

POLICY 18:

Family and Medical Leave

NO DATA UPDATE IS AVAILABLE FOR POLICY 18
THIS SECTION IS REPRINTED FROM THE 2007 POLICY MATTERS REPORT

Why Family and Medical Leave Policy Matters. States can enhance opportunities for families, the stability of the work force, and the futures of children by advancing policies that promote job security and worker retention. Research shows that paid parental leave helps keep parents in the work force and significantly increases their likelihood of returning to the pre-birth workplace, thereby reducing company turnover and increasing staff retention.⁹⁴ These studies also show that parental leave policies result in better health outcomes for both mothers and infants, and increased parental bonds.

The 1993 federal *Family and Medical Leave Act* (FMLA) entitles employees to 12 weeks of unpaid leave from work in the event of childbirth, adoption or foster care placement, serious health conditions for immediate family members, or health conditions rendering the employee unable to work. The FMLA applies to businesses employing at least 50 employees. However, 45 percent of the work force in America work for employers with fewer than 50 employees, and therefore are not covered by FMLA. In addition, many employees are financially unable to take the leave for which they are eligible because the federal FMLA does not require or provide any wage replacement benefits to employees.

Key State Policy Measures. States can promote the economic and family benefits of FMLA by extending selected provisions through state law.

18.1 Extended job protections. States can extend the job protection coverage of FMLA by creating broader definitions for justified leave, extending leave periods, and expanding the definition of covered employees. State policies that incorporate key lessons from research include the following:

- a. extending job protection for new parents caring for infants to include parents working for employers with fewer than 50 employees;
- b. extending job protection for women with pregnancy-related disabilities (and/or who are recovering from childbirth);
- c. extending the duration of job protected leave for new parents beyond the 12-week minimum; and
- d. extending job protected leave to cover parental involvement in a child's school activities.

Changes in 2006: States made the following changes in 2006:

- **Connecticut** enacted a law allowing state employees to use up to four weeks of leave per year to care for a seriously ill foster child.
- **Tennessee** enacted a law allowing state employees to use leave to participate in their children's school activities.

18.2 Wage replacement benefits. Many working families are legally eligible for family or medical leave but cannot financially afford to take it. While there was no growth in the 17 percent of U.S. employees taking leave between 1995 and 2000, the percentage of workers who reported that they needed leave but did not take it because they could not afford to go without wages rose from 64 percent in 1995 to 77 percent in 2000.⁹⁵ Without wage replacement benefits, family leave policies are often impractical and fail to support low-wage families needing temporary time off to care for family members. In response, some states have begun to establish wage replacement funds.

Changes in 2006: None

Family and Medical Leave Policy Measures

Measure 18.1: Extended Job Protections

Which of the following four key expansions of federal FMLA policy has the state enacted:

1. expanded job protection for parents working for organizations with fewer than 50 employees;
2. expanded job protection for maternity-related medical leave;
3. extended length of family and medical leave; and
4. job protected leave for parental involvement in school activities?

All 4 job protections	D.C.
3 of the 4	Calif., La., Mass., Ore., Vt.
2 of the 4	Conn., Maine, Minn., R.I., Wash.
1 of the 4	Hawaii, Ill., Iowa, Mont., Nev., N.H., N.J., N.C., S.C., Tenn.,
None	Ala., Alaska, Ariz., Ark., Colo., Del., Fla., Ga., Idaho, Ind., Kan., Ky., Md., Mich., Miss., Mo., Neb., N.M., N.Y., N.D., Ohio, Okla., Pa., S.D., Texas, Utah, Va., W.Va., Wis., Wyo.

Measure 18.2: Wage Replacement Benefits

Does the state fund a wage replacement benefit for families taking family and medical leave?

Yes	Calif., Hawaii, N.J., N.Y., R.I.
No	Ala., Alaska, Ariz., Ark., Colo., Conn., Del., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa, Kan., Ky., La., Maine, Md., Mass., Mich., Minn., Miss., Mo., Mont., Neb., Nev., N.H., N.M., N.C., N.D., Ohio, Okla., Ore., Pa., S.C., S.D., Tenn., Texas, Utah, Vt., Va., Wash., W.Va., Wis., Wyo.

Selected State Family and Medical Leave Policies

STATE	18.1				18.2
	Employees of Organizations With Fewer than 50 Employees	Pregnancy Related Disabilities	Leave Beyond the 12-Week Minimum for New Parents	Parental Involvement in School Activities	STATE FUNDS WAGE REPLACEMENT BENEFIT
Alabama	-	-	-	-	-
Alaska	-	-	-	-	-
Arizona	-	-	-	-	-
Arkansas	-	-	-	-	-
California	-	Yes	Yes	Yes	Yes
Colorado	-	-	-	-	-
Connecticut [a]	-	Yes	Yes	-	-
Delaware	-	-	-	-	-
District of Columbia	Yes	Yes	Yes	Yes	-
Florida	-	-	-	-	-
Georgia	-	-	-	-	-
Hawaii	-	Yes	-	-	Yes
Idaho	-	-	-	-	-
Illinois	Yes	-	-	Yes	-
Indiana	-	-	-	-	-
Iowa	-	Yes	-	-	-
Kansas	-	-	-	-	-
Kentucky	-	-	-	-	-
Louisiana	-	Yes	Yes	Yes	-
Maine	Yes	Yes	-	-	-
Maryland	-	-	-	-	-
Massachusetts	Yes	Yes	-	Yes	-
Michigan	-	-	-	-	-
Minnesota	Yes	-	-	Yes	-
Mississippi	-	-	-	-	-
Missouri	-	-	-	-	-
Montana	-	Yes	-	-	-
Nebraska	-	-	-	-	-
Nevada	Yes	-	-	Yes	-
New Hampshire	-	Yes	-	-	-
New Jersey	-	-	Yes	-	Yes
New Mexico	-	-	-	-	-
New York	-	-	-	-	Yes
North Carolina	-	-	-	Yes	-
North Dakota	-	-	-	-	-
Ohio	-	-	-	-	-
Oklahoma	-	-	-	-	-
Oregon	Yes	Yes	Yes	-	-
Pennsylvania	-	-	-	-	-
Rhode Island	-	-	Yes	Yes	Yes
South Carolina	-	Yes	-	-	-
South Dakota	-	-	-	-	-
Tennessee [b]	-	-	Yes	-	-
Texas	-	-	-	-	-
Utah	-	-	-	-	-
Vermont	Yes	Yes	-	Yes	-
Virginia	-	-	-	-	-
Washington	-	Yes	Yes	-	-
West Virginia	-	-	-	-	-
Wisconsin	-	-	-	-	-
Wyoming	-	-	-	-	-
Year Data Collected	2006				2006

Data Source:

18.1 Jodi Grant, Taylor Hatcher, and Nirali Patel. *Expecting Better: A State-by-State Analysis of Parental Leave Programs*. Washington, D.C.: National Partnership for Women and Families, 2005.

National Partnership for Women and Families “Job-Protected Leave for Parental Involvement in School Activities.” *Legislative Update*. Washington, D.C.: National Partnership for Women and Families, June 2005.

Updated through unpublished data from the National Partnership for Women and Families, December 2006.

18.2 Grant, Jodi, Hatcher, Taylor and Patel, Nirali. *Expecting Better: A State-by-State Analysis of Parental Leave Programs*. Washington, D.C.: National Partnership for Women and Families, 2005.

Updated through unpublished data from the National Partnership for Women and Families, December 2006.

Data Table Notes:

- a. Connecticut enacted a law in 2006 allowing state employees to use up to four weeks of leave per year to care for a seriously ill foster child.
- b. Tennessee enacted a law in 2006 allowing state employees to use leave to participate in their children’s school activities.