs or economic security. This historic law has had a tremendous impact on America’s families, and it serves as a reminder of what can be accomplished when lawmakers work together to address the nation’s needs. Now, 22 years later, it is time to advance the FMLA’s promise of a family friendly America.

## A Groundbreaking Achievement for Workers and Families

**The FMLA is widely recognized as a successful law** that provides a critical policy framework for meeting families’ needs. Since 1993, it has been used **more than 200 million times** by women and men who needed to be able to care for their own health or the health of their families.<sup>1</sup>

The FMLA provides eligible workers with up to 12 weeks of unpaid, job-protected leave to:

- ▶ Care for a newborn or newly adopted child (including foster children);
- ▶ Care for a seriously ill family member (defined as a spouse, child or parent);
- ▶ Recover from a serious illness (including pregnancy or childbirth);
- ▶ Care for an injured military servicemember (up to 26 weeks); or deal with situations related to a family member’s deployment.

**The FMLA’s history demonstrates that lawmakers can come together to address the needs of Americans.** It had the support of Democrats, Republicans, a broad coalition of more than 200 women’s, children’s, seniors’, labor and faith organizations led by the National Partnership for Women & Families, and influential leaders across the country.

**But the FMLA was always meant to be the first step** on a path toward a family friendly America where workers are no longer at risk of losing their jobs or their economic security when they need to care for a new baby or recover from a serious health problems.

## The Family and Medical Leave Act Was Only a First Step

The FMLA has helped millions of workers and their families, but the law has significant gaps that require public policy solutions:

- ▶ **Too many people cannot afford to take unpaid leave.** According to the most recent Department of Labor survey on the law, the financial impossibility of taking unpaid leave was the most common reason people who needed leave did not take it.<sup>2</sup>

- ▶ **About 40 percent of the workforce is not covered by the FMLA.** Employers with fewer than 50 workers within a 75-mile radius are exempt, and many workers are not eligible because they have not worked for their employers for long enough, or not for enough hours.<sup>3</sup>
- ▶ **Coverage under the FMLA does not reflect the caregiving needs of many families today.** Workers cannot use the FMLA to care for grandparents, grandchildren, siblings, in-laws or domestic partners. The law only covers leave for spouses, children and parents.

## Advancing a Family Friendly, Economically Vibrant Nation

**The FMLA was a great first step 22 years ago, but additional family friendly employer policies are needed to meet the needs of families today.** The workforce, our economy and our family caregiving responsibilities have changed dramatically over the past two decades. Women now make up nearly half of the workforce, and many families depend on two incomes. Family caregiving needs are on the rise, and both men and women provide critical care.

**Some states have expanded the FMLA to address its gaps, but a patchwork of state policies is not the solution to the challenges America's families face.** Now is the time to advance common sense public policies such as:

- ▶ **The Family And Medical Insurance Leave (FAMILY) Act**, which would create a national insurance program to support workers and businesses when a new child arrives or a serious personal or family medical need arises, modeled on successful programs in California, New Jersey and Rhode Island.
- ▶ **A modernized FMLA to ensure more workers have leave for more reasons.** The FMLA can – and should – be updated by:
  - ▶ Eliminating or lowering the employer-size threshold. If the employer-size threshold were eliminated altogether, 31.7 million additional people would have access to FMLA protections and, if it were reduced to cover employers with 15 or more workers, more than 14.7 million additional people would gain FMLA protections.<sup>4</sup>
  - ▶ Reducing the tenure requirement and the hours-worked requirements to extend protections to part-time and recently hired workers.
  - ▶ Including a broader range of caregiver relationships so workers can care for an adult child, domestic partner, grandparent, grandchild, parent-in-law or sibling.
  - ▶ Broadening the purposes for which leave can be taken to include domestic violence, sexual assault, stalking, school meetings, family member's medical appointments (“small necessities leave”) and the death of a family member.

<sup>1</sup> Calculation is based on the number of covered and eligible workers for over a period of 18 months multiplied by the rates of leave taking (the percentage of the people who were eligible for FMLA leave who actually took it) to determine total leave takers for each period and then summed to determine total uses. The number of covered and eligible workers in an 18-month period is based on the average civilian noninstitutionalized, employed workforce calculated using 1994-2014 Current Population Survey monthly workforce statistics multiplied by a percentage of covered and eligible workers reported in the 1995 (pg. xvi), 2000 (Table A2-3.1), and 2012 (Exhibit 2.2.1) DOL surveys. For rates of leave taking among eligible workers, see note 2, page 62.

<sup>2</sup> Abt Associates. (2012, September). *Family and Medical Leave in 2012: Technical Report*. Retrieved 4 February 2015, from <http://www.dol.gov/asp/evaluation/fmla/fmla2012.htm>

<sup>3</sup> Ibid.

<sup>4</sup> United States Bureau of the Census. (2012). *Number of Firms, Number of Establishments, Employment, and Annual Payroll by Small Enterprise Employment Sizes for the United States, NAICS Sectors: 2012*. Retrieved 4 February 2015, from [http://www2.census.gov/econ/subs/data/2012/us\\_state\\_naicssector\\_small\\_empsize\\_2012.xls](http://www2.census.gov/econ/subs/data/2012/us_state_naicssector_small_empsize_2012.xls)

The National Partnership for Women & Families is a nonprofit, nonpartisan advocacy group dedicated to promoting fairness in the workplace, access to quality health care and policies that help women and men meet the dual demands of work and family. More information is available at [www.NationalPartnership.org](http://www.NationalPartnership.org).

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