ORIGINALS

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

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 **12,633** complaints against employers for alleged failure to comply with FMLA.

- **59%** constituted valid complaints where apparent violations of FMLA existed.
- **41%** 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	**44%**
• 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	**8%**
• 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.

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[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.

FAMILY AND MEDICAL LEAVE ACT - SUMMARY OF OUTREACH/COMPLIANCE ACTIVITY

(August 5, 1993 through June 30, 1998)

	Aug 93/Sept 97	Oct 97/June 98	Grand Total
	OUTREACH/TECHNICAL ASSISTANCE		
SPEECH/SEMINAR/MEDIA	**2,154**	**539**	**2,693**
TELEPHONE CONTACTS 1	**477,423**	**119,481**	**596,904**
	COMPLETED COMPLIANCE ACTIVITY		
TOTAL NUMBER OF CASES	**9,802**	**2,831**	**12,633**
TYPE OF COMPLIANCE ACTION			
Conciliation	6,175	1,682	7,857
Investigation	3,627	1,149	4,776
NATURE OF EMPLOYEE COMPLAINTS			
Refusal to grant FMLA leave	2,298	519	2,817
Refusal to restore to same or equivalent position	4,191	1,330	5,521
Health benefits	345	74	419
Discrimination	1,199	676	1,875
Other	723	232	955
Multiple reasons	1,046	n/a	1,046
STATUS OF COMPLIANCE 2			
No Violations (total)	**4,106**	**1,028**	**5,134**
Employer not covered	280	54	334
Employee not eligible	650	146	796
Complaint Not Valid 3	2,727	558	3,285
Other	449	270	719
VIOLATION FINDINGS 4			
Total - Employees	**5,696**	**1803**	**7,499**
- Monetary Damages	**$8,685,704**	**$3,086,903**	**$11,772,607**

1. Telephone contacts include 558,114 calls to staff for technical assistance and publications, and 38,790 calls to the toll-free telephone number for FMLA information. Approximately 330,000 publications have been distributed to the public. In addition, since November 1997, over 13,000 individuals have accessed the "Employment Laws Assistance for Workers and Small Business" (*elaws*) system on the *Internet* for FMLA compliance assistance information.
2. Compliance actions resulting in a finding of no violation were situations that were not covered by or did not violate the FMLA.
3. Complaints were found not to involve a violation of FMLA, such as an employee's concern about the employer's requirement that accrued paid leave be substituted for all or a portion of unpaid FMLA leave.
4. Eighty-eight percent (88%) of cases were successfully resolved; remaining 12% of cases were reviewed for potential litigation by the Department of Labor. The Department has filed 28 cases, of which eight (8) are pending, and filed a friend-of-the-court brief in six (6) cases, of which one (1) is pending.

THE FAMILY AND MEDICAL LEAVE ACT OF 1993

The History

President Clinton signed his first major legislation, the Family and Medical Leave Act of 1993 (FMLA), on February 5, 1993, capping an eight-year Congressional effort to enact much-needed assistance for working families through the establishment of a minimum labor standard on leave. The law provides important job protection for millions of American workers who, without the legislation, would be forced to make difficult choices between maintaining their job security and tending to vital family or health care needs. Eligible workers may now respond to pressing family or medical needs without jeopardizing their jobs.

The FMLA, which replaced earlier measures twice vetoed by former President Bush, has been estimated to apply to roughly five percent of all employers and nearly half of the nation's workforce. It requires employers of 50 or more employees to provide up to 12 weeks of unpaid, job-protected leave in a 12-month period for the birth or adoption of a child, to care for a child, spouse or parent with a serious health condition, or because of an employee's own serious health condition that prevents him or her from working. Pre-existing group health benefits must be maintained during the leave and employees must be restored to the same or equivalent positions when their leave ends. In addition, a Commission is established to study the costs and impacts of mandatory and voluntary family and temporary medical leave policies and issue recommendations to the Congress in two years.

The Vision

FMLA is a "family-friendly" law whose enactment was predicated on two overarching concerns--the needs of the American workforce, and the development of high-performance work organizations. Efforts to enact Federal family and medical leave legislation arose in part from several socio-economic trends, including the growing participation of women in the work force, the growth in single-parent families, and the growth in households with two working parents, among other factors. Increasingly, America's children and elderly are dependent upon family members who spend many hours at work. When a family emergency arises, requiring workers to attend to a seriously-ill child or parent, or to a newly-born infant, or even to their own serious illness, workers need reassurance that they will not be asked to choose between continuing their employment and meeting their personal and family obligations, or tending to vital needs at home.

The Act allows employees to balance the demands of their workplace with the needs of their families, promotes the stability and economic security of families, and promotes national interests in preserving family integrity. The Act was intended to accomplish these purposes in a manner that accommodates the legitimate interests of employers, and in a manner consistent with the Equal Protection Clause of the Fourteenth Amendment to the Constitution in minimizing the potential for employment discrimination based on sex, while promoting equal employment opportunity for men and women.

In enacting the law, Congress found that it is important for the development of children and the family unit that parents be able to participate in early child-rearing and to attend to serious illnesses affecting their immediate family, including the elder care needs affecting more and more families in our country. When a newborn or newly adopted child arrives or a serious family medical problem occurs, employees should not have to choose between taking the time needed to attend to such important events and the loss of their job and health insurance coverage. The FMLA (like similar State laws) is intended to promote a healthier balance between work and family responsibilities, ensuring that family development and cohesiveness are encouraged by this nation's public policy.

FMLA benefits employers, too. A direct correlation exists between stability in the family and productivity in the workplace. Employees treated fairly and equitably, with sympathy and understanding of the family or medical situation they face, will be more loyal, dedicated and productive, and a greater asset to their employer. Studies show that family and medical leave policies can be cost-beneficial in that the costs incurred are more than offset by savings realized from lower turnover, higher productivity, and reducing or avoiding the costs of training new employees. Family and medical leave policies are also seen as an important attraction in recruiting and retaining employees, and in promoting employee loyalty, involvement and commitment to an employer's business goals and operations. FMLA thus encourages the development of high performance work organizations. The record of hearings on family and medical leave is full of testimonials from some of America's most respected business leaders on the powerful productive advantages of stable workplace relationships, and on the comparatively small costs of guaranteeing that those relationships will not be dissolved while workers attend to pressing family health obligations or their own serious illness.

The Initiative

During the 1992 campaign, the President pledged a number of initiatives to "treat families right" and "put people first," including signing into law the family and medical leave bill vetoed by former President Bush in 1990. Congress renewed its interest in a family leave bill during 1992 as "family values" became a major issue in the presidential campaign. A conference committee agreed to a version of FMLA on August 10, 1992 (S. 5);

the Senate approved the conference measure on August 11, 1992, and the House approved the measure on September 10, 1992. Former President Bush vetoed the bill on September 22, 1992. The Senate voted to override the Presidential veto of the bill, but the House sustained the veto on September 30, 1992.

With newly-elected President Clinton pledging support for FMLA, the Democratic leaders of the 103d Congress introduced family leave bills in each chamber early in the session. The measure was approved in both houses on February 4, 1993, in the Senate by a vote of 71-27 and in the House by a vote of 247-152. President Clinton immediately signed FMLA into law on February 5, 1993.

The legislation required the Department of Labor to issue implementing regulations within 120 days of enactment, or by June 5, 1993, with an effective date of August 5, 1993. To obtain public input and assist in developing implementing rules, the Department published a notice of proposed rulemaking on March 10, 1993, inviting comments on a variety of questions and issues. After receiving 393 comments, the Department issued an interim final rule on June 4, 1993, which took effect on August 5, 1993, and which invited further public comment until September 3, 1993. The Department extended the public comment period once again until December 3, 1993. The Department has received more than 900 comments on the interim final rules during the extended comment period, which are being carefully considered as the final rule is being developed.

Implementation of FMLA has generally received favorable reviews, in part due to the "user-friendly" features of the regulations and the Department's extensive efforts at education and outreach. The Department received 1,721 FMLA complaints during the first 14 months following FMLA's August 5, 1993, effective date. Investigators in the Department's Wage and Hour Division have resolved more than 90 percent of the 907 violations found in these first 14 months of enforcement (covering the period through September 30, 1994).

Case study: Employee on Cancer Surgery Leave Terminated Because Employer Feared Increase in Insurance Rates

employment

An employee, who had been on leave for one month and four days for cancer surgery and therapy, advised her employer that her doctor had released her from medical leave and she was ready to return to work. After receiving this notice, the employer ~~terminated her~~. The employee complained to the Department of Labor, and the employer was contacted. The employer said that although the employee was a good employee, the employer fired her because the company was self-insured and was worried about insurance rates increasing if the employee had a relapse. The employer was advised that FMLA requires the employer to grant

FMLA leave to an eligible employee with a serious health condition, and that cancer surgery and therapy would qualify as a serious health condition. The employer agreed to reinstate the employee. However, three weeks later, the employer fired the employee. The employer was contacted again and informed that employees may not be discriminated against for filing FMLA complaints, and the employee was reinstated and paid $278.00 for time lost as a result of the Department's intervention.

Case study: Employee On Short-term Leave for Cancer Terminated and Denied 12 weeks of FMLA Leave Which would have Provided Medical Insurance Coverage Until Long-term Disability Coverage Applied

Although an employee had been out on leave for longer than the 12 weeks allowed by FMLA, she had not been told that the leave was counting toward her 12-week FMLA leave entitlement as required by the FMLA regulations. Three months before her long term disability coverage was due to begin, the employer ~~terminated her~~ employment. She complained to the Department of Labor, and tried to find out if there was any way that her health coverage could be maintained until the long term disability coverage became effective. The employer was contacted and informed that FMLA requires leave to be granted to an eligible employee for a serious health condition. The employer was also advised that employers must give specific notices to employees on FMLA leave that explain the employee's obligations while taking FMLA leave. Because no notice of FMLA leave was ever given to the employee who had a qualifying serious health condition, the employer agreed to rescind the termination of employment and allow the employee FMLA leave for 12 weeks.

Case study: Employee's Health Insurance Cancelled Over Miscommunication Regarding Insurance Premium Due Dates

An employee was out on FMLA leave for the birth of her child. One month into her leave, she received notice from her employer that her insurance coverage was cancelled because she had not paid her portion of the premium payments for the past three months. The employee's delay in payment resulted from the notice that the employee received being unclear on the date the premium payment was due. The employee contacted the Labor Department for assistance. The employer was contacted and informed that FMLA provisions require employers to provide proper notices to employees that explain their obligations while on FMLA leave, including any requirements to make premium payments to the employer during the period, and require employers to maintain the employee's health insurance coverage for at least a 30-day grace period until the employee's co-payment is over 30 days late. Because the employer did not provide proper notice to the employee of the premium due date, the employer agreed to reinstate the employee's insurance coverage. During the period that the employee was without health insurance coverage, she incurred medical expenses estimated at $10,000.00 The employer agreed to pay these expenses.

Quotes: Bill Clinton on Family and Medical Leave Legislation

[Source: White House signing ceremony, Rose Garden, February 5, 1993]

"Now millions of our people will no longer have to chose between their jobs and their families."

"This sends a clearer signal than any words any of us utter, that we have tried to give this government back to the people ... it was America's families who have beaten the gridlock in Washington to pass family leave."

"This bill will strengthen our families and I believe our businesses and our economy as well ... I know that men and women are more productive when they are sure they won't lose their jobs because they're trying to be good parents, good children ... over the long run, the companies that are the most productive are those that put their people first ..."

FMLA
Success Stories

WAGE AND HOUR
ROUTING AND TRANSMITTAL SLIP

DATE 3, 27, 95

TO:

1. Hap Perry - Atlanta - via fax
2. Joe Villarreal - Dallas - via fax
3. Howard Ostmann
4. cc Suzanne Rue
5.
6.

COMMENTS:

ACTION ____ APPROVAL ____ FOR CLEARANCE ____

PER CONVERSATION ____ FYI ✓

COORDINATION ____ CIRCULATE ____ COMMENT ____

AS REQUESTED ____ SIGNATURE ____ OTHER Thanks

Attached is the paper prepared as part of DOL's input to the White House for a speech President Clinton is giving this week.

Thank you for your fast turnaround and input

FROM: Reg

ROOM #

PHONE #

THE FAMILY AND MEDICAL LEAVE ACT OF 1993

Background

President Clinton signed the Family and Medical Leave Act of 1993 (FMLA) on February 5, 1993, making the Act the first major legislative accomplishment of his Administration. The law provides important job protection for millions of American workers who, without the legislation, could be forced to make difficult choices between maintaining their job security and tending to vital family or health care needs. Eligible workers may now respond to pressing family or medical needs without jeopardizing their jobs.

The FMLA requires public employers and private sector employers of 50 or more employees to provide up to 12 weeks of unpaid, job-protected leave in a 12-month period for the birth or adoption of a child, to care for a child, spouse or parent with a serious health condition, or because of an employee's own serious health condition that prevents him or her from working. Pre-existing group health benefits must be maintained during the leave and employees must be restored to the same or equivalent positions when their leave ends. The FMLA is estimated to apply to roughly five percent of all employers and nearly half of the nation's workforce.

The FMLA is a "family-friendly" law. Its enactment was predicated on two overarching concerns -- the needs of American working people, and the development of high-performance work organizations. Increasingly, America's children and elderly are dependent upon family members who spend many hours at work. When a family emergency arises, requiring workers to attend to a seriously-ill child or parent, or to a newly-born infant, or even to their own serious illness, workers need reassurance that they will not be forced to choose between continuing their employment and tending to vital needs at home.

The Act allows employees to balance the demands of the workplace with the needs of their families, promotes the stability and economic security of families, and promotes national interests in preserving family integrity.

FMLA benefits employers, too. A direct correlation exists between stability in the family and productivity at work. Employees treated fairly and equitably, with sympathy and understanding of the family or medical situations they face, will be more loyal, dedicated and productive, and a greater asset to their employer. Studies show that family and medical leave policies can be cost-beneficial in that the costs incurred are more than offset by savings realized from lower turnover, higher productivity, and reducing or avoiding the costs of training new employees. Family and medical leave policies are also seen as an important attraction in recruiting and retaining employees, and in promoting employee loyalty, involvement and commitment to an employer's business goals and operations. FMLA thus builds upon the experience of, and encourages the development of high performance work organizations.

FMLA Experience

Implementation of FMLA has generally received favorable reviews, in part due to the "user-friendly" regulations, the Department of Labor's extensive efforts at public education and outreach, and prompt servicing of FMLA complaints by the Department's Wage and Hour Division.

For example, during the first quarter of this fiscal year (FY 1995), 43 percent of all FMLA complaints were resolved within 30 days of receipt and 81 percent within 90 days. In Wage and Hour's Atlanta Region -- which includes Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee -- 65 percent of FMLA complaints received during the first quarter were resolved within 30 days and 90 percent within 90 days.

Case study: Settlement in One of First Lawsuits Filed by DOL under FMLA

An agreement was reached with a **San Antonio, Texas,** milk producer in one of the first lawsuits filed by the Department under FMLA. The suit alleged that the company fired the employee, a truck driver, for taking emergency FMLA leave to care for his wife who had been hospitalized for complications associated with her pregnancy and for the premature birth of triplets and their hospitalization. The company refused to grant the employee unpaid time off from the job to care for his wife and children, even though his reasons for the requested leave met all of the requirements of FMLA. In the out-of-court settlement, the company agreed to pay the employee $10,000, including approximately $6,500 in back wages owed to him.

Case study: Employee Suffering Depression Due to Sudden Death of Husband Terminated

An employee from **LaGrange, Georgia,** suffered depression due to the sudden death of her husband and was found to be temporarily unable to perform her job by her personal physician. In November 1994, the employee requested sick leave, which was initially granted by her employer, but was terminated while on leave, although she provided a certificate from her physician. The employer failed to advise the employee of her rights under the FMLA; in fact, the firm advised the employee that FMLA applied only to people having children and did not apply to her. Following a Wage and Hour investigation and discussion with the employer, the employer agreed to honor the physician's certificate, reinstate the employee's health insurance, place her back on leave under FMLA and to reinstate her to an equivalent position at the end of the FMLA leave.

Case study: Employee with Back Injury Terminated for Absenteeism

An employee from **Linden, Tennessee,** injured his back and was out for three weeks. He returned to work for one week but was still having back problems. Under his doctor's orders, he was then off two more days. After he came back to work, the employee was terminated for absenteeism. The employer was contacted by Wage and Hour and given an explanation of FMLA. The company stated that the employee had not requested FMLA leave, although it was clearly aware that the employee's absence was due to a serious medical condition. The employee had provided a certification from his doctor. The company agreed to restore the employee to his position with full back pay totaling $2,500.

Case study: Employee Taking Care of Seriously Injured Husband Terminated by Employer for Abandoning Her Job

A **Harlingen, Texas**, employee's husband was seriously injured in an automobile accident and needed her to be with him through recovery. The employee took some paid sick leave and vacation leave, and some unpaid FMLA leave. When the employee continued to seek additional leave in December 1993, she was told by her employer that she needed to fill out a second request for FMLA leave. The next day, she was terminated for abandoning her job. The employee was unemployed in 1994. Wage and Hour contacted the Texas company and apprised it of the situation and employee rights under FMLA. The company reviewed the facts and circumstances in the employee's case, agreed it had violated the law, and agreed to reinstate the employee with back pay estimated at $9,000.

Case study: Worker Thanks Wage and Hour Investigator for Helping to Get His Job Back through FMLA

In December 1994, an eight-year employee in **Mobile, Alabama**, became too ill to work, was told by his doctor to remain off work four days, and reported his illness to his employer. Two days later, the company terminated the employee for unsatisfactory attendance, although the employee had earned membership in the company's "Gold Key Program." After calling several government agencies and contacting two attorneys, the employee was told that there were no State laws to protect employees against wrongful discharge. He also applied for unemployment compensation and was found not qualified.

Then the employee's sister advised him to go to Wage and Hour. The employee went to see the local Wage and Hour Investigator who determined that the employee was eligible for FMLA leave. The Investigator contacted the company and explained the situation. By 6:45 the next morning, the Investigator called the employee to inform him that he was to report back to work at his old job with the same pay, plus back pay. The employee learned that the Investigator had talked to the company's attorney at 6:00 a.m. that morning because the attorney was going out of town. The employee attempted to thank the Investigator, who responded that she (**Imogene Butler, Wage and Hour Investigator, Mobile, Alabama**) was just doing her job. However, the employee thought that Ms. Butler went well beyond her regular job to help him.

• Cases we've (DOL) helped

FAMILY AND MEDICAL LEAVE ACT OF 1993 (FMLA)

CASE STUDIES RE: RETALIATION

Case #1: Refusal to Restore FMLA leave taker to an "equivalent" position

An FMLA-eligible employee was diagnosed with "*Epstein-Barr*," a serious health condition that required a two months leave of absence to undergo continuing treatment of a health care provider. Treatment consisted of prescription drugs, complete bed rest, and periodic doctor visits. Upon return from FMLA leave, the employer, a major retail establishment in Nashville, TN, offered the employee a job as a regular sales employee position instead of the cosmetics counter manager position that she held prior to taking FMLA leave. The job offer was not to an equivalent position as the sales position's pay, status and perks were far less than those of her previous manager position. Consequently, the employee refused the job offer and was unemployed for three weeks. During this time, the employee contacted the Wage and Hour Division's local office, who in turn contacted the employer to discuss the provisions of FMLA, particularly the job-protection guarantee to be restored to the same or to an equivalent job with equivalent pay, benefits and other terms and conditions of employment. Once the company understood that it had violated FMLA, it agreed to restore the employee to her original position and to pay back wages in the amount of $894.00 for the three weeks of unemployment. The employer agreed to future compliance.

Case #2: Employee fired from her job for giving birth to a child.

An FMLA-eligible employee of a health care establishment situated in Kingsport, TN, was dismissed from her job while recovering from the birth of her child. Even with advance knowledge of the employee's pregnancy and expected due date, the company failed to notify the employee of her eligibility and rights under FMLA. Consequently, seven weeks into her leave of absence, she was notified that she had been discharged, would lose two weeks of paid vacation and one paid personnel day, and would no longer have health insurance coverage. She contacted the Wage and Hour Division's local office, who advised the company that the employee's rights under FMLA had been violated and what the company had to do to make the employee "whole." The company agreed to reinstate the employee to her job, to restore health care insurance coverage to the day it had been cancelled, to place her on FMLA leave for an additional 30 days, and to pay her back wages in the amount of $754.16 to cover the 11 days of paid leave benefits lost. The employer agreed to future compliance.

Case #3: Employee's job terminated for taking FMLA leave to care for terminally-ill parent.

An employee of a "Fortune 500" company located in Des Moines, Iowa, lost his job for caring for a mother who was dying of cancer. The employer, who had approved FMLA leave for the employee's absence to care for his dying mother, determined erroneously that the employee's mother had dyed when a collection to send flowers to the mother in the hospital was taken up by the employee's co-workers. The employee contacted the Wage and Hour Division, who contacted the personnel director of the company to explain that the termination notice was inappropriate and to seek reinstatement for the employee. The personnel director conceded that the employee's dismissal was in violation of FMLA and agreed to reinstate the employee to his job and to extend FMLA leave for up to 12-weeks. No back wages were due the employee. The employer agree to future compliance.

Case #4: Employee penalized for taking emergency leave to care for sick son.

An employee of a mid-size firm in Olivette, Missouri, needed to take FMLA leave for his son, who was born with *Tiacheomalacia* (soft wind pipe) and requires nebulizer treatments for respiratory problems. Prior to being trained to provide nebulizer treatments, the family had to rush the baby to the emergency room when the baby had breathing problems. The company was fully aware of the baby's serious health condition and knew that the employee had been trained to provide emergency life saving treatment if the baby could not breathe. One morning the employee had to take emergency medical leave to administer nebulizer treatments to his son. The employee contacted his employer to request FMLA leave to care for his son. Despite a medical note from the baby's doctor, which was fax to the employer the morning of the leave, the company refused to grant FMLA leave and instead assigned one point against the employee's attendance record. The employee, knowing that there may always be a need for FMLA leave to care for his son, contacted the Wage and Hour Division's local office to file a complaint. In discussing the provisions of FMLA with the employer's Human Resource Department, the employer's representative state that "she was not aware" that the employer cannot assess points on a FMLA qualifying event, and agreed to remove the point from the employee's attendance record. Accumulation of points may lead to suspension without pay or dismissal. The employer further agreed to revise its policy and to comply with FMLA in the future.

Case #5: Employee suspended from work for taking leave due to complications from miscarriage.

An employee for 18 years of a medical center located in Kansas City, Kansas, notified her supervisor on a Sunday morning (her day off from work) that she was entering the hospital and would not be at work on Monday. Later that day, she had a miscarriage and was ordered by the doctor to "go home, take Tylenol 3 (a prescription), get bed rest, and not to return to work until released to do so." On Thursday of that week she returned to the doctor, who prescribed antibiotics because of infection and signed a release for her to return to work on Saturday. Upon her return to work, the employee was notified that she would be placed on a three day suspension without pay for taking leave. The employee contacted the Wage and Hour Division who advised the employer that the leave taken by the employee was protected under the FMLA, that the employee had provided proper and timely notice as the leave was due to a medical emergency, and that a suspension for taking FMLA leave under the circumstances would be a violation. The employer was also advised of its obligations, which were not followed, to notify employees of their rights to FMLA leave. The employer agreed to cancel the suspension and to return the employee to work on her regular shift as previously scheduled. The employer agreed to future compliance.

Case #6: Employee dismissed for taking FMLA leave for her mother's serious health condition.

An FMLA-eligible employee of a covered employer in Overland, MO, requested leave to be with her mother who was undergoing heart surgery. Initially, the employee's supervisor advised her to take as much time as she needed, but later changed her mind and advised the employee that she would be fired if she did not return to work the day her mother was scheduled for surgery. The employee did not report to work on that day and was promptly fired from her job due to excessive absences. The employee filed a complaint with the local office of the Wage and Hour Division, who in turn contacted the employer to discuss the provisions of FMLA. The company's Human Resource Director conducted an internal review of the situation and called Wage-Hour to advised that the company had made an error by not following-up on the possibility that the leave request was indeed covered by FMLA. The company agreed to reinstate the employee to her job, to pay wages (including commissions) lost during the period of unemployment of $2,741,49. The company agreed to future compliance.

Case #7: Employee unable to get FMLA leave to care for disabled spouse and parents.

An FMLA-eligible employee of a covered employer in Park Ridge, IL, was denied leave to care for his wife, who is 100 percent disabled due to a serious heart condition, and both parents, who are blind and have other serious health conditions, i. e., diabetes and heart. The employee had been denied FMLA leave by the employer on the basis that his family members' serious health conditions would not be qualifying reasons for taking FMLA leave. Because of the severity of the health conditions and the need to attend to his family's medical needs, the employee contacted the local office of the Wage and Hour Division, who in turn contacted the company to discuss the provisions of FMLA. The company was advised that FMLA leave must be granted to employees who need to care for immediate family members with serious health conditions. The company assured that the employee would be granted FMLA leave to care for his wife and parents once medical certifications from their health care providers were received, and that FMLA information and notification procedures would be distributed and implemented throughout the company. The company agreed to future compliance.

FAMILY AND MEDICAL LEAVE ACT OF 1993 (FMLA)

CASE STUDIES RE: RETALIATION

Case #1: Refusal to Restore FMLA leave taker to an "equivalent" position

An FMLA-eligible employee was diagnosed with "*Epstein-Barr*," a serious health condition that required a two months leave of absence to undergo continuing treatment of a health care provider. Treatment consisted of prescription drugs, complete bed rest, and periodic doctor visits. Upon return from FMLA leave, the employer, a major retail establishment in Nashville, TN, offered the employee a job as a regular sales employee position instead of the cosmetics counter manager position that she held prior to taking FMLA leave. The job offer was not to an equivalent position as the sales position's pay, status and perks were far less than those of her previous manager position. Consequently, the employee refused the job offer and was unemployed for three weeks. During this time, the employee contacted the Wage and Hour Division's local office, who in turn contacted the employer to discuss the provisions of FMLA, particularly the job-protection guarantee to be restored to the same or to an equivalent job with equivalent pay, benefits and other terms and conditions of employment. Once the company understood that it had violated FMLA, it agreed to restore the employee to her original position and to pay back wages in the amount of $894.00 for the three weeks of unemployment. The employer agreed to future compliance.

Case #2: Employee fired from her job for giving birth to a child.

An FMLA-eligible employee of a health care establishment situated in Kingsport, TN, was dismissed from her job while recovering from the birth of her child. Even with advance knowledge of the employee's pregnancy and expected due date, the company failed to notify the employee of her eligibility and rights under FMLA. Consequently, seven weeks into her leave of absence, she was notified that she had been discharged, would lose two weeks of paid vacation and one paid personnel day, and would no longer have health insurance coverage. She contacted the Wage and Hour Division's local office, who advised the company that the employee's rights under FMLA had been violated and what the company had to do to make the employee "whole." The company agreed to reinstate the employee to her job, to restore health care insurance coverage to the day it had been cancelled, to place her on FMLA leave for an additional 30 days, and to pay her back wages in the amount of $754.16 to cover the 11 days of paid leave benefits lost. The employer agreed to future compliance.

Radio Address

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release March 22, 1997

RADIO ADDRESS OF THE PRESIDENT
TO THE NATION

THE PRESIDENT: Good morning. I'm glad to be back at the microphone this morning after relying on the Vice President to fill in for me last Saturday. My knee is healing just fine and I'm happy to report that
I've just completed a successful summit meeting with President Boris Yeltsin
of Russia in Helsinki, Finland.

Together we're building a strong United States-Russia relationship to meet the challenges of the 21st century, building a democratic, undivided Europe at peace; leading the world away from the nuclear threat; forging new ties of trade and investment that will benefit all our people. √

Today I want to talk with you about how we can work together to strengthen America's working families and to help them meet their responsibilities both at work and at home. We have made significant progress in this area with the Family and Medical Leave Act of 1993. That was landmark legislation and I was very proud that it was the first bill I signed as President. But I'm even more proud of the impact this law has had
on the everyday lives of working families.

Since its enactment millions of Americans have been able to take unpaid leave to care for a newborn child or to be with a family member who's sick. I know that many Americans would have lost their jobs if it weren't for the family leave law.

With new pressures on families in the way they work and live, we have to do even more to give people the chance to be good workers and good parents. That's why I proposed expanding the Family and Medical Leave Act so that workers can take time off to attend teacher conferences or to take a child for a medical checkup. I have challenged the Congress to pass legislation that will do just that this year, and I have high hopes that they will.

This morning I want to talk about another way to strengthen our working families. I have a plan that offers employees this simple choice: If you work overtime you can be paid time and a half, just as the law now requires, or if you want you can take that payment in time -- an hour and a half off for every hour of overtime you work. Simply put, you can choose money in the bank or time on the clock. Comp time can be used for a vacation, an extended maternity leave, or to spend more time with your children or your parents.

We can give employees in American business more flexibility. That serves everyone's interests. But we must make sure that as we give greater flexibility we do it in a way that's good for both business and employees.

Unfortunately, a version of comp time legislation that is moving through Congress now would take the wrong approach. It could actually leave working families worse off than today. Strong comp time legislation gives employees the choice of when to take their overtime pay in money or in time off from work. But under the congressional majority's proposal, employees aren't really guaranteed that choice. There are no effective safeguards to stop an employer from telling an employee who needs a paycheck more than family time that he or she has no choice -- you work overtime this week, then I'll give you less time next week.

Strong comp time legislation would give employees the choice of when they take time off. That's the best way to strengthen families and to give parents more flexibility. But the congressional majority's plan would make it simply too easy for employers to tell workers they cannot take the comp time they have earned.

Under strong comp time legislation, the time off you have earned is just that -- time off. But under the congressional majority's plan, employees who take comp time could be forced to work extra hours at night or on the weekend to make up the time without any overtime pay. That means if you take off a Friday that you have earned by working overtime your employer could simply make you work Saturday without paying overtime because you haven't worked your full 40-hour week.

Above all, strong comp time legislation preserves the protection of our 40-hour week, which has been the law now for most of this century. Today the law says if you are an hourly worker and you work longer than 40 hours, you get paid time and a half for overtime. Our plan would give you the choice of taking an hour and a half off for every hour you work instead. But under the congressional majority's plan, some employees who work and extra hour would get only an hour off -- less overtime than they would be eligible for today. That's money out of their pocket.

The vast majority of our employers will be fair to their workers under any system. But as we modernize our laws to fit a changing workplace we have to uphold historic safeguards for all our employees. Giving workers the real choice of taking time off as overtime pay is good for our families. It will help all Americans balance the demands of home and work. But it's employees and their families, not employers, who should choose if, when and how they take and use comp time.

Congress should pass expanded family leave and a strong comp time bill. The moment a responsible comp time bill hits my desk I will
gladly sign it. It will be good for workers, good for business, good for the economy, and strong in the building of our families. But let me also be
clear: I will have to veto any legislation that fails to guarantee real choice for employees, real protection against employer abuse, and real preservation of fair labor standards including the 40-hour week.

It's time for us to join together to give America's families the help they need to succeed on the job and in the home. Let's pass comp time legislation, but let's do it right.

Thanks for listening.

END

Radio Address

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release April 12, 1997

RADIO ADDRESS OF THE PRESIDENT
TO THE NATION

THE PRESIDENT: Good morning. Today, I want to talk about the toughest job any person can have. It's not a job you can quit, show up late for, or do just enough to get by. In every way, it's a lifetime commitment -- it's being a parent.

In our times, parenting has become an even greater challenge. The world moves faster, and parents rightly worry more about how to protect their children's health, their safety and their future. Jobs place more demands on mothers and fathers. Finding a balance between home and work takes more effort than ever.

Parents can use some help. And while government doesn't raise children, it can sometimes give parents the tools they need to make their jobs easier. That's why we fought for and won the V-chip and a ratings systems for TV, so parents can better protect their *young children from unsuitable shows. That's we fought to keep the* tobacco industry from advertising their products to children. And why we're fighting to keep streets safer and to reduce juvenile crime. All these help parents to do a better job with their children.

But there is still work to be done. Parents want to do right thing by their children from the very start. And giving our youngest children what they need to thrive from the very first days of life is something the First Lady has studied for a long time. In her book, "It Takes a Village," Hillary called on our nation to give its attention to new findings about the early years of children's lives that so often are overlooked in intellectual, social and emotional development.

Our administration has worked hard to better understand these early years. Since 1993, we increased funding for children's research at the National Institutes of Health by 25 percent -- or $322 *million -- and my balanced budget plan promotes further increases in* funding. We expanded and improved Head Start, and we created an Early Head Start Program for children age three or younger so that they could get the stimulation they need at those critical times.

From our research, we know that from the very first days of life a child is developing emotionally and intellectually, and how he or she does in those first three years of life will help to determine how a child does later in school and in life. That's why we need to begin teaching and nurturing our children before they go to school.

We want to sort through our research and get it to parents and to care givers who work with children. So next week Hillary and I will bring together researchers, parents and other experts for the White House Conference on Early Childhood Development and Learning: What New Research on the Brain Tells Us About Our Youngest Children.

We will meet for a full day at the White House, with satellite hook-ups to more than 60 sites around our nation. This conference is an exciting and an enormous undertaking. It is a call to action to parents, to businesses, to care givers, the media, the faith community and the government, each to do their part to enhance the earliest years of life. It grows out of our commitment to find new ways to support parents and to help their children reach their God-given potential.

As part of that commitment, I also want to call today on the members of Congress to do their part to come to the aid of our families. They can do that very simply by passing my expansion of the Family and Medical Leave Act.

This bill would allow workers up to 24 hours of unpaid leave each year to fulfill certain family obligations. It could allow a worker to attend a parent-teacher conference, or take a child to the pediatrician, or to find quality child care, or to care for an elderly relative.

Families occasionally need these small pieces of time to take care of their own. More than 12 million American workers have taken leave for reasons covered by the Family and Medical Leave Act since it became the very first bill I signed into law in 1993. It was needed then, it's needed now and we need to improve on it. So I urge the Congress to act soon on this legislation. Don't ask people to choose ever between being good workers and good parents. We can help them to do both. Pass the expanded Family and Medical Leave Act.

I think this bill is so important that today I am asking all federal departments and agencies to make expanded Family and Medical Leave available to their workers immediately. Wherever possible, I want workers to have access right now to essential time off for family obligations.

I am committed to doing all we can to support families as they struggle to do right by their children. We know that the very earliest years will decide whether children grow up to become healthy and happy people. That's why we're giving parents time off to care for them, why we should extend the family leave law so millions more parents can have that opportunity and why we must focus all our science, education and public efforts to give our children the very best start in life.

Almost a century and a half ago, Oliver Wendell Holmes said, "A child's education should begin at least a hundred years before he was born."

What we do now can benefit generations of Americans to come. We can start with the smallest community -- the family. And from there we can rebuild and renew the best in America by beginning with the best of America, our children

Thanks for listening.

END

UNITED STATES DEPARTMENT OF LABOR

elaws

Employment Laws Assistance for Workers and Small Businesses

THE FAMILY MEDICAL LEAVE ACT *elaws* Advisor

THE FAMILY AND MEDICAL LEAVE ACT *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. By responding to specific questions, and based upon the answers provided:

employees can:

- determine their eligibility to FMLA leave;
- identify the reasons for leave that qualify as FMLA leave;
- review their rights, benefits, and responsibilities under FMLA; and,
- examine the procedures for filing a complaint with the Department of Labor if an employer fails to provide FMLA protection and benefits.

employers can:

- determine whether they are an "FMLA-covered" employer;
- identify the reasons for leave that qualify as FMLA leave; and,
- review their FMLA-notification responsibilities.

The *elaws* **Advisor** includes links to FMLA regulations and educational publications, as well as to related regulations such as those relating to the ***Americans With Disabilities Act (ADA)***, which is administered by the ***Equal Employment Opportunity Commission (EEOC)***. The ***elaws Advisor*** also provides direct links to addresses and telephone numbers of all **Wage and Hour** District Offices located in major cities throughout the country.

This system can be accessed at **http://www.dol.gov/elaws.**

THE WAGE AND HOUR DIVISION OF THE EMPLOYMENT STANDARDS ADMINISTRATION

The **Wage and Hour Division** is located in the **Employment Standards Administration**. Its mission is to achieve compliance with labor standards through enforcement, administrative, and educational programs to protect and enhance the welfare of the Nation's workers.

THE FAMILY MEDICAL LEAVE ACT OF 1993

The ***Family and Medical Leave Act of 1993 (FMLA)*** requires certain private sector employers and public employers to provide up to 12 weeks of unpaid, job-protected leave each year for certain family and medical needs, such as the birth or adoption of a child, or a serious health condition affecting an immediate family member. During the leave, employers must maintain any pre-existing group health insurance coverage.

More information on the ***FMLA*** and other ***Wage and Hour*** laws, can be found at the **Wage and Hour** website at: **http://www.dol.gov/dol/esa/welcome.html.**

http://www.dol.gov/elaws

UNITED STATES DEPARTMENT OF LABOR

elaws

Employment Laws Assistance for Workers and Small Businesses

WHAT IS *elaws*?

elaws or Employment Laws Assistance for Workers and Small Businesses is a project undertaken by the Department of Labor to provide compliance assistance information to workers and employers about the laws administered by the Labor Department in an interactive format via the Internet. *elaws* uses expert systems information technology to simulate the interaction a person might have with a human expert, in this case an employee of the Department of Labor, to obtain information about the laws and regulations of the Department.

WHAT IS AN EXPERT SYSTEM?

An expert system is a computer program that captures valuable knowledge and allows it to be disseminated to others. Expert systems emulate the interaction a user might have with a human expert to solve a problem. The expert system embeds complex information, such as the detailed requirements of a regulation, into a computer model. That computer model can then be queried on a fact-specific situation and will give the user an answer to his/her specific question.

The range of problems that can be handled by expert systems is vast. Expert systems can be developed for any problem that involves a selection from among a definable group of choices where the decision is based on logical steps. From a user's perspective, an expert system is easy to use and conveys information in a format that is easy to understand.

Expert systems are used to help automate anything from complex regulations to aiding customers in selecting from a group of products, or diagnosing equipment problems.

WHAT *elaws* ADVISORS DOES THE DEPARTMENT HAVE AVAILABLE?

The Department currently has nine *elaws* **Advisors** available on its Internet website. Six sites are available directly on-line and three can be downloaded from the Internet and used on any personal computer.

The nine *elaws* **Advisors** currently available are: the ***OFCCP Interactive Compliance Assistance Guide for Contractors and Subcontractors***; the ***Family and Medical Leave Act***; ***MSHA's Form 7000-2***; ***OSHA's Asbestos, Confined Spaces, GOCAD, and Fire Safety Advisors***; the ***VETS Uniformed Services Employment and Reemployment Rights Act***; and the ***Veterans' Preference System***. All of these *elaws* **Advisors** can be accessed on the Internet at: **http://www.dol.gov/elaws.**

http://www.dol.gov/elaws

News Release

U.S. Department of Labor

Office of Public Affairs
Washington, D.C.

Contact:	Carl Fillichio 202/219-8211	For Release:	Immediate Tuesday, January 21, 1997

MEDIA ADVISORY--RADIO ACTUALITY AVAILABLE HELP WITH BALANCING WORK AND FAMILY ISSUES IS JUST A PHONE CALL AWAY

Radio stations across the country may access four sound bites of Department of Labor's Wage and Hour Administrator Maria Echaveste commenting on the department's new Family and Medical Leave Act information toll-free phone number, which is being launched today.

The new 1-800 service will be highlighted tonight, in a public service announcement following "A Child's Wish," a CBS made-for-television movie inspired by the stories of two families whose personal struggles were caught in the drama of the enactment of the Family and Medical Leave Act (FMLA). The FMLA was the first bill signed into law by President Clinton and became effective in August, 1993.

Beginning today, callers to **1-800-959-FMLA** will receive a brief explanation of the law, as well as an opportunity to receive more detailed information through the mail.

The four sound bites are: Echaveste commenting on the FMLA (:15); explaining the benefits of the FMLA to employers (:30); discussing future expansion of the FMLA (:20); and commenting on the new toll-free telephone number (:25). PSA scripts for radio stations interested in launching their own public service campaigns are also available.

Radio stations can access this actuality by calling the U.S. Department of Labor's 24-hour radio news service at 1-800/877-9002. It will be available until Monday, January 27.

# # # # #

When It Looks Like You Just Can't Juggle Any More...

This number might help. Call 1-800-959-FMLA if balancing work and family obligations have you juggling too much.

You may be eligible for benefits under the Family and Medical Leave Act, a law that could give you as much as 12 weeks of unpaid time off from work--time for the birth, care or adoption of a child, or if you or an immediate family member has a serious health condition.

To find out if FMLA can work for you, call the U.S. Department of Labor at **1-800-959-FMLA**, or visit our web **site at www.dol.gov.**

The Family and Medical Leave Act
U.S. Department of Labor

To: Donna Lennon
From: Terry Bond
7/21/98

FAMILY AND MEDICAL LEAVE: NEW DATA ON HOW IT'S WORKING

Ellen Galinsky and James T. Bond
Families and Work Institute

Except where noted findings are from the Families and Work Institute's 1998 Business Work-Life Study 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. *Compliance with the Family and Medical Leave Act (FMLA) is high.* No more than 10% of companies with 100 or more employees nationwide in 1998 provide fewer than the 12 weeks of job-guaranteed leave required by the FMLA for maternity, paternity, adoption, or care of seriously ill children. Many of these companies (37%) have fewer than 50 employees per site, on average, and may not even be covered by the FMLA, suggesting that family and medical leave is becoming the norm among employers of all sizes. Indeed, a 1997 Families and Work Institute survey of a representative sample of all wage and salaried workers in the U.S. labor force reveals that job-guaranteed *maternity* leave of some length is available to 95% of workers employed by private-sector companies with 25 – 49 employees nationwide, and to 93% of workers employed by companies with fewer than 25 employees nationwide.

II. *Many employers provide more generous leave periods than required by law:* 15% – 16% of companies provide 13 or more weeks of leave for paternity, adoption, and seriously ill children, while 33% provide 13 or more weeks of leave for maternity.

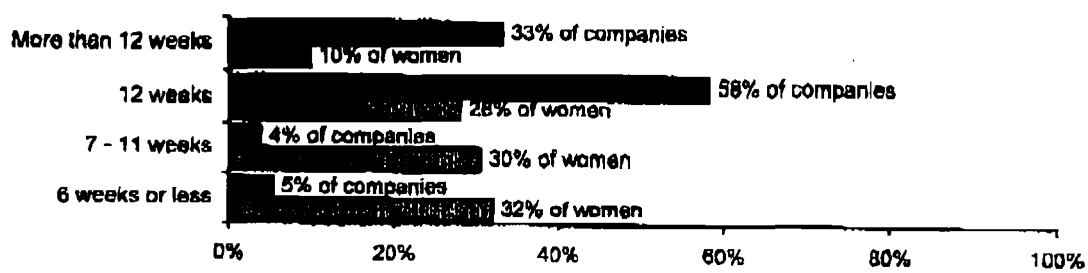
III. *The vast majority — 84% — of employers find that the benefits of providing family and medical leaves offset or outweigh the costs.* In fact, fully half of this 84% perceive positive returns on their investments in leave programs.

IV. *About one-half of companies — 53% — provide at least some replacement pay during periods of maternity leave mainly (81%) through temporary disability insurance plans.* However, only 13% provide replacement pay during paternity and adoption leaves.

V. *The lengths of leaves women take for childbirth are generally less than the minimum 12-week period that FMLA-covered companies are required to provide.* Fully 62% of companies report that the average length of maternity leaves actually taken by women in their workforces is less than 12 weeks. Across all companies with 100 or more employees, women were reported to take an average of 10 weeks and a median of 8 weeks of leave for childbirth. Fully 71% of companies offer more leave for maternity than women in their workforces generally take—an average of 7 weeks (median of 4 weeks) more leave time than actually taken.

PREVIOUSLY-UNRELEASED DATA

Proportion of Employers Offering Maximum Maternity Leaves of Various Lenghts and the Average Length of Leaves Actually Taken by Women



VI. *Although women tend not to take the maximum leaves their companies allow for maternity, companies that allow longer leaves also report longer leaves taken on average.* For example, women who are allowed only 12 weeks of leave, take 9 weeks on average, while women who are allowed more than 26 weeks, take 14 weeks on average—a difference of 5 weeks.

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The 1998 Business Work-Life Study

A SOURCEBOOK

Ellen Galinsky
James T. Bond

Families and Work Institute

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Table 13: Flexible Work Arrangements

Does your company allow employees ...	Allow	No, But Considering
To periodically change starting and quitting times?	68%	9%
To change starting and quitting times on a daily basis?	24	7
To return to work gradually after childbirth or adoption?	81	7
To move from full-time to part-time and back again while remaining in the same position or level?	57	5
To share jobs?	37.5	17
To work at home occasionally?	55	6
To work at home or off-site on a regular basis	33	14
To take time off for school/child care functions	88	Not Asked

(n=1057)

Only 18 percent of companies offering one or more flexible work arrangements perceive the costs of their investments in these policies as outweighing the benefits, while 36 percent perceive these programs as cost-neutral and 46 percent perceive a positive return on their investments.

Leaves

In the 1997 National Study of the Changing Workforce, access to leaves for childbirth, adoption, or to care for sick children is considered a critical component of the flexibility and supportiveness of the workplace environment. As described above, the supportiveness of the workplace environment is strongly associated with workers' job satisfaction, commitment, loyalty, retention, and job performance, as well as their personal well-being. The 1998 BWLS provides an opportunity to assess the extent to which companies offer various types of leave.

The federal Family and Medical Leave Act (FMLA) of 1993 requires that 12 weeks of unpaid, job-guaranteed leave for childbirth, adoption, foster care placement, a serious personal medical condition, or care of a child or spouse with a serious medical condition be granted to an employee who has worked at least 1,250 hours over the preceding year for an employer with 50 or more employees within a 75-mile radius of the worksite.

Maternity Leave for Childbirth and Early Infant Care

We asked for the maximum length of job-guaranteed leave that companies allow for female employees who give birth to a child, including the period of disability and any other related time (Table 14).

- The median amount of time off for maternity leave among companies with 100 or more employees is 12 weeks, as required by the FMLA. The mean is 17 weeks. However, 9 percent provide fewer than 12 weeks off.

- Of those companies offering fewer than 12 weeks' leave, only 1 percent are clearly out of compliance by virtue of having a single location with 100 or more employees. It is likely that others are out of compliance as well; however, data available from the survey do not permit accurate estimates.

- One-third of companies allow new mothers more than 12 weeks leave: 25 percent between 13 and 26 weeks and 8 percent more than 26 weeks.

- Companies with more employees in the U.S. and those with larger proportions of unionized workers tend to offer longer leaves. Companies with at least some top executive positions filled by minorities are more likely to offer leaves longer than 12 weeks. Among industry groups, companies in the goods-producing sector, finance/insurance/real estate service, and "other services" tend to offer the most generous leaves, while companies in the wholesale and retail trades offer the least generous.

Table 14: Leave for Maternity

Employer Characteristic	Fewer than 12 weeks	12 weeks	13 - 26 weeks	More than 26 weeks	Sig.
All Companies	9%	58%	25%	8%	
Number of Employees					*
Fewer than 250 *(n=355)*	12%	55%	28%	5%	
250 - 999 *(n=349)*	9	61	22	8	
1,000 or more *(n=242)*	4	60	26	10	
Industry					***
Manufact/Const/Agri *(n=274)*	8%	53%	30%	10%	
Professional Services *(n=252)*	5	65	23	6	
Wholesale/Retail Trade *(n=171)*	20	55	23	2	
Finance/Insur/Real Est *(n=139)*	5	62	23	10	
Other Services *(n=108)*	8	56	24	12	
Percentage of Executive Positions Filled by Minorities					*
0 % *(n=595)*	9%	62%	23%	6%	
1% - 24% *(n=196)*	7	55	29	10	
25% - 49% *(n=65)*	14	48	26	12	
50% or more *(n=88)*	9	49	32	10	
Unionized Workers as Percentage of Workforce					**
0% *(n=706)*	10%	60%	23%	7%	
1% - 29% *(n=96)*	7	49	31	13	
30% or more *(n=102)*	5	54	28	13	

*Significance Levels: * = p<.01; ** = p<.01; *** = p<.0001.*

Replacement Pay during Maternity Leave

Just more than half (53 percent) of mothers on leave after giving birth receive some replacement pay, excluding vacation days, accrued sick days, or other paid personal time off (Table 15).

- Companies in the goods-producing industries (largely manufacturing) are most likely to provide replacement pay during maternity leave, while companies in the professional services and wholesale/retail trades are least likely. Companies with smaller proportions of top executive positions filled by women; smaller proportions of women, hourly, and part-time employees in their workforces; and larger proportions of unionized workers are also more likely to offer replacement pay than other companies.

- Of companies providing replacement pay during leaves for maternity, 27 percent provide full pay and 60 percent partial pay, while another 13 percent report that "It depends."
- Companies with higher proportions of unionized workers are more likely than other companies to provide full pay. Indeed, 33 percent of companies whose workforces are 30 percent or more unionized provide full pay.
- Replacement pay is usually funded (81 percent of companies) by a general temporary disability insurance plan.
- Companies most likely to provide pay through temporary disability insurance have fewer part-time employees as a percentage of their workforces and report that their financial performance is better than their competitors'. Among industry groups, companies in the professional services and wholesale/retail trades are least likely to fund replacement pay using temporary disability insurance, while companies in the goods-producing industries are most likely to do so.

Table 15: Pay during Childbirth Leave for Mothers

Employer Characteristic	Full/Part Pay	Sig.	No Pay
All Companies	53%		47%
Industry		***	
Manufact/Const/Agri *(n=277)*	66%		34%
Professional Services *(n=266)*	44		56
Wholesale/Retail Trade *(n=175)*	46		54
Finance/Insur/Real Est *(n=140)*	54		46
Other Services *(n=113)*	50		50
Percentage of Executive Positions Filled by Women		*	
0% *(n=284)*	56%		44%
1% - 24% *(n=277)*	56		44
25% - 49% *(n=219)*	56		44
50% or more *(n=192)*	41		59
Women as Percentage of Workforce		*	
Less than 40% *(n=270)*	59%		41%
40% - 60% *(n=326)*	51		49
More than 60% *(n=266)*	46		54
Unionized Workers as Percentage of Workforce		*	
0% *(n=726)*	51%		49%
1% - 29% *(n=95)*	56		44
30% or more *(n=107)*	66		34
Hourly Workers as Percentage of Workforce		***	
Less than 58% *(n=299)*	60%		40%
58 - 79% *(n=286)*	58		42
80% or more *(n=310)*	42		58
Part-time Workers as Percentage of Workforce		***	
Less than 2.5% *(n=285)*	67%		33%
2.5% - 14% *(n=295)*	55		45
15% or more *(n=275)*	34.5		65.5

*Significance Levels: * = p<.01; *** = p<.0001.*

Paternity Leave for Fathers

The FMLA requirements for paternity leave are the same as those for maternity leave—12 weeks of unpaid, job-guaranteed time off.

- According to the 1998 BWLS, the median amount of job-guaranteed leave that companies with 100 or more employees allow male employees whose partners give birth to a child is 12 weeks, as required by the FMLA. The mean is 14 weeks.

- Ten percent of companies report providing fewer than 12 weeks of paternity leave, with 2 percent of the sample clearly out of compliance with the FMLA. The total percentage not complying with the FMLA cannot be estimated accurately given data available from the survey.

- On the other hand, 13 percent of companies offer 13 through 26 weeks of paternity leave, and another 3 percent allow more than 26 weeks (Table 16).

- Companies with more than 250 employees and with larger proportions of unionized workers are more likely to offer at least 12 weeks of paternity leave. Companies with at least some top executive positions filled by minorities are more likely to offer paternity leaves longer than 12 weeks. Although paternity leaves of fewer than 12 weeks are most common in the wholesale/retail trades, so are leaves longer than 12 weeks.

Table 16: Leave for Paternity

Employer Characteristic	Fewer than 12 weeks	12 weeks	13 - 26 weeks	More than 26 weeks	Sig.
All Companies	10%	74%	13%	3%	
Number of Employees					*
Fewer than 250 *(n=314)*	15%	70%	13%	2%	
250 - 999 *(n=325)*	8	77	12	3	
1,000 or more *(n=230)*	6	76	14	4	
Industry					***
Manufact/Const/Agri *(n=263)*	12%	75%	11%	3%	
Professional Services *(n=232)*	5	81	12	3	
Wholesale/Retail Trade *(n=146)*	19	62	19	1	
Finance/Insur/Real Est *(n=125)*	6	75	16	2	
Other Services *(n=101)*	6	73	12	9	
Percentage of Executive Positions Filled by Minorities					***
0 % *(n=555)*	10%	78%	11%	1%	
1% - 24% *(n=175)*	7	73	17	3	
25% - 49% *(n=66)*	18	56	18	8	
50% or more *(n=73)*	7	66	16	11	
Unionized Workers as Percentage of Workforce					***
0% *(n=637)*	11%	74%	12%	2%	
1% - 29% *(n=92)*	7	74	15	4	
30% or more *(n=99)*	3	74	15	8	

*Significance Levels: * = p<.01; *** = p<.0001.*

Pay during Paternity Leave

Although men are obviously ineligible for disability pay when they take parental leaves after their partners give birth to a child, 13 percent of companies do provide wage replacement for at least part of paternity leaves beyond that available from accrued vacation days, sick days, or other paid personal time off (Table 17).

- Interestingly, smaller companies are more likely than larger companies to provide replacement pay for men when their partners give birth, as are companies that have at least some minorities in top executive positions.

Table 17: Pay During Paternity Leave

Employer Characteristic	Full/Part Pay	Sig.	No Pay
All companies	13%		87%
Number of Employees		**	
Fewer than 250 *(n=329)*	20%		80%
250 – 999 *(n=340)*	8		92
1,000 or more *(n=235)*	11		89
Percentage of Executive Positions Filled by Minorities		***	
0 % *(n=574)*	9%		91%
1% - 24% *(n=183)*	18		82
25% - 49% *(n=69)*	26		74
50% or more *(n=78)*	18		82

Significance Level: ** = $p<.001$; *** = $p<.0001$.

Leave for Adoption and Foster Care Placement

The FMLA requirements for adoption or foster care placement leave are the same as those for maternity and paternity leave—12 weeks of unpaid, job-guaranteed time off.

- The median amount of job-guaranteed leave that companies with 100 or more employees allow male and female employees caring for newly adopted children or newly placed foster children is 12 weeks, as required by the FMLA. The mean is 14 weeks—comparable to the mean length of paternity leave. Ten percent of companies allow fewer than 12 weeks, while 16 percent allow more (Table 18).

- Companies with 1,000 or more employees, 50 percent or more of top executive positions filled by women, 30 percent or more unionized employees, and 58 percent or fewer hourly workers are more likely to provide at least 12 weeks for adoption or foster care leaves. Companies with at least some top executive positions filled by minorities are more likely to provide more than 12 weeks' leave. The most striking difference among industries is that 22 percent of companies in the wholesale and retail trades provide fewer than 12 weeks' leave.

Table 18: Leave for Adoption

Employer Characteristic	Fewer than 12 weeks	12 weeks	13 - 26 weeks	More than 26 weeks	Sig.
All Companies	10%	74.5%	13%	3%	
Number of Employees					*
Fewer than 250 *(n=326)*	14%	70%	14%	2%	
250 - 999 *(n=336)*	10	77	12	2	
1,000 or more *(n=241)*	4	78	12	5	
Industry					***
Manufact/Const/Agri *(n=263)*	10%	78%	10%	2%	
Professional Services *(n=246)*	5	81	11	4	
Wholesale/Retail Trade *(n=157)*	22	61	17	1	
Finance/Insur/Real Est *(n=137)*	5	76	15	4	
Other Services *(n=99)*	8	72	12	8	
Percentage of Executive Positions Filled by Women					***
0% *(n=258)*	11%	78%	10%	2%	
1% - 24% *(n=255)*	10	76	13	1	
25% - 49% *(n=207)*	11	75	12	1	
50% or more *(n=181)*	7	68	16	10	
Percentage of Executive Positions Filled by Minorities					***
0 % *(n=574)*	11%	79%	10%	1%	
1% - 24% *(n=188)*	7	73	16	4	
25% - 49% *(n=63)*	11	59	19	11	
50% or more *(n=77)*	9	60	21	10	
Unionized Workers as Percentage of Workforce					*
0% *(n=674)*	11%	75%	13%	2%	
1% - 29% *(n=90)*	10	72	13	4	
30% or more *(n=104)*	5	76	12	8	
Hourly Workers as Percentage of Workforce					**
Less than 58% *(n=287)*	3%	79%	14%	4%	
58 - 79% *(n=262)*	15	71	11	2	
80% or more *(n=281)*	14	73	12	2	

*Significance Levels: * = p<.01; ** = p<.001; *** = p<.0001.*

Pay during Adoption and Foster Care Leave

Overall, 12.5 percent of companies provide some replacement pay for employees on leave for adoption and foster care placement (Table 19).

Companies in the finance/insurance/real estate and "other services" industries are twice as likely as companies in other industries to provide at least some replacement pay. Similarly, companies with at least some top executive positions filled by minorities are about twice as likely as companies with no minorities in top positions to provide full or partial replacement pay during leaves for adoption and foster care placements.

Table 19: Pay during Leave for Adoption

Employer Characteristic	Full/Part Pay	Sig.	No Pay
All Companies	12.5%		87.5%
Industry		**	
Manufact/Const/Agri *(n=272)*	11%		89%
Professional Services *(n=254)*	9		91
Wholesale/Retail Trade *(n=147)*	9.5		90.5
Finance/Insur/Real Est *(n=137)*	20		80
Other Services *(n=104)*	21		79
Percentage of Executive Positions Filled by Minorities		**	
0% *(n=586)*	9%		91%
1% - 24% *(n=191)*	19		81
25% - 49% *(n=63)*	25		75
50% or more *(n=75)*	13		87

Significance Levels: ** = $p<.001$.

Leave to Care for Seriously Ill Children

The medical leave provisions of the FMLA cover leaves for serious medical conditions of workers, their children, and their spouses. The 1998 BWLS only asked about leaves to care for seriously ill children. As with other leaves, the FMLA provides for 12 weeks of unpaid, job-guaranteed time off.

- The median amount of unpaid, job-guaranteed leave that companies with 100 or more employees allow male and female employees to care for seriously ill children is 12 weeks, as required by the FMLA. The mean is 14 weeks.

- Seven percent allow fewer than 12 weeks, 78 percent allow 12 weeks, and 15 percent allow more (Table 20).

- Companies with larger proportions of top executive positions filled by minorities and larger proportions of union members tend to offer leaves longer than 12 weeks to care for a seriously ill child.

Table 20: Leave to Care for Seriously Ill Child

Employer Characteristic	Fewer than 12 weeks	12 weeks	13 - 26 weeks	More than 26 weeks	Sig.
All Companies	7%	78%	11%	4%	
Percentage of Executive Positions Filled by Minorities					*
0 % *(n=570)*	7%	80%	10%	3%	
1% - 24% *(n=181)*	8	77	11	3	
25% - 49% *(n=62)*	3	65	21	11	
50% or more *(n=78)*	6	74	12	8	
Unionized Workers as Percentage of Workforce					*
0% *(n=655)*	8%	78%	10%	3%	
1% - 29% *(n=93)*	3	76	13	8	
30% or more *(n=108)*	5	76	12	7	

*Significance Level: * = p<.01.*

Time Off for Mildly Ill Children

According to the 1998 BWLS, 49 percent of companies with 100 or more employees allow employees to take a few days off work to care for a mildly ill child without using vacation days and without losing pay (Table 21).

- Financial service, insurance, and real estate companies; companies with larger proportions of unionized employees and smaller proportions of hourly employees; and companies that find vacancies in skilled positions difficult to fill are more likely than other companies to allow employees time off to care for mildly ill children without losing pay. Fully 65 percent of companies with 30 percent or more unionized workers and 63 percent of those in the finance/insurance/real estate industries allow employees to take paid time off to care for mildly ill children.

Table 21: Time Off to Care for Mildly Ill Children without Using Vacation Days or Losing Pay

Employer Characteristic	Allow	Sig.	Do Not Allow
All Companies	49%		51%
Industry		*	
Manufact/Const/Agri *(n=305)*	45%		55%
Professional Services *(n=271)*	48		52
Wholesale/Retail Trade *(n=180)*	43		57
Finance/Insur/Real Est *(n=140)*	63		37
Other Services *(n=132)*	51.5		48.5
Unionized Workers as Percentage of Workforce		**	
0% *(n=759)*	46%		54%
1% - 29% *(n=105)*	47		53
30% or more *(n=121)*	65		35
Hourly Workers as Percentage of Workforce		***	
Less than 58% *(n=319)*	56%		44%
58 - 79% *(n=301)*	52		48
80% or more *(n=328)*	36		64
Difficulty in Filling Highly Skilled Positions		*	
Very/Somewhat Easy *(n=322)*	42%		58%
Very/Somewhat Difficult *(n=701)*	51.5		48.5

*Significance Levels: *p<.01; **p<.001; *** p<.0001.*

- Among companies allowing a specific number of days, the median is 6 days per year and the mean is 11. Nine percent of companies allow employees "as much time as needed," and 25 percent say, "It depends."

Return on Investments in Family Leave Policies

Very few companies have actually evaluated return on investments in their family leave policies. Undoubtedly this is due in large part to the fact that most adhere to the minimum leave policies required by federal law. However, by combining human resource directors' personal views with reported findings from evaluations, we constructed a global measure of *perceived return on investment* in family leave arrangements. Overall, 17 percent of companies perceive the costs of family leave policies as outweighing the benefits, while 42 percent view these policies as cost-neutral and 42 percent perceive benefits as outweighing costs (Table 22).

- Companies with larger proportions of top executive positions filled by women and with lower proportions of hourly workers perceive greater returns on their investments in family leave policies than other companies.

- Companies in the wholesale and retail trades are least likely to perceive the costs of family leave policies as outweighing benefits; however, they are also least likely to perceive benefits as outweighing costs, believing instead that these policies are cost-neutral.

- Curiously, companies that find it easier to hire hourly, entry-level workers perceive greater returns on their investments in family leave policies than companies that have greater difficulty hiring these workers. Conceivably this is because companies that find it easier to hire hourly, entry level workers have family leave policies that aid recruitment and retention.

Table 22: Return on Investments in Family Leave Policies

Employer Characteristic	Costs Outweigh Benefits	Cost Neutral	Benefits Outweigh Costs	Sig.
All Companies	17%	42%	42%	
Industry				**
Manufact/Const/Agri *(n=278)*	18%	44%	38%	
Professional Services *(n=249)*	19	35	46	
Wholesale/Retail Trade *(n=158)*	10	58	32	
Finance/Insur/Real Est *(n=127)*	17	35	49	
Other Services *(n=113)*	18	35	47	
Percentage of Executive Positions Filled by Women				***
0 % *(n=270)*	19%	47%	34%	
1% - 24% *(n=268)*	15	49	37	
25% - 49% *(n=208)*	19	38	43	
50% or more *(n=179)*	15	27	59	
Hourly Workers as Percentage of Workforce				*
Less than 58% *(n=281)*	14%	38%	48%	
58 - 79% *(n=280)*	20	38	42	
80% or more *(n=290)*	19	45	36	
Difficulty in Filling Entry-Level/Hourly Positions				*
Very/Somewhat Easy *(n=556)*	14%	42%	44%	
Very/Somewhat Difficult*(n=362)*	21	41	38	

*Significance Levels: * = p<.01; ** = p<.001; *** = p<.0001.*

Summary: Leave Policies

Across the four types of leave examined, 7 percent through 10 percent of companies with 100 or more employees provide fewer than 12 weeks of leave, while 15 percent through 33 percent provide 13 weeks or more. It appears that companies see maternity leave as the most deserving type of leave, as maximum leave periods are longer on average for maternity than for other reasons (Table 23).

Among companies offering less than the 12 weeks of unpaid, job-guaranteed leave required by the FMLA, 2 percent or fewer are *clearly* out of compliance with the law, based on having only one site with 100 or more employees. Although additional companies are likely to be out of compliance, survey data do not permit accurate estimates of the number. Some companies, of course, may be exempt from FMLA requirements—such as a portion of the 37 percent of companies in the sample with fewer than 50 employees per site on average. Indeed, it may well be that the number of exempt companies that comply with the law is larger than the number of nonexempt companies that fail to comply.

Table 23: Summary of Leave Policies

Leave Policy	Fewer than 12 Weeks	12 Weeks	13 - 26 Weeks	More than 26 Weeks	Median and Mean Number of Weeks
Maternity Leave	9%	58%	25%	8%	Median: 12 wks Mean: 17 wks
Paternity Leave	10	74	13	3	Median: 12 wks Mean: 14 wks
Adoption, Foster Care Leave	10	74.5	13	3	Median: 12 wks Mean: 14 wks
Care of Seriously Ill Children Leave	7	78	11	4	Median: 12 wks Mean: 14 wks

Although women on leave for maternity are more likely to receive some replacement pay than workers taking leaves for other reasons, this is not necessarily another indicator that maternity leave is viewed as more deserved. Indeed, this pattern of differences in the likelihood of replacement pay is most likely a product of 1) having a temporary disability insurance plan and 2) the federal Pregnancy Discrimination Act (PDA) of 1978, which requires that maternity-related disability be treated like other disabilities under insurance plans. For 81 percent of companies, pay during maternity leave is funded by their temporary disability insurance plans.

Table 24: At Least Some Replacement Pay during Leave

Leave Policy	At Least Some Replacement Pay
Maternity Leave	53%
Paternity Leave	13
Adoption/Foster Care Leave	12.5

Only 17 percent of companies think the costs of leave programs exceed the benefits, while 42 percent think leave programs are cost-neutral and another 42 percent perceive a positive return on investment in these programs.

Web site findings follow.

MEDIA ALERT
July 23, 1998

CONTACT: Margaret Sotham, 202/986-2600
Sarah Varela, 202/371-1999

NATION TO MARK FIFTH ANNIVERSARY OF FAMILY & MEDICAL LEAVE ACT ON AUGUST 5

August 5, 1998 is the fifth anniversary of the day the federal Family and Medical Leave Act (FMLA) went into effect. A giant step forward for America*s working families, the FMLA has allowed millions of workers at firms with 50 or more employees to take up to 12 weeks of job-protected, unpaid leave to care for a new baby or sick family member, or to recover from their own serious illness.

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. Through its extensive public education efforts and free Guide to the FMLA, the National Partnership is the nation*s leading FMLA consumer information resource.

Congress is currently considering several measures that would expand the FMLA to cover more employees and more reasons for leave. National Partnership research shows how each state would be affected by the leading proposal, which would cover mid-sized employers with 25-49 employees.

To mark this anniversary, the National Partnership:

* has compiled a list of families around the country who have used the FMLA over the past five years and are willing to share their experiences.

* will feature new national data on how the FMLA is working, information about the law*s history, analyses of all current expansion proposals, and downloadable versions of the free Guide to the FMLA in both English and Spanish on its web site at www. nationalpartnership.org.

* will release Family Matters: Ask Your Candidates About Work/Family Issues, a nonpartisan, easy-to-read pamphlet with tips on how voters can ask their candidates to address work/family issues such as family leave this election season.

For information on FMLA, to interview families affected by the law, to interview FMLA author and National Partnership general counsel Donna Lenhoff, or for a copy of the Ask Your Candidates guide, please contact Margaret Sotham at 202/986-2600 or Sarah Varela at 202/371-1999.

The National Partnership for Women & Families, formerly the Women's Legal Defense Fund, is a non-profit, non-partisan organization that promotes fairness in the workplace, quality health care, and policies that help women and men meet the dual demands of work and family.

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conducted for
The National Partnership For Women & Families

February 1998

Survey Highlights

A new national survey on family and health care issues shows that American workplaces and American public policies are out of step with American families:

- **Americans demand more**. Americans say that pressures on working families, including pressures around time and health care, are getting worse, not better (Table 1). Nearly unanimously, they say that both employers and government should do more to help (Table 2). Nine out of ten (90%) say that employers should do more, while nearly three out of four (72%) say that government should do more.

- **Americans will vote for more**. By overwhelming majorities, Americans say that it is important for employers to provide more "family friendly" policies (Table 3), they support expansion of the Family and Medical Leave Act (Table 4), and they support national quality controls for health care (Table 5). Legislation to provide health care patient protections is favored by 91% of women and 88% of men. In addition, Americans say they would be more likely to vote for members of Congress who support these things as well (Table 6).

- **Americans will pay more**. Americans are willing to pay for the help they demand. Large majorities support expanding state unemployment and disability insurance to include family leave insurance (Table 7), and nearly two in three (64%) are willing to pay more each month for health care patient protections (Table 8).

Notably, these views cross political and demographic boundaries. Republicans and Democrats, working women and homemakers, baby boomers and seniors, people who are white, black and Hispanic - all agree that both employers and government should be doing more, all support FMLA expansion, and all demand better quality health care (Table 9). Republican support for FMLA expansion (70%) and health care patient protection (86%) is remarkably robust, while Democratic support is near-unanimous (87% for FMLA expansion, 95% for patient protection)

Moreover, Americans' time and health care demands are only likely to intensify over time. They expect that pressures on working families will continue to get worse (Table 10), and their expectations are warranted: large majorities - particularly among younger adults and baby-boomers - say they will need family leave or that they will have responsibility for the care of an elderly person during the next ten years (Table 11). Over two-thirds of Americans under 40 (69%) say they will need family leave in the next ten years; nearly two-thirds of those under 60 (65%) say they will have responsibility for elder care.

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Table 1

I am going to read some things that some people say are getting BETTER and other people say are getting WORSE. Please tell me whether you think each is getting BETTER or getting WORSE these days.				
	Women		Men	
	Better	Worse	Better	Worse
The health care system	30%	49%	29%	46%
Time pressures on working families	15%	65%	18%	63%

Table 2

I am going to mention some groups. For each group I mention, please tell me whether you think that group SHOULD or should NOT do MORE to help working families.				
	Women		Men	
	More	Not	More	Not
Should the government do MORE to help working families, or should government NOT do more?	74%	21%	70%	28%
Should employers and businesses do MORE to help working families, or should employers and business NOT do more?	90%	6%	89%	8%

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Table 3

Now, I'd like to ask you about some things that employers could provide their employees. I'd like to know how important each is. Please give each one a rating on a scale of one to ten, where ten means something that is EXTREMELY important for employers to provide, and one means something is NOT AT ALL important.	Percent who rate each 8, 9 or 10	
	Women	Men
Time off from work to care for a parent, child or spouse who is ill, for a new baby, or to recover from your own serious illness.	75%	65%
Time off from work to handle routine doctors' appointments for yourself or for someone in your family.	52%	43%
Time off from work to meet with your children's teachers.	56%	54%
Having enough flexibility to adjust your work hours to meet your family's needs.	60%	60%
Assistance in finding affordable and quality child care or elder care.	62%	50%

Table 4

I am going to describe some proposals concerning the Family and Medical Leave Act that may be considered by Congress. Please tell me if you STRONGLY favor, SOMEWHAT favor, somewhat OPPOSE, or STRONGLY oppose each one.	Women		Men	
	Favor	Oppose	Favor	Oppose
Expanding the FMLA to cover companies with 25 or more employees, instead of 50 or more employees.	84%	12%	74%	19%
Giving people 24 hours of unpaid leave per year to take family members to regular doctors' appointments or to meet with children's teachers.	88%	9%	81%	15%

Expanding the FMLA to cover more part-time workers, such as people who work more than one part-time job.	80%	13%	73%	21%
Allowing victims of domestic violence to take unpaid leave from work for things like court appearances or getting care for their children.	89%	6%	83%	12%

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Table 5

Now, suppose that Congress were considering a proposal called the Patient Protection Act, which would require health insurance companies and health plans to provide everything we just read.* Would you STRONGLY favor, SOMEWHAT favor, somewhat OPPOSE, or STRONGLY oppose this proposal?		
	Women	Men
Strongly favor	72%	63%
Total favor	91%	88%
Total oppose	4%	8%
* See questionnaire.		

Table 6

Imagine that your member of Congress were in FAVOR of ____. At the next election, would you be MUCH more likely, SOMEWHAT more likely, somewhat LESS likely, or MUCH less likely to vote for him or her, or wouldn't this make a difference to you?				
	Women		Men	
	More	Less	More	Less
Imagine that your member of Congress were in FAVOR of this Patient Protection Act...	75%	6%	71%	7%
Imagine that your member of Congress were in FAVOR of expanding the Family and Medical Leave Act to cover more working people...	63%	11%	51%	20%

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Table 7

Some states are considering proposals that would establish Family Leave INSURANCE. They could do this by expanding unemployment or disability insurance to provide partial wages when people need to take time from work to care for a newborn or a newly adopted child, to care for a seriously ill parent, child, or spouse; or to recover from their own serious illness. Would you STRONGLY favor, SOMEWHAT favor, somewhat OPPOSE, or STRONGLY oppose that proposal?		
	Women	Men
Strongly favor	55%	43%
Total favor	82%	75%
Total oppose	10%	19%

Table 8

If the Patient Protection Act were to raise your out-of-pocket costs for health insurance, how much more would you be willing to pay a month for these protections?		
	Women	Men
Nothing	22%	23%
One to five dollars a month	25%	24%
Five to ten dollars a month	17%	17%
Ten to fifteen dollars a month	9%	10%
Fifteen to twenty dollars a month	11%	15%
Total willing to pay	62%	66%

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Table 9

	Percent who favor expanding FMLA	Percent who favor a national Patient Protection Act
Republicans	70%	86%
Republican women	77%	87%
Republican men	63%	84%
Independents	79%	89%
Democrats	87%	95%
Under age 40	83%	93%
Age 40 to 59	82%	89%
Age 60 and over	71%	86%
Working women	86%	92%
Homemakers	83%	89%
Retired women	75%	87%
White	78%	89%
Black	87%	96%
Hispanic	83%	89%

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Table 10

Now, tell me whether you think each of these WILL get harder or easier during the NEXT five years.				
	Women		Men	
	Harder	Easier	Harder	Easier
Making sure your family can get quality health care.	43%	38%	42%	41%
Finding time for both work and family responsibilities.	49%	33%	46%	34%

Table 11

Thinking ahead to the next ten years, how likely is it that you will need to take time off from work to care for a newborn or a newly adopted child, to care for a seriously ill parent, child, or spouse; or to recover from your own serious illness - is it VERY likely, SOMEWHAT likely, somewhat UNlikely, or VERY unlikely?				
	Women		Men	
	Likely	Unlikely	Likely	Unlikely
Under age 40	67%	28%	71%	24%
Age 40 to 59	54%	41%	53%	41%
Age 60 and older	17%	69%	22%	68%
Thinking ahead to the next ten years, how likely is it that you will be responsible for the care of an elderly parent or relative - is it VERY likely, SOMEWHAT likely, somewhat UNlikely, or VERY unlikely?				
	Women		Men	
	Likely	Unlikely	Likely	Unlikely
Under age 40	65%	32%	65%	33%
Age 40 to 59	66%	32%	62%	34%
Age 60 and older	25%	65%	30%	64%

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Summary of Survey Results

Despite an improving economy, Americans say that pressures on their families are getting worse, not better. *Time* and *health care* are central to these pressures:

- *Time.* By a margin of three to one, Americans say that "time pressures on working families" are getting worse (64%), not better (17%), and that "finding time for both work and family responsibilities" has gotten harder (59%) for families like theirs, not easier (22%), over the past five years.
    - Indeed, Americans are more likely to say time pressures are getting worse than that crime is getting worse (56% worse, 27% better), and they say that finding enough time for both work and family is as hard as making ends meet (57% harder, 33% easier). In the end, half of Americans *personally* worry about "shortchanging your family, your job, or yourself because you do not have enough time to do everything you need to do" (46% worry at least somewhat often, 24% very often).
    - Both women and men feel significant time pressures. 63% of men and 65% of women say that time pressures are getting worse.

- *Health care.* Americans think the health care system is getting worse (48%), not better (30%), and that "making sure your family can get quality health care" has gotten harder (48%), not easier (32%).
    - One in two *personally* worries about having health care costs not covered by insurance (52% worry, including 32% who worry *very* often), about "getting quality health care if you or someone in your family gets sick" (46% worry, including 27% who worry *very* often) and about "having your health insurance or health plan deny you coverage for treatment or access to a specialist that your doctor recommended" (47% worry, including 26% who worry *very* often).

- Women with kids at home, whether they work or not, worry somewhat more about health care issues than women without kids. For example, 56% of working mothers and 60% of non-working mothers worry often about health care costs, compared to 51% of women who do not have children.

Americans have high expectations of both business and government; they want both to help ease the pressure on working families.

- While just 34% think that employers are doing a good job now in making changes to help workers meet family needs, a majority (58%) think (or hope) that they will be doing a better job five years from now. Moreover, Americans are nearly unanimous in their belief that "employers and businesses should do more to help working families" (90%).
  - Republicans and Democrats agree on this: 88% of Republicans say that employers and business should do more, compared to 93% of Democrats. Women and men also agree on this; 89% of men and 90% of women say that employers and businesses should do more. On this issue, the partisan gap is equally small among men and women.
- A smaller but also substantial majority think that "government should do more to help working families" (72%). Democrats and Independents, among both men and women, believe this by wide margins (84% of Democrats and 77% of Independents). Among Republicans, Republican women agree that government should do more (60%); it is only Republican men who do not (44% say government should do more, 54% say it should not).
  - Younger Americans are more likely than older people to believe that government should do more. Among both men and women, more than 75% of those under age 50 say government should do more, rising to more than 80% among those under age 30.
  - Hispanic and African Americans are more likely than whites to say that government should do more: 90% of African Americans and 88% of Hispanics, compared to 68% of whites, say government should do more.

Large majorities support both public and private solutions to the time pressures on families.

- ***Business.*** Large majorities of Americans believe it is important for employers to provide workers with the ability to take time for their families: 77% say it is important for employers to provide employees time off from work to care for an ill family member or new baby; 59% say it is important for employers to provide employees with enough flexibility to adjust their work hours to meet their families' needs. In addition, 57% say it is important for employers to provide assistance in finding child or elder care. About half say it is important for employers to provide employees time off to meet with their children's teachers (55%) or for routine doctors' appointments (48%).

- *Government.* Of the 59% of Americans who are familiar enough with the federal Family and Medical Leave Act to have an opinion, nearly nine out of ten (88%) have a favorable opinion, while just 12% are unfavorable. Moreover, by wide margins, Americans favor expanding the FMLA further:
  - 79% support expanding the FMLA threshold to cover mid-size companies, lowering the threshold from 50 to 25 employees, including 52% who support this *strongly*;
  - 84% support providing an additional 24 hours leave for routine doctors' appointments or meetings with children's teachers, including 62% who support this *strongly*;
  - 79% support states establishing Family Leave Insurance by expanding unemployment or disability insurance, including 50% who support this *strongly*;
  - 86% support allowing victims of domestic violence to use the FMLA to take leave, including 63% who support this *strongly*;
  - 77% support expanding the FMLA to cover more part-time workers, including 48% who support this *strongly*.

Women also want and expect employers to do a better job in treating women fairly.

- Currently, a majority of American women do *not* think employers are doing a good job in "treating women fairly for pay and promotions": 39% say the job they are doing is "just fair," and another 19% say it is "poor." Just one in three say employers are doing a good job, including 29% who say they are doing a "good" job and 7% who say they are doing an "excellent" job.

- At the same time, expections are high: two in three women expect that employers will be doing a better job on this issue five years from now (67%), compared to just 12% who expect them to do worse and 15% who predict little change.

Time issues are not "women's" issues; they are family issues.

- Across the board, men are as likely as women to say that it is important for employers to give workers time off to meet family responsibilities, and large majorities of men as well as women support FMLA expansion.

- Support for expanding the FMLA is as strong among homemakers as among women in the workforce. Indeed, there is no significant difference at all between homemakers' support for each of the ways FMLA could be expanded, and support among full-time working women.

- Concerns over time issues are only likely to intensify over the next decade. One in three Americans, and as many men as women, say it is "very" likely that they will need to take family leave during the next ten years (29%), and a majority say it is at least "somewhat" likely (51%). Similar proportions expect to have responsibility for the care of an elderly parent or relative: 31% say this is "very" likely, 54% say this is at least "somewhat" likely.
    - These concerns are highest among younger Americans: 69% of those under age 40 say it is likely they will need family leave in the next ten years, including 74% of those under 30. Sixty-nine percent of those aged 30 to 39 say they will have responsibility for an elderly person.
    - Hispanic Americans and African Americans are more likely than white Americans to expect to need leave during the next ten years: 57% of these minorities expect to need leave, compared to 47% of whites.

- Not surprisingly, mothers have the most intense concerns about time for family needs, and there is little variation across marital or work status. Women with children at home are much more likely than non-mothers to say that it is extremely important to them personally for employers to provide time off for a family illness (69% of mothers rate this a "10" in importance, compared to 53% of women without children at home), teachers' visits (46% and 28% respectively), or flexible hours (47% and 33%). Married and unmarried mothers have similar levels of intensity, as do homemakers and mothers who work outside the home.

In choosing a health care plan, *quality* is the single most important concern, and Americans are more willing than ever both to demand quality standards and to pay more for them if necessary.

- Half say that "the quality of care" is the single most important thing to them in choosing a health care plan (47%), compared to fewer than one in five who say they care most about the type of services covered (14%), the choice of doctors (14%), or the cost (14%). This is true among both men and women: 48% of men and 46% of women say that quality is most important.

- Nearly all Americans agree that "health insurance companies and health plans should be required to meet basic quality standards" (93%). Two-thirds believe that these standards should be set at the national or state level (66%). Only a small minority would leave standards to competition in the marketplace (17%).

- Nine in ten (90%) of Americans would support a national Patient Protection Act including a wide array of quality standards, including 68% who would support this strongly. Support is equally strong among men (89%) and women (91%), and it is nearly as strong among Republicans (86%) as independents (89%) and Democrats (95%).

- The most important elements of such an act include a wide range of basic protections, including standards that have particular relevance for women:
  - "Your doctor, rather than the insurance company, having the last word on how long you should stay in the hospital": 90% say this is very important, including 64% who say it is *extremely* important.
  - "Having confidence that your health insurance company or health plan will keep your records completely confidential": 90% say this is very important, including 61% who say it is *extremely* important.
  - "Making sure that your doctor is allowed to discuss any treatment or procedure with you that might be appropriate, even if your health insurance or health plan does not cover it": 92% say this is very important, including 58% who say it is *extremely* important.
  - "Being able to appeal any decision your health insurance company or health plan makes denying you coverage for a certain treatment": 90% say this is very important, including 56% who say it is *extremely* important.
  - "Having clear information on what services are and are not covered by your health insurance or health plan": 91% say this is very important, including 56% who say it is *extremely* important.
  - "Having doctors who are specifically trained in women's health care needs": 82% of women say this is very important, including half (51%) who say this is *extremely* important.
  - "Being able to schedule an appointment directly with a gynecologist or obstetrician without having to be referred by your primary doctor": 78% of women say this is very important, including 48% who say this is *extremely* important.
  - "Being able to choose a gynecologist or a pediatrician as the primary doctor for yourself or a member of your family, instead of a general practitioner": 74% of women say this is very important, including 41% who say this is *extremely* important.

- Two-thirds of Americans are willing to pay more for these protections, despite rising health care costs: 63% are willing to bear higher out-of-pocket costs for these protections, including 40% who are willing to pay more than five dollars a month. Only 22% say they would not be willing to pay more.

- Women make the health care decisions. Two-thirds of women (63%) say they make most of the decisions about their families' medical care, compared to half of men (52%). Similarly, half of married women (50%) say they make most of the health care decisions in their families, compared to just a third (35%) of married men.

Americans rely on a range of sources for information about their health plans.

- People rely most on their insurance companies and plans for information: 47% say they rely a lot on their plan for information, 72% rely at least some on their plan. Doctors and employers, however, are also key sources of information: 61% rely on their doctors for information, including 39% who rely on them a lot, 50% rely on their employer, including 27% who rely on their employer a lot.
    - Seniors and people with less eduction rely as much on their doctor for information about their plan (48% of seniors and 44% of high-school educated Americans rely on their doctor a lot) as on their insurance company or health plan.
    - Younger people tend to rely more than others cn family and friends for health plan information (41% of people under 40 rely on family and friends at least some, compared to 27% of seniors).
- Women in traditional fee-for-service plans are much more satisfied with the information they get from their health plan than women in managed care: 41% of women in traditional plans say the information provided is excellent, compared to 32% of women in PPOs (preferred provider organizations) and just 27% of women in HMOs (health maintenance organizations).
- In general, Americans rate the information they get from their employers more highly than the information they get directly from their health plan: 36% say the information they get from their employer is excellent and 20% say it is "just fair or "poor," compared to 30% who say the information they get directly from their health plan is excellent and 25% who say it is fair or poor. For both employers and plans, 42% say the information they get is "good."
    - Hispanic and African Americans are less likely than whites to be positive about the information they get on their health care plans: 33% of whites, compared to 20% of African Americans and 21% of Hispanics, say that the information they get from their health plan is "excellent"; 38% of whites, compared to 28% of African Americans and 32% of Hispanics say that the information they get from their employer is "excellent."

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Family and Medical Leave Act Feature Story of the Month

Christie Sens
Arlington, Virginia

FAMILY LEAVE -- CHILDBIRTH

According to working mother Christie Sens:

Ms. Sens is a first grade teacher for a public school in Fairfax County. In 1993, after learning she was pregnant with her first child, she called the personnel department to find out about the school's maternity leave policy. Initially, she was told that she had to choose between taking either six weeks or an entire year of leave.

Although she thought six weeks was not enough to spend with a newborn, Ms. Sens also knew one year was a period her family could not afford without her salary. When her husband told her about the newly passed Family and Medical Leave Act, she obtained a copy of the Act and sent it to the school. Though it took five long months before the school adjusted its policy to the FMLA, Ms. Sens was granted 12 weeks of leave after the birth of her daughter, Emilia, and was allowed to go back teaching a first-grade class, as she had before the leave, on her return.

While Ms. Sens' class enjoyed a wonderful substitute in her absence, she had time to recover, bond with her child and find her a suitable day care provider. She concluded, "My entire family benefitted immensely from the law. At the same time, I feel confident that had I been forced to return to the classroom six weeks after giving birth to a new baby, my six-year-old students would have suffered. I can't imagine what Emilia's and my first few months would have been like if not for this excellent law."

In late 1995, Ms. Sens was pregnant with her second child and again was able to rely on the FMLA. Her son, Jonah, will turn three on February 20, 1999. Ms. Sens added, "Thank God for the FMLA! I really do not know what my husband and I would have done without it. I knew I did not need to worry about my job because the FMLA was there."

Christie Sens testified before the Family Leave Commission on August 4, 1995

Have YOU ever needed to take family or medical leave? The

National Partnership for Women & Families wants to know your story! Stories are the best way to show how well the FMLA is working and why more families need its protection. Please take a few minutes to answer some basic questions.

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FMLA Q & A

National Partnership for Women & Families

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 time off from work to care for their families or themselves.

Before this law was enacted, many American employees were unable to take time off from work in family emergencies for fear of losing their jobs. In fact, according to the U.S. Bureau of Labor Statistics, in 1990 only 37 percent of all working women in firms with 100 employees or more were eligible for unpaid maternity leave upon the birth of a child. In the decades before this law, untold thousands of employees were forced to choose between caring for their families or keeping their jobs.

To address this intolerable situation, the FMLA was developed. It guarantees that people who work for companies with more than 50 employees can take up to 12 weeks' unpaid leave a year to care for a newborn or newly adopted child or for certain seriously ill family members, or to recover from their own serious health conditions.

Although this law is relatively straightforward, some employees and employers may be unsure about how it actually works. This Guide is designed to answer many frequently asked questions about the FMLA. It is generally based on the regulations explaining the FMLA issued by the U.S. Department of Labor (Labor Department), which enforces the law.

This Guide explains the operation of the federal FMLA alone. In many cases, however, employees have additional protections against losing their jobs -- such as protections found in state family and medical leave laws, union contracts, or laws that prohibit discrimination on the basis of disability. These may provide greater benefits or security than the federal FMLA. For example, the FMLA guarantees 12 weeks of leave a year; but state law, a union contract, or the *Americans with Disabilities Act* may give an employee a longer period of job protection. *(See Questions 53-55 for more information about other laws that also affect family and medical leave.)*

This Guide can only describe the law and regulations in general. To find out how the FMLA, as well as the laws or contracts mentioned above, affect your particular situation, contact a lawyer who specializes in employees' rights, the Labor Department's Wage and Hour Division (1.800.959.FMLA), your state labor department, and/or your union.

Read the entire text

Download the FMLA Q & A

Or choose a topic below--

- **The Family and Medical Leave Act:**
  The Basics
- **Family Leave**
  Caring for a New Baby -- for Moms and Dads, Births and Adoptions
  Caring For a Seriously Ill Child, Spouse, or Parent Questions
  Using Vacation or Sick Leave to Care for a Family Member
- **Medical Leave**
  Taking Leave for Your Own Serious Illness
  Medical Certification Requirements
  Using Vacation or Sick Leave During Your Own Serious Illness
- **How the FMLA Protects Your Job & Health Insurance**
- **Requirements for Notifying Your Employer**
- **Does the FMLA Apply to Everyone?**
- **What Should I do if my Employer Violates my Rights under the FMLA?**
- **Other Laws**
- **Supplements to the Guide: Special Questions on Infertility and Adoption**
- **More Family and Medical Leave Materials Available From the National Partnership for Women & Families**

Guía para la Ley sobre Licencias por Razones Familiares y Médicas (Family and Medical Leave Act - FMLA): Preguntas y respuestas

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What The Family And Medical Leave Act Means To You

What does the Family and Medical Leave Act ("FMLA") do?

The law allows you to take up to 12 weeks of unpaid leave from your job every year:

- to care for newborn or newly adopted children;
- to care for children, parents or spouses who have serious health conditions; or
- to recover from your own serious health condition.

After you take family or medical leave, the law entitles you to return to your previous job, or to an equivalent job with the same pay, benefits and other conditions.

This law goes into effect for most employers on August 5, 1993. If you have a union, the effective date depends on your collective bargaining agreement -- check with your union.

Am I covered by FMLA?

You are covered if:

- you work for a private employer that has 50 or more employees within 75 miles of your workplace, the federal government, or a state or local government; and
- you have worked for your employer for one year and at least 1,250 hours during the previous year.

How will taking family and medical leave affect my health insurance?

Your employer must continue to pay your health insurance premiums at the same rate while you are on leave. But if you don't return to work after leave, your employer may try to recover the cost of the health insurance premiums -- unless the reason you didn't return to work was continuation of a serious health condition or other circumstances beyond your control.

When do I have to tell my employer that I want to take family or medical leave?

If you need leave for birth or adoption of a child or for a planned medical treatment, you must give 30 days' advance notice -- or as much notice as is possible under the circumstances.

No advance notice is required for unplanned medical conditions or treatments.

Do I need any information from a doctor?

Your employer may require you to obtain certification from a doctor or other health care provider if the leave is for a serious health condition -- your own or a family member's.

The certification must include the date the condition began, how long it will probably last, and the schedule of treatment. The U.S. Department of Labor provides a form that health care providers can fill out.

What if my employer doesn't give me the leave or doesn't give me my job back when I return from leave?

You can file a complaint with the Department of Labor, or sue your employer. The Labor Department's Wage and Hour Division has offices throughout the United States. Look in your local phone book for the nearest office, or call the U.S. Department of Labor at 202 219-6666.

If your rights under the FMLA are violated, you may get your job back, and get damages for your lost wages and benefits and legal costs. The damages could be up to double what you actually lost in pay.

What if my state has a law that is different from the federal FMLA?

States can require that employees receive family and medical leave that is more generous than federal law. But no state can provide fewer rights. To find out more about your state's law, contact your state's labor department.

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What It Took to Pass the Family and Medical Leave Act
A Nine-Year Campaign Pays Off

Donna R. Lenhoff, General Counsel
National Partnership for Women & Families
August 18, 1994

The phone call was from someone in Representative Howard Berman's office. A federal district court had recently struck down California's maternity-leave law as sex discrimination against men. Could I come to a meeting with the Congressman and then-California state legislator Maxine Waters to discuss how to "save" maternity leave?

On that afternoon in 1984, I had the usual millions of things to do, but I jumped at the chance to address parental leave with a legislator. Since Congress had passed the Pregnancy Discrimination amendments in 1978, we in the feminist legal community had been acutely aware that traditional maternity-leave programs were woefully inadequate. First, they were state- or employer-specific: there was no national policy; indeed, the United States stood shamefully alone among industrialized nations in not guaranteeing women their jobs after they had babies. Second, maternity-only leave programs might run afoul of principles of equality for which we had fought dearly. And finally, such programs did not address women's (and men's) needs for family leave beyond periods of childbirth-related disability. Might this initiative be an opportunity to establish comprehensive, gender-neutral family and medical leave on a national basis?

The meeting did turn out to be the pivotal first step. Convinced that the problem needed more than just a "fix" for the California maternity-leave law, Representative Berman agreed to pursue our approach. After the meeting I sat down at a typewriter (yes, a typewriter!) with a member of his staff and outlined a legislative proposal. That draft was the basis of what eventually became the Family and Medical Leave Act ("FMLA"), of which Berman, along with Representatives Patricia Schroeder and William Clay and Senator Christopher Dodd, were original cosponsors.

To begin building support for this bill, the National Partnership for Women & Families, then called the Women's Legal Defense Fund, established and led a diverse national coalition of women's, labor, disability, children's, religious, senior citizens' groups, and even the United States Catholic Conference. But it took a long ten years from that day in 1984 -- years that saw virtually every twist and turn of the legislative process -- before the bill became the law of the land.

FMLA's predecessor was first introduced in the 99th Congress (1985-86), and though it was reported

President Clinton wanted to make FMLA the first law he signed, and as soon as possible...

out of Committee in the House it never even saw a hearing in the Republican-controlled Senate. In the 100th Congress, Senator Dodd's Subcommittee on Children and Families heard from dozens of witnesses at seven hearings around the country; the bill prompted then Vice-President George Bush to make a campaign promise to the effect that "women shouldn't lose their jobs when they have new babies or sick children"; but in the end, proponents couldn't defeat a filibuster in the full Senate.

In 1990, and after some significant compromises that reduced the period of leave entitlement and raised the small-employer exemption, the bill had gained sufficient bipartisan support -- including from many anti-choice Members who could not oppose a bill that made it easier for women to have babies -- to pass both the House and the Senate. One of the best moments in that House debate was when Representative Henry Hyde, Republican and arch enemy of women's right to choose, rose to speak in favor of FMLA! Nevertheless, President Bush reversed his campaign promise and vetoed the FMLA that year, and the House failed to override the veto.

By the 102nd Congress (1991-92), FMLA had become such a cause celebre that its advocates were able to secure the coveted bill numbers "H.R. 2" and "S. 5" for it -- signaling that it was one of the top five priorities of the leadership for that Congress. After a final compromise that tightened notice and eligibility requirements and created an enforcement mechanism parallel to that of the Fair Labor Standards Act, the bill passed the Senate overwhelmingly -- with a veto-proof margin. In the House, however, the margin was still insufficient to override, and President Bush's second FMLA veto became a key issue in the 1992 Presidential campaign.

Finally, in 1993, all the years of attending drafting sessions with Legislative Counsel, reviewing Committee Reports, assessing compromise proposals, and organizing -- organizing witnesses' testimony and press conferences and constituent visits and target lists and editorial-board mailings and "Hill drops" and fact-sheet distribution and research dissemination and endless coalition meetings -- were, thankfully, over. President Clinton wanted to make FMLA the first law he signed, and as soon as possible. So starting on Inauguration Day we worked furiously to ready the bill once more for passage, and this time for signing. Senator Dodd held his hearing on FMLA the Friday after Inauguration; the House hearing and Committee action in both chambers were completed within a week. The following Thursday, both the House and Senate passed the bill, and the very next day, a balmy February 5, 1993, President Clinton held his first signing ceremony in the Rose Garden.

FMLA went into effect for most employers six months later, and in every community there are workers with personal stories of how this law Act has provided badly needed security in times of crisis. Two examples:

- Maria Herrera, a nurse assistant in San Rafael, California, returned from pregnancy leave to learn that her employer had changed her work shift to include weekend hours. Because Ms. Herrera could not find affordable child care for an infant on weekends, she was successful in getting reinstated to her former shift because the FMLA requires reinstatement to an equivalent position.

- Kenny Weaver, a technician at an oil plant outside Houston, was able to take time off to be with his eleven-year daughter in the last few weeks of her life before she died of cancer because of FMLA.

The Government Accounting Office estimates that 2.5 million people will be eligible to take family or medical leave each year.

Of course, FMLA is far from perfect. It does not cover workers at firms that employ fewer than 50 employees -- about half the workforce. And it guarantees only unpaid leave, which families who depend on each paycheck to survive often cannot afford to take (although it does help them to retain their jobs, and the prospect of paychecks, when they have no choice but to be on leave because of a medical condition). But it is a start, a foundation upon which we can build the kind of family-supportive work environment that women need to have true equal opportunity, that families need to cope with the increasing demands of our economy, and that employers need to increase their workers' productivity.

The entire history of the FMLA can be found in *Conflict and Compromise: How Congress Makes the Law,* by Ronald D. Elving (Simon & Schuster, 1995).

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Work & Family

National Partnership for Women & Families

The FMLA Works for America's Working Families and Employers: Findings of the Family Leave Commission

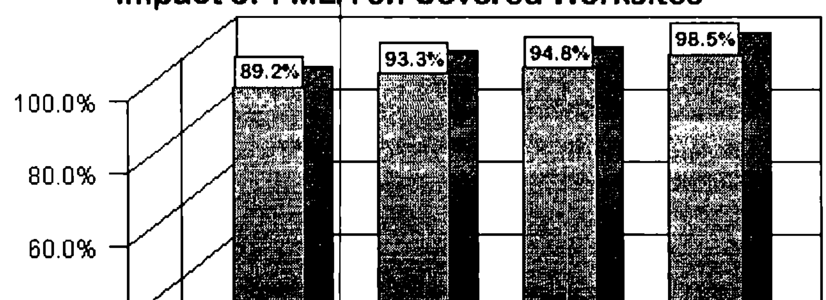
The Family and Medical Leave Act (FMLA) of 1993 helps American working families care for new babies and cope with serious illnesses without losing their jobs or health insurance. When the FMLA became law, Congress created the bi-partisan Commission on Leave to study the FMLA's impact on both employers and employees. In 1995, the Commission conducted two separate national, random-sample surveys, asking employers and employees about their experiences with the FMLA and family and medical leave in general. This extensive, nationally representative research showed that the FMLA helps working families without hurting employers, despite opponents' dire predictions. What follows are some of the Commission's most significant findings, drawn from its report, A Workable Balance: Report to Congress on Family and Medical Leave Policies (1996).

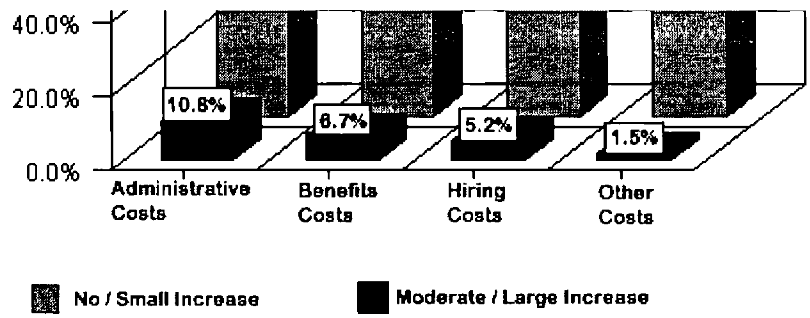
Employees Need and Use the FMLA

- The survey found that about one-fifth of American workers needed some form of FMLA-covered leave. Men took 42% and women 58% of all leaves.
- Nearly two-thirds (64%) of employees who needed -- but did not take -- family or medical leave did not take it because they could not afford to use unpaid leave.
- Nine percent of FMLA leave-takers were forced to turn to public assistance to help cover the wages they lost as a result of taking family or medical leave. Of women leave-takers, this percentage was even higher: 12%.
- Most periods of leave are short -- ten days is the median length -- with the great majority (almost 90%) falling within the FMLA's 12-week limit.
- The majority of leave-takers -- 84% -- return to their same employer after leave.

Cost to Employers

Impact of FMLA on Covered Worksites





- The great majority of covered worksites -- between 89.2 and 98.5% -- found that compliance with the FMLA entails little or no cost in four broad areas: general administrative costs; cost of continuing health benefits; costs associated with hiring and training replacements for employees on leave; and "other" costs.
- The FMLA has not proved to be the administrative burden employers had feared. The vast majority of covered worksites (over 90%) found it very or somewhat easy to determine whether the FMLA applies to them and to determine employee eligibility. A significant majority also found other administrative responsibilities to be very or somewhat easy.
- The majority of worksites also reported that the FMLA had no noticeable effect on their productivity (86.4% of worksites), profitability (92.5%), or growth (95.8%). To the contrary, most covered employers found that the FMLA had significant positive effects in employee career advancement, employee productivity, and employees' ability to care for family members.
- Covered worksites' actual experiences with the FMLA were much more positive than non-covered businesses anticipated. Almost 17% of non-covered worksites anticipated that the FMLA would require a large increase in administrative costs, and 18% anticipated a large increase in hiring and training costs. But only 1.4% of covered worksites actually experienced a large increase in administrative costs, and only 1% experienced a large increase in hiring and training costs.

The FMLA Has Had a Positive Impact on Employer Leave Practices

- Two-thirds of covered worksites changed some aspect of their policies to comply with the FMLA -- most commonly, to increase the reasons for which employees can take leave.
- Worksites covered by the FMLA offer significantly different family and medical leave policies than do non-covered worksites. Among non-covered worksites, only one-third offer parental leave, and less than half (41.7%) offer leave to care for a seriously ill child, spouse, or parent.

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good, scrubbed data.

Carol - This was never released

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.

we announced our support for this last yr.