

- Congressional sponsors of FMLA expansion legislation
- Judith Lichtman, President, National Partnership for Women and Families
- Ellen Galinsky, President, Families and Work Institute
- Individuals and businesses with FMLA stories.

5. Findings

Positive Business Experience with the FMLA. The Families and Work Institute is completing a study showing that 75 percent of companies can document that FMLA has either saved them money or has been cost neutral. This positive data continues to undermine Republican arguments that the Act has a negative impact on business.

Number of Employees who have used FMLA. There has been no data since 1996 on the number of employees that have used the FMLA. The National Economic Council could update its 1996 estimates to provide us with a new number of how many working Americans and their families have benefitted from FMLA.

6. Administration Initiatives

Support for Expansion Legislation.

Educational Campaign Targeted at Small Business. Announce an educational campaign by the Department of Labor and the Small Business Administration to work with small and mid-size businesses to encourage them to implement beneficial family and medical leave policies.

Support for Study on Affordability. The National Academy of Sciences (NAS) is working on how to make FMLA more affordable for working Americans. If The Department of Labor wish to support NAS, this would allow the opportunity to announce our support to the public.

6. Audience

Members of the FMLA coalition, including the U.S. Catholic Conference, women's advocates, health care advocates, seniors' groups (e.g., AARP), children's advocates, unions, disability groups, and education advocates (e.g., NEA, AAUW, PTA).

7. Products

- New Families and Work Institute Data
- Department of Labor 5 year Success Report
- Department of Labor 5 year statistics
- One page fact sheet

DRAFT 7/23/98 11:30 am

Proposals for Joint DOL-SBA FMLA Education Campaign

While the FMLA has shown itself to be a success in the five years since the President signed it into law, there is still more we can do to educate workers and employers about their rights and responsibilities under the law. Small business owners in particular may benefit from targeted outreach and education: they are often new business owners and therefore less likely to be aware of the requirements of workplace laws; and they are less likely to have human resource staff available to identify applicable workplace laws and develop systems to ensure compliance.

Therefore, DOL proposes to undertake a joint effort with the Small Business Administration to develop an outreach and education program to ensure that small business owners have the information and technical assistance they need to understand and comply with the FMLA.

The following are several proposals for how the DOL and SBA can accomplish this goal:

- Develop a joint seminar (and complementary self-tutorial materials) on FMLA targeted to small businesses.

(Note: this could provide a model for developing an expanded program covering all DOL-administered workplace laws.)

- Offer FMLA seminar, conducted by regional Wage and Hour and SBA staff, as one of SBA's workshop/training sessions.
- Contact groups representing small business owners, send them FMLA materials and offer speakers/seminars.
 - * Focus on small businesses that do not have HR staff
 - * Focus on groups the SBA is currently targeting outreach to -- minority and women owners.
- Develop mass mailing of FMLA information to send to SBA small business development centers from Administrator Alvarez and Secretary Herman.
- Develop mass mailing of FMLA information for small business groups/Chambers of Commerce/others?, from Administrator Alvarez and Secretary Herman.
- Develop materials to assist non-FMLA covered small businesses to develop a family leave program modeled on the FMLA.

- Establish/encourage contact and cooperation between regional DOL and SBA staff (already occurring in many areas).
- Add DOL participation to SBA One Stop Capital Shops. [If appropriate -- SBA Pilot Program, as part of EZ/EC, to bring SBA and other federal, state, local, and private business development/capital resources together in one place.]
- Meet with small business representatives for input on other forms of useful SBA-DOL collaboration.
- Add FMLA *e-laws* "hot button" to SBA web site. [*e-laws* is DOL's electronic Employment Laws Assistance for Workers and Small Businesses interactive web site.]

Event Ideas to Announce Joint Campaign

- Locate covered small business(es) with no HR office, or minority/women-owned business(es) -- to complement current SBA outreach -- conduct joint informational session.

Could include the following:

- * Roundtable with employers/owners (conduct event at one business, but invite other owners to attend -- and perhaps one or two "best practices" small businesses to share their experience.)
- * Mini-seminar/info session with employers and/or employees.
- * Roll-out of joint DOL-SBA initiatives.

**THE FAMILY AND MEDICAL LEAVE ACT (FMLA)
59 MONTHS OF ENFORCEMENT AND OUTREACH ACTIVITY
(August 5, 1993 - June 30, 1998)**

Draft

SCOPE

The FMLA affects about 50 million employees, or more than half the total number of employees, in the private sector, and 300,000 U.S. businesses, or five percent (5%) of total number of U.S. businesses. In addition, another 15 million employees employed by State and local governments are subject to FMLA's provisions.¹

TOTAL NUMBER OF EMPLOYEE COMPLAINTS

The U.S. Department of Labor's Wage and Hour Division has completed compliance actions on a total of 12,826 complaints against employers for alleged failure to comply with FMLA.

- 60% constituted valid complaints where apparent violations of FMLA existed.
- 40% of complaints were situations that were not covered by or did not violate FMLA.

A breakdown of the nature of complaints is as follows:

- Employer refusal to reinstate employee to same or equivalent position 43%
- Employer refusal to grant FMLA leave 22%
- Employer interfered with or discriminated against an employee using FMLA leave 15%
- Employer refusal to maintain employee's group health benefits 3%
- Other 9%
- Multiple reasons 8%

RESOLUTION OF COMPLAINTS WITH FMLA VIOLATIONS

- Successfully resolved 88%

The Department has filed suit in 28 cases, of which eight (8) are pending, and has filed a friend-of-the-court brief in six (6) cases, of which one (1) is pending.

DEPARTMENT OF LABOR OUTREACH EFFORTS

To educate the public, the Department has initiated and maintained an aggressive outreach program by delivering nearly 2,700 speeches, seminars, and media events, by responding to nearly 600,000 telephone inquiries to our offices and toll-free number (1-800-959-FMLA), by placing user-friendly information on the *Internet*, and by distributing public service announcements to all major markets.

¹ Statistics based upon data published by the Bureau of Labor Statistics (BLS) in the October 1994 "Employment and Wages Bulletin" – Employment By Size of Establishments, Private Industry, First Quarter 1993; and Tables 6 and 7 reflecting 1993 State and local governments employment data.

Nicole R. Rabner

02/20/98 09:43:21 AM

Record Type: Record

To: Neera Tanden/WHO/EOP, Jennifer L. Klein/OPD/EOP, Anne H. Lewis/OPD/EOP, Jonathan Orszag/OPD/EOP

cc: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP

Subject: FMLA

FYI, the President said the following last night at the fundraiser in West Orange about FMLA:

"....I think the most important thing we can do, more important than anything else, is helping every citizen to reconcile the competing pressures of work and family. Most parents work now. Most parents with children under the age of five, or four, or three, or two work now. And most of them have to do that.

That's why I supported the Family and Medical Leave Law and why I'd like to see it extended to cover more firms. All the research shows that small firms have just as easy a time as larger firms in meeting the Family and Medical Leave Law. And giving people a little time off when their babies are born and their parents are sick bolsters the morale of families and makes people more productive in the workplace. I think it's important...



Maureen T. Shea

07/24/98 10:18:22 AM

.....

Record Type: Record

To: Maria Echaveste/WHO/EOP, Ann F. Lewis/WHO/EOP, Minyon Moore/WHO/EOP, Broderick Johnson/WHO/EOP

cc: Marjorie Tarmey/WHO/EOP, Audrey T. Haynes/OVP @ OVP, Jennifer L. Klein/OPD/EOP, Nicole R. Rabner/WHO/EOP

Subject: FMLA

Jenn, Audrey, Nicole and I met yesterday to discuss the FMLA anniversary. It was our consensus that we hold off on a FMLA event until September when we would have a greater likelihood of getting a principal to attend and when people would be more focused. It would also give DOL and SBA additional time to I have conveyed that to Donna Lenhoff and Nicole is speaking with Labor. Stephenie Foster, Dodd's COS, called me about something else this morning, and I used that opportunity to tell her about the decision - she was fine with it and thought the Senator would be as well.

In the meantime, in preparation for a fall event, it would be helpful to have an internal process which would clarify our position on lowering the threshold.

PROPOSED FMLA 5TH ANNIVERSARY EVENT

In early 1993, President Clinton signed the Family and Medical Leave Act (FMLA), culminating a nearly decade-long struggle to enact legislation that would allow people to take off from work to care for their families or themselves. August 5th, marks the fifth anniversary of the implementation of the Family and Medical Leave Act. This act continues to be a highlight of the Clinton Administration.

1. Event Strategy

The event is designed to highlight 5 years of FMLA success, and would show the Act's impact on employers and employees, and the need for continued public education. The event would also provide the opportunity to urge FMLA expansion.

2. Purpose

To increase public awareness, President Clinton could release new findings from the Families and Work Institute Study, about the success of the FMLA and inform the American people on several new administration initiatives to promote the expansion of the FMLA.

3. Timing

The event should be timed for the last week of July if the Senate is out of session on August 5th. Members could then plan amplification events in their districts on the actual anniversary.

4. Message

Before this law was enacted, many American workers were unable to take time off from work in family emergencies for fear of losing their jobs. Both the Department of Labor and the bi-partisan Commission on Leave demonstrates that FMLA is working for employees and employers.

The President announced his support to expand the FMLA to include an additional 10 million Americans who work at mid-sized firms of between 25 and 50 employees. The anniversary would be an appropriate time to focus on five years of success and urge the expansion of FMLA to more families.

Potential Speakers

- President Clinton
- Vice-President Gore
- Secretary of Labor Herman

Statement on the Fifth Anniversary of the FMLA

- Five years ago today the first law I signed as President went into effect -- and the Family and Medical Leave Act began protecting American workers who need time off to take care of essential family needs.
- I was proud to sign that bill into law, and I am proud today, five years later, to see just how successful the FMLA has been at helping millions of Americans with the increasing challenge of balancing work and family.
- The Report issued today by Secretary Alexis Herman's Labor Department shows the relative ease with which the law has been implemented: the overwhelming majority of employers have found the FMLA easy to administer; and overwhelming majority of complaints have successfully resolved, often through a simple phone call.
- Passing and signing the law was the easy part: the success of the FMLA since then has been the work of many people: the Department of Labor, which has gone the extra mile in education and outreach to be sure workers and employers know their rights and responsibilities; and employers and employees who have worked to implement the law in their workplaces and resolve disputes quickly.
- I am proud of the fact that American workers know that if they or a family member face a personal medical crisis, or are welcoming home a new child to the family, they can take time away from work, without worrying about their jobs, to meet their families' needs. With the protection of the FMLA, Americans can be good workers and good parents.

Internal Q & A on the Family and Medical Leave Act
August 5, 1998

Q. Today is the fifth anniversary of the Family and Medical Leave Act going into effect. What is the President doing?

A. The President is issuing a statement in celebration of the anniversary. In addition, the First Lady is writing her weekly column on the importance of the law, and the Department of Labor is issuing a report called, "*Five Years of Success: Report on the Family and Medical Leave Act.*"

Q. What is the President's position on expanding the FMLA?

As the President said in his State of the Union Address, he supports covering 10 million more Americans with the protections of the FMLA. That means applying the law to more businesses -- from businesses with 50 or more workers, which is current law, to businesses with 25 or more workers. In addition, the President has proposed expanding the FMLA to allow FMLA-eligible workers to take up to 24 hours of additional leave each year to meet family obligations, including routine doctors appointments and parent-teacher conferences.

EXPANDING THE FAMILY AND MEDICAL LEAVE ACT TO HELP FAMILIES BALANCE WORK AND FAMILY RESPONSIBILITIES

January 27, 1998

In the new economy, most parents work harder than ever. They face a constant struggle to balance their obligations to be good workers -- and their even more important obligations to be good parents. The Family and Medical Leave Act was the very first bill I was privileged to sign into law as President in 1993. Since then, about 15 million people have taken advantage of it, and I've met a lot of them all across this country. I ask you to extend that law to cover 10 million more workers, and to give parents time off when they have to go see their children's teachers or take them to the doctor.

--President Bill Clinton
State of the Union Address, 1/27/98

In his State of the Union Address, President Clinton called on Congress to extend the benefits of the Family and Medical Leave Act -- the first piece of legislation that the President signed into law -- to ten million more American workers.

BIPARTISAN REPORT SHOWS THE LAW IS WORKING. Since the Family and Medical Leave Act was enacted in 1993, at least fifteen million Americans have taken FMLA-covered leave. Today, workers are eligible for FMLA-protected leave if they work at a business with 50 or more employees and if they have worked at least twelve months and 1,250 hours for the employer. FMLA allows eligible employees to take up to 12 weeks unpaid, job-protected leave to care for a newborn or adopted child, to attend to their own serious health needs, or to care for a seriously ill parent, child or spouse. The bipartisan Commission on Leave -- chaired by Senators Craig and Dodd -- reported that the law is working:

- **67 million Americans -- over half of all workers -- are guaranteed they can take leave** from their job to care for a sick relative or a newborn child without fear of losing their job or health insurance.
- **Millions of Americans have taken leave since the enactment of FMLA.** During the 18-month period covered by the Commission's study (1/94 - 6/95), an estimated 12 million Americans took leave for FMLA-covered purposes.
- **40% of all workers think they will need to take leave** for a covered reason at some time in the next five years.
- **Despite its opponents' claims, compliance is easy and costs are low for most employers now covered by the law:**
 - **Nine out of ten employers find the law "very" or "somewhat" easy to administer.**
 - **Compliance entails either little or no costs for 89%-99% of businesses.**
 - **Smaller covered worksites found it easier to comply than larger sites.**
- **Some businesses have reported reduced employee turnover, enhanced productivity and improved morale** which they attribute to the Act.

NOW IS THE TIME TO EXPAND THE LAW TO COVER MORE WORKERS AND BETTER HELP WORKERS CARE FOR THEIR CHILDREN AND PARENTS. The President believes that it is time to expand the benefits of the law. He is urging the Congress to:

- **Enable workers at businesses with 25 or more workers to take unpaid, job-protected leave** - current law covers businesses of 50 or more employees. Lowering the employer coverage threshold from 50 to 25 workers will mean that FMLA will cover up to ten million more American workers, allowing them to take up to twelve weeks unpaid, job-protected leave to care for a newborn or adopted child, to attend to their own serious health needs, or to care for a seriously ill parent, child or spouse.
- **Allow FMLA-eligible workers to take up to 24 hours of additional leave each year to meet specified family obligations**, including routine doctors appointments and parent-teacher conferences. Leave could be taken to: (1) participate in school activities, such as parent-teacher conferences; (2) accompany your child to routine dental or medical appointments; and (3) accompany an elderly relative to routine medical appointments or other professional services.

EXPANDING THE FAMILY AND MEDICAL LEAVE ACT TO HELP FAMILIES BALANCE WORK AND FAMILY RESPONSIBILITIES

January 27, 1998

In the new economy, most parents work harder than ever. They face a constant struggle to balance their obligations to be good workers -- and their even more important obligations to be good parents. The Family and Medical Leave Act was the very first bill I was privileged to sign into law as President in 1993. Since then, about 15 million people have taken advantage of it, and I've met a lot of them all across this country. I ask you to extend that law to cover 10 million more workers, and to give parents time off when they have to go see their children's teachers or take them to the doctor.

--President Bill Clinton
State of the Union Address, 1/27/98

In his State of the Union Address, President Clinton called on Congress to extend the benefits of the Family and Medical Leave Act -- the first piece of legislation that the President signed into law -- to ten million more American workers.

BIPARTISAN REPORT SHOWS THE LAW IS WORKING. Since 1993, the Family and Medical Leave Act has enabled fifteen million American workers at businesses with 50 or more employees to take up to twelve weeks unpaid, job-protected leave to care for a newborn or adopted child, to attend to their own serious health needs, or to care for a seriously ill parent, child or spouse. The bipartisan Commission on Leave -- chaired by Senators Craig and Dodd -- reported that the law is working:

- 67 million Americans -- over half of all workers -- are now guaranteed they can take leave from their job to care for a sick relative or a newborn child without fear of losing their job or health insurance.
- Fifteen million Americans have ~~taken advantage of~~ ^{benefited from} the law since its enactment.
- 40% of all workers think they will need to take leave for a covered reason at some time in the next five years.
- Despite its opponents' claims, compliance is easy and costs are low for most employers now covered by the law:
 - Nine out of ten employers find the law "very" or "somewhat" easy to administer
 - Compliance entails either little or no costs for 89%-99% of businesses
 - Smaller covered worksites found it easier to comply than larger sites.
- Some businesses have reported reduced employee turnover, enhanced productivity and improved morale which they attribute to the Act.

NOW IS THE TIME TO EXPAND THE LAW TO COVER MORE WORKERS AND BETTER HELP WORKERS CARE FOR THEIR CHILDREN AND PARENTS. The President believes that it is time to expand the benefits of the law. He is urging the Congress to:

- Enable workers at businesses with 25 or more workers to take unpaid, job-protected leave ~~from current law which~~ covers businesses of 50 or more employees. Lowering the employer coverage threshold from 50 to 25 workers would enable up to ten million more Americans to take up to twelve weeks unpaid, job-protected leave to care for a newborn or adopted child, to attend to their own serious health needs, or to care for a seriously ill parent, child or spouse.
- Allow workers to take up to 24 hours of ^{additional} leave each year to meet ~~additional~~ specified family obligations, including routine doctors appointments and parent-teacher conferences. Leave could be taken to: (1) participate in school activities, such as parent-teacher conferences; (2) accompany your child to routine dental or medical appointments; and (3) accompany an elderly relative to routine medical appointments or other professional services.

Five Years of Success

Report on the Family and Medical Leave Act

**U.S. Department of Labor
Alexis M. Herman, Secretary**

A Statement by Secretary of Labor Alexis M. Herman August 5, 1998

Five years ago today, the Family and Medical Leave Act – the first law signed by President Clinton – took effect. The landmark measure reaffirmed a basic American principle: No worker should have to choose between the job they need and the family they love. The Family and Medical Leave Act gives workers legal insurance that they can be there for their families in the difficult times without jeopardizing their jobs or health insurance.

The past five years have produced ample evidence that this new law has worked. It has protected millions of Americans as they took time off during family and medical emergencies or for the birth or adoption of a child. It also has helped the companies that employ them at the same time.

Employees who are treated fairly, and whose family commitments are honored at work, are more loyal and productive workers. By promoting job security and encouraging greater productivity, the FMLA enables American businesses to compete more effectively in the global economy.

The Department of Labor has made extraordinary efforts to educate Americans and their employers about the law. The extremely small number of complaints from those who have taken FMLA leave tells us this outreach effort has paid off. As it enters its sixth year, the Family and Medical Leave Act is being used by more and more working Americans and is now firmly in place within business administrative structures.

In short, the FMLA has been a success for workers and businesses. The Act has gone a long way in helping Americans balance work and family, a goal which will continue to be one of my top priorities.

Five Years of Success

Report on the Family and Medical Leave Act

The Family and Medical Leave Act (FMLA), which has now been in effect for five years, is a success for both America's workers and its businesses.

Until the passage of the FMLA, the United States was virtually the only advanced industrialized nation without a national family and medical leave policy. In the short time it has been in effect, the law has been good for America's workers and good for the country's employers.

In his radio address of August 5, 1995, President Clinton emphasized the significance of this law for American families when he stated:

“The Family and Medical Leave Act is good for our families, and its good for our businesses because it allows our people to be both good parents, or good children, or good siblings and good workers. It supports family stability and family responsibility.”

Since the law became effective on August 5, 1993,¹ millions of working Americans have taken FMLA-protected time off to meet essential family and medical needs without risking their jobs. Employer benefits include reduced turnover, increased productivity, and the ability to establish greater uniformity and consistency in their family and medical policies.

The Department of Labor's five years of experience in implementing and enforcing the FMLA, along with the findings of the bipartisan Commission on Family and Medical Leave, lead us to conclude that the law functions smoothly and has broad support from Americans who rely upon it to help them balance the demands of work and family.

¹ The FMLA allows employees up to 12 weeks unpaid leave a year to care for seriously ill family members, the birth or adoption of a child or their own serious health problems. Public agencies and private employers with 50 or more workers must offer eligible employees family and medical leave. The law covers about 70 percent of the American labor force – about 88 million workers.

Earlier this year, Secretary Herman underscored the successful implementation of the law in stating:

“Millions of American workers have gained precious time to be with their families during medical emergencies. At the same time, their employers have not realized the disruptions that many opponents of the law feared. The FMLA has made it possible for workers in this country to balance work and family responsibilities.”

Enforcement

The Department of Labor administers and enforces the FMLA. As of June 30, 1998, the Department's Wage and Hour Division completed action on 12,633 complaints – an extremely small number given the millions of workers who have taken time off under FMLA. Nearly 90 percent of the complaints of an apparent FMLA violation were successfully resolved, many with a simple phone call.

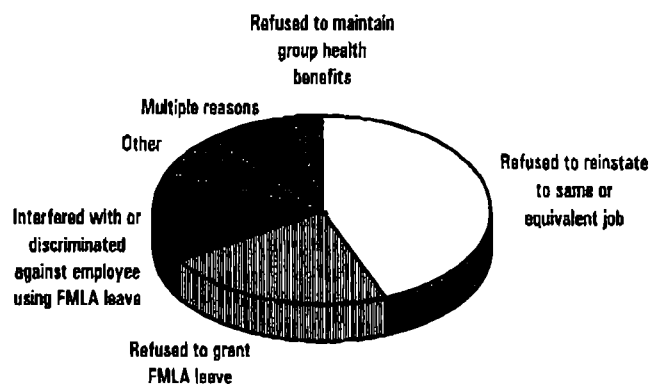
An analysis of the FMLA compliance actions completed by the Wage and Hour Division through June 30, 1998, shows that by far the largest number of covered workers who filed complaints – 44 percent – did so because their employers refused to reinstate them to the same or equivalent positions after they returned from FMLA leave. In the rest of the cases, employees complained that their employers:

- refused to grant them FMLA leave – 22 percent;
- interfered with or discriminated against them for using FMLA leave – 15 percent; or
- refused to maintain their group health benefits during leave – 3 percent.

Eight percent of the complaints involved a combination of these issues, and the remaining eight percent involved other issues, primarily administrative in nature.

Nature of Complaints

Source: U.S. Department of Labor Statistics



Because emergency medical situations are often involved in FMLA leave cases, the Department has worked to resolve complaints quickly through a conciliation process. If necessary, a full investigation is conducted. Over 60 percent of the completed compliance actions have been resolved through the conciliation process.

Since enactment, the Department has initiated legal action in 28 cases, most of which involve the issues of job restoration and leave denial. Seventeen cases were ultimately resolved before a court decision was issued – many of those were settled. In one case, the court issued a favorable decision and in two cases the court issued unfavorable decisions. The remaining eight cases are pending in district court.

Compliance Experience

Employers in general have not had serious problems complying with the law. Through a national survey that covered 18 months in 1994-95, the bipartisan Commission on Family and Medical Leave (Commission) found that more than nine in ten covered employers said it was “very easy” or “somewhat easy” to administer the FMLA.

According to the Commission’s report to Congress in April 1996, entitled “*A Workable Balance*,” nearly 90 percent of all employers surveyed reported that complying with the FMLA entailed “no” or only “small” administrative costs, and roughly nine of ten employers reported no noticeable effect on productivity, profitability or growth.

User-Friendly Law

The Department has gone to great lengths to inform the business community and the public about the law by establishing a toll-free information number (1-800-959-FMLA), distributing radio and television public service announcements to all major markets, giving over 3,700 speeches, seminars and media interviews on the law and providing information on the Internet (<http://www.dol.gov/dol/esa/fmla.htm>). In addition, Departmental staff have responded to more than 621,000 telephone inquiries to offices throughout the country and to the toll-free number.²

In a continuing effort to provide easy-to-understand information on the FMLA, the Department has developed an FMLA advisor as part of the Employment Laws Assistance for Workers and Small Business (*elaws*) on the Internet. The FMLA *elaws* Advisor is an interactive program designed to help employees and employers learn more about the FMLA, and determine their rights and responsibilities under the law. This system can be accessed at <http://www.dol.gov/elaws>. Since its inception in November of 1997, more than 13,000 individuals have accessed the FMLA *elaws* advisor.

² Data on speeches, seminars, and media interviews and the information on telephone inquiries includes assistance provided by both the Wage and Hour Division and the Women’s Bureau.

From the outset, the Department has provided user-friendly informational materials by issuing compliance guides and fact sheets written in non-technical language and preparing a prototype employee notification form for employers.

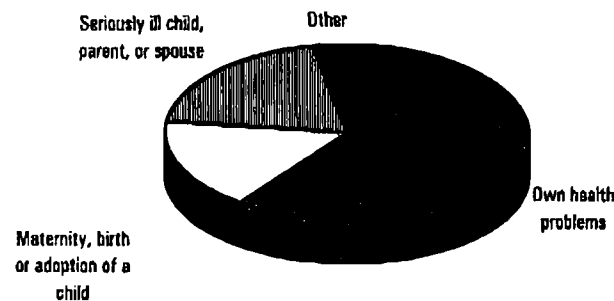
This concentrated outreach has paid off. Most of the evidence from the Commission's report and the Department's experience suggests there have not been widespread problems or abuses under the FMLA. While there have been some concerns about the definition of a serious health condition and whether employees qualify for intermittent FMLA leave, most issues arose primarily when employers tried to blend pre-existing leave and attendance policies with new FMLA requirements.

Reasons for FMLA Leave

According to the Commission on Family and Medical Leave report, during an 18-month period in 1994-1995, about 60 percent of FMLA-protected leave was taken for the employee's own health problems. Seventeen percent of FMLA-protected leave was taken for maternity reasons and the birth or adoption of a child, and approximately 20 percent was to care for an ill child, spouse or parent. The median length of leave was ten days.

Reasons for FMLA Leave

Source: Commission on Family and Medical Leave "A Workable Balance," April 1996



The Commission also found that about 58 percent of FMLA-protected leave was used by women, about 42 percent by men.

Employees most likely to take leave were those between the ages of 25 and 34, those with children, employees paid by the hour, and workers with family incomes between \$20,000 and \$30,000 a year.

- 1 -

Draft #2

**FIRST LADY HILLARY RODHAM CLINTON
"TALKING IT OVER"/CREATORS SYNDICATE
COLUMN FOR PUBLICATION AUGUST 4, 1998**

Five years ago this week, the first bill my husband signed after taking office went into effect – the Family and Medical Leave Act.

Before then, too many Americans – Americans like George and Vicki Yandle – had to choose between spending precious time with a loved one or losing their jobs.

In January of 1987, George and Vicki's youngest daughter, Dixie, was diagnosed with cancer. Doctors amputated her left leg and immediately began chemotherapy.

During Dixie's illness, both the Yandles took time off from work to care for her – and both were fired from their jobs.

In September of 1992, Congress passed the Family and Medical Leave Act and sent it to President Bush, who vetoed it. But the following year my husband signed the FMLA, and in August it became law.

Sadly, though, this was too late for the Yandles. Dixie had died in April.

Since 1993, millions of Americans have taken advantage of the FMLA's protections. The law allows workers in companies of 50 or more –

- 2 -

88 million people – to take up to 12 weeks of unpaid leave in a 12-month period for the birth or adoption of a child, to care for a seriously ill child, spouse or parent or to recover from their own serious illness. While on leave, the employee's job and health insurance are protected.

Let me share a letter I received from Lynne Wade, of Highlands Ranch, Co., who took advantage of her rights under the FMLA:

I am writing to let you know that two months ago my husband died of congestive heart failure after...several years of illness.

Because your husband signed into law the Family and Medical Leave Act, I was able to transport him to doctor appointments and hospital visits.

The act enabled me to keep my job and bring him comfort at the end of his life. I will be eternally grateful.

Thanks to the FMLA, Lynne did not spend the critical last months of her husband's life worrying about whether or not she would have a job after he died.

- 3 -

According to a bipartisan commission's report, called "A Workable Place," over 80 percent of FMLA leave is used caring for serious illnesses. Mike and Molly Goodson of St. Paul, Minn., though, took back-to-back FMLA leave when their two daughters were born.

Many of Mike's male co-workers told him they wished they, too, had taken time off when their children were born. Molly agreed: "I think it's great that more men are taking leave." As a matter of fact, 42 percent of all FMLA leave is taken by men.

A new study from the Families and Work Institute tells us that family leave is not only good for workers; it's also good for business. Despite concerns that the FMLA would burden companies with administrative hassles and expenses, 84 percent of employers find that the benefits of providing family and medical leave offset or outweigh the costs. In fact, according to the bipartisan commission, many businesses note reduced employee turnover, enhanced productivity and improved morale. And, nine out of 10 agree that the law is easy to administer.

Elizabeth Carlson, Director of Human Resources for the National Futures Association for over 10 years, reports, "I feel confident that I speak for all levels of management...when I say that our experience with this leave policy has been very positive."

- 4 -

E-SOURCE, an information service company in Boulder, Co., chose to adopt FMLA leave policies for its 48 employees although it was not required to do so. Chief Financial Officer Joan Wright considers the benefit a "real plus for recruitment" that more than pays for itself in employee retention, loyalty and lower administrative costs.

She argues that the FMLA should be expanded to include smaller companies such as hers because it's "the right thing to do."

I agree. Now that we've seen how important this law has been for America's workers, why not extend its reach? Why exclude those who work in smaller companies? In times of family crisis, shouldn't they, too, be able to take job-protected leave?

And, what about other family obligations? Shouldn't we, at the same time, recognize the importance of routine commitments, such as parent-teacher conferences or medical appointments? Isn't it time to expand the FMLA to allow workers 24 hours a year to meet these responsibilities?

When my husband signed this bill into law he declared, "Family and medical leave is a matter of pure common sense and a matter of common decency." It's about letting Lynne Wade spend her husband's last days caring for him without fear of losing her job. It's about letting Mike and

- 5 -

Molly Goodson take the time to welcome their newborn daughters into the world.

It's about respecting the rights and responsibilities of all Americans as we struggle to balance work and family.

For more information about the FMLA, you can call the U.S. Department of Labor at 1-800-959-FMLA.

(813 words)

- 1 -

Draft #2

**FIRST LADY HILLARY RODHAM CLINTON
"TALKING IT OVER"/CREATORS SYNDICATE
COLUMN FOR PUBLICATION AUGUST 4, 1998**

Five years ago this week, the first bill my husband signed after taking office went into effect – the Family and Medical Leave Act.

Before then, too many Americans – Americans like George and Vicki Yandle – had to choose between spending critical time with a loved one and losing their jobs.

In January of 1987, George and Vicki's youngest daughter, Dixie, was diagnosed with cancer. Doctors amputated her left leg and immediately began chemotherapy.

During Dixie's illness, both the Yandles took time off from work to care for her – and both were fired from their jobs.

In September of 1992, Congress passed the Family and Medical Leave Act and sent it to President Bush, who vetoed it. But the following year my husband signed the FMLA, and in August it became law.

Sadly, though, this was too late for the Yandles. Dixie had died in April.

Since 1993, millions of Americans have taken advantage of the FMLA's protections. The law allows workers in companies of 50 or more –

- 2 -

88 million people – to take up to 12 weeks of unpaid leave in a 12-month period for the birth or adoption of a child, to care for a seriously ill child, spouse or parent or to recover from their own serious illness. While on leave, the employee's job and health insurance are protected.

Let me share a letter I received from Lynne Wade, who took advantage of her rights under the FMLA:

*I am writing to let you know that two months ago
my husband died of congestive heart failure after...several
years of illness.*

*Because your husband signed into law the Family
and Medical Leave Act, I was able to transport him to
doctor appointments and hospital visits.*

*The act enabled me to keep my job and bring him
comfort at the end of his life. I will be eternally grateful.*

Thanks to the FMLA, Lynne did not spend this precious time worrying about whether or not she would have a job after her husband died.

According to a bipartisan commission, over 80 percent of FMLA leave is used caring for seriously illnesses. Mike and Molly Goodson of St. ✓

- 3 -

Paul, Minn., though, took back-to-back FMLA leave when their two daughters were born.

Many of Mike's male co-workers told him they wished they, too, had taken time off when their children were born. Molly agreed: "I think it's great that more men are taking leave."

A new study from the Families and Work Institute tells us that family leave is not only good for workers; it's also good for business. Despite concerns that the FMLA would burden companies with administrative hassles and expenses, 84 percent of employers find that the benefits of providing family and medical leave offset or outweigh the costs. In fact, many businesses note reduced employee turnover, enhanced productivity and improved morale, and nine out of 10 agree that the law is easy to administer.

These results
confirm
bipartisan
Congressional
findings

Elizabeth Carlson, Director of Human Resources for the National Futures Association for over 10 years, reports, "I feel confident that I speak for all levels of management...when I say that our experience with this leave policy has been very positive."

E-SOURCE, an information service company in Boulder, Co., chose to adopt FMLA leave policies for its 48 employees although it was not required to do so. Chief Financial Officer Joan Wright considers the benefit

- 4 -

a "real plus for recruitment" that more than pays for itself in employee retention, loyalty and lower administrative costs.

She argues that the FMLA should be expanded to include smaller companies such as hers because it's "the right thing to do."

I agree. Now that we've seen how important this law has been for America's workers, why not extend its reach? Why exclude those who work in smaller companies? In times of family crisis, shouldn't they, too, be able to take job-protected leave?

And, what about other family obligations? Shouldn't we, at the same time, recognize the importance of more routine commitments, such as parent-teacher conferences or medical appointments? Isn't it time to expand the FMLA to allow workers 24 hours a year to meet these responsibilities?

When my husband signed this bill into law he declared, "Family and medical leave is a matter of pure common sense and a matter of common decency." It's about letting Lynn Wade spend her husband's last days caring for him without fear of losing her job. It's about letting Mike and Molly Goodson take the time to welcome their newborn daughters into the world.

It's about respecting the rights and responsibilities of all Americans as they struggle to balance work and family.

- 5 -

For more information about the FMLA, you can call the U.S. Department of Labor at 1-800-959-FMLA.

781
(~~191~~ words)

Draft #1
FIRST LADY HILLARY RODHAM CLINTON
TALKING IT OVER CREATORS SYNDICATE
COLUMN FOR PUBLICATION
AUGUST 4, 1998

Five years ago this week, the first bill my husband signed after taking office went into effect the Family and Medical Leave Act.

Before then, too many Americans Americans like George and Vicki Yandle had to choose between spending critical time with a loved one and losing their jobs.

In January of 1987, George and Vicki's youngest daughter, Dixie, was diagnosed with cancer. Doctors amputated her left leg and immediately began chemotherapy.

During Dixie's illness, both the Yandles took time off from work to care for her and both were fired from their jobs.

In September of 1992, Congress passed the Family and Medical Leave Act and sent it to President Bush, who vetoed it. But the following year my husband signed the FMLA, and in August it became law.

Sadly, though, this was too late for the Yandles. Dixie had died in April.

Some estimate that, since 1993, as many as 20 million Americans have taken advantage of the FMLA's protections. The law allows workers in companies of 50 or more 88 million people to take up to 12 weeks of unpaid leave in a 12-month period for the birth or adoption of a child, to



care for a seriously ill child, spouse or parent or to recover from their own serious illness. While on leave, the employee's job and health insurance are protected.

Let me share a letter I received from Lynne Wade, who took advantage of her rights under the FMLA:

I am writing to let you know that two months ago my husband died of congestive heart failure after several years of illness.

Because your husband signed into law the Family and Medical Leave Act, I was able to transport him to doctor appointments and hospital visits.

The act enabled me to keep my job and bring him comfort at the end of his life. I will be eternally grateful.

Thanks to the FMLA, Lynne did not spend this precious time worrying about whether or not she would have a job after her husband died.

According to a bipartisan commission, over 80 percent of FMLA leave is used caring for seriously illnesses. Mike and Molly Goodson of St. Paul, Minn., though, took back-to-back FMLA leave when their two daughters were born.

Many of Mike's male co-workers told him they wished they, too, had taken time off when their children were born. Molly agreed: I think it's great that more men are taking leave. Fully 42 percent of all FMLA leave

whether for illness, childbirth or adoption is used by men.

A new study from the Families and Work Institute tells us that family leave is not only good for workers; it's also good for business. Despite concerns that the FMLA would burden companies with administrative hassles and expenses, 84 percent of employers find that the benefits of providing family and medical leave offset or outweigh the costs. In fact, many businesses note reduced employee turnover, enhanced productivity and improved morale.

* | This administration has worked hard to make the FMLA as easy as possible for businesses to manage, and nine out of 10 employers agree that the law is easy to administer.

covered by the law

Elizabeth Carlson, Director of Human Resources for the National Futures Association for over 10 years, reports, I feel confident that I speak for all levels of management when I say that our experience with this leave policy has been very positive.

E-SOURCE, an information service company in Boulder, Co., chose to adopt FMLA leave policies for its 48 employees although it was not required to do so. Chief Financial Officer Joan Wright considers the benefit a real plus for recruitment that more than pays for itself in employee retention, loyalty and lower administrative costs.

She argues that the FMLA should be expanded to include smaller companies such as hers because it's the right thing to do.

I agree. Now that we've seen the positive impact that the FMLA has had,

it's time to extend its reach to cover millions more Americans and to allow workers up to 24 hours a year to meet family obligations such as parent-teacher conferences or routine medical appointments.

When my husband signed this bill into law he declared, Family and medical leave is a matter of pure common sense and a matter of common decency. It's about letting Lynn Wade spend her husband's last days caring for him without fear of losing her job. It's about letting Mike and Molly Goodson take the time to welcome their newborn daughters into the world.

It's about never letting another child like Dixie Yandle die without the undivided love and attention of her parents. It's about respecting the rights and responsibilities of all Americans as they struggle to balance work and family.

If you're wondering whether you qualify for FMLA leave, you can call the U.S. Department of Labor at 1-800-959-FMLA.

(791 words)

800 #

- 1 -

bi part com
found.

Draft #1

800 #

**FIRST LADY HILLARY RODHAM CLINTON
"TALKING IT OVER"/CREATORS SYNDICATE
COLUMN FOR PUBLICATION AUGUST 4, 1998**

Five years ago this week, the first bill my husband signed after taking office went into effect – the Family and Medical Leave Act.

Before then, too many Americans – Americans like George and Vicki Yandle – had to choose between spending critical time with a loved one and losing their jobs.

In January of 1987, George and Vicki's youngest daughter, Dixie, was diagnosed with cancer. Doctors amputated her left leg and immediately began chemotherapy.

During Dixie's illness, both the Yandles took time off from work to care for her – and both were fired from their jobs.

In September of 1992, Congress passed the Family and Medical Leave Act and sent it to President Bush, who vetoed it. ^{The following} ~~But~~ the following year ~~February~~ my husband signed the FMLA, and it became law in Aug. 1993.

Sadly, though, this was too late for Dixie and her parents. She died ^{four months earlier.} ~~two months later.~~

Some estimate that
Since 1993 as many as 20 million Americans have taken advantage of millions
the FMLA's protections. The law allows workers in companies of 50 or
still playing with this line... "an estimated 20 mil..." ?

fully 70% of the workforce

70%

of the
workforce
(pub & priv.)

more – a total of ~~67~~ million people – to take up to 12 weeks of unpaid leave in a 12-month period for the birth or adoption of a child, to care for a seriously ill child, spouse or parent or to recover from their own serious illness. While on leave, the employee's job and health insurance are protected.

Let me share a letter I received from Lynne Wade, who took advantage of her rights under the FMLA:

I am writing to let you know that two months ago my husband died of congestive heart failure after a prolonged period of several years of illness.

Because your husband signed into law the Family and Medical Leave Act, I was able to transport him to doctor appointments and hospital visits.

The act enabled me to keep my job and bring him comfort at the end of his life. I will be eternally grateful.

Lynne should not have spent this precious time worrying about whether or not she would have a job after her husband died. And, thanks to the FMLA, she didn't.

Although ^{more than} 80 percent of FMLA leave is used to care for seriously ill ^{nurses} relatives, Mike and Molly Goodson of St. Paul, Minn. took back-to-back FMLA leave when their two daughters were born. Many of Mike's male co-workers told him they wished they, too, had taken time off when their children were born. Molly seconded that sentiment. "I think it's great that more men are taking leave." According to a bipartisan commission, 42 percent of FMLA leave is used by men. ^{health issues, mainly}

A new study from the Families and Work Institute tells us that family leave is not only good for workers; it's also good for business. Despite concerns that the FMLA would burden companies with administrative hassles and expenses, 84 percent of employers reported that the benefits of providing family and medical leave offset or outweighed the costs. In fact, many businesses have noted reduced employee turnover, enhanced productivity and improved morale.

Elizabeth Carlson, who has been the Director of Human Resources for the National Futures Association for more than 10 years, reports, "I feel confident that I speak for all levels of management, as well as our officers and directors, when I say that our experience with this leave policy has been very positive."

confirmed
results of
bipartisan
commission.
9/10

E-SOURCE, an information service company in Boulder, Co., chose to adopt FMLA leave policies for its 48 employees although it was not legally required to do so. Chief Financial Officer Joan Wright considers the benefit a “real plus for recruitment” that more than pays for itself in employee retention, loyalty and lower administrative costs.

She argues that the FMLA should be expanded to include smaller companies such as hers because it’s “the right thing to do.”

I agree. Now that we’ve seen the positive impact that the FMLA has had, it’s time to extend its reach to cover millions more Americans and to allow workers up to 24 hours a year to meet family obligations such as parent-teacher conferences or routine medical appointments.

When my husband signed this bill into law he declared, “Family and medical leave is a matter of pure common sense and a matter of common decency.” It’s about letting Lynn Wade spend her husband’s last days caring for him without fear of losing her job. It’s about letting Mike and Molly Goodson take the time to welcome their newborn daughters into the world.

It’s about never letting another child like Dixie Yandle die without the undivided love and attention of her parents. It’s about respecting the rights

and responsibilities of all Americans as they struggle to balance work and family.

(774 words)

enforcement / credit.

easier for bus to
comply by
wk w/ men

DOL, when enforces ...
resolved ~~so~~ nearly 90% of complaints,
~~often as easily as that~~ with just a
phone call.

When people have
to choose b/w
work & fam-
or loses -

- 1 -

Draft #1

**FIRST LADY HILLARY RODHAM CLINTON
"TALKING IT OVER"/CREATORS SYNDICATE
COLUMN FOR PUBLICATION AUGUST 4, 1998**

Five years ago this week, the first bill my husband signed after taking office went into effect – the Family and Medical Leave Act.

Before then, too many Americans – Americans like George and Vicki Yandle – had to choose between ~~being good workers and being good~~ *spending critical time with a loved one and* ~~parents~~ *losing their jobs.*

[More than parents]

In January of 1987, George and Vicki's youngest daughter, Dixie, was diagnosed with cancer. Doctors amputated her left leg and immediately began chemotherapy.

During Dixie's illness, both the Yandles took time off from work to care for her – and both were fired from their jobs.

In September of 1992, Congress passed the Family and Medical Leave Act and sent it to President Bush, who vetoed it. But in February of 1993, my husband signed the FMLA and it became law.

Sadly, though, this was too late for Dixie and her parents. She died two months later.

For the past five years, the FMLA has provided important protections for American families in times of crisis. The law allows workers in

- 2 -

businesses ^{with} that employ 50 or more employees to take up to 12 weeks of unpaid leave in a 12-month period for the birth or adoption of a child, to care for a seriously ill child, spouse or parent or to recover from their own serious illness. While on leave, their jobs and health insurance are protected.

Add #
of workers
covered

Let me share a letter I received from a woman who took advantage of her rights under the FMLA:

~~Dear Mrs. Clinton:~~

I am writing to let you know that two months ago my husband died of congestive heart failure after a prolonged period of several years of illness.

Because your husband signed into law the Family and Medical Leave Act, I was able to transport him to doctor appointments and hospital visits.

The act enabled me to keep my job and bring him comfort at the end of his life. I will be eternally grateful.

--Lynne Wade

- 3 -

Lynne should not have spent this precious time worrying about whether or not she would have a job after her husband died. And, thanks to the FMLA, she didn't.

Mike and Molly Goodson of St. Paul, Minn. took back-to-back FMLA leave when each of their two daughters were born. Many of Mike's co-workers told him they wished they had taken leave when their children were born. Molly seconded that sentiment. "I think it's great that more men are taking leave. It makes them more understanding of women co-workers and subordinates and increases the overall acceptance of the principle of family leave."

Recent studies are telling us that family leave is not only good for workers. It's also good for business. Despite concerns that the FMLA would burden companies with administrative hassles and costs, nine out of 10 employers have found the law easy to administer and over 90 percent have incurred no added costs at all.

*Cite the
bipartisan
commission,
of add. new
study
findings.*

In fact, many businesses have reported reduced employee turnover, enhanced productivity and improved morale.

Elizabeth Carlson, who has been the Director of Human Resources for the National Futures Association for more than 10 years reports, "I feel confident that I speak for all levels of management, as well as our officers

- 4 -

and directors, when I say that our experience with this leave policy has been very positive.”

E-SOURCE, an information service company in Boulder, Co., chose to adopt FMLA leave policies for its 48 employees although it was not legally required to do so. Chief Financial Officer Joan Wright considers the benefit a “real plus for recruitment” that more than pays for itself in employee retention, loyalty and lower administrative costs.

She argues that the FMLA should be expanded to include smaller companies, such as hers because it’s “the right thing to do.”

I agree. Now that we’ve seen the positive impact that the FMLA has had, I believe it’s time to extend its reach to ^{Cover millions more Americans} ~~include mid-sized companies,~~ and ~~or, as my husband suggested in his State of the Union address this year,~~ to allow workers up to 24 hours a year to meet family obligations such as parent-teacher conferences or routine medical appointments.

When my husband signed this bill into law he declared, “Family and medical leave is a matter of pure common sense and a matter of common decency.” It’s about letting Lynn Wade spend her husband’s last days caring for him without fear of losing her job. It’s about letting Mike and Molly Goodson take the time to welcome their newborn daughters into the world.

- 5 -

It's about never letting another child like Dixie Yandle die without the undivided love and attention of her parents. It's about respecting the rights and responsibilities of all Americans as they struggle to balance work and family.

(781 words)

FAX TRANSMISSION

OFFICE OF THE SECRETARY, US DEPARTMENT OF LABOR
200 CONSTITUTION AVENUE, NW
WASHINGTON, DC 20210
202-219-5109 x159
Fax: 202-219-4902

To: Nicole Rabner **Date:** August 4, 1998
Fax #: 456-2878 **Pages:** 1, including this cover sheet.
From: Lisa Stuart
Subject: FMLA

COMMENTS:

Nicole,

I believe you have spoken with both Richard McGahey and Suzanne Seiden regarding the First Lady's column on the 5th anniversary of FMLA. I'm the special assistant to the Chief Economist. While I passed along comments to you through Suzanne I wanted to emphasize a few points regarding quantifying FMLA users:

1. Both the Chief Economist and the Assistant Secretary for Policy have serious concerns with using 20 million to quantify the number of people using leave protected by FMLA. For a number that gives an understanding of the scope of this law, please instead use: 88 million jobs (or 70%) are covered by FMLA.
2. **Using 20 million would appear to be inconsistent with the President in his State of the Union address** where he stated there had been 15 million users as of January 1998 (since 1993).
3. If you insist on using 20 million, please be sure to explicitly credit the estimate to Donna Lenoff or the National Partnership for Women and Families. While it may be plausible, it is not a number for which we can provide justification.

Please call me for additional information.
Lisa Stuart

Draft

**Statement by the President
On the Fifth Anniversary of the Family and Medical Leave Act**

Five years ago today, the Family and Medical Leave Act went into effect, giving tens of millions of Americans the peace of mind that they would never have to choose between the jobs they need and the families they love. I am very proud that the Family and Medical Leave Act was the very first piece legislation I signed into law.

Millions of Americans have benefited from this historic legislation by taking time off -- without fear of losing their jobs -- to care for a newborn or adopted child, attend to their own serious health needs, or care for a seriously ill parent, child or spouse. In addition, a report issued today by the Department of Labor shows the relative ease with which the law has been implemented -- the overwhelming majority of employers have found the FMLA easy to administer and nine out ten complaints have been successfully resolved, often with a simple phone call.

I have always believed that we can help our workers fulfill their family responsibilities and strengthen the economy and America's businesses, as well. For five years, the Family and Medical Leave Act has helped us to fulfill both those critical goals.



THE WHITE HOUSE
WASHINGTON

FACSIMILE COVER SHEET

TO: Suzanne Seiden

FROM: Nicole Rabner
Associate Director for Domestic Policy
The White House

FAX #: 219-4753

PHONE #: 219-8305

OF PAGES (including cover page) 2

COMMENTS: Draft statement by the President
for your review.

→ Donna Leukhoff
8-815

→ Good Morning America ←

THE WHITE HOUSE
WASHINGTON

DOL will release:

- (1) 5 yr report on FMCA's success
- (2) 5 yr statistics on enforcement

Herman may do some specialty
press re: anniversary.

Families & wk:

survey

Partnership:

survey

web site. - Agree 

- first bill signed - stories -
 , wheel
- , successful -
 good for bus/wheelers
- , survey info - expanding

Because of FMLA, 67 million Americans -- over half of all workers -- are now guaranteed they can take leave. Since 1993, millions Americans -- some estimate over 20 million -- have taken this job-protected leave.

A new study from the Families and Work Institute shows that the vast majority -- 84 percent -- of employers find that the benefits of providing family and medical leave offset or outweigh the costs.

The bipartisan Commission found:

- 80 percent of FMLA-protected leave was taken to care for a seriously ill child, spouse, parent or the employee's own health problem.

- about 58 percent of FMLA-protected leave was used by women, about 42 percent by men.

STORY FROM THE NATIONAL PARTNERSHIP:

George and Vicki Yandle
Marietta, Georgia

The Yandles tell their story:

In January of 1987, Dixie -- George and Vicki's youngest child -- was diagnosed with synovial sarcoma, a soft-tissue cancer. To combat the cancer, doctors were forced to amputate her left leg two inches below the pelvis. Immediately thereafter, Dixie began chemotherapy treatments. Dixie was often carried out of the hospital by her father.

Both the Yandle parents took time off from work to care for their daughter during these treatments. Ms. Yandle, a salesperson at a furniture store, was fired because her manager thought that she was lying about her daughter's cancer and her need for intermittent time off.

Mr. Yandle worked as a salesperson for a large Atlanta car dealership. He juggled his work and family responsibilities by running back and forth between the dealership and the hospital. During this time, he was under enormous emotional strain. Finally, he passed out from the stress, spending three days in the hospital's intensive care unit.

Mr. Yandle was fired from his job in May 1987. He testified that his boss told him that he lost his job because of Dixie, because he put his family before his job. It took Mr. Yandle several months to find a new job. During this time, the Yandles exhausted their savings. Finally, Mr. Yandle accepted a new job at a 50-60 percent pay cut.

At a hearing held in Atlanta by Senator Christopher Dodd (then Chair of the Children and Families Subcommittee), Mr. and Ms. Yandle testified about how their family needed family and medical leave.

In September of 1992, Congress passed and sent the Family and Medical Leave bill to President Bush. When it did so, a bipartisan press conference was held to urge Bush not to veto the FMLA again, and Vicki Yandle, accompanied by her husband and daughter, spoke at that press conference.

But it wasn't until February 1993 that the FMLA became the law of the land. It was the first bill President Clinton signed. And in the Rose Garden that day Vicki Yandle was again the spokesperson representing America's working families. Two months later, in April 1993, Dixie Yandle died.

"This is a story of
someone who lost
their job before
FMLA was enacted,
in case you
wanted to
start w/ "five
years ago too
many Americans
had to chose
between spending
time w/ a loved
one & their
job. "

The Yandles' story is one of two stories on which CBS' January 21, 1997 telemovie, *A Child's Wish*, was based.

The Yandles can be reached through the National Partnership for Women & Families at (202) 986-2600.

Wednesday, July 29, 1998

To: Nicole Rabner
From: Suzanne Seiden *SB5/mo*
Re: FMLA materials

Nicole,

Here is what I've enclosed for you.

1. Some older materials on FMLA in case you want them for reference
2. The March 22, 1997 radio address transcript
3. An April 11, 1997 OPM memorandum expanded family and medical leave policies
4. An information sheet on FMLA elaws
5. A press release on DOL's FMLA new 800 number
6. A one-pager - expanding FMLA - *never released*
7. The Families and Work Institute 1998 Business Work-Life Study (from page 20)
8. Highlights from a survey by the National Partnership for Women and Families

Nicole, hope these help. Please call me if you need anything.

Michael has

① POTUS remarks - Bill signing.

Also -

Draft DOL Study



NEW DATA ON FAMILY AND MEDICAL LEAVE

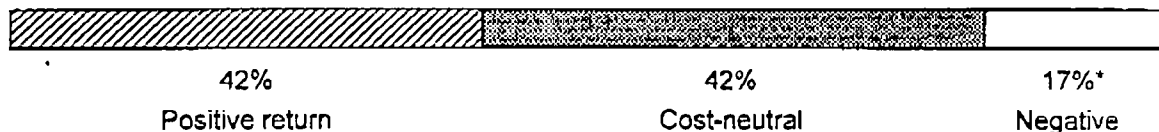
Except where noted, the following are new findings from the Families and Work Institute's 1998 Business Work-Life Study, by Ellen Galinsky and James T. Bond (Families and Work Institute 1998). This study reports on a survey of a representative sample of 1,057 private-sector, for-profit and non-profit companies with 100 or more employees in the U.S. Interviews were conducted with human resource directors. The maximum margin of error is 3%.

I. EMPLOYER DATA

Compliance with key provisions of the Family and Medical Leave Act (FMLA) is very high. Fully 90% of companies provide the 12 or more weeks of job-guaranteed leave required by the FMLA for maternity, paternity, adoption, or care of seriously ill children.

In fact, ***many employers provide more generous leave periods than the 12 weeks required by the FMLA.*** A third (33%) of companies provide 13 or more weeks of leave for maternity, and 15-16% provide 13 or more weeks of leave for paternity, adoption, and seriously ill children.

The vast majority -- 84% -- of employers find that the benefits of providing family or medical leave offset or outweigh the costs. In fact, fully half of those employers report positive returns on their investments in leave programs.



Some form of maternity leave -- of some length -- is available to 95% of all workers at private-sector companies with 25-49 employees, and to 93% of workers at companies with fewer than 25 employees.

Source: 1997 National Study of the Changing Workforce, the Families and Work Institute's 1997 survey of a representative sample of all wage and salaried workers in the U.S.

II. AFFORDABILITY OF FAMILY LEAVE

Only 53% of employers provide at least some replacement pay during periods of maternity leave, mainly (81%) through temporary disability insurance. Employers are much less likely to provide any replacement pay during leaves for paternity and adoption (13% and 12.5% respectively).

*Total exceeds 100% due to rounding.

July 30, 1998

Press Release from Nat'l Partnership ...

IN FIVE YEARS, THE FAMILY & MEDICAL LEAVE ACT HAS HELPED 20 MILLION AMERICAN FAMILIES

WASHINGTON, DC -- As the fifth anniversary of the Family & Medical Leave Act (FMLA) approaches, working Americans and advocates are celebrating a rare public policy victory that has helped an estimated 20 million American families while causing little or no disruption to businesses. The first national policy to address working people's family responsibilities, the FMLA became effective on August 5, 1993. Its fifth anniversary will be next Wednesday.

lets talk
about the #
we use
"at least 13 mil" is
the # we use in our
unreleased
press
paper-
use that
for now.

Since the federal Family & Medical Leave Act (FMLA) took effect, millions of Americans have been able to provide essential care for their families without risking their jobs. The FMLA allows workers at firms with at least 50 employees to take up to 12 weeks of unpaid leave to care for a newborn or newly adopted child, to tend to a sick parent, child, or spouse, or to recover from their own serious illness. While on leave, employees' jobs and health insurance are protected by law.

New research has concluded that the FMLA is working well for employers, too. The Families and Work Institute's new 1998 Business Work-Life Study (a nationally representative study of employers with 100 or more employees) found that, for 84 percent of employers, providing family and medical leave has benefits that either offset any costs (42 percent) or create positive returns (42 percent).

An attorney at the National Partnership for Women & Families (formerly the Women's Legal Defense Fund) first drafted the FMLA 14 years ago. The National Partnership then founded and led the broad-based coalition that fought for passage until, in 1993, the FMLA became the first bill President Clinton signed into law.

On this fifth anniversary, I am proud to say that the FMLA has been a tremendous success for America's working families and their employers, said National Partnership President Judith L. Lichtman. *Everyone wins when we make it easier for people to meet their responsibilities at work and at home.*

The FMLA now covers 57.5 percent of the nation's private workforce -- the nearly 55 million people working for businesses with at least 50 employees. But 41 million private sector workers are without the law's protection. Congress is considering expanding the FMLA to cover mid-sized companies with 25 to 49 employees, which would add 13 million more people to the covered population. According to a poll conducted by the National Partnership earlier this year, four in five Americans (79 percent) support expanding the FMLA to cover mid-sized employers.

Other expansion proposals would add 24 hours of leave for parent-teacher meetings and routine doctors appointments, and allow victims of domestic violence to take FMLA leave to find shelter and legal protection. Those proposals also have overwhelming public support.

"The FMLA has made a huge difference in the lives of millions of families without hurting business. But too many women and men are still forced to make impossible choices between job

and family when crisis strikes. It's time to expand the FMLA to cover more working Americans,* said National Partnership General Counsel Donna R. Lenhoff, author of the FMLA and Vice Chair of the bipartisan Family Leave Commission.

Among the estimated 20 million working women and men who have benefited from the FMLA are:

Valerie Boykins of Philadelphia. In April 1996, Boykins' 55-year-old mother, Margaret Williams, was released from the hospital with terminal lung cancer. Ms. Boykins arranged to care for her at home. A hospice provided nursing care during the day, and Ms. Boykins, an insurance claims adjuster, took night-duty while still working full time. Ms. Boykins got so little sleep that this arrangement soon became untenable. Fortunately, Ms. Boykins knew about the FMLA from her employer, and she was able to begin her FMLA leave as soon as she requested it.

Margaret Williams died a month after Ms. Boykins was granted FMLA leave. Ms. Boykins is certain that the bond she and her mother formed in that month could not have occurred if she continued to work full-time -- "I would have been too tired, irritable, cranky." Moreover, she says, "If I hadn't been able to do this, I'd have been a wreck emotionally, trying to perform on my job. . . . Family leave gave me the time to think about what was going on, to prepare myself. Just the mere fact of being with the person you care about and love. . . it was peace of mind."

Mike and Molly Goodson of St. Paul, Minnesota. Mike and Molly Goodson took back-to-back FMLA leaves when each of their two daughters were born. Ms. Goodson said, "Because of my department team, taking leave was no big deal. We're used to covering for each other and it worked out fine." Mr. Goodson added, "It's extremely important for co-workers to accept your leave because they're the ones who have to pick up the slack while you're gone."

Many of Mr. Goodson's male co-workers have told him that they wish they had taken similar time off when their children were born. Said Ms. Goodson, "I think it's great that more men are taking leave. It makes them more understanding of women co-workers and subordinates and increases the overall acceptance of the principle of family leave."

Some mid-sized employers are already providing the equivalent of FMLA leave, including E-SOURCE, an information service company in Boulder, Colorado. Although not legally required to provide FMLA benefits for its 48 employees, E-SOURCE chose to adopt FMLA policies in 1996 to encourage employee loyalty and longevity, even adding a provision that grants fathers one week of paid paternity leave.

E-SOURCE Chief Financial Officer Joan Wright considers the company's employee benefits package "a real plus for recruitment" that more than pays for itself in employee retention, loyalty, and lower administrative costs. Last year, INC. Magazine named E-SOURCE one of the fastest growing private companies in the country -- evidence that its family-friendly policies pay off. Ms. Wright strongly supports the proposal to expand the FMLA to mid-sized businesses such as E-SOURCE, believing it "the right thing to do."

Several states, including New Jersey, California, and Vermont, are considering ways to make unpaid FMLA leave more affordable by expanding their temporary disability or unemployment insurance systems. Research conducted by the Family Leave Commission found that nearly one in ten (nine percent) of FMLA users needed public assistance to make ends meet while on leave. Among those who needed but did not take leave, not being able to afford it was the number one reason. Said Lenhoff, *For those who can't afford to take unpaid leave, the promise of the FMLA remains unfulfilled. Family Leave Insurance is an innovative and sensible approach to helping fulfill the FMLA's promise to the families who need it most.*

DATA FROM THE PARTERSHIP (REPLACE WITH ONE-PAGE OVERVIEW OF THE FAMILIES AND WORK INSTITUTE STUDY I GAVE YOU) --Nicole

NEW DATA ON FAMILY AND MEDICAL LEAVE

Except where noted, the following are new findings from the Families and Work Institute's 1998 Business Work-Life Study, by Ellen Galinsky and James T. Bond (Families and Work Institute 1998). This study reports on a survey of a representative sample of 1,057 private-sector, for-profit and non-profit companies with 100 or more employees in the U.S. Interviews were conducted with human resource directors. The maximum margin of error is 3%.

I. EMPLOYER DATA

Compliance with key provisions of the Family and Medical Leave Act (FMLA) is very high. Fully 90% of companies provide the 12 or more weeks of job-guaranteed leave required by the FMLA for maternity, paternity, adoption, or care of seriously ill children.

In fact, many employers provide more generous leave periods than the 12 weeks required by the FMLA. A third (33%) of companies provide 13 or more weeks of leave for maternity, and 15-16% provide 13 or more weeks of leave for paternity, adoption, and seriously ill children.

The vast majority -- 84% -- of employers find that the benefits of providing family or medical leave offset or outweigh the costs. In fact, fully half of those employers report positive returns on their investments in leave programs.

42% \ Positive return 42% \ cost-neutral 17%* \ Negative

Some form of maternity leave -- of some length -- is available to 95% of all workers at private-sector companies with 25*49 employees, and to 93% of workers at companies with fewer than 25 employees.

Source: 1997 National Study of the Changing Workforce, the Families and Work Institute's 1997 survey of a representative sample of all wage and salaried workers in the U.S.

II. AFFORDABILITY OF FAMILY LEAVE

Only 53% of employers provide at least some replacement pay during periods of maternity leave, mainly (81%) through temporary disability insurance. Employers are much less likely to provide any replacement pay during leaves for paternity and adoption (13% and 12.5% respectively).

*Total exceeds 100% due to rounding.

STORY FROM THE PARTNERSHIP:

Elizabeth M. Carlson
National Futures Association
Chicago, IL

~~OK~~ well researched
employer

FAMILY AND MEDICAL LEAVE ACT-- -- EMPLOYER PERSPECTIVE

Elizabeth M. Carlson has worked in human resources for more than 25 years and has been the Director of Human Resources for the National Futures Association, a regulatory organization in the commodities/futures industry for more than 10 years.

As an employee and a manager, Ms. Carlson has seen both perspectives on family and medical leave policies and concludes that they are as beneficial for the company as they are for individual employees. "I feel confident," she says, "that I speak for all levels of management as well as our officers and directors when I say that [our organization's] experience with this leave policy has been very positive." Ms. Carlson's organization, which employs 234 people in Chicago and 36 in New York, has maintained a leave policy since 1986 that exceeds the requirements laid out in the FMLA by providing 16 weeks of job-guaranteed leave. An employee may request an additional 10 weeks with the understanding that he or she may return to work only if a suitable position is available when he or she wants to come back.

Ms. Carlson is convinced of the economic value of the policy, citing the cost associated with recruiting and training new employees, as well as the heightened morale and sense of loyalty such a policy produces. As a result, the policy at Ms. Carlson's organization is available to all full- and part-time employees, including highly paid staff and officers in all locations regardless of the number of employees in the specific location. The policy surpasses the FMLA requirements by defining covered family relations to include grandparents and siblings as well. Additional leave may be requested for a wide variety of reasons including child care, education, community service, and self-renewal.

The organization's broad and flexible leave policy has been embraced by both employees and management as a great success. "Employees benefit from this policy," Ms. Carlson states, "because it allows them peace of mind without any sense of guilt about shirking their job responsibilities at a time when their energies need to be directed toward their families or personal lives. Management benefits by retaining its trained and experienced staff and from the loyalty and good will that the

policy engenders among employees." More fundamentally, Ms. Carlson sees leave policies as an important element in the stability of American society generally. "The FMLA is a significant step toward bringing U.S. employment policy into alignment with positive family experiences."

Elizabeth Carlson testified about her experience before the Family Leave Commission on May 8, 1995, and before the U.S. House of Representatives Committee on Education and the Workforce, Subcommittee on Oversight and Investigations, on June 10, 1997.

Ms. Carlson can be reached through the National Partnership for Women & Families at (202) 986-2600.

IN FIVE YEARS, THE FAMILY & MEDICAL LEAVE ACT HAS HELPED 20 MILLION AMERICAN FAMILIES

WASHINGTON, DC -- As the fifth anniversary of the Family & Medical Leave Act (FMLA) approaches, working Americans and advocates are celebrating a rare public policy victory that has helped an estimated 20 million American families while causing little or no disruption to businesses. The first national policy to address working people's family responsibilities, the FMLA became effective on August 5, 1993. Its fifth anniversary will be next Wednesday.

Since the federal Family & Medical Leave Act (FMLA) took effect, millions of Americans have been able to provide essential care for their families without risking their jobs. The FMLA allows workers at firms with at least 50 employees to take up to 12 weeks of unpaid leave to care for a newborn or newly adopted child, to tend to a sick parent, child, or spouse, or to recover from their own serious illness. While on leave, employees' jobs and health insurance are protected by law.

New research has concluded that the FMLA is working well for employers, too. The Families and Work Institute's new 1998 Business Work-Life Study (a nationally representative study of employers with 100 or more employees) found that, for 84 percent of employers, providing family and medical leave has benefits that either offset any costs (42 percent) or create positive returns (42 percent).

An attorney at the National Partnership for Women & Families (formerly the Women's Legal Defense Fund) first drafted the FMLA 14 years ago. The National Partnership then founded and led the broad-based coalition that fought for passage until, in 1993, the FMLA became the first bill President Clinton signed into law.

On this fifth anniversary, I am proud to say that the FMLA has been a tremendous success for America's working families and their employers, said National Partnership President Judith L. Lichtman. *Everyone wins when we make it easier for people to meet their responsibilities at work and at home.*

The FMLA now covers 57.5 percent of the nation's private workforce -- the nearly 55 million people working for businesses with at least 50 employees. But 41 million private sector workers are without the law's protection. Congress is considering expanding the FMLA to cover mid-sized companies with 25 to 49 employees, which would add 13 million more people to the covered population. According to a poll conducted by the National Partnership earlier this year, four in five Americans (79 percent) support expanding the FMLA to cover mid-sized employers.

Other expansion proposals would add 24 hours of leave for parent-teacher meetings and routine doctors appointments, and allow victims of domestic violence to take FMLA leave to find shelter and legal protection. Those proposals also have overwhelming public support.

"The FMLA has made a huge difference in the lives of millions of families without hurting business. But too many women and men are still forced to make impossible choices between job

and family when crisis strikes. It's time to expand the FMLA to cover more working Americans,* said National Partnership General Counsel Donna R. Lenhoff, author of the FMLA and Vice Chair of the bipartisan Family Leave Commission.

Among the estimated 20 million working women and men who have benefited from the FMLA are:

Valerie Boykins of Philadelphia. In April 1996, Boykins' 55-year-old mother, Margaret Williams, was released from the hospital with terminal lung cancer. Ms. Boykins arranged to care for her at home. A hospice provided nursing care during the day, and Ms. Boykins, an insurance claims adjuster, took night-duty while still working full time. Ms. Boykins got so little sleep that this arrangement soon became untenable. Fortunately, Ms. Boykins knew about the FMLA from her employer, and she was able to begin her FMLA leave as soon as she requested it.

Margaret Williams died a month after Ms. Boykins was granted FMLA leave. Ms. Boykins is certain that the bond she and her mother formed in that month could not have occurred if she continued to work full-time -- *I would have been too tired, irritable, cranky.* Moreover, she says, *If I hadn't been able to do this, I'd have been a wreck emotionally, trying to perform on my job. . . Family leave gave me the time to think about what was going on, to prepare myself. Just the mere fact of being with the person you care about and love. . . it was peace of mind.*

Mike and Molly Goodson of St. Paul, Minnesota. Mike and Molly Goodson took back-to-back FMLA leaves when each of their two daughters were born. Ms. Goodson said, *Because of my department team, taking leave was no big deal. We're used to covering for each other and it worked out fine.* Mr. Goodson added, *It's extremely important for co-workers to accept your leave because they're the ones who have to pick up the slack while you're gone.*

Many of Mr. Goodson's male co-workers have told him that they wish they had taken similar time off when their children were born. Said Ms. Goodson, *I think it's great that more men are taking leave. It makes them more understanding of women co-workers and subordinates and increases the overall acceptance of the principle of family leave.*

Some mid-sized employers are already providing the equivalent of FMLA leave, including E-SOURCE, an information service company in Boulder, Colorado. Although not legally required to provide FMLA benefits for its 48 employees, E-SOURCE chose to adopt FMLA policies in 1996 to encourage employee loyalty and longevity, even adding a provision that grants fathers one week of paid paternity leave.

E-SOURCE Chief Financial Officer Joan Wright considers the company's employee benefits package *a real plus for recruitment* that more than pays for itself in employee retention, loyalty, and lower administrative costs. Last year, INC. Magazine named E-SOURCE one of the fastest growing private companies in the country -- evidence that its family-friendly policies pay off. Ms. Wright strongly supports the proposal to expand the FMLA to mid-sized businesses such as E-SOURCE, believing it *the right thing to do.*

Several states, including New Jersey, California, and Vermont, are considering ways to make unpaid FMLA leave more affordable by expanding their temporary disability or unemployment insurance systems. Research conducted by the Family Leave Commission found that nearly one in ten (nine percent) of FMLA users needed public assistance to make ends meet while on leave. Among those who needed but did not take leave, not being able to afford it was the number one reason. Said Lenhoff, *For those who can*t afford to take unpaid leave, the promise of the FMLA remains unfulfilled. Family Leave Insurance is an innovative and sensible approach to helping fulfill the FMLA*s promise to the families who need it most.*

National Partnership
for Women & Families

September 17, 1998

Nicole Rabner
Associate Director for Domestic Policy
The White House
1600 Pennsylvania Avenue, NW
Second Floor, West Wing
Washington, DC 20500

Dear Ms. Rabner:

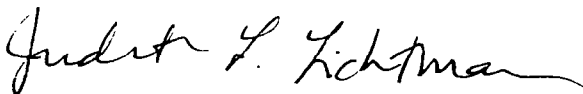
As you know, this past August 5th marked the fifth anniversary of the effective date of the Family and Medical Leave Act (FMLA) of 1993. We have attempted to do a "round-up" of the media coverage that this anniversary received -- which included a feature on ABC's Good Morning America with a live appearance by our General Counsel Donna R. Lenhoff. *Christian Science Monitor*, *Marketplace*, Bloomberg Radio Network and many regional newspapers, ranging from the *Boston Globe* to the *San Francisco Chronicle*, also ran FMLA pieces.

Most of the media were particularly interested in interviewing individuals and businesses who have had experiences with the FMLA, and who support expanding the FMLA. We have posted the stories of over 40 such "FMLA users" -- all of whom are willing to talk to the press and public -- on our website, at <http://www.nationalpartnership.org/workandfamily/fmleave/stories/storymain.html>.

For your convenience, I've enclosed a packet of print media coverage with this letter.

The struggle to meet both work and family responsibilities remains a top concern for American women and men. The FMLA has helped 20 million Americans in their efforts to meet these responsibilities, and its fifth anniversary marked a significant milestone. I thank you for your part in making family and medical leave a reality five years ago; for your continued work in ensuring its enforcement and implementation; and for your support for our efforts to expand the FMLA, to make family leave more available to more working people.

Sincerely,



Judith L. Lichtman
President

Enclosures

Family Leave Offers a Matchless Gift – Care Time at Home

By MARILYN GARDNER
STAFF COLUMNIST OF THE CHRISTIAN SCIENCE MONITOR

As anniversaries go, it will be a low-key celebration. No big parties, no cakes with five candles, no balloons and noisemakers. But for family advocates in Washington and elsewhere, today marks a significant, hard-won victory for American families.

This is the fifth anniversary of the federal Family and Medical Leave Act. Since Aug. 5, 1993, workers at firms with 50 or more employees have been able to take as many as 12 weeks of job-protected, unpaid leave to care for a baby or a family member, or to recover from their own illness. An estimated 20 million families have benefited, according to the National Partnership for Women & Families in Washington.

The story actually begins 14 years ago. In 1984 a federal court struck down California's maternity-leave law, calling it sex discrimination against men. Donna Lenhoff, general counsel of the National Partnership, formerly the Women's Legal Defense Fund, received a desperate call from Rep. Howard Berman (D) of California, who as a state legislator had helped sponsor the bill. How, he asked, could they save maternity leave in the state?

During a meeting Ms. Lenhoff, Representative Berman, and a few others took a broader approach. "We wanted it to be national, to cover not just maternity but paternity, and not just childbirth but adoption and sick leave," Lenhoff explains.

After leaving the room, she sat down at a typewriter – remember typewriters? – and drafted an outline in statutory language. As she describes it, "The great-great-great granddaughter of that proposal became the Family and Medical Leave Act."

Initially, many employers' objections centered around money, even though leave time is unpaid. But in an encouraging study released two weeks ago by the Families and Work Institute in New York, 42 percent of businesses say benefits outweigh costs. Another 42 percent report that the law is cost-neutral, with benefits and costs offsetting one another. Just 17 percent of businesses find that costs outweigh benefits.

Other objections are philosophical. Some opponents, Lenhoff says, believe that "the private market should always decide matters between employers and employees – that there should be no government standard set." Many in this group, she adds, would oppose minimum-wage or overtime laws on

similar grounds.

As the workplace becomes more diverse, and as extended families scatter, more and more employees find themselves shouldering caregiving responsibilities alone. And although the media spotlight has typically focused on the need to care for newborns, the importance of family leave may be shifting to include a less visible generation.

In a new survey by the Conference Board in New York, 94 percent of corporate executives at major companies in the US, Europe, Canada, and Australia say elder care will become an increasing concern over the next five years. Another study by the National Partnership finds that more than half of employees think they will need to care for an elderly parent or relative in the next 10 years.

This demographic shift could strengthen support for family leave. If senior executives who have been less than sympathetic to the needs of young families find themselves needing to help their own parents, the act might suddenly take on new meaning for them.

The long arm of the law is always a suspect intruder in family matters. But without the benefits the act has brought, many employees would face the unacceptable alternatives of five years ago, when the workplace ultimatum too often was: "Your family or your job." This is one measure from Washington that is proving to be not only efficient and effective but also compassionate.



As extended families scatter, more employees find themselves shouldering caregiving responsibilities alone.

Editorials

Happy birthday to family leave

One small step is taken toward making workplaces friendlier.

The Family and Medical Leave Act, 5 years old this week, has led to some welcome shifts toward more humane workplaces across the nation. For tens of millions of working Americans, the act has offered a priceless benefit — up to 12 weeks' leave, unpaid but with no loss in job security — to recover from serious personal illness, spend time with a newborn or newly adopted child, or care for a seriously ill family member.

Today, it's hard to believe the act took so long to pass — it was vetoed twice by President Bush — or that it remains at all controversial. The act still draws criticism from some employers, who say it is cumbersome to administer or who fear it may lead to malingering by dishonest workers. But many have come to realize the such compassionate policies more often lead to employee loyalty.

The federal Commission on Leave estimates that during an 18-month period in 1994 and 1995 about 20 million people, 58% of them

women, took FMLA leaves.

Family leaves allow employees precious time to deal with difficult issues that affect us all such as caring for a dying relative or the sleeplessness and emotional adjustments that arrive with a newborn without the added stress of losing a job or health benefits.

The FMLA has also encouraged the promising trend of fathers taking time to stay home with newborns, a benefit that was relatively rare before the act's passage.

Still, 42% of employees in the private sector are not covered by the act, which applies only to firms with 50 or more employees. Many who are covered remain discouraged from taking needed leave, either by a workplace culture that is dismissive of personal issues, or by an inability to afford the loss of salary during unpaid leave.

While the FMLA is the only federal law mandating maternity leave — unpaid — a study of 152 countries by the United Nations International Labor Organization found 80% offered some paid maternity leave. Viewed in that context, our Family and Medical Leave Act seems a mere baby step on the path toward a family-friendly workplace.

Celebrating the Family and Medical Leave Act

A truck driver in Texas was fired a few years ago when he took unpaid leave to take care of his wife, who was pregnant with triplets. The U.S. Department of Labor intervened and the worker got a \$10,000 settlement from his former employer.

Five years ago, before the Family and Medical Leave Act took effect, that truck driver would have been out of a job and out of luck, Labor Secretary Alexis M. Herman said on the law's fifth birthday on Aug. 5.

The act guarantees that employees of companies with 50 or more employees can take up to 12 weeks of unpaid leave each year to care for seriously ill family members, for the birth or adoption of a child, or for their own serious health problems and still keep their job or an equivalent job.

On the law's recent anniversary, Herman declared it a success. She said that the act is helping workers balance their work and family lives and that it has not been as disruptive as some business owners had feared.

"The landmark measure reaffirmed a basic American principle: No worker should have to choose between the job they need and the family they love," she said. "The Family and Medical Leave Act gives workers legal assurance that they can be there for their families in the difficult times without jeopardizing their jobs or health insurance."

While the law has been a step in the right direction, it still does not provide enough protection for enough workers, says Ellen Bravo, co-director of 9 to 5, the National Association of Working Women.

"We do think it's been terrific and has made a big difference," said Bravo. "On this anniversary of implementation... let's use it as an opportunity to improve things even more."

About 30 percent of all workers in America are not covered by the law because it applies only to people who work for public agencies or private employers with 50 or more employees. The exemption was added in response to small businesses whose owners argued that they had too few workers to compensate when one goes on leave and that their businesses would take too great a financial hit if it was necessary to hire a substitute.

As a result, that same truck driver who was able to collect money from his employer when he was fired for taking time off to be with his wife and triplets would have had no recourse if his employer had employed 49 or fewer people.

There is a bill in Congress that would lower the



TERESA BURNERY

COLUMN

threshold, making employers with 25 or more employees comply with the law, Bravo said.

Even employees of bigger companies are not covered unless they have worked for a company for a year. That presents a problem for those who are newly off welfare and in jobs. They could be fired for taking time off for a child's illness, Bravo said.

Nor does the act kick in for three days unless there is a medical emergency. That is a problem for someone who is sick with a routine illness for less than three days and doesn't have sick leave. Those people have to take the sick time without pay and could be fired for not showing up at work, Bravo said.

"People have this myth that everybody has not only sick leave, but sick leave they can use for sick children," she said.

"That is not true."

There is another bill in Congress that would allow people to take up to 24 hours of unpaid leave a year for things such as routine illnesses and school visits.

In any case, the act allows only for unpaid leave. That means many people may need to take time off to deal with a personal or family illness but do not because they cannot afford it.

In a 1996 survey, the main reason people said they did not take leave when they needed to was they could not afford it, Bravo said.

There are no bills in Congress to deal with that problem.

Since the Family and Medical Leave Act has been around, the Department of Labor has taken action on 12,633 complaints about employers not following the law. About 90 percent of those cases have been successfully resolved.

For information about rights and responsibilities under the Family and Medical Leave Act, call (800) 959-3652 or check the U.S. Department of Labor's Web site at <http://www.dol.gov/elaws>.

Resources explain fine points of Family and Medical Leave Act

By The Star's Staff

The fifth anniversary of the Family and Medical Leave Act will be Wednesday. The federal act grants up to 12 weeks of unpaid, job-protected leave a year to certain qualified employees to help them care for personal or family medical needs, including childbirth and adoption.

The FMLA currently applies only to private employers who have 50 or more employees, but Congress is considering an amendment which would expand coverage to cover employers of 25 to 46. (Federal workers already have leave

rights similar to those granted by the law.)

A study last year by the bipartisan Family Leave Commission in Washington found that 42 percent of employees already covered by the law did not know about it. Partly for that reason, the National Partnership for Women & Families has undertaken a public education effort.

The partnership's free *Guide to the FMLA* is available by writing its headquarters at 1875 Connecticut Ave., N.W., Washington, D.C. 20009. The information also may be downloaded from its Web site at www.nationalpartnership.org

A Time For Caring

San Francisco Chronicle
San Francisco, CA
August 3, 1998



BY LIZ HAFALIA/THE CHRONICLE

Scott Jones, an account executive at Federal Express, took 12 weeks off to care for his baby, Mallory.

Family & Medical Leave Act is a workplace success story

By Ilana DeBare
Chronicle Staff Writer

Angela Holman took five months off from her job at Wells Fargo Bank when her daughter Alyssa was born in 1996. She's now taking another five months off to care for her second child, 2-month-old Kayla.

Holman says she will treasure this time for the rest of her life — along with the law that made it possible.

"Every time I look into my two babies' eyes, I am ever so grateful for the Family & Medical Leave Act," said Holman, a 35-year-old Menlo Park resident.

This week marks the fifth anniversary of the Family & Medical Leave Act, which requires large and midsize companies throughout the United States to provide 12 weeks of unpaid leave to employees with a newborn or newly adopted child, serious personal illness or a seriously ill family member.

The act initially was very controversial. Opposed by business groups as an unnecessary government intrusion into the workplace, it was vetoed twice by former Presi-

dent George Bush before President Clinton signed it into law.

But since taking effect on August 5, 1993, family leave has become firmly established as a part of life in corporate America.

Tens of millions of workers, like Holman, have taken FMLA leaves, secure in the knowledge that their jobs still will be there when they come back.

Employers complain that the FMLA is too complicated to administer and that it's so broadly worded that relatively minor ailments like ingrown toenails can prompt a leave.

But employers also have learned to live with the law. Wells Fargo, for instance, now employs about a dozen people whose sole responsibility is tracking leaves for the bank's 36,000-person workforce.

Some companies even acknowledge that the benefits of the FMLA outnumber its administrative costs.

"There's no question that the benefits outweigh the bas-

sles," said Scott Fortmann, a human resources lawyer for Intel Corp., which gave FMLA leave to about 2,400 of its 64,000 workers last year. "Leave provides a release valve for employees dealing with some pretty difficult issues. We're willing to suffer through some administrative hassles to get to a broad social good like this."

The FMLA covers an estimated 55 percent of the U.S. workforce — people who have been employed for at least a year by a government agency or by a company with 50 or more workers.

Under the law, workers can get up to 12 weeks off each year in blocks of time ranging from one long leave for "baby bonding" to a series of three-hour absences for chemotherapy. Employers must continue workers' health coverage while they're on FMLA leave. They also must allow workers to return to their old job, or an equivalent one, unless the position is eliminated as part of a broader set of layoffs.

There are no firm numbers on how many Americans have taken FMLA leave during the past five years, but the total is in the tens of millions.

The Commission on Leave, a group set up by Congress to study the law, estimated that about 20 million people, or 17 percent of the workforce, took FMLA leaves during an 18-month period in 1994 and 1995.

Most of those people — 60 percent — used the time to handle their own health problems.

Another 21 percent took time off to care for a new or seriously ill child, while 9 percent took time off to care for an ill parent.

Amy Calhoun, a supervisor at a Bay Area mortgage company, used an FMLA leave to fly to Utah when her father suddenly suffered a brain aneurysm while driving from Indiana to California. She spent three months there, visiting him in the hospital and helping her mother settle into temporary living quarters in Utah.

"A new law has never directly affected me so much (as the FMLA)," said Calhoun, a resident of Forestville. "I am eternally grateful for this law."

Meanwhile, San Francisco resident Velma Parness used an FMLA leave to care for her husband when he was dying of leukemia. The time off gave Parness and her husband a chance to talk and reminisce. Her presence also allowed him to spend his last months at home rather than



BY LIZ HAFALIA/THE CHRONICLE

Scott Jones took time off so his daughter, Mallory, wouldn't have to be in day care.

in a hospital.

"Without a leave, I would have had to quit my job and lose my health benefits and retirement," said Parness, a continuing-education specialist for the University of California at Berkeley. "The fact I could stay home with him and not worry about my job or insurance meant so much for us."

The Commission on Leave found that women use family leave much more than men: Women made up 46 percent of the workforce but took 58 percent of the leaves in the commission's study.

But the FMLA also has proven particularly helpful for one small group of men — new fathers who want to stay home for a while with their babies.

Very few companies offered any formal paternity leave before the FMLA. Now, all employers covered by the law must offer 12 weeks of parental leave to men as well as women.

"There was a strong message that came across with this law, that this is for women

and men," said Judy David Bloomfield, director of One Small Step, a coalition of Bay Area employers interested in work/family issues.

Scott Jones, an account executive at Federal Express in Burlingame, is one local beneficiary of the law.

Jones currently is taking 12 weeks off to care for his baby daughter, Mallory. He took his leave right after his wife finished hers so that Mallory wouldn't have to be in day care until she was six months old.

"This time with Mallory is invaluable," Jones said. "I love it. And I never would have considered it, never would have asked for it, without this law."

Work/family experts say the level of FMLA use varies greatly among companies — or even among departments in the same company.

Some employers go well beyond what the law requires. Wells Fargo, for instance, offers its California employees four months of leave rather than the 12 weeks required by the FMLA.

That policy, combined with a few weeks of pregnancy disability leave, is what allowed Angela Holman to stay home with each of her two babies for five months.

On the other hand, some managers send out subtle messages that discourage workers from taking off any time at all.

"One junior-faculty male here wanted some time off to be a first-time father but was basically told that it would have a negative impact on his tenure decision," said Paula Rayman, an economist at the Radcliffe Public Policy Institute of Harvard University. "Employers can say they support family friendly policies. But if people are hearing something different from their supervisors, it doesn't matter what's on the books."

Family leave advocates say the biggest problem with the law is that it doesn't cover everyone who needs it.

Nationally, 42 percent of private-sector employees are not covered by the FMLA

because they work for firms with fewer than 50 employees. And many workers who are covered cannot afford to take as much leave as they need because the time off usually is unpaid.

"It isn't fair because some families are in a much better position to save up for leaves than others are," said Donna Lennhoff of the National Partnership for Women & Families, which led the drive to pass the FMLA.

Employers, meanwhile, say the FMLA is unnecessarily hard to administer.

They say it's tough to figure out how the FMLA intersects with other laws involving time off from work — such as state family leave laws, pregnancy disability laws, workers' compensation laws and the federal Americans with Disabilities Act.

"The ones for whom it's a burden are smaller employers who are just big

"This was not intended to cover short-term conditions, but there have been instances where people have claimed FMLA coverage for ingrown toenails."

— DEANNA GELAK, a lobbyist with Society for Human Resource Management.

enough to qualify for FMLA coverage but don't have the staffing to track these things," said Conley Baker, a human resources consultant with The Employers Group in San Francisco.

Employers also complain that the federal government has defined "serious health condition" too broadly, creating room for workers to abuse the law.

The Department of Labor says workers qualify for FMLA leave not just if they're hospitalized, but if they're incapacitated by a chronic condition like asthma or if they miss more than three days of work for an illness that has caused them to see a doctor.

"Someone can have a headache, go to the doctor three times and have that covered by the FMLA," said Estella Castillo, a human resources assistant at Mother's Cookies in Oakland.

"This was not intended to cover short-term conditions, but there have been instances where people have claimed FMLA coverage for ingrown toenails," said Deanna Gelak, a lobbyist with the Society for Human Resource Management.

Both backers and critics of the FMLA are pursuing their agendas in Congress and state legislatures.

Supporters are pushing bills that would extend the FMLA to smaller workplaces, apply it to other family crises, such as domestic violence, or provide some kind of pay for people on leave. Critics are seeking legislation that, among other things, would tighten up the definition of "serious health condition."

But Congress isn't anywhere close to voting on either set of bills this session. And the outlook for FMLA expansion or reform next year will depend on the outcome of this fall's Congressional races.

What is clear now is that, five years after the FMLA took effect, family leave is here to stay.

"Just having the law has made a difference in people's consciousness, both among employees and employers," said Rayman of the Radcliffe Public Policy Institute.

"The general public is vastly supportive of this law, which has allowed them to spend time with their children and dying mothers," said Chris Owens, editor of "The Family Medical Leave Handbook." "Employers are griping because they're dealing with the nuts and bolts of it all. But employees are in favor of expanding the law."

Want more information on how the Family & Medical Leave Act applies to you? Here are some resources:

National Partnership for Women & Families. Nonprofit group that lobbied to pass the FMLA and is now pushing to expand it to cover more people. They offer brochures in English and Spanish on the FMLA. See their Web site at www.nationalpartnership.org, or call (202) 936-2600.

Employment Law Center. This San Francisco group, a project of the Legal Aid Society, offers free legal advice on FMLA issues at (800) 880-3047.

Equal Rights Advocates. San Francisco group that offers free legal advice in English and Spanish. Their main focus is sex discrimination, but they also cover questions about the FMLA at (800) 839-4372.

Labor Project for Working Families. Nonprofit group based in Berkeley that helps labor unions add family related benefits, such as leave programs, to their contracts. Call (510) 643-6814.

One Small Step. Bay Area employer association that encourages the development of work/family benefit programs. It has a 77-page booklet titled "The Nuts and Bolts of FMLA, CFRA & PDL" that addresses employers' questions about family and pregnancy leave. It costs \$45 and can be ordered from (415) 752-4315.

Disability Leave & Absence Reporter. A 12-page monthly newsletter geared toward human resource professionals. It covers FMLA, the Americans with Disabilities Act and other leave-related laws. Published by the Bureau of Business Practice in Waterford, Conn., it costs \$315 a year. Call (800) 243-0876.

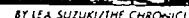
The Family Medical Leave Handbook. A how-to guide for drafting company FMLA policies. Published by Thompson Publishing Group, it costs \$298 and includes a monthly newsletter. Call (800) 677-3789, or see www.thompson.com.

Society for Human Resource Management. National group that offers its members information on the FMLA and other personnel issues. Call (703) 548-3440, or see www.shrm.org. Its Bay Area chapter, the Northern California Human Resources Association, offers occasional workshops on the FMLA. Call (415) 291-1992.

Department of Labor. The actual text of the FMLA is available from the Department of Labor at www.dol.gov/dol/esa/public/regs/statutes/wd/fmla.htm. The regulations on how to implement the FMLA can be found at www.dol.gov/dol/esa/public/regs/compliance/wd/1421.htm. The Labor Department also offers a useful interactive computer program to answer FMLA questions at www.dol.gov/elaws/fmla.htm. Or call the local Labor Department office at (415) 744-5590 or (800) 959-3652.

Department of Fair Employment & Housing. State agency that offers question-and-answer brochures on the California Family Rights Act and on pregnancy disability leave. Call (800) 884-1684 for more information.

Commission on Leave. Congress set up a commission to study the impact of FMLA. The commission issued a 1996 report titled "A Workable Balance" that is available online at www.ilr.cornell.edu/ilr/bookshelf/le_archive/FamilyMedical/.



Velma Parness used an FMLA leave to care for her husband while he was dying of leukemia.

California employers must comply with three different laws that cover family or pregnancy leave. Here's what each says and how they differ:

A LOOK AT FAMILY LEAVE

Why mothers take FULL LEAVES*

Watering disability 4%
 Sick spouse 4%
 Sick relative other 3%
 Set child 6%
 Sick parent 9%
 Newborn or newly adopted child 13%
 Own health problems 60%

How much time they take:

15-28 days 5%
 29-84 days 22%
 85 days + 12%
 8-14 days 17%
 1-7 days 40%

*According to the study, in 100 percent of cases, women take leave for more than one reason for leave.
 Since 1993, 34 percent of 2,532 women surveyed (1,212) have taken leave for more than one reason. According to a 1996 Bureau of Labor Statistics report, 10 percent of women and 14 percent of men take family leave.

United Capital

Workstation

The Orlando Sentinel

What does it take to be a police or fire dispatcher?

Question: Orlando's fire and police departments are advertising they need dispatchers. What's the difference between the two jobs, and what kind of training do you need for each?

Answer: The jobs are similar but can differ in pace and in the kind of information handled. The jobs don't require firefighter or police officer training, and they pay about the same.

Let's start with the basics. Dispatchers — or emergency communications specialists — answer incoming 911 phone calls and send rescue workers out to help. Their shifts cover 24 hours a day every day of the year.

In Orlando, the Police Department has three kinds of employees who might be considered dispatchers: call takers, who answer all the city's

911 calls and forward them to either law enforcement or fire and rescue; dispatchers, who choose which squad cars to assign to which emergency; and computer operators, who post and research nationwide data on issues such as missing persons and stolen vehicles.

Orlando trains its emergency communications specialists to do all three jobs, said Taunya Harris, the communications coordinator.

At the Fire Department, dispatchers receive all medical and fire emergency calls from the police call takers and send out rescue vehicles for each one, said communications manager Laura Miholics.

In a medical emergency, such as a heart attack, the dispatcher stays on the phone and gives the 911 caller detailed instructions to make the patient comfortable while the ambulance is on its way.

Police dispatchers work with a larger number of calls per shift — as many as 200 — and handle several situations at a time. Fire dispatchers answer fewer calls but spend more time on each one.

Both police and fire dispatchers require the same type of skills and training.

Orlando requires applicants to have good customer service skills, type at least 25 words per minute, and pass a communication skills test. Applicants must have good listening, memory and reasoning skills, and fluency in languages other than English is a plus. The pay range for both jobs is \$9.80 an hour to \$17.31 an hour.

On the job

DIANE

SEARS
CAMPBELL

Back-to-nature motivation

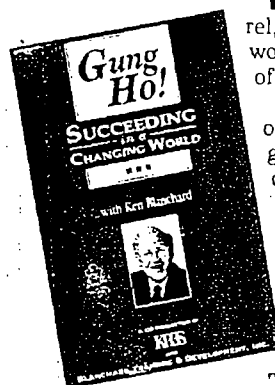
Workers and managers looking for motivation might want to try going back to nature.

In a TV show that will air this week on WMFE-Channel 24 (PBS), management expert Ken Blanchard offers three motivational theories based on Native American imagery:

- The spirit of the squirrel, or worthwhile work. Each worker must know the value of the project.

- The way of the beaver, or control of achieving the goal. Instead of taking charge, a good leader makes sure each worker is equipped to do the job.

- The gift of the goose, or cheering each other on. Positive reinforcement is the best inspiration.



The hourlong program by the author of *The One Minute Manager* is based on a book he co-wrote with Sheldon Bowles, *Gung Ho! Succeeding in a Changing World* (William Morrow & Co., \$20). It airs at 5 p.m. Saturday, 5 p.m. Monday and 6 p.m. Aug. 23.

Level the playing field

Women, do you want to know how to bond with those men you know at work? Here's the secret: Read the sports pages.

That advice comes from Sandra Beckwith of New York, author of *Why Can't a Man Be More Like a Woman?*

Co-workers should find common interests, Beckwith said. So in Central Florida, it wouldn't hurt for a woman to toss out phrases like "How 'bout them Gators!" or "Go Magic!"

Desktop data

- Men and women must be doing something right to bridge the gender gap. In a study out of Chicago, 63 percent of the women surveyed said they communicate equally well with both genders at work; 25 percent have more trouble communicating with women and 12 percent with men.

In the same study, performed by business training and information publisher Dartnell Corp., 53 percent of the women surveyed said they don't mind working for either gender. Thirty-seven percent said they prefer working for a man, while 10 percent prefer a woman boss.

- Today is the fifth anniversary of the day the federal Family and Medical Leave Act took effect. The law allows workers at companies with at least 50 employees to take up to 12 weeks of unpaid leave to recover from a serious illness or care for a family member. Since 1993, the law has helped an estimated 20 million Americans.

Workplace reporter Diane Sears Campbell writes on employment issues each Wednesday in *Living*. She also does a "Career Makeover" each Sunday in *Business*. She welcomes your questions and suggestions. Mail: The Orlando Sentinel, MP-6, P.O. Box 2833, Orlando, 32802-2833. Phone: (407) 420-5369. E-Mail: Dcampbell@OrlandoSentinel.com

Some calling for expansion of leave act

By Cathleen Ferraro
Bee Staff Writer

Working Americans never should have to choose between the job they need and the family they love. That was the Clinton administration's message Wednesday as it trumpeted the fifth anniversary of the Family and Medical Leave Act — a sweeping federal law

allowing workers to take up to 12 weeks of unpaid, job-protected leave.

But since the Aug. 5, 1993, launch of the FMLA — meant to help people manage work while dealing with everything from giving birth to treating a mental illness caused by allergies — some say it should be expanded.

"We know the law has served as a catalyst, a framework enabling some companies to expand on it (in their own way)," said U.S. Labor Secretary Alexis M. Herman in a conference call Wednesday.

Herman also said helping American workers balance work and family, partly



Alexis M. Herman

Please see FAMILY, page F2

Family: Changes in law being pushed

Continued from page F1
through amendments to the ground-breaking law, is a top priority.

Over the past year, work-family advocates have pushed for FMLA's evolution during the next five years to embrace people and circumstances now left out of the law.

That might mean three months unpaid leave for gay employees to care for a seriously ill domestic partner; time for a battered woman to obtain a temporary restraining order, testify in court, take herself or her children to counseling, without losing her job; inclusion of businesses that employ up to 25 workers, accounting for a significant segment of the nation's labor force; or relief for working parents unable to squeeze in routine medical appointments for their kids or parent-teacher conferences.

Other proposals include covering part-time workers, requiring employers to pay employees during their leave or expanding states' existing unemployment or disability insurance.

Some ideas are supported in legislation moving through Congress, though observers say the Republican-controlled Congress is likely to oppose most of them. Still, Donna R. Lenhoff, the Washington, D.C., lawyer who drafted the original version of the law in 1984, was optimistic.

"Two ideas — dropping a company's employee threshold to 25 instead of the current 50 and allowing parents (limited) time off to deal with their kids — have the most support in the current political climate," said Lenhoff, general counsel at the National Partnership for Women & Families.

Earlier this year, President Clinton endorsed amending the FMLA to give parents 24 hours off a year, without dipping into their vacation or sick time, to attend kids' school functions or nonemergency medical appointments.

In its current form, roughly two-thirds of the nation's private and public employees are covered by the FMLA, with up to 20 million workers taking part since its inception five years ago.

If the law is expanded to include smaller employers, another 13 million workers could be covered nationwide — more than a million in California — studies show.

"The past five years have produced ample evidence that this law worked," Herman said. "Employees whose family commitments are honored are more loyal and productive workers. The FMLA has also enabled American businesses to compete more effectively in the global economy."

A 1996 report by a bipartisan commission on the effect of the law shows that the median length of leave was 10 days, with mothers 25-34 years old with an annual income of \$20,000-\$30,000 the most likely users.

The Library**your Document**Newsday
August 6, 1998 **find
your words
in document**  **begin new
search**

Family Leave a Success / In 5 years, act has aided 20M, with few gripes

By Patricia Kitchen. STAFF WRITER

Jennifer Affrunti, 32, of Wantagh, is grateful for the Family and Medical Leave Act. In effect for five years as of yesterday, the act allowed her to tack seven unpaid weeks on to an eight-week paid maternity leave from her job as an accountant with Marks Shron and Co. in Great Neck.

That extra time, she says, gave her the chance to really bond with her new daughter, Lauren, born in October. "The first eight weeks they sleep and cry and eat. Afterwards their personalities start to emerge. I got to see things firsthand [her first smile], instead of hearing it from someone else," she said.

Affrunti, who has since gone back to work part-time, is one of an estimated 20 million people who have benefited from the act, which allows up to 12 weeks of unpaid leave a year for care of a seriously ill family member, the birth or adoption of a child or a worker's own serious health problems. The law applies in organizations of 50 or more employees.

So far, the law has been low in cost and easy for employers to administer - even for small businesses, U.S. Labor Secretary Alexis Herman said yesterday on a conference call with reporters, though some small-business owners take exception. Employers also benefit, she said, because "it's the happy worker who is making a greater investment and who gives you a good return as a business owner."

Still, questions on the act abound. "It prompts well over 100 inquiries a week," says Irv Miljoner, director of the Long Island District Office of the U.S. Department of Labor's Wage and Hour Division, which enforces the act. Who calls? Mostly pregnant women, he says. "I probably hear from more pregnant women than any single gynecologist on Long Island."

The most common question? "Am I covered by the act," says Miljoner. The answer is "yes" if an employee has worked at least 1,250 hours in the year preceding the leave, and has worked for the employer a total of 12 months, not necessarily consecutively.

His office has resolved 40 to 60 complaints a year. The most common violations, he says, involve an employer's failure to notify employees of their rights under the act, refusing to grant time off or firing an employee for taking the time. But in a significant number of complaints, he says, the employer is complying and the employee didn't understand the extent of entitlements. That's why his office does educational outreach to both companies and employees.

Still, some managers say the act is burdensome. No employee has taken advantage of the full 12 weeks' leave, said Manny Martinez, vice president of Kings Park-based Utopia Home Care, which has 500 employees in New York, Connecticut and Florida. But he says that replacing people even for shorter periods can be a problem in this economy: "They're not answering the [help wanted] ads the way they used to."

What about the move to expand the act to cover smaller companies, those with 25 or more employees, which would extend the act's benefits to an additional 13 million people?

"Lowering it to 25 definitely puts unnecessary burdens on a small business, especially if it [the leave] involves key personnel," says Dennis Sneden, chief executive of the Huntington Chamber of Commerce.

How would an owner come up with, say, a 12-week-replacement controller who would know the integral operations of the company, he asks. Instead of legislation, he would rather see the issue negotiated.

That expansion, endorsed by President Bill Clinton, is now before both houses of Congress. The bill also would provide for up to 24 additional hours of unpaid leave a year for children's educational activities, such as a parent-teacher conference; routine family medical needs; or the health and other professional needs of elderly relatives.

"We accommodate employees regardless of the law on the books," says Susan Winters, executive vice president and a principal of Bulbtronics, a specialty light bulb distributor in Farmingdale with 75 employees. She says she can count on one hand the number of employees who have used the act.

She admits that it's difficult to think of replacing key people if they were to be away for 12 weeks, but, she says, "As an employer and as an entrepreneur, you have to plan back-up situations anyways. Something unexpected could happen at any time."

Where to Get Information For More Information ...

Where to get more information on the federal Family and Medical Leave Act:

- Long Island District Office of the U.S. Department of Labor's Wage and Hour Division in Garden City. Phone: 516-227-3100.
- New York City District Office of the U.S. Department of Labor's Wage and Hour Division. Phone: 212-264-8185.
- "Guide to the Family and Medical Leave Act" - in English and Spanish, Publication A50. To get a copy, write to the National Partnership for Women and Families, 1875 Connecticut Ave., NW, Suite 710, Washington, D.C. 20009. Also see its Web site at www.nationalpartnership.org. The guide in Spanish is available locally from the National Conference of Puerto Rican Women Inc., Long Island Chapter, P.O. Box 3073, Huntington Station, NY 11746. E-mail LINaCOPRW@aol.com.
- U.S. Department of Labor's Wage and Hour Division. Phone: 800-959-FMLA. Interactive Web site: www2.dol.gov/elaws/

Copyright 1998, Newsday Inc.

Family Leave a Success / In 5 years, act has aided 20M, with few gripes., 08-06-1998, pp A63.



The Boston Globe

boston.com

Editorials | Opinions

Family Leave Act, five years later

By Ann Bookman, 08/03/98

This week marks the fifth anniversary of the Family and Medical Leave Act, the groundbreaking law that enables workers at companies with at least 50 employees in order to take 12 weeks of job-protected, unpaid leave to care for a newborn baby, newly adopted child, care for an ill family member, or recover from a serious illness.

What has this act accomplished for working families in its first five years? A good deal, but not enough.

The story of Marie is a case in point. A second-generation American whose parents worked at manual jobs, she has a 9-to-5 office job she loves at a biotechnology company. She has a high school diploma, but takes community college courses whenever she can.

As a working mother with two young children, Marie finds it hard to work, be a parent, and attend school. In fact, she has had to put her career development on hold to struggle with pressing questions: Is her daughter's day care meeting her social and developmental needs? Did she stay home long enough with her son?

The Family Leave Act enabled Marie to stay home for three months after her second child was born. Her employer paid her for two of those months. She wanted to take more time, but one month without pay was all her family could afford.

Marie was lucky to work for a company whose policies go beyond the federal law and provide some wage replacement. She was unlucky because her husband is not covered by the act and had no time off with his new son. And because she worries about taking any more time off now, Marie recently refused an invitation to accompany her daughter's day-care class on a field trip.

When it was time for Marie to return to work, she discovered that child care for two children was prohibitive. "It would cost me as much as I make, my whole paycheck," she said. "If I didn't have my mother and mother-in-law to leave the baby with, I would have had to quit my job."

Marie's situation is typical of young families who hold jobs, have families, and want to upgrade their skills and education. Yet the policies that shape their options around parental leave and infant child care undermine their plans for a future of economic security. Many young families are forced to deplete their savings to fund unpaid leaves and cover costly child-care expenses. Some even quit their jobs when

COLUMNS

Ellen Goodman
Derrick Z. Jackson
Jeff Jacoby
Robert Jordan
Martin F. Nolan
David Nyhan
Thomas Oliphant
Jack Thomas

YOUR VIEWS

Write a letter to the editor



Search the Globe:

☒ Today

☐ Yesterday

SEARCH

Sections

PAGE ONE

NATION | WORLD

METRO | REGION

BUSINESS

SPORTS

LIVING | ARTS

EDITORIALS

COLUMNS

CALENDAR

DISCUSSIONS

CLASSIFIEDS

EXTRADEP

ARCHIVES

[Low-graphics version](#)

the math of working and child care does not add up.

The Family Medical Leave Act has helped more than 15 million working Americans. And it is not the burden to business that many feared. A 1996 report to Congress, issued by a bipartisan commission, found that more than 90 percent of employers said most aspects of the law were "very easy" or "somewhat easy" to administer, more than 89 percent found they incurred "no cost" or "small costs," and more than 86 percent reported "no noticeable effect" on productivity, profitability, and growth.

The act's anniversary is a good time to celebrate its accomplishments and to set goals for the future. Goals such as:

- It should be a universal law. It now covers only 55 percent of the work force. The other 45 percent who work for small businesses, including young fathers like Marie's husband need job-protected leaves, too.
- It should expand the reasons workers can take leaves. Specifically, it should cover parents, like Marie, who want to be involved in their children's education no matter what the child's age.
- It should provide for some wage replacement. While the mechanism for funding these leaves requires further study, we must find a way to financially support leaves for families who are raising our next generation of workers and caring for our retirees.

Finally, we should not expand the reach and scope of the law in a vacuum. We need to link it to public policies that affect the lives of young children - particularly child care for infants and toddlers. Unpaid parental leaves and the lack of quality infant care put parents in untenable positions.

We need to make staying home with an infant both more accessible and financially viable, and make infant day care more available and affordable to support the healthy development of children and the economic security of families.

Ann Bookman was executive director of the Commission on Family and Medical Leave in 1995-96. She is on the faculty at the College of the Holy Cross.

This story ran on page A11 of the Boston Globe on 08/03/98.
© [Copyright](#) 1998 Globe Newspaper Company.

INTERACTIVE

PASS IT ON

Send this story to a friend...

ADD TO THE DAILY USER

Is this story important?

RELATED STORIES

Enter a search term:

from Donna Leinhardt
986-2600

Amplification events - Congress

PROPOSED FMLA 5TH ANNIVERSARY EVENT

Free -
Paternity
leave
Small businesses

1. Purpose

To focus public attention on the FMLA and the need for its expansion.

2. Timing

The last week of July or the first week of August 1998 (to capitalize on the 5th anniversary date of the FMLA going into effect on August 5, 1993 and to draw attention to work and family issues for the November 1998 elections).

3. Message

a. The struggle to meet both work and family responsibilities is a top concern for American women and men. The FMLA has already helped millions of Americans in their efforts to meet these responsibilities. (People who have had these experiences will tell their stories). Employers and employees are happy with the law, and the benefits of the FMLA outweigh the costs. (New data on the costs and benefits of the FMLA will be presented.)

b. But almost half of Americans cannot use the FMLA because it does not cover their mid-sized employers, and the FMLA does not provide leave for routine family needs. (People who have had these experiences will tell their stories).

c. Work and family issues such as FMLA expansion should be matters in which government can help. *That's why the President supports legislation to ensure that more Americans would be able to take job-protected leave in such times of family and medical emergencies, and calls on business, the coalition of advocates, and Congress to help make that happen.*

4. Potential Speakers

- President Clinton
- Vice-President Gore
- Secretary of Labor Herman
- Congressional sponsors of FMLA expansion legislation
- Judith Lichtman, President, National Partnership for Women & Families
- Ellen Galinsky, President, Families & Work Institute
- Individuals and businesses with FMLA stories

5. Audience

Members of the FMLA coalition, including the U.S. Catholic Conference, women's advocates, health care advocates, seniors' groups (e.g., AARP), children's advocates, unions, disability groups, and education advocates (e.g., NEA, AAUW, PTA).

6. Components of Event

a. Release of new survey data on FMLA costs, benefits, and usage. The Families & Work Institute's new survey of employers on work and family issues contains new findings that almost 75% of employers surveyed found that the benefits of family leave policies outweighed the costs, or that the programs were cost-neutral. At the event, Ellen Galinsky, President of the Families & Work Institute, would announce these new data.

b. **Highlight research showing public support for FMLA expansion.** "Family Matters," 1998 survey conducted for the National Partnership for Women & Families shows that Americans support expansion of the FMLA by overwhelming majorities. This support crosses both political and demographic boundaries: Republicans and Democrats, working women and homemakers, baby boomers and seniors, and people who are white, black and Hispanic all support FMLA expansion and agree that employers and government should be doing more to help working families. At the event, Judith Lichtman, President of the National Partnership for Women & Families, would present this research.

c. **Presentation of FMLA "stories."** Individuals and businesses who have had experiences that support expanding the FMLA would tell their stories. For example:

- Flora Green and Jo Gillman, owners of "Foliage by Flora," a commercial landscaping and maintenance business with approximately 40-45 employees near Miami, Florida, who adopted a policy that is similar to the FMLA, have found it to be a "win-win" situation for the company and the employees and support FMLA expansion to cover mid-sized companies.
- Melrose Nathan, a vice-president with Adams National Bank, who was able to spend time with her dying husband and help her children cope with his loss because of her employer's generous family leave policy -- even though at the time her employer had fewer than 50 employees and was not covered by the FMLA -- supports expanding the FMLA so people at other mid-sized businesses can benefit from leave, as she did.

In addition, people who were unable to use the FMLA because they work for employers with fewer than 50 employees could also tell about their need for leave.

d. **Announcement of expansion efforts.** The President voiced his support for FMLA expansion in his January 1998 State of the Union address, but has not since had the opportunity to discuss the issue of family leave. At this event, the President and the Vice-President, supported by Secretary Herman, appropriate Senators and Representatives, and Judith Lichtman (President of the National Partnership for Women & Families and Chair of the FMLA coalition) could highlight the new endorsement of the Administration's strong support of FMLA expansion legislation, including dropping the threshold to cover mid-sized businesses, and call on the audience of FMLA coalition members to help.

**For more information contact: Donna Lenhoff
National Partnership for Women & Families
202-986-2600**

EXPANDING THE FAMILY AND MEDICAL LEAVE ACT TO HELP FAMILIES BALANCE WORK AND FAMILY RESPONSIBILITIES

January 27, 1998

In the new economy, most parents work harder than ever. They face a constant struggle to balance their obligations to be good workers -- and their even more important obligations to be good parents. The Family and Medical Leave Act was the very first bill I was privileged to sign into law as President in 1993. Since then, about 15 million people have taken advantage of it, and I've met a lot of them all across this country. I ask you to extend that law to cover 10 million more workers, and to give parents time off when they have to go see their children's teachers or take them to the doctor.

--President Bill Clinton
State of the Union Address, 1/27/98

In his State of the Union Address, President Clinton called on Congress to extend the benefits of the Family and Medical Leave Act -- the first piece of legislation that the President signed into law -- to ten million more American workers.

BIPARTISAN REPORT SHOWS THE LAW IS WORKING. Since the Family and Medical Leave Act was enacted in 1993, at least fifteen million Americans have taken FMLA-covered leave. Today, workers are eligible for FMLA-protected leave if they work at a business with 50 or more employees and if they have worked at least twelve months and 1,250 hours for the employer. FMLA allows eligible employees to take up to 12 weeks unpaid, job-protected leave to care for a newborn or adopted child, to attend to their own serious health needs, or to care for a seriously ill parent, child or spouse. The bipartisan Commission on Leave -- chaired by Senators Craig and Dodd -- reported that the law is working:

- **67 million Americans -- over half of all workers -- are guaranteed they can take leave** from their job to care for a sick relative or a newborn child without fear of losing their job or health insurance.
- **Millions of Americans have taken leave since the enactment of FMLA.** During the 18-month period covered by the Commission's study (1/94 - 6/95), an estimated 12 million Americans took leave for FMLA-covered purposes.
- **40% of all workers think they will need to take leave** for a covered reason at some time in the next five years.
- **Despite its opponents' claims, compliance is easy and costs are low for most employers now covered by the law:**
 - **Nine out of ten employers find the law "very" or "somewhat" easy to administer.**
 - **Compliance entails either little or no costs for 89%-99% of businesses.**
 - **Smaller covered worksites found it easier to comply than larger sites.**
- **Some businesses have reported reduced employee turnover, enhanced productivity and improved morale** which they attribute to the Act.

NOW IS THE TIME TO EXPAND THE LAW TO COVER MORE WORKERS AND BETTER HELP WORKERS CARE FOR THEIR CHILDREN AND PARENTS. The President believes that it is time to expand the benefits of the law. He is urging the Congress to:

- **Enable workers at businesses with 25 or more workers to take unpaid, job-protected leave** - current law covers businesses of 50 or more employees. Lowering the employer coverage threshold from 50 to 25 workers will mean that FMLA will cover up to ten million more American workers, allowing them to take up to twelve weeks unpaid, job-protected leave to care for a newborn or adopted child, to attend to their own serious health needs, or to care for a seriously ill parent, child or spouse.
- **Allow FMLA-eligible workers to take up to 24 hours of additional leave each year to meet specified family obligations**, including routine doctors appointments and parent-teacher conferences. Leave could be taken to: (1) participate in school activities, such as parent-teacher conferences; (2) accompany your child to routine dental or medical appointments; and (3)

THE WHITE HOUSE

WASHINGTON

January 23, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
GENE SPERLING

SUBJECT: Family and Medical Leave Expansions

This memorandum presents options to expand the Family and Medical Leave Act (FMLA) for your consideration before a possible announcement on this issue in your State of the Union Address. Expanding FMLA would further enable American workers to take protected time off to spend with a new or adopted child, or for medical emergencies. It would build on your strong record of helping parents meet their responsibilities to their families and their jobs, and, specifically, would complement two pieces of your current child care proposal that also help parents who wish to stay at home: (1) support for home visitation and other parent education programs in your Early Learning Fund, and (2) demonstration projects to test policies to help parents stay at home.

As you know, your advisors initially believed that a proposal to expand FMLA could help inoculate your child care initiative against conservative attack by allowing parents to spend more time with their children. Your recent child care announcement has generated overwhelmingly positive support; several leading Republicans, however, have been working on alternative proposals aimed entirely at helping parents to stay at home with their children. While an announcement on FMLA expansion would be an important marker in this area, given the nature of the proposals under active Republican consideration -- such as income splitting, income averaging, and expansion of the \$500 per-child tax credit -- it is unlikely that any proposal to expand FMLA could stand up fully to these costly options. We therefore will continue our work with the Treasury Department to explore possible tax-related measures to support stay-at-home parents, in addition to any expansion of FMLA.

FMLA currently requires employers with 50 or more employees to provide up to 12 weeks of unpaid leave to eligible employees for certain family and medical reasons, including the care of a new child. Employees are eligible if they have worked for the employer for at least 12 months and for at least 1,250 hours over the previous 12 months, and if the employer has at least 50 employees working within 75 miles of the employee's worksite. Public agencies are covered by FMLA regardless of size, but employees must still meet the eligibility requirements, including working at a site where at least 50 employees are employed within 75 miles.

Options to expand FMLA include: (1) applying FMLA to businesses with 25 or more employees, either in one step or incrementally; or (2) extending the permissible leave period to 24 weeks for parents with newborns. Over the last few weeks, we have worked to determine the costs to businesses and the benefits to workers of pursuing either or both of these options. Unfortunately, we have found that useful data in this area does not exist. It is impossible to determine, for example, how many people currently taking leave to care for a newborn or adopted child would take additional leave or how additional leave would benefit people of particular income levels. Similarly, it is impossible to quantify the likely costs to small businesses.

Option 1: Expanding Coverage to Businesses with Fewer Employees. You could call for lowering FMLA's employer coverage threshold from 50 to 25, either in one step or incrementally (for example by lowering it to 40, then 35, and finally 25). Senators Kennedy and Dodd have proposed to lower the threshold to 10 employees, but your advisors believe that FMLA would be too great a burden on employers of that size.

According to the Department of Labor, 67 million employees are currently eligible for FMLA. Lowering the threshold to 40 would add 3.4 million people; lowering it to 35 would add 5.4 million people. Lowering the threshold all the way to 25 would add about 10 million people, increasing by 15 percent the number of employees covered by FMLA, and doubling the number of employers covered by the Act (from 330,000 to 690,000).

This proposal would give FMLA protection to more people at no cost to the federal government. It would receive strong support from labor, women's groups, and other core Democratic constituencies. The proposal, however, would provoke strong business opposition. Many Republican and some Democratic Members of Congress would likely criticize any attempt to lower the threshold as detrimental to small business. (According to a survey by the Family and Medical Leave Commission, however, the great majority of businesses that have implemented FMLA report little or no cost increases.)

Extending FMLA Leave from Three to Six Months

Below are three variations on this theme. The first is the most inclusive. The second limits the workers eligible to the full six months to those with two full years of job tenure with their current employer. The third limits the extent of the new benefit *and* makes it available only to new parents.

Option 2A: Extending FMLA from Three to Six Months. This option would allow workers who are currently eligible for FMLA to take longer leave. Approximately 12 million workers take FMLA leave. According to the FMLA Commission's survey, about 12.5 percent or 1.5 million workers take the full 12 week leave. Of these, 450,000 workers took 12 or more weeks leave for maternity, disability, or the care of a newborn, adopted or foster child.

This proposal would give parents additional time to spend with their new babies (again at no cost to the federal government). It might help respond to the charge that our child care proposal helps only working parents, not those who -- with a little help -- can and want to stay home with their children for a period of time. However, any family leave policy would not fully respond to that criticism because leave is by definition geared toward people who have been in the workforce and will return to it. In addition, this proposal would not help workers who currently cannot afford to take even the full 12 weeks of FMLA leave. According to the Commission's survey, 65 percent of those who would have liked to take leave to care for their newborn, foster, or adopted child could not do so for economic reasons. Because this proposal would not help such workers, FMLA advocates would likely give it only lukewarm support. Finally, businesses already covered by FMLA would oppose the extension because guaranteeing six months of leave would disrupt their operations.

Option 2B: Extend FMLA from Three to Six Months for Workers with Two Years Tenure. Although there is no data available, your advisors generally feel that extending FMLA to six months is a non-trivial burden on business. While businesses can arrange for other employees or temporary help to cover a co-workers' *three* month absence, a *six* month absence is harder to manage. Employers may have to hire replacement workers, thus increasing their costs significantly. Moreover, employers faced with the possibility of having to offer six months of job-protected leave to workers with only one year's tenure may be less likely to hire employees they suspect will take this leave. This option is intended to mitigate these problems by limiting eligibility for the extended leave to employees with two years of tenure.

Option 2C: Allow New Parents Up to 24 Weeks Leave in a Two Year Period. To eliminate the possibility that an employee could work only six months *each year* by taking six months of job protected leave annually, this proposal would instead allow new parents only to take six months of job protected leave *every two years*. Under this option, by taking the full six months to care for a newborn, the employee would forego any right to paid leave in the following year. Current law allows six months every two years, but restricts it to two three month periods. This proposal simply gives employees additional flexibility in taking their leave while adding only minimally to the business burden.

Recommendations: Your advisors agree that lowering the employee threshold will provoke significant opposition, but some of your advisors, including the First Lady, believe that it is a fight worth having. The First Lady believes strongly that lowering the threshold to 25 will make a real difference in people's lives, covering about 10 million more American workers with this significant benefit. She believes that, politically, it is an important thing to be for.

Some of your advisors feel that a decision about lowering the threshold must be made in the context of the impact of your overall agenda on the business community. Secretary Herman, for instance, believes that if you decide to call for an increase in the minimum wage, you should not also lower the threshold. If, however, you do not propose raising the minimum wage, then she feels you could call for lowering the threshold. Administrator Alvarez opposes any changes

to current law because she feels they will engender significant business opposition and may undermine gains we have already made.

Secretary Herman supports extending the length of FMLA leave. Secretary Rubin and Janet Yellin oppose Options 2A and 2B. Secretary Rubin feels that because businesses may need to hire replacement workers to cover six month absences, the cost to business of longer leave could be greater than the cost of initial implementation of the FMLA. He is also concerned that higher income workers are more likely to benefit from longer leave, while empirical evidence would suggest that all workers will pay for this in the form of lower wages. Janet Yellin shares Secretary Rubin's concerns about Options 2A and 2B, but supports Option 2C because she feels it is a very minor change from current law. The First Lady worries that the six month leave extension will make only a marginal difference, and will disproportionately assist higher-income workers.

The NEC has concerns about six months leave, but on the whole would support Option 2B -- extending the FMLA to six months for workers with two years tenure. The NEC fears, however, that lowering the limit to 25 will cause too much opposition from Southern Democratic Senators, especially if we also propose to raise minimum wage.

The DPC recommends that you propose Option 2B -- extending the FMLA to six months for workers with two years tenure -- and if you are willing to take on a larger fight, that you propose to lower the employee threshold to 25 as well. In addition, your advisors recommend that you continue to fight for the 24-hour extension of FMLA for school visits, doctor appointments and other family responsibilities.

1. Expand FMLA Coverage to Businesses with 25 Employees

☐ YES ☐ NO ☐ DISCUSS

2A. Extend FMLA Leave from Three to Six Months

☐ YES ☐ NO ☐ DISCUSS

2B. Extend FMLA from Three Months to Six Months for Workers With Two Years Tenure

☐ YES ☐ NO ☐ DISCUSS

2C. Allow New Parents Six Months Every Two Years

☐ YES ☐ NO ☐ DISCUSS