

CHRISTOPHER J. DOOD
CONNECTICUT



July 31, 1998

*Note in
Following up.*

*Can't
Schedule
Bowel Need
Hearing
Please make
them be
included
in formal
way*

Dear Erskine:

I was pleased to get your note back on my ideas for an event with the President highlighting the success of the Family and Medical Leave Act and looking toward future policy initiatives in this area. For too long, this strong Democratic initiative has been absent from our message.

It was unfortunate that we were not able to schedule the event to coincide with the 5th Anniversary of the implementation of the Act on August 5. However, I am very pleased that your office is now planning on an event in September when the Congress returns. I think it is crucial that we identify a date and begin organizing an event now. In this regard, I am hopeful that my staff can work with yours to develop a strong event.

Sincerely,

The Honorable Erskine Bowles
Chief of Staff
Office of the President
The White House
Washington, D.C.

*Jon/Nicole/EK
What shd we do?
BR*



CHIEF OF STAFF TO THE PRESIDENT
THE WHITE HOUSE

August 4, 1998

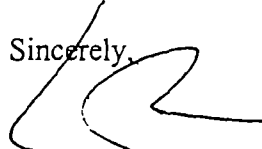
Dear Senator Dodd:

Thank you for your note concerning your request for an event highlighting the success of the Family and Medical Leave Act. I certainly agree that this initiative should be a strong part of our message.

We are working on a date now and look forward to your participation when the event has been organized. Your staff will, of course, be contacted for input.

With all good wishes, I am

Sincerely,


Erskine B. Bowles

Chris Dodd
Follow up
ttt
Kim
get it
for the
The Honorable Christopher Dodd
United States Senate
Washington, DC 20510

National Partnership
for Women & Families

September 17, 1998

Jennifer Klein
Special Assistant to the President for Domestic Policy
The White House
1600 Pennsylvania Avenue, NW
Second Floor, West Wing
Washington, DC 20500

Dear Ms. Klein:

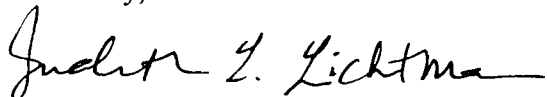
As you know, this past August 5th marked the fifth anniversary of the effective date of the Family and Medical Leave Act (FMLA) of 1993. We have attempted to do a "round-up" of the media coverage that this anniversary received -- which included a feature on ABC's Good Morning America with a live appearance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

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

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

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

Sincerely,



Judith L. Lichtman
President

Enclosures

Family Leave Offers a Matchless Gift – Care Time at Home

BY MARILYN GARDNER
STAFF COLUMNIST OF THE CHRISTIAN SCIENCE MONITOR

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

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

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

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

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

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

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

similar grounds.

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

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

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

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



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

Editorials

Happy birthday to family leave

One small step is taken toward making workplaces friendlier.

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

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

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

women, took FMLA leaves.

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

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

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

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

Celebrating the Family and Medical Leave Act

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

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

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

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

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

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

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

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

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

There is a bill in Congress that would lower the



TERESA BURNERY
COLUMN

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

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

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

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

"That is not true."

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

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

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

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

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

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

Kansas City Star
Kansas City, MO
August 2, 1998

Resources explain fine points of Family and Medical Leave Act

By The Star's Staff

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

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

rights similar to those granted by the law.)

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

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

A Time For Caring

San Francisco Chronicle
San Francisco, CA
August 3, 1998



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

BY LIZ HAFALIA/THE CHRONICLE

Family & Medical Leave Act is a workplace success story

By Itana DeBare
Chronicle Staff Writer

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

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

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

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

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

dent George Bush before President Clinton signed it into law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



BY LIZ HAFALIA/THE CHRONICLE

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

in a hospital.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FAMILY & MEDICAL LEAVE ACT RESOURCES

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

FOR EMPLOYEES

National Partnership for Women & Families. Nonprofit group that lobbied to pass the FMLA and is now pushing to expand it to cover more people. They offer brochures in English and Spanish on the FMLA. See their Web site at www.nationalpartnership.org, or call (202) 986-2600.

Employment Law Center. This San Francisco group, a project of the Legal Aid Society, offers free legal advice on FMLA issues at (800) 880-8047.

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

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

FOR EMPLOYERS

One Small Step. Bay Area employer association that encourages the development of work/family benefit programs. It has a 77-page booklet titled "The Nuts and Bolts of FMLA, CFRA & PDL" that addresses employers' questions about family and pregnancy leave. It costs \$45 and can be ordered from (415) 772-4315.

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

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

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

GENERAL INTEREST

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

Department of Fair Employment & Housing. State agency that offers question-and-answer brochures on the California Family Rights Act and on pregnancy disability leave. Call (800) 884-1634 for more information.

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



BY LEA SUZUKI/THE CHRONICLE

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

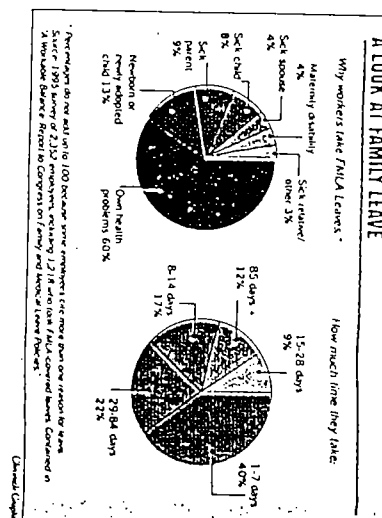
CALIFORNIA LEAVE LAWS

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

	Family & Medical Leave Act (U.S.)	California Family Rights Act (Calif.)	Pregnancy Disability Leave (Calif.)
Which employers are covered?	Private companies that employed 50 or more workers for at least 20 weeks of the current or preceding year. Government agencies regardless of number of employees.	Private companies with 50 or more workers. State and local government agencies, regardless of number of employees.	Employers with five or more workers, except for nonprofit religious groups.
Which workers are covered?	Employees who have worked for a covered employer for 12 months and worked at least 1,250 hours in the 12 months before their leave. Their company must also employ at least 50 people within a 75-mile radius of their work site.	Same as FMLA.	Any employee, full or part time.
How much time off is provided for?	Up to 12 weeks of leave in a 12-month period. Can be taken at one time or in intermittent segments.	Same as FMLA.	Up to four months.
What justifies a leave?	Serious health condition of the employee, including pregnancy disability; care of a parent, spouse or child with a serious health condition; birth of a child or placement of a child for adoption or foster care.	Same as FMLA, except state CFRA leave cannot be used for a pregnancy disability leave.	Disability related to pregnancy, childbirth, or related medical conditions.
What happens to an employee's health benefits while on leave?	Employer must continue health coverage under the same terms as if the employee were working, for up to 12 weeks.	Same as FMLA.	Employer is not obligated to continue health coverage. However, to the extent that pregnancy disability leave coincides with FMLA leave, the employer must continue health coverage under the provision of FMLA.
Is the employee entitled to his or her old job back?	Same or equivalent job, with equivalent pay. However, some high-level employees (the highest-paid 10 percent) may not be entitled to reinstatement if it would financially hurt the company.	Same or comparable job, with same exception as FMLA for high-level employees.	Same job. However, employer can provide a comparable job if reinstating a worker to her previous job would substantially harm the business.
Can the leave be added on to these other forms of leave?	No. Time off under CFRA or PDL is counted toward an employee's 12-week FMLA limit. So if an employee has already spent four months on pregnancy disability leave, she is not entitled to 12 more weeks under FMLA.	Can be added to pregnancy disability leave. So an employee could get four months off for pregnancy disability, and then another 12 weeks of family leave to bond with her baby or care for an ill relative.	Can be added to CFRA. So an employee could get four months off for pregnancy disability, and then another 12 weeks of family leave to bond with her baby or care for an ill relative.

Source: "The Nuts and Bolts of FMLA, CFRA & PDL" by One Small Step, San Francisco.

A LOOK AT FAMILY LEAVE



Workstation

The Orlando Sentinel

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

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

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

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

On the job

DIANE

SEARS
CAMPBELL

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

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

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

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

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

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

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

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

Back-to-nature motivation

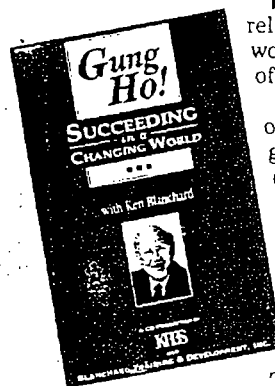
Workers and managers looking for motivation might want to try going back to nature.

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

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

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

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



The hourlong program by the author of *The One Minute Manager* is

based on a book he co-wrote with Sheldon Bowles, *Gung Ho! Succeeding in a Changing World* (William Morrow & Co., \$20). It airs at 5 p.m. Saturday, 5 p.m. Monday and 6 p.m. Aug. 23.

Level the playing field

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

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

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

Desktop data

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

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

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

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

Some calling for expansion of leave act

By Cathleen Ferraro
Bee Staff Writer

Working Americans never should have to choose between the job they need and the family they love. That was the Clinton administration's message Wednesday as it trumpeted the fifth anniversary of the Family and Medical Leave Act — a sweeping federal law allowing workers to take up to 12 weeks of unpaid, job-protected leave.

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

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

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



Alexis M. Herman

Please see FAMILY, page F2

Family: Changes in law being pushed

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

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

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

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

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

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

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

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

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

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

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

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

By Patricia Kitchen. STAFF WRITER

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Where to Get Information For More Information ...

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

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

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



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Family Leave Act, five years later

By Ann Bookman, 08/03/98

COLUMNS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This story ran on page A11 of the Boston Globe on 08/03/98.
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Fax Cover Sheet

**Wage and Hour
U.S. Department of Labor
200 Constitution Avenue, NW, Room S3502
Washington, DC 20210**

From Suzanne Seiden*Phone: 202/219-8305**Fax: 202/219-4753**email address: sbs@fenix2.dol-esa.gov***Today's date:** 7/31/98**To:** Nicole Rabner**Fax #:** 456-2878**Number of pages including cover sheet:** 10

Notes:

Re: FMLA

Final FMLA draft report
+ our enforcement statistics.

I will try to send you a draft
POTUS statement Monday morning.

Suzanne

DRAFT

7/31/98 5:00pm

Five Years of Success

Report on the Family and Medical Leave Act

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

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

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

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

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

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

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

Five Years of Success

Report on the Family and Medical Leave Act

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

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

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

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

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

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

¹ The FMLA allows employees up to 12 weeks unpaid leave a year to care for seriously ill family members, the birth or adoption of a child or their own serious health problems. Public agencies and private employers with 50 or more workers must offer eligible employees family and medical leave. The law covers about 60 percent of the private sector American labor force — about 68 million workers.

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

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

Enforcement

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

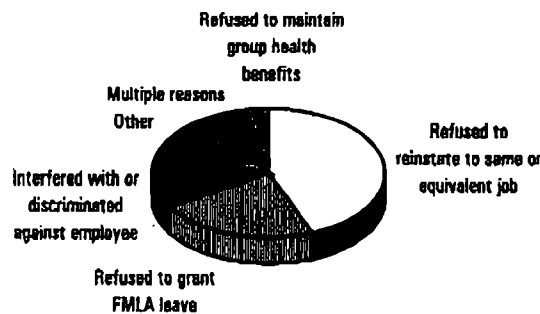
An analysis of the FMLA compliance actions completed by the Wage and Hour Division through June 30, 1998, shows that by far the largest number of covered workers who filed complaints – 44 percent – did so because their employers refused to reinstate them to the same or equivalent positions after they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

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

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

Nature of Complaints

Source: U.S. Department of Labor Statistics



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

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

The Department of Labor has also filed a friend-of-the-court brief in six cases – four in the courts of appeals and two in the district courts. Three resulted in favorable decisions in circuit courts, two in unfavorable district court decisions, and one is still pending in circuit court.

Compliance Experience

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

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

User-Friendly Law

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

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

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

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

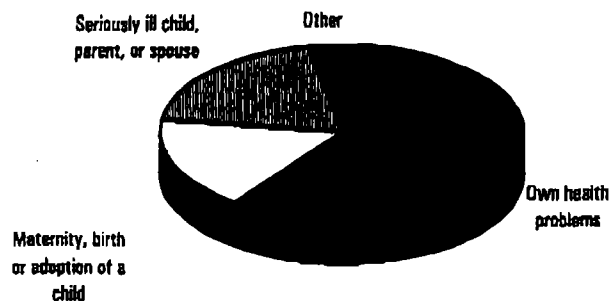
This concentrated outreach has paid off. Most of the evidence from the Commission's report and the Department's experience suggests there have not been widespread problems or abuses under the FMLA. While there are some concerns about the definition of a serious health condition and whether employees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

Reasons for FMLA Leave

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

Reasons for FMLA Leave

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



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

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

Expansion of the FMLA

President Clinton has proposed expanding the FMLA to give workers up to 24 additional hours of unpaid leave a year to attend to children's education, routine family medical needs, or the health and other professional care needs of elderly relatives. The President has called upon the Congress to do its part to help U.S. workers balance the demands of their jobs with the needs of their families.

**THE FAMILY AND MEDICAL LEAVE ACT (FMLA)
59 MONTHS OF ENFORCEMENT AND OUTREACH ACTIVITY
UNITED STATES DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
(August 5, 1993 - June 30, 1998)**

SCOPE

The FMLA covers all public agencies and private employers with 50 or more employees, or about five percent of US businesses and approximately 60 percent of US workers employed in the private sector.

TOTAL NUMBER OF EMPLOYEE COMPLAINTS

The 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's Office of the Solicitor 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.

OUTREACH-EDUCATION EFFORTS

To educate the public, the Wage and Hour Division 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.

FA MLY AND MEDICAL LEAVE ACT - SUMMARY OF OUTREACH/COMPLIANCE ACTIVITY

United States Department of Labor - Wage and Hour Division

(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 :	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 :			
No Violations (total)	4,106	1,028	5,134
Employer not covered	280	54	334
Employee not eligible	650	146	796
Complaint Not Valid :	2,727	558	3,285
Other	449	270	719
VIOLATION FINDINGS :			
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.

PROPOSED FMLA 5TH ANNIVERSARY EVENT

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

1. Event Strategy

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

2. Purpose

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

3. Timing

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

4. Message

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

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

Potential Speakers

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

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

5. Findings

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

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

6. Administration Initiatives

Support for Expansion Legislation.

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

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

6. Audience

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

7. Products

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

DRAFT 7/23/98 11:30 am

Proposals for Joint DOL-SBA FMLA Education Campaign

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

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

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

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

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

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

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

Event Ideas to Announce Joint Campaign

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

Could include the following:

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

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

Draft

SCOPE

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

TOTAL NUMBER OF EMPLOYEE COMPLAINTS

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

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

A breakdown of the nature of complaints is as follows:

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

RESOLUTION OF COMPLAINTS WITH FMLA VIOLATIONS

- Successfully resolved **88%**

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

DEPARTMENT OF LABOR OUTREACH EFFORTS

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

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

U.S. Department of Labor

Assistant Secretary for
Employment Standards
Washington, D.C. 20210



The Honorable Pete Hoekstra
Chairman, Subcommittee on Oversight
and Investigations
Committee on Education and the Workforce
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Hoekstra:

I am pleased to provide the Subcommittee on Oversight and Investigations with the enclosed report on the Family and Medical Leave Act (FMLA). In light of the recent testimony on this important statute, the Department of Labor would request that the Subcommittee consider the Act's many benefits for working families, the evidence which demonstrates the ease with which it has been implemented, and the Department's positive experience to date in enforcing the law.

We believe that this report will prove a significant addition to the hearing record and be useful to the Members as they consider the impact that this law has had in enabling employees to better balance the demands of the workplace with the needs of their families.

Thank you again for your consideration of the enclosed report. The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

Bernard E. Anderson

Enclosure

THE FAMILY AND MEDICAL LEAVE ACT (FMLA) AND ITS IMPLEMENTATION

Introduction

Until the passage of the FMLA, the United States was virtually the only advanced industrialized nation without a national family and medical leave policy. In the short time the law has been in effect, it has worked well and has been widely accepted. And its worth and value to workers and employers alike have been clearly demonstrated.

The FMLA is a win-win proposition. It is good for America's workers and also for employers. This point was underscored by President Clinton when he signed the Act into law on February 5, 1993. Commenting on the importance of the Act for America's workers, the President stated in part:

"I believe that this legislation is a response to a compelling need -- the need of the American family for flexibility in the workplace. American workers will no longer have to choose between the job they need and the family they love."

The President also addressed the potential benefits of the Act to employers when he said:

"The insufficient response to the family and medical leave needs of workers has come at a high cost to both the American family and to American business. There is a direct correlation between health and job security in the family home and productivity in the workplace. When businesses do not give workers leave for family needs, they fail to establish a working environment that can promote heightened productivity, lessened job turnover, and reduced absenteeism."

The proven worth of the FMLA since its enactment deserves continued bipartisan support.

Commission's Findings Support Department's Experience

Last year the bipartisan Commission on Family and Medical Leave released its final report to Congress -- "A Workable Balance: Report to Congress on Family and Medical Leave Policies." Among other things, the Commission's report summarizes two nationally representative surveys on the experience of employers and employees with the FMLA and other voluntary family and medical leave policies. These survey data, which cover the 18-month period beginning in January 1994, confirm the Department of Labor's own experience that the law is working well in significantly helping working Americans balance their work and family responsibilities while placing only minimal requirements on employers.

Some of the Commission's findings regarding benefits to employees included:

- * More than one in six of all employees (16.8%) took leave for a reason covered by the FMLA. One-and-a-half to three million employees took leave they described as FMLA leave during the period covered by the survey.
- * Almost 80% of the leave was taken to care for a seriously ill child, spouse or parent, or for the employee's own health condition. The median length of leave was 10 days.
- * Employees age 25 to 34 are most likely to take leave, as are employees with children, hourly employees, and employees with moderate family incomes of \$20,000 to \$30,000 per year.

Some of the Commission's survey findings pertaining to the impact of FMLA on employers included:

- * More than nine in ten covered employers found it "very" or "somewhat easy" to administer the FMLA.
- * Nearly 90 percent of all employers reported that complying with FMLA entails "no" or only "small" administrative costs (larger employers were more likely to report an increase in costs).
- * Roughly 9 in 10 employers reported no noticeable effect on productivity, profitability or growth.
- * Larger work sites found it somewhat more difficult to administer the FMLA than did smaller covered work sites, and managing intermittent leave presented administrative difficulty at two in five work sites.

User-Friendly Implementation of the Act

Implementation of the FMLA has generally received favorable reviews due in part to the Department of Labor's (DOL) concerted effort to obtain and carefully consider public input during the rulemaking process, and because of the "user-friendly" nature of the FMLA regulations. A "question and answer" format was adopted for the regulations in order to facilitate understanding of and compliance with the Act's requirements.

With a new law like the FMLA, it may take some time for employers to fully understand and deal with new obligations. Thus, the Department has made every effort to assist employers in understanding their compliance responsibilities. Aside from expansive educational outreach efforts, ensuring employer input into the regulatory process and issuing "user-friendly" regulations, the Department has:

- * issued "plain-English" compliance guides and fact sheets describing compliance obligations;
- * summarized employee notification requirements and prepared a prototype notice to assist employers; and
- * responded to numerous inquiries from employers and the public on what the law required in specific fact situations.

The Department has put FMLA informational materials on the Internet and established a toll-free 800 telephone number. The Internet site offers basic information on FMLA; a copy of the Act; the Code of Federal Regulations; the FMLA poster; forms (the medical form and the prototype notice form); "A Workable Balance: Report to Congress on Family and Medical Leave Policies"; and gives the Department's toll-free telephone number and a press release explaining its availability and services. Over 30,000 individuals have dialed the FMLA toll-free number (1-800-959-FMLA) to obtain information.

Most of the evidence suggests there have not been widespread problems or abuses under the FMLA, as demonstrated by the Commission's findings and other surveys. While isolated issues have surfaced in specific fact situations, particularly over whether a given illness meets the definition of "serious health condition" or the circumstances when employees may qualify for intermittent FMLA leave, these issues for the most part relate to employers adapting their pre-existing leave and attendance policies to new requirements of the law.

The Department has been open to input about problems with the FMLA implementing regulations. If there are problems with understanding the Act's requirements and what is necessary to comply, the Department's Wage and Hour Division is available to communicate with those experiencing difficulties and is happy to provide technical assistance. Moreover, specific guidance may be sought through the Wage and Hour letter ruling process on any difficult compliance issues. The Wage and Hour Division has issued and made public 88 ruling letters to assist the public to better understand the FMLA regulations.

Positive Enforcement Experience

The Wage and Hour Division's very positive experience to date with FMLA compliance also underscores that the law is working well.

Even though the Department has primary administration and enforcement responsibilities for approximately 67 million workers protected by the FMLA who are employed in the private sector and all State and local governments, it has received only about 8,400 employee complaints in four years, a tiny number when compared to the number of covered employees.

Through December 31, 1996, Wage and Hour received 8,358 complaints alleging failure to comply with the FMLA, and completed action on 7,433 (89%) of these complaints. About 40 percent of these compliance actions found no apparent violation; while the remaining 60 percent found apparent violations. To date, 91% of complaints with FMLA violations have been successfully resolved and the majority of these were resolved with a telephone call to the employer explaining FMLA's provisions and the steps needed to remedy the situation.

An important ingredient in the Department's compliance efforts -- and something that has significantly contributed to acceptance of and compliance with the Act -- has been Labor's focus on educational outreach to achieve voluntary compliance by employers. The Department initiated and has maintained an aggressive outreach effort to explain the law, with 1,900 speeches, seminars and media events to date. In addition, it has responded to nearly 400,000 telephone inquiries. Radio and television public service announcements have also been distributed to all major markets in the country. In disseminating technical assistance and outreach the Department established both national and regional FMLA coordinator positions and implemented a process for providing definitive written guidance on specific issues that arise.

Because of the circumstances often involved in FMLA leave cases, e.g., an emergency medical situation, swift action is needed to resolve many FMLA complaints. Thus, where possible, DOL tries to resolve complaints through a quick-action conciliation process to obtain information and compliance with the law. Where necessary, however, a full investigation is conducted.

The following data highlight DOL compliance activities through the end of Calendar Year 1996. By far the largest portion of complaints received from eligible employees working for FMLA-covered employers involved employer refusals to reinstate employees to their same or equivalent positions after FMLA leave was used. This type of case constituted 40% of the valid complaints. The remainder were grouped as follows:

- * employer refusal to grant FMLA leave (23%);
- * employer interfered with or discriminated against an employee using FMLA leave (10%);
- * employer refusal to maintain the employee's group health benefits during leave (4%);
- * other (9%); and,
- * multiple reasons (14%), which includes any combination of the reasons for a complaint.

The Department has initiated legal actions in twenty cases. Much like the types of complaints it receives, these cases also principally involve job restoration and denial of leave. Seven of these cases have been settled on terms favorable to the employee without trial. An adverse decision was issued in one case and a partially adverse ruling in a second case. Two cases have been voluntarily dismissed. The remaining nine cases are pending in various district courts throughout the country. The Department also filed an amicus curiae brief and participated in oral arguments before the 5th Circuit Court of Appeals in a case in which the court upheld the FMLA regulation providing that employees need not invoke the FMLA by name in order to obtain the protections of the Act.

Conclusion - FMLA Works for America

The FMLA is good for America's workers and businesses. It has helped employees in all walks of life meet the competing demands of their work and family responsibilities, without hurting businesses.

The Department analyzed a sample (822 of 1,193) of compliance actions completed between July 1994 and June 1995 where apparent violations were found, to get an indication of who uses FMLA leave and why. In these sample cases, 65% of the FMLA leave takers were female employees, and 35% were male employees. These findings indicate that both male and female employees have a need for, and seek to utilize, the Act's benefits and protections.

The primary reasons cited for taking leave in this sample also suggest that the range of reasons for leave provided by the Act is needed. Overall, 59% of the cases involved FMLA leave for the employee's own serious health condition, followed by 17% which involved leave for the birth and care of a newborn child, and 10% and 7%, respectively, which involved leave to care for a child or a parent with a serious health condition. The Department's case findings on the reasons employees took FMLA leave compare favorably with the Commission's survey findings.

Wage and Hour's enforcement cases illustrate how the FMLA helps individuals address emergencies in their lives while being able to continue their employment.

While one reason for enactment of the FMLA was to permit workers to balance their work and family responsibilities, another was to encourage the development of high

performance work organizations. Only if workers can count on durable links to their workplace can they make their own full commitment to their jobs. If employees are treated fairly and equitably, with sympathy and understanding of the family and medical situations they face, they will be more loyal, dedicated and productive, and a greater asset to their employers.

Keeping workers is good for business. By promoting job security and worker productivity, and encouraging development of high performance work organizations, the Act permits American business to better compete in today's global economy.

The Department of Labor is committed to and has in place mechanisms to continue to reach out to educate the public and employers to promote an understanding of and facilitate voluntary compliance with the law. As with any new law, some problems and questions are going to come up under the FMLA; the Department is available to work with employers to ensure that any problems or questions they have are resolved.

In sum, the FMLA is working well, it has broad support, and it deserves support so it can continue to work for American workers and their employers.

MEMORANDUM FOR JENNIFER KLEIN

FROM: Abigail Hendel
DATE: June 23, 1997
RE: Changes in FMLA

Great memo, Abby!

FMLA currently covers 57.5% of the country's private workforce, or almost 55 million private employees. 66% of the entire workforce, including government employees, is covered. **However, almost 43% of the private workforce (41 million employees) are still not protected by the FMLA.**

According to Rebecca Epstein at the Women's Legal Defense Fund, which recently held a briefing on the FMLA expansion proposals, the three basic changes being proposed are:

- 24 additional unpaid leave for child's school involvement or to take care of the routine medical needs of children and elderly.
- Lower the threshold for FMLA coverage from employers of 50 or more employees. By lowering the threshold to employers of 25 people or more, an additional 13.8% of employees and an additional 6.4% of employers will be covered by FMLA.
- Use FMLA leave to deal with direct results of domestic violence and its aftermath.

The Clinton Administration's proposal: "allows employees an additional 24 hours of unpaid leave per year to participate in school activities directly related to their children's educational advancement, to accompany children to routine dental or medical appointments, or to accompany elderly relatives to routine medical appointments and other professional services." This proposal does not include time off for domestic violence and does not lower the threshold.

None of the proposals introduced have included all three basic changes. Representatives Carolyn Maloney (D-N.Y.) and William Clay (D-Mo.) have introduced similar proposals which include 24 hours additional leave and lowering the threshold. Perhaps one of their bills could be supported by the Administration.

24 hours is not much time off. A bill that only allows for this small amount of time off, although for important reasons, is not accomplishing much and is not extending coverage of FMLA to anyone. Lowering the threshold is important in insuring that more Americans are protected by FMLA. In addition, the inclusion of time off for domestic violence is very important for victims. Since a reported 24 to 30% of battered women reported that domestic violence contributed to their loss of employment, it is critical that these women be protected - how can they be expected to have the courage to leave their abusive situation with no means to

support themselves? How can these women keep their jobs while trying to prosecute their abuser?

The Clinton Administration should expand its proposal to include lowering the threshold and protecting victims of domestic violence.

Particularly of interest to HRC is the importance of a parent's involvement in his or her child's education as the reason behind proposals allowing parents 24 hours leave for school activities and involvement. With the Early Childhood Learning and Development Conference Report describing how critical parent's involvement early in life is for development, so is the parent's involvement throughout the child's education. Many new FMLA expansion proposals support this critical finding. One statistic says "in elementary schools where parents were actively involved, fourth grade average reading scores were 17 points above the national average."

Please see attached pages.

FAX TRANSMISSION

WOMEN'S LEGAL DEFENSE FUND

1875 CONNECTICUT AVE. NW STE. 710

WASHINGTON, DC 20009

(202) 986-2600

FAX: (202) 986-2539

To: Abby Hendel**Date:** June 20, 1997**Fax #:** 456-6244**Pages:** 8, including this cover sheet.**From:** Rebecca Epstein **Subject:** FMLA Expansion Proposals**COMMENTS:**

Hope this is helpful. Feel free to call if you have any questions.

PROPOSED EXPANSIONS

RECENT PROPOSALS TO EXPAND THE FMLA

- S. 183, introduced by Senator Christopher Dodd (D-Conn.):
Lowers threshold for FMLA coverage to employers of 25 or more employees.
Contact: Suzanne Day (202) 224-5630
- S. 280, introduced by Senator Patty Murray (D-Wash.):
Allows employees 24 hours of unpaid leave per year to participate in their children's school activities or to participate in literacy training under a family literacy program.
Contact: Greg Williamson (202) 224-2621
- S. 367, Section 4, and H.R. 851, Section 4, introduced by Senator Paul Wellstone (D-Minn.) and Representative Lucille Roybal-Allard (D-Cal.):
Allows employees to use FMLA leave to deal with the direct results of domestic violence and its aftermath.
Contact: Ellen Riddleberger (202) 225-1766
Kirsten Jennings (202) 224-5641
- H.R. 109, introduced by Representative William Clay (D-Mo.):
Lowers threshold for FMLA coverage to employers of 25 or more employees and allows employees an additional 24 hours of unpaid leave per year to participate in school activities directly related to their children's educational advancement, to accompany children to routine dental or medical appointments, or to accompany elderly relatives to routine medical appointments and other professional services.
Contact: Peter Rutledge (202) 225-7117
- H.R. 191, introduced by Representative Alcee Hastings (D-Fla.):
Lowers threshold of FMLA coverage to employers of 25 or more employees and allows employees an additional 24 hours of unpaid leave per year to participate in or attend activities sponsored by their children's school or community organization.
Contact: Lindsay Rosenberg (202) 225-1313
- H.R. 234, introduced by Representative Carolyn Maloney (D-N.Y.):
Lowers threshold of FMLA coverage to employers of 25 or more employees and allows employees an additional 24 hours of unpaid leave per year to participate in or attend activities sponsored by their children's school or community organization, or to meet routine family medical needs and routine medical care needs of elderly relatives.
Contact: Gail Ravnitsky (202) 225-7944
- Clinton Administration proposal, sent to Congress at end of 104th Congress:
Allows employees an additional 24 hours of unpaid leave per year to participate in school activities directly related to their children's educational advancement, to accompany children to routine dental or medical appointments, or to accompany elderly relatives to routine medical appointments and other professional services.
Contact: Geri Palast, Assistant Secretary of Labor (202) 219-4692

LOWERING THE THRESHOLD

AMERICA'S WORKING FAMILIES NEED THE FMLA TO COVER MORE EMPLOYEES

The FMLA has benefitted businesses as well as families. More employees, however, should have access to its provisions. An expanded FMLA would give people who work for smaller employers the same benefits that others already enjoy.

The FMLA Helps Millions of American Working Families¹

The Family and Medical Leave Act provides for 12 weeks' unpaid leave every year for eligible employees. Currently, it applies to employers of at least 50 employees, covering 57.5% of this country's private workforce, or almost 55 million private employees. 66% of the entire workforce, including government employees, is covered. More than 12 million working Americans have taken family or medical leave since the FMLA became law.²

More American Working Families Need the Protection of the FMLA

Because the FMLA applies only to employers of at least 50 employees, almost 41 million private employees (almost 43% of the private workforce) are not protected by the FMLA.

If the FMLA applied to employers of 25 or more, it would cover:

- 71.3% of the private workforce.
- More than 13 million additional privately employed workers, for a total of more than 68 million private employees across the United States.
- 11.2% of private employers.

FMLA Coverage in the United States

	Size of Employer (# of employees)		
	50+	25-49	Total (25+)
Private Sector			
# Employees covered	54,619,688	13,084,394	67,704,082
% Employees covered	57.5%	13.8%	71.3%
# Employers covered	322,579	431,843	754,422
% Employers covered	4.8%	6.4%	11.2%

An Expanded FMLA Would Not Hurt Small Businesses

The FMLA already covers some small worksites that have fewer than 50 employees. Worksites with fewer than 50 employees are covered by the FMLA if they are part of a larger company with at least 50 employees within a 75-mile radius. According to the bipartisan Family Leave Commission, the majority of the 58,000 covered worksites of 25 to 49 employees found it easy and inexpensive to comply with the FMLA:

- 93% of covered worksites with 25 to 49 employees found it very or somewhat easy to determine worksite coverage, and 98% found it very or somewhat easy to determine employee eligibility.
- These smaller businesses found complying with the FMLA even easier than larger employers.
- 75% of covered worksites with 25 to 49 employees experienced little or no increase in their administrative costs; 89% experienced little or no increase in benefits costs; 83% experienced little or no increase in hiring and training costs, and 95% experienced little or no increase in other costs.

The Family Leave Commission also found that covered businesses' actual experiences with the FMLA were much more positive than non-covered businesses anticipated:

- Although almost 17% of non-covered worksites anticipated that complying with the FMLA would require a large increase in administrative costs, only 1.4% of covered worksites actually experienced a large increase.
- Although more than 18% of non-covered worksites anticipated a large increase in hiring/training costs, only 1% of covered worksites actually experienced a large increase.

ENDNOTES:

1. Except where noted, data come from U.S. Department of Labor, Bureau of Labor Statistics, "Covered Employment and Wages (ES-202) Program," (1995) and assume even distribution of establishments of 20-49 employees and of employees who work in establishments of 20-49 employees. In this fact sheet, we use the terms "employer" and "business" interchangeably with the Bureau of Labor Statistics' "establishment."
2. A Workable Balance: Report to Congress on Family and Medical Leave Policies (Family Leave Commission, 1996).

LEAVE FOR MORE FAMILY NEEDS

AMERICA'S WORKING FAMILIES NEED FAMILY AND MEDICAL LEAVE FOR MORE FAMILY NEEDS

The Family and Medical Leave Act (FMLA) currently guarantees covered employees 12 weeks of unpaid leave each year to care for a newborn or newly adopted child or a seriously ill family member, or to recover from their own serious health conditions. This law is an enormous help to families in these situations. But it doesn't help resolve many other significant conflicts between family and work demands. In fact, two-thirds of employed parents with children under 18 say they don't have enough time for their children.¹

Working Parents Need More Time to Participate in their Children's Education

The FMLA does not protect parents' jobs when they need to attend to their children's educational needs. Yet parental involvement in children's education can significantly affect their success in school:²

- Attending parent-teacher conferences may significantly influence children's academic performance. Children become higher achievers when their families are consistently informed about their progress at school.
-  In elementary schools where parents were actively involved, fourth grade average reading scores were 17 points above the national average.
- Parental involvement is more important than family education level or income in determining student success.
- Teachers ranked strengthening parents' roles in their children's learning as the top issue that should receive the highest priority in public education policy over the next few years.
- Parents who are involved in their children's education develop a greater appreciation of their role in their children's education, an improved sense of self-worth, stronger social

¹Paul B. Finney, *The PTA/Newsweek National Education Survey*, Newsweek, May 17, 1993.

²Unless otherwise stated, these data are from U.S. DEPT. OF EDUCATION, *STRONG FAMILIES, STRONG SCHOOLS* 11, 3, 6-7 (1994).

This is great! It is a continuation of parents involvement in early childhood development. Perhaps a whole "Get Involved" campaign from birth to all education.

networks, and even the desire to continue their own education.

Parents are often unable to take the time they need to be actively involved in their children's education:³

- 28% of employed parents report that they face problems at work when they want to attend school activities.
- 23% report that they face problems at work when they need to attend parent-teacher conferences.
- 40% of employed parents believe they aren't devoting enough time to their children's education.
- The total time parents spend with their children has diminished by about one third in the past 30 years.⁴

Seven states -- California, Florida, Illinois, Louisiana, Minnesota, Nevada, and North Carolina -- and the District of Columbia already have laws giving public or private employees leave to attend or participate in their children's school-related activities.

Working Parents Need Job-Guaranteed Leave to See to their Children's Routine and Nonemergency Health Needs

The FMLA only covers children's serious illnesses. Yet children suffer from a range of illnesses that, while not covered by the law, still require parental care:

- 24% of employed parents report that they face problems at work when they have to care for a sick child.
- The overwhelming majority of children frequently suffer from common illnesses that require them to stay home from school. In addition, about 10 million children have chronic medical conditions.⁵
- 65% of respondents to one poll reported missing work in the past year because of a child's illness or other emergency.⁶
- More than 1 in 3 families need at least 2 weeks each year to care for an ill family

³Unless otherwise stated, these data are from Finney, *The PTA/Newsweek National Education Survey*. *Newsweek*. May 17, 1993.

⁴Carnegie Foundation, 1993.

⁵S. Jody Heymann, Harvard School of Public Health, 1996.

⁶Greater Cincinnati Business Coalition on Sick and Emergency Child Care, 1996.

member; 1 in 4 families need at least 3 weeks each year.⁷

Working Americans Need Job-Guaranteed Leave to Care for Older Relatives' Routine and Nonemergency Health Needs

If an employee needs to care for an elderly relative, the current FMLA only applies if the relative is the leave-taker's parent (or spouse) and is seriously ill. Yet older people increasingly rely on family members' care for help with routine medical care and other important needs.

- For example, the current law does not cover an employee who needs to take her elderly and ailing parent to inspect a nursing home or to a routine medical appointment.
- Employees also need to care for elderly relatives other than their own parents (or spouses), such as in-laws and grandparents.
- In fact, in 1991, family members and friends provided 80% to 90% of the care for the frail elderly.⁸

As our population ages, more employees will need family and medical leave to care for elderly relatives:

- 38% of employees anticipate needing to take leave from work to care for an ill parent in the next five years.⁹
- Between 1990 and 1995, the percentage of Americans 65 years or older more than tripled -- from 4.1% in 1990 to 12.8% in 1995 -- a jump from 3.1 million to 33.5 million in this age group.¹⁰
- The ratio of Americans age 65 and older to all other Americans is expected to increase to 1 in 5 by the year 2030.¹¹
- People age 85 and over are expected to be the fastest growing part of the elderly population into the next century.¹²

⁷S. Jody Heymann, Harvard School of Public Health study, 1996.

⁸Susan E. Foster & Jack A. Brizius, Caring Too Much?, 1991.

⁹Family Leave Commission, A Workable Balance: Report to Congress on Family and Medical Leave Policies, 1996.

¹⁰Family Caregiver Alliance, Fact Sheet: Selected Caregiver Statistics, 1995.

¹¹Family Caregiver Alliance, Fact Sheet: Selected Caregiver Statistics, 1995.

¹²Family Caregiver Alliance, Fact Sheet: Selected Caregiver Statistics, 1995.

**DOMESTIC VIOLENCE
AND LEAVE****AMERICA'S WORKING FAMILIES NEED JOB-GUARANTEED LEAVE
TO PROTECT THEMSELVES FROM DOMESTIC VIOLENCE****Domestic Violence Jeopardizes Victims' Employment**

- 25 to 30% of battered women cite abuse as the reason they lost their jobs.¹
- Studies of battered women have found that 50 to 55% of abused women missed work because of abuse; over 60% reported arriving late due to abuse.²
- Surveys show that 24 to 30% of battered women reported that domestic violence contributed to their loss of employment.³
- 96% of employed domestic violence victims had some type of problem in the workplace as a direct result of their abuse or abuser.⁴
- One study found that 74% of employed battered women reported being harassed while at work by their abusive partners in person or by telephone and 54% missed three days of work each month because of abuse.⁵

Victims of Domestic Violence Need Leave from Work to Cope with this Family Emergency

In order to take the necessary steps to protecting themselves against domestic violence, victims require time away from work. Some of these steps include:

- Going to court to obtain protection orders against their batterers;
- Seeking medical treatment;
- Obtaining forensic documentation of wounds for legal purposes;
- Seeking new living arrangements;
- Seeking child care.

¹Shepard and Pence, "The Effect of Battering on the Employment Status of Women," 1988.

²NOW LDEF, The Impact of Violence in the Lives of Working Women: Creating Solutions - Creating Change, 1996.

³NOW LDEF, The Impact of Violence in the Lives of Working Women: Creating Solutions - Creating Change, 1996.

⁴Domestic Violence Intervention Services, Inc. study, 1992.

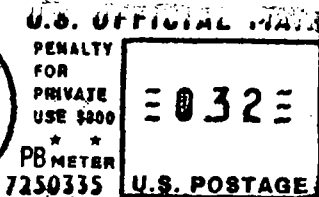
⁵New York Victim Services Agency Report, 1987.

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Pamphlet, "Family and Medical Leave," 2 pages



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WORKING FOR WORKING WOMEN

The Women's Bureau, part of the U.S. Department of Labor, was created by Congress in 1920. Our job is to research and promote policies to improve working conditions for women.

The Women's Bureau informs people about the rights of working women using brochures like this one. Regional Women's Bureau offices are listed in this brochure. Please feel free to call or write us. Together we can make a better workplace for everyone.

WOMEN'S BUREAU
Working for Working Women



U.S. Department of Labor

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Karen Nussbaum, Women's Bureau Director