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Family and Medical Leave

- **The Family and Medical Leave Act (FMLA) entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons.** It applies only to: private sector employers of 50 or more workers; federal, state and local governments; and public or private elementary or secondary schools. To be eligible, individuals must have worked for a covered employer for at least 12 months, and accrued at least 1,250 hours during the 12 months preceding the leave. Eligible employees are entitled to take up to 12 weeks of unpaid leave in a 12-month period for: the birth of a child; care for a newborn; care for a spouse, child, or parent with a serious health condition; and care for their own serious health condition (including maternity-related disability).¹
- **Only 59% of all workers are covered by FMLA.**² In 2014, just 37% of the U.S. workforce had access to paid personal medical leave for serious illnesses through employer-provided temporary disability insurance programs. That figure was even lower for certain professions in which women predominate (20% for primary, secondary and special education teachers, and 21% for service industry workers) and for low-income workers (13% for those in the lowest 10% of wages received).³ Only 13% of all workers had access to paid family leave through their employers, with the rate again lower among low-wage workers (4%).⁴
- **There is strong support for providing paid family and medical leave.** In a 2013 survey, 91% answered that “providing workers with paid time off after the birth of a child, to care for a seriously ill family member, or to recover from their own serious illness” would be useful (including 74% very useful), with women (93% useful, including 78% very useful) and unmarried women (94% useful, including 73% very useful) slightly more affirmative.⁵
- The **Family and Medical Insurance Leave Act** was introduced in 2015 (H.R. 1439/S. 786).⁶ It would: 1) Extend coverage to workers regardless of the size of the company they work for; 2) Provide eligible employees with up to 12 weeks of paid leave for their own serious health condition, including pregnancy or childbirth, the serious health condition of a child, parent or spouse (including a domestic partner), and the birth or adoption of a child; and 3) Provide benefits equal to 66 percent of the worker’s typical monthly wages, up to a capped monthly maximum, with the costs paid through a fund financed by employee and employer payroll contributions of two-tenths of one percent of a worker’s wages.⁷

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- **The benefits of establishing a national paid leave program span a range of economic, health and other gains**, including the following.
 - Increasing income stability for families with newborns. (At present 13% of such families report becoming poor within a month of the birth.)
 - Encouraging greater workforce attachment (with new mothers who utilize paid leave more likely than other mothers to be employed within 9-12 months following birth).
 - Promoting financial independence. (In the year after a birth, new mothers who take paid leave are 54% more likely to report wage increases and 39% less likely to need public assistance than those who do not.)
 - Contributing to improved health for newborns and other children. (An extra 10 weeks of paid leave reduces post-neonatal mortality by up to 4.5%.)⁸

¹ Amendments to the FMLA in 2008 and 2009 made special provisions for coverage and benefits for family members of regular and reserve members of the armed forces. Congressional Research Service, "The Family and Medical Leave Act: Current Legislative Activity," February 14, 2011, p. 1, http://assets.opencrs.com/rpts/RL31760_20110214.pdf.

² Abt Associates, "Family and Medical Leave in 2012: Executive Summary," updated September 13, 2013, <http://www.dol.gov/asp/evaluation/fmla/FMLA-2012-Executive-Summary.pdf>.

³ Bureau of Labor Statistics, "National Compensation Survey: Employee Benefits in the United States, March 2014," September 2014, Table 16. Insurance benefits: Access, participation and take-up rates, civilian workers, National Compensation Survey, March 2014, <http://www.bls.gov/ncs/ebs/benefits/2014/ebbl0055.pdf>.

⁴ Bureau of Labor Statistics, "National Compensation Survey: Employee Benefits in the United States, March 2014," September 2014, Table 32. Leave benefits: Access, civilian workers, National Compensation Survey, March 2014, <http://www.bls.gov/ncs/ebs/benefits/2014/ebbl0055.pdf>.

⁵ "The Shriver Report/CAP/AARP Frequency Questionnaire," http://www.americanprogress.org/wp-content/uploads/2014/01/Women_fq.pdf; and "Open Field Foundation," http://www.americanprogress.org/wp-content/uploads/2014/01/OpenField_bbk_091113_supplement_GenderRaceUNWT.pdf.

⁶ Congress.gov, <https://www.congress.gov/bill/114th-congress/house-bill/1439>; and Congress.gov, <https://www.congress.gov/bill/114th-congress/senate-bill/786>.

⁷ National Partnership for Women & Families, "The Family and Medical Insurance Leave Act (The FAMILY Act)," March 2015, <http://www.nationalpartnership.org/research-library/work-family/paid-leave/family-act-fact-sheet.pdf>.

⁸ National Partnership for Women & Families, "The Case for a National Family and Medical Leave Insurance Program," March 2015, <http://www.nationalpartnership.org/research-library/work-family/the-case-for-the-family-act.pdf>.