



# Dads Expect Better

## Top States for New Dads

JUNE 2012

In May 2012, the National Partnership for Women & Families released *Expecting Better: A State-by-State Analysis of Laws That Help New Parents*. *Expecting Better* summarizes the family friendly federal laws that help new and expecting parents and catalogues state laws that improve upon minimum federal standards. This special report, *Dads Expect Better: Top States for New Dads*, focuses specifically on the states in which existing family friendly leave policies include new fathers, providing them with the support they need to care for their families.

*Dads Expect Better* finds that just 14 states and the District of Columbia have laws in place that help new mothers and fathers who work in the private sector in connection with a child's arrival. Another 18 states have laws in place that only help new mothers or state employees. Eighteen states do nothing beyond what federal law requires to offer new parents workplace supports such as protections for nursing mothers at work, time away from work to care for a new child, or time off to tend to a child's or a spouse's medical needs.

**California** and **New Jersey** lead the nation in providing paid family leave insurance to both mothers and fathers. **Connecticut** and the **District of Columbia** are the only two jurisdictions that guarantee workers the right to earn paid sick days. And **Maine**, **Oregon** and **Washington** are among the states that have expanded access to unpaid, job-protected leave to cover more workers than the federal Family and Medical Leave Act.

# From the Beginning: Public Policies Do Too Little to Help New Parents

## Men, as well as women, face financial concerns and conflicts between work and family when a new child arrives.

As *Expecting Better* makes clear, workers in the United States and their families have a dire need for family friendly policies, including paid family leave. This need is often framed as solely a women's issue because of the dual roles that women increasingly play as their families' primary caregivers and sole or co-breadwinners. But men also have an urgent need for family friendly policies that allow them to care for their families without sacrificing their economic security. And just as workplace policies and public policies too often fail our nation's working women, so too do they fail our nation's working men.

Employed men in the United States are reporting higher levels of conflict between their work and family obligations than in the past. They even report higher levels of conflict than women.<sup>1</sup> And men express increasing interest in becoming more involved in their children's lives.<sup>2</sup> Yet too few workplaces and too few public policies help new fathers when a child arrives and needs care. The absence of public policies that enable men to take leave to care for their children increases the conflict between work and family for working fathers and fosters the continuation of inequities in household caregiving responsibilities.

As *Expecting Better* sets out, the arrival of a child should be cause for celebration. For millions of parents throughout the United States, however, a child's birth or adoption means stretched finances and unsettling concerns about whether caring for their new child will cost them their jobs and jeopardize their families' financial security.

## Methodology

*Dads Expect Better* profiles 14 states and the District of Columbia that have enacted laws that go beyond the federal Family and Medical Leave Act (FMLA) in granting rights to new parents who work in the private sector. These jurisdictions offer private sector workers at least one of the following expansions upon federal law:

- ▶ Paid family leave insurance laws that apply to men and women (30 points)
- ▶ Paid sick leave laws that make paid sick days available to men and women (15 points)
- ▶ Family leave laws that offer a longer period of unpaid, job-protected family leave than the FMLA (10 points)
- ▶ Family leave laws that offer a longer period of unpaid, job-protected family leave than the FMLA (10 points)
- ▶ Family leave laws that make unpaid, job-protected family leave available to workers in businesses that have fewer than 50 employees (not currently covered by the FMLA) (10 points)
- ▶ Family leave laws that make unpaid, job-protected family leave available to employees who have worked fewer than 1,250 hours in the previous year (required by the FMLA) (10 points)
- ▶ Family leave laws that permit workers to take leave to care for the children of domestic or civil union partners or same-sex spouses (10 points)
- ▶ Flexible use of sick leave so that workers who earn paid sick days from their employers can use that time to care for family members (15 points)

*Expecting Better* assigned grades to states for their policies. Some of these policies affect only new mothers and others apply to public sector workers. *Expecting Better* grades, which provide a fuller picture of state policies, can be found in the appendix to this report.

This is because most workers in the United States can't access paid family leave in connection with a child's birth. Nationwide, just 11 percent of workers have access to paid family leave.<sup>3</sup> America's families need – and expect – better.

## U.S. public policies have not kept pace with working families' needs.

The Family and Medical Leave Act (FMLA), enacted in 1993, has allowed millions of parents – both men and women – to take time away from work after the birth, adoption or foster placement of a new child. The FMLA provides men with access to family leave to care for a spouse disabled by pregnancy or childbirth and provides both fathers and mothers job-protected time away from work to care for a new child. The law also allows workers to take medical leave to address their own serious health conditions.<sup>4</sup>

The FMLA is the *only* federal law that helps both women and men address the dual demands of work and family.<sup>5</sup> However, FMLA leave is unpaid – which means many working families cannot afford to take it – and is only available to about half of the nation's workforce.<sup>6</sup>

### Fathers, Families and Taxpayers Benefit from Paid Family Leave

**When fathers take leave after a child's birth, they are more likely to be involved in the direct care of their children long term.** One longitudinal study of U.S. families shows that fathers who took two or more weeks off after the birth of their children were involved in the direct care of their children at higher rates nine months later than fathers who took no leave.<sup>7</sup>

**Paid leave policies increase the feasibility of taking leave among new fathers.** In California, as the state's family leave insurance program has become better established, fathers have become more likely to take paid family leave.<sup>8</sup> Among fathers in lower-quality jobs in California (jobs which pay \$20 or less per hour and do not provide health benefits), access to paid family leave has greatly impacted the average length of leave, nearly tripling the amount of time fathers reported taking off work after the birth of a child, from an average of three weeks to an average of eight weeks.<sup>9</sup> In addition to increasing the financial viability of taking paid leave, the availability of paid leave through California's paid leave insurance program may also increase the cultural acceptability of taking leave among new fathers. For new fathers in California, the predicted likelihood of taking paid family leave following a child's birth more than doubled after the implementation of the family leave insurance program, from 35 percent in 2004 and earlier to 76 percent in 2005 and after.<sup>10</sup>

**Access to paid leave also improves families' financial independence and reduces reliance on government assistance programs.** Controlling for other economic and demographic factors, when fathers have access to and take paid leave after the birth of a child, they are less likely to receive public cash assistance and food stamps in the year after their child's birth than fathers who continue working without taking any time off. The same is true for mothers who take paid leave.<sup>11</sup>

## The United States' policies for new fathers lag behind those of other countries.<sup>12</sup>

Internationally, at least 66 countries ensure that fathers either receive or have a right to paid leave when a new child arrives; at least 31 of these countries offer 14 or more weeks of paid leave.<sup>13</sup> Among 21 highly competitive countries, the United States ranks near the middle by guaranteeing 12 weeks of unpaid leave to eligible fathers.<sup>14</sup>

## Employers' voluntary policies fail the nation's fathers.

According to a recent national employer study, just 14 percent of men have access to paternity leave with some pay through their employers.<sup>15</sup> And the average length of job-protected, unpaid leave for spouses or partners of women who give birth is just 10.6 weeks, which is fewer than the 12 weeks allowed under the FMLA.<sup>16</sup> The average duration of employer-provided paid paternity leave has declined significantly since 2005.<sup>17</sup>

Even many industry leaders – companies that are regarded as the most “family friendly” by offering paid leave and other benefits that help workers manage the dual demands of work and family – have room for improvement. Among *Working Mother* magazine’s top 100 companies in 2011, more than three-quarters provided fully paid leave to new fathers.<sup>18</sup> On average, however, these companies provided only three weeks of fully paid paternity leave<sup>19</sup> – far less than parents need to care adequately for their new children.

---

**Nearly eight in 10 working women and men say that family and maternity leave is a “very important” labor standard for workers.**

---

## The American public overwhelmingly supports a paid leave standard.

Given the nearly universal challenges faced by working families, it is no surprise that people in the United States are hungry for change. Seventy-seven percent of adults in the United States – including 70 percent of men and 83 percent of women who hold jobs – say they believe that businesses should be required to provide paid family and medical leave.<sup>20</sup> Nearly eight in 10 adults in the United States (78 percent) say that family and maternity leave is a “very important” labor standard for workers.<sup>21</sup>

Paid leave policies can also play a role in voters’ evaluation of political candidates. In a survey taken before the 2010 midterm elections, 76 percent of registered voters, including 71 percent of men and 81 percent of women, said they would support a candidate who proposes laws to provide paid leave for family care and childbirth.<sup>22</sup>

## Fortunately, some states are taking the lead by making significant policy changes that address the challenges facing working families.

Some states improve upon the minimum standards set by the federal FMLA with state-level public policies that expand workers’ access to family leave, provide the right to earn paid sick days, make paid family leave available, and offer other workplace supports available to new parents. These states provide models worth replicating in other states and at the national level. Experience shows that state innovation can pave the way for national change. For example, 23 states had passed FMLA laws prior to the 1993 enactment of the federal FMLA.<sup>23</sup>

---

**Experience shows that state innovation can pave the way for national change ... 23 states had passed FMLA laws prior to the 1993 enactment of the federal FMLA.**

---

Where public policies do exist, research has demonstrated that family friendly workplace policies offer enormous benefits for families’ economic security and health. Paid leave is also a wise investment for U.S. businesses and their bottom lines. Yet, despite this positive, compelling evidence, there have been too few advances at both the federal and state levels to bring public policies in line with the needs of the 21st century workforce. New and expecting parents need more – and expect better.

# The Dads' 15

Fourteen states and the District of Columbia have laws in place that expand upon the federal FMLA to address the needs of new and expecting fathers and mothers who work in the private sector. They are: California, Connecticut, the District of Columbia, Hawaii, Kentucky, Maine, Maryland, Minnesota, New Jersey, Oregon, Rhode Island, Tennessee, Vermont, Washington and Wisconsin.

State Ranking	At a Glance: Exemplary Policies to Help New Mothers and Fathers in the Private Sector, Relative to Federal Law*
<b>1. District of Columbia</b> (70 points)	D.C.'s laws include six of seven possible policies to help new fathers and mothers by expanding FMLA access to workers in smaller businesses and those with less time on the job and offering a longer period of FMLA leave. D.C. also enacted the nation's second paid sick leave law.
<b>2. Connecticut</b> (60 points)	Connecticut's laws include five of seven possible policies to help new fathers and mothers. Among these policies, Connecticut enacted the nation's first statewide paid sick leave law.
<b>New Jersey</b> (60 points)	New Jersey created the nation's second family leave insurance program and also provides unpaid, job-protected leave to workers with less time on the job prior to needing leave.
<b>4. California</b> (55 points)	California created the nation's first family leave insurance law and permits workers to take unpaid family leave to care for the child of a domestic partner. California also guarantees "flexible" use of sick leave to allow workers who earn sick leave through their employers to use that leave to care for an ill child or spouse.
<b>5. Maine</b> (45 points)	Maine's family leave law applies to workers in smaller businesses and allows workers to take leave to care for the child of a domestic partner.
<b>Oregon</b> (45 points)	Oregon's family leave law applies to workers in smaller businesses and allows workers to take leave to care for the child of a domestic partner.
<b>Washington</b> (45 points)	Washington has taken the first step toward providing paid leave for new parents, and the state's unpaid family leave law allows workers to take leave to care for the child of a domestic partner. Washington also guarantees "flexible" use of sick leave to allow workers who earn sick leave through their employers to use that leave to care for an ill child or spouse.
<b>8. Hawaii</b> (35 points)	Hawaii's family leave law provides unpaid, job-protected leave to workers with less time on the job.
<b>Wisconsin</b> (35 points)	Wisconsin's family leave law provides unpaid, job-protected leave to workers with less time on the job.
<b>10. Minnesota</b> (20 points)	Minnesota's parental leave law provides unpaid, job-protected leave to workers in smaller businesses and those with less time on the job.
<b>Vermont</b> (20 points)	Vermont's family leave law provides unpaid, job-protected leave to workers in smaller businesses.
<b>12. Maryland</b> (15 points)	Maryland law guarantees "flexible" use of sick leave to allow workers who earn sick leave through their employers to use that leave to care for an ill child or spouse.
<b>15. Rhode Island</b> (10 points)	Rhode Island's family leave law provides unpaid, job-protected leave to workers with less time on the job.
<b>Tennessee</b> (10 points)	Tennessee's parental leave law allows new parents to take a longer period of leave than the federal FMLA provides.
<b>Kentucky</b> (10 points)	Kentucky allows adoptive parents in smaller businesses and with less time on the job to take leave to care for their adopted children.
	* Not every policy is included here. Refer to complete descriptions below.

## Alphabetical Summary of State Laws

The descriptions that follow provide a snapshot of how state-based rights and protections compare to the 12 weeks of leave for new and expecting parents provided by the federal Family and Medical Leave Act (FMLA).

### CALIFORNIA

#### **Paid Family Leave**

Private sector workers who qualify for the state's disability insurance system are entitled to up to six weeks of paid family leave that can be used by either parent to care for a new child and by workers caring for a seriously ill family member, including a spouse disabled by pregnancy.<sup>24</sup> The state's paid family leave program provides partial wage replacement and is funded through employee payroll contributions. The paid family leave law provides wage replacement only; it does not provide job protection for workers while they are on family leave.

#### **Job-Protected Family Leave**

More private sector workers have parental and family caregiving leave rights under California law than under the federal FMLA. The California leave law extends parental and family leave rights to workers caring for a domestic partner or the child of a domestic partner.<sup>25</sup>

#### **Flexible Use of Sick Leave**

Private sector workers who earn sick leave are entitled to use up to half of their allotted leave each year for the care of a sick child or other family member, including a spouse or domestic partner with a pregnancy-related disability.<sup>26</sup> Unlike similar laws in some other states, the California law does not require that employer-provided sick time be available to care for a healthy newborn or newly adopted child.

### CONNECTICUT

#### **Job-Protected Family Leave**

Workers who work for employers with 75 or more employees have greater family leave rights than the federal FMLA provides.<sup>27</sup> Connecticut's family and medical leave law applies to workers who have worked at least 1,000 hours during the previous year.<sup>28</sup> The Connecticut law also provides workers with up to 16 weeks of leave in a 24-month period (rather than 12 weeks in a 12-month period under federal law).<sup>29</sup>

In addition, because same-sex marriage is now legal in Connecticut, the state law defines family more broadly than the federal FMLA to include same-sex spouses caring for a new child.<sup>30</sup>

#### **Job-Protected Paid Sick Leave**

Many workers in service industries and in other occupations requiring public contact, who work in businesses with 50 or more employees, earn paid sick time that can be used to care for an ill child or spouse.<sup>31</sup> Workers may earn up to 40 hours per year. The law enables a spouse to take time away from work to care for a wife with pregnancy-related disability or in need of medical care and to accompany spouses and children to medical appointments.

### DISTRICT OF COLUMBIA

#### **Job-Protected Family Leave**

Private sector workers have greater access to family leave under District law than under the federal FMLA. The D.C. family and medical leave law applies to employers with 20 or more employees.<sup>32</sup> Employees who have worked at least 1,000 hours over the preceding year are eligible for leave. Workers are entitled to up to 16 weeks of leave over two years to care for a new child or a family member with a serious health condition.<sup>33</sup>

In addition, District law provides a broader definition of “family member” than the federal FMLA so that a worker in a “committed relationship” may take leave to care for a partner with a serious health condition, including a pregnancy-related disability, or for the child of a same-sex partner.<sup>34</sup>

### **Job-Protected Paid Sick Leave**

Most private sector workers in the District are entitled to earn paid sick leave that may be used for their own medical care or the medical care of a child or other family member.<sup>35</sup> The law enables a spouse, domestic partner or other family member to take time away from work for a relative’s pregnancy-related disability or medical care or for a child’s illness or medical care. The number of days a full-time worker earns ranges from three to seven days, depending on the size of his or her employer.<sup>36</sup>

## **HAWAII**

### **Job-Protected Family Leave**

Workers in firms with 100 or more employees extend family leave rights to a larger portion of the workforce than under the federal FMLA. The Hawaii family leave law provides up to four weeks of family leave each year to employees with six months’ tenure, regardless of the number of hours worked.<sup>37</sup>

## **KENTUCKY**

### **Job-Protected Family Leave for Adoptive Parents**

Under Kentucky law, private sector employers must grant new adoptive parents a period of “reasonable personal leave” of up to six weeks. Workers are not required to have met any tenure or hours worked requirements to qualify, and the law applies to employers of all sizes.<sup>38</sup>

## **MAINE**

### **Job-Protected Family and Medical Leave**

Private sector workers have greater access to family leave under Maine law than under the federal FMLA. The Maine family leave law applies to employers with 15 or more employees, and workers with at least 12 months’ tenure are eligible, regardless of the number of hours they have worked.<sup>39</sup> The Maine law also defines family more broadly than the federal FMLA to include domestic partners and the children of domestic partners.<sup>40</sup> The duration of family leave under Maine law is less than under the federal FMLA, however (10 weeks in a two-year period).<sup>41</sup>

### **Flexible Use of Sick Leave**

Private sector workers who earn paid leave and are employed by a firm with 25 or more employees are entitled to use at least 40 hours of paid leave per year for the care of an ill child, spouse or parent.<sup>42</sup> Unlike similar laws in some other states, the law does not require that leave be available to care for a healthy newborn or newly adopted child.

## **MARYLAND**

### **Flexible Use of Sick Leave**

Private sector workers who earn sick leave are entitled to use it for the care of an ill child, spouse or parent.<sup>43</sup> Unlike similar laws in some other states, the law does not require that leave time be available to care for a healthy newborn or newly adopted child.

## **MINNESOTA**

### **Job-Protected Family Leave**

Workers have greater access to parental leave upon the birth or adoption of a child under Minnesota

law than under the federal FMLA. Minnesota’s parental leave law applies to employers with 21 or more workers;<sup>44</sup> employees who have worked at least part time in the previous 12 months are entitled to up to six weeks of leave to care for a newborn or newly adopted child.<sup>45</sup>

## **NEW JERSEY**

### **Paid Family Leave**

Private sector workers are entitled to up to six weeks of paid family leave insurance that can be used by either parent to care for a new child, including the child of a domestic partner.<sup>46</sup> The family leave insurance program provides partial wage replacement for new parents and for family caregivers of a seriously ill family member. The program is funded through employee payroll contributions. The paid family leave law provides wage replacement only; it does not provide job protection for workers while they are on family leave.

### **Job-Protected Family Leave**

Private sector workers have greater access to family leave under state law than under the federal FMLA. The New Jersey family leave law applies to employers with 50 or more employees nationwide;<sup>47</sup> employees who have worked 1,000 hours over the preceding year are eligible for up to 12 weeks of leave in a 24-month period.<sup>48</sup> The New Jersey law also defines family more broadly than the federal FMLA to include civil union partners and the children of civil union partners.<sup>49</sup>

## **OREGON**

### **Job-Protected Family Leave**

Private sector workers have greater access to family leave under state law than under the federal FMLA. The Oregon family leave law applies to employers with 25 or more employees.<sup>50</sup> Workers who have worked 25 or more hours per week for 180 days are eligible for up to 12 weeks of leave to care for a new child or a seriously ill spouse.<sup>51</sup> The law defines family more broadly than the federal FMLA to include domestic partners and the children of domestic partners.<sup>52</sup>

### **Flexible Use of Sick Leave**

Under the Oregon family leave law, private sector workers at firms with 25 or more employees who earn paid leave are entitled to use it for the care of a new child or a family member with a serious health condition (including pregnancy disability).<sup>53</sup>

## **RHODE ISLAND**

### **Job-Protected Family Leave**

Private sector workers have access to a slightly longer family leave under state law than under the federal FMLA. Under the Rhode Island family and medical leave law, workers with one year of tenure who work an average of 30 hours or more per week are eligible for up to 13 weeks of leave in a two-year period for parental or family care.<sup>54</sup>

## **TENNESSEE**

### **Job-Protected Family Leave**

Tennessee’s “maternity” leave law was amended in 2005 to allow men to take parental leave to care for a new child and Tennessee’s law provides access to a longer period of leave to eligible workers than the federal FMLA. Workers in firms with more than 100 employees and who have at least one year of tenure are entitled to up to four months of leave “for adoption, pregnancy, childbirth and nursing an infant.”<sup>55</sup>

## VERMONT

### Job-Protected Family Leave

Private sector workers have greater access to parental leave under state law than under the federal FMLA. The Vermont leave law applies to employers with 10 or more employees.<sup>56</sup> Eligible workers (those who have worked an average of 30 hours per week for one year) are entitled to up to 12 weeks of parental leave during pregnancy and following the birth or adoption of a child.<sup>57</sup>

Under a separate family leave provision, eligible workers in businesses with 15 or more employees are entitled to up to 12 weeks of leave to care for a spouse with a serious health condition, including pregnancy-related health issues.<sup>58</sup> Under Vermont's civil union law, a civil union partner has the same rights as a married "spouse" to take family or parental leave.<sup>59</sup>

## WASHINGTON

### Job-Protected Paid Family Leave

In 2007, Washington state enacted a paid parental leave program that has not yet gone into effect. Once implemented, the program will provide eligible workers – both mothers and fathers – up to five weeks per year of paid leave to care for a newborn or newly adopted child.<sup>60</sup> The benefit amount will be \$250 per week for full-time workers, and part-time workers will receive a prorated benefit.<sup>61</sup> Leave taken under the family leave insurance program will run concurrently with any leave taken under the federal FMLA or the state family and medical leave act. Employers with more than 25 workers will be required to provide job protection to any worker who takes leave under the paid parental leave program if the worker has been with the employer for one year and has worked at least 1,250 hours during the previous year.<sup>62</sup>

### Job-Protected Family Leave

Washington's family leave law defines family more broadly than the federal FMLA to permit workers to take leave to care for a registered domestic partner or the child of a domestic partner.<sup>63</sup> Like the federal FMLA, workers who meet FMLA eligibility requirements are entitled to up to 12 weeks of leave to care for a new child or a seriously ill spouse or partner.

### Flexible Use of Sick Leave

Private sector workers who earn paid time off are entitled to use it for the care of an ill child, spouse, parent, parent-in-law or grandparent. Unlike similar laws in some other states, the law does not require that paid time off be available to care for a healthy newborn or newly adopted child.<sup>64</sup>

## WISCONSIN

### Job-Protected Family Leave

Private sector workers have greater access to family leave under state law than under the federal FMLA. The Wisconsin law applies to workers who have worked at least 1,000 hours over the preceding year<sup>65</sup> and defines family more broadly than the federal FMLA to include domestic partners.<sup>66</sup> However, state law provides less generous amounts of time off than the federal FMLA. Workers are entitled to a maximum of six weeks of leave to care for a new child and up to two weeks of leave to care for a spouse or domestic partner with a serious health condition.<sup>67</sup>

### Flexible Use of Sick Leave

Under the state family and medical leave law, private sector workers at firms with 50 or more employees who earn paid leave are entitled to use it for the birth or adoption of a child or to care for an ill child, spouse, domestic partner or parent.<sup>68</sup>

# Beyond the Beginning: States That Help Moms and Dads Stay Involved

Eight states and the District of Columbia encourage parents' involvement in their child's success by guaranteeing eligible workers job-protected unpaid leave to attend meetings and activities at their child's school. These are:

**California:** Parents in businesses with 25 or more employees may take up to 40 hours away from work each year to participate in a child's school activities.<sup>69</sup>

**Colorado:** Parents in businesses with 50 or more employees<sup>70</sup> may take up to 18 hours away from work each year to attend an academic activity for or with a child.<sup>71</sup>

**District of Columbia:** Parents in businesses of any size<sup>72</sup> may take up to 24 hours away from work each year to attend or participate in a child's school-related events.<sup>73</sup>

**Massachusetts:** Workers in businesses with 50 or more employees may take up to 24 hours away from work each year to participate in a child's school activities, or to accompany a child (or elderly relative) to medical or dental appointments.<sup>74</sup>

**Minnesota:** Parents in businesses of all sizes<sup>75</sup> may take up to 16 hours away from work each year to attend a child's school conferences or school-related activities.<sup>76</sup>

**Nevada:** Parents in businesses with 50 or more employees may take up to four hours away from work each year for each of their children to attend parent-teacher conferences, school-related activities or school-sponsored events, or to volunteer at a child's school.<sup>77</sup>

**North Carolina:** Parents in businesses of all sizes may take up to 4 hours away from work each year to attend school activities or be involved in some other way in at their child's school.<sup>78</sup>

**Rhode Island:** Parents in businesses with 50 or more employees<sup>79</sup> may take up to 10 hours away from work each year to attend a child's school conferences or other school-related activities.<sup>80</sup>

**Vermont:** Workers in businesses with 15 or more employees<sup>81</sup> may take up to 24 hours away from work each year to participate in a child's school activities, to accompany a family member to medical or dental appointments, or to respond to a family member's medical emergency.<sup>82</sup>

## Conclusion

The United States cannot wait any longer for public policies that honor new parents and their children. Despite the imperative – for workers and families, for businesses and for communities – to adapt our nation's policies to the realities of the 21st century workforce, progress is painfully slow. Some states have begun to adapt to working parents' needs by providing more support to more workers through public policies than federal law requires.

Looking ahead, we hope and expect better. If policymakers are responsive to the needs of working families, if they take note of the research that demonstrates the enormous benefits of family friendly policies to working families, businesses and communities, and if they understand the breadth and depth of public support for policies that support new parents and working families, they will respond with the policies that our nation needs. Chief among these policies are paid family leave insurance and guaranteed earned sick days, and greater access to job-protected leave for family care and children's needs. America's families can't afford to wait. The time for action is now.

## Appendix: States' *Expecting Better* Grades

The following grades reflect the degree to which each state improves upon federal law for new and expecting parents in both the private and public sectors.

<b>A-</b>	POINTS AWARDED
California.....	125
Connecticut.....	120

<b>B+</b>	
District of Columbia.....	95
New Jersey.....	85

<b>B</b>	
Hawaii.....	80
Washington.....	75
Oregon.....	70

<b>B-</b>	
Maine.....	60
New York.....	60
Illinois.....	55

<b>C+</b>	
Rhode Island.....	50
Vermont.....	45
Wisconsin.....	45
Massachusetts.....	40

<b>C</b>	
Minnesota.....	35

<b>C-</b>	
Louisiana.....	30
Montana.....	30

<b>D+</b>	
Colorado.....	25
Tennessee.....	25

<b>D</b>	
Alaska.....	20
Arizona.....	20
Florida.....	20
Iowa.....	20
Kentucky.....	20
New Hampshire.....	20
Ohio.....	20
Pennsylvania.....	20
Virginia.....	20

<b>D-</b>	
Arkansas.....	15
Indiana.....	15
Maryland.....	15
New Mexico.....	15
Arizona.....	10
Texas.....	10

<b>F</b>	
Alabama.....	0
Delaware.....	0
Georgia.....	0
Idaho.....	0
Kansas.....	0
Michigan.....	0
Mississippi.....	0
Missouri.....	0
Nebraska.....	0
Nevada.....	0
North Carolina.....	0
North Dakota.....	0
Oklahoma.....	0
South Carolina.....	0
South Dakota.....	0
Utah.....	0
West Virginia.....	0
Wyoming.....	0

For the full *Expecting Better* report published in May 2012, visit [www.NationalPartnership.org/ExpectingBetter](http://www.NationalPartnership.org/ExpectingBetter).

# Endnotes

- 1 Aumann, K., Galinsky, E., & Matos, K. (2011). *The New Male Mystique*. Families and Work Institute. Retrieved 1 June 2012, from <http://familiesandwork.org/site/research/reports/newmalemystique.pdf>
- 2 Harrington, B., Van Deusen, F., & Humberd, B. (2011). *The New Dad: Caring, Committed and Conflicted*. Boston College Center for Work & Family. Retrieved 1 June 2012, from <http://www.bc.edu/content/dam/files/centers/cwf/pdf/FH-Study-Web-2.pdf>
- 3 U.S. Bureau of Labor Statistics. (2011, March). *Employee Benefits Survey Table 33. Leave benefits: Access, private industry workers, National Compensation Survey*. Retrieved 26 April 2012, from <http://www.bls.gov/ncs/ebs/benefits/2011/ownership/private/table21a.pdf>
- 4 Family and Medical Leave Act of 1993 § 29 U.S.C. § 2612(a). In brief, the FMLA provides workers in businesses with 50 or more employees within a 75-mile radius up to 12 weeks of leave annually to care for a newborn, newly adopted or newly placed foster child, for a parent, spouse or child with a serious health condition or for their own serious health conditions. Workers become eligible for FMLA leave after one year of employment with their employer and only if they have worked at least 1,250 hours for their employer within the previous 12 months.
- 5 The nation's two other work and family laws, the Pregnancy Discrimination Act and the Fair Labor Standards Act's requirement that many nursing mothers be provided a private place and reasonable break time to express milk in the workplace, necessarily apply only to women.
- 6 Waldfoegel, J. (2001, September). Family and medical leave: evidence from the 2000 surveys. *Monthly Labor Review*, 20. Retrieved 26 April 2012, from <http://www.bls.gov/opub/mlr/2001/09/art2full.pdf>
- 7 Nepomnyaschy, L., & Waldfoegel, J. (2007). Paternity Leave and Fathers' Involvement with Their Young Children. *Community, Work and Family*, 10(4), 427-453.
- 8 Appelbaum, E., & Milkman, R. (2011). *Leaves That Pay: Employer and Worker Experiences with Paid Family Leave in California*. Center for Economic and Public Research Publication. Retrieved 26 April 2012, from <http://www.cepr.net/documents/publications/paid-family-leave-1-2011.pdf>
- 9 Ibid.
- 10 Houser, L., & Vartanian, T. (2012, April). *Policy Matters: Public Policy, Paid Leave for New Parents, and Economic Security for U.S. Workers*. Rutgers Center for Women and Work Publication. Retrieved 2 June 2012, from [http://www.nationalpartnership.org/site/DocServer/RutgersCWW\\_Policy\\_Matters\\_April2012.pdf?docID=10241](http://www.nationalpartnership.org/site/DocServer/RutgersCWW_Policy_Matters_April2012.pdf?docID=10241)
- 11 Houser, L., & Vartanian, T. (2012, January). *Pay Matters: The Positive Economic Impacts of Paid Family Leave for Families, Businesses and the Public*. Rutgers Center for Women and Work Publication. Retrieved 26 April 2012, from [http://www.nationalpartnership.org/site/DocServer/Pay\\_Matters\\_-\\_Positive\\_Economic\\_Impacts\\_of\\_Paid\\_Family\\_L.pdf?docID=9681](http://www.nationalpartnership.org/site/DocServer/Pay_Matters_-_Positive_Economic_Impacts_of_Paid_Family_L.pdf?docID=9681). Ibid.
- 12 Leave policies for new fathers pale in comparison to those for new mothers across the globe. In all but a handful of countries, maternity and parental leave policies are more generous in terms of pay and duration for women. Some commentators emphasize that these disparities reinforce traditional gender norms and undercut gender equality. See Ray, R., Gornick, J., & Schmitt, J. (2009, June). *Parental Leave Policies in 21 Countries: Assessing Generosity and Gender Equality*. Center for Economic and Policy Research Publication. Retrieved 26 April 2012, from [http://www.cepr.net/documents/publications/parental\\_2008\\_09.pdf](http://www.cepr.net/documents/publications/parental_2008_09.pdf)
- 13 Heymann, J., Earle, A., & Hayes, J. (2007). *The Work, Family, and Equity Index: How Does the United States Measure Up?* Retrieved 1 June 2012, from [http://www.hreonline.com/pdfs/08012009Extra\\_McGillSurvey.pdf](http://www.hreonline.com/pdfs/08012009Extra_McGillSurvey.pdf)
- 14 Ray, R., Gornick, J., & Schmitt, J. (2009, June). *Parental Leave Policies in 21 Countries: Assessing Generosity and Gender Equality*. Center for Economic and Policy Research Publication. Retrieved 26 April 2012, from [http://www.cepr.net/documents/publications/parental\\_2008\\_09.pdf](http://www.cepr.net/documents/publications/parental_2008_09.pdf)
- 15 Matos, K., & Galinsky, E. (2012). *2012 National Study of Employers*. Families and Work Institute. Society for Human Resource Management, When Work Works Publication. Retrieved 1 June, 2012, from [http://familiesandwork.org/site/research/reports/NSE\\_2012.pdf](http://familiesandwork.org/site/research/reports/NSE_2012.pdf). This publication reports the results of a nationwide survey of 1,126 employers with 50 or more employees.
- 16 Ibid.
- 17 Ibid.
- 18 Working Mother. (2011, October). 100 Best Companies. *Working Mother*, 52-62.
- 19 Ibid.
- 20 Boushey, H. (2010, March). *It's Time for Policies to Match Family Needs: New Polling Data Shows Widespread Support for an Agenda to Address Work-Family Conflict*. Center for American Progress Publication. Retrieved 1 June 2012, from [http://www.americanprogress.org/issues/2010/03/pdf/work\\_survey.pdf](http://www.americanprogress.org/issues/2010/03/pdf/work_survey.pdf). Reporting findings from a survey of 3,413 adults nationwide.
- 21 Smith, T., & Kim, J. (2010, June). *Paid Sick Days: Attitudes and Experiences* (p. 9). National Opinion Research Center at the University of Chicago Publication. Retrieved 26 April 2012, from <http://www.publicwelfare.org/resources/DocFiles/psd2010final.pdf>. Reporting findings from a survey of 1,461 adults nationwide.
- 22 Institute for Women's Policy Research. (2010, October 29). *Majority of Voters Support Workplace Flexibility, Job Quality, and Family Support Policies*. Reporting findings from a survey of 2,080 registered voters nationwide.
- 23 Waldfoegel, J. (1999, October). Family Leave Coverage: Family leave coverage in the 1990s. *Monthly Labor Review*, 13. Retrieved 5 June 2012, from <http://www.bls.gov/mlr/1999/10/art2full.pdf>
- 24 Calif. Unemp. Ins. Code §§ 3300-3306.
- 25 Calif. Fam. Code § 297.5; Cal. Gov't Code § 12945.2.
- 26 Calif. Lab. Code § 233.
- 27 Connecticut employees who work for employers with between 50 and 74 employees would only receive federal FMLA protection.
- 28 Conn. Gen. Stat. § 31-51kk(1).
- 29 Conn. Gen. Stat. § 31-51ll.
- 30 Conn. Gen. Stat. §§ 31-51kk, 46b-38rr.
- 31 2011 Conn. Acts 11-52 (Reg. Sess.)
- 32 D.C. Code § 32-516.
- 33 D.C. Code §§ 32-501(1), 32-502(a).
- 34 D.C. Code § 32-501(4); In addition, D.C. law recognizes same-sex marriages, so same-sex couples are also covered by the D.C. law. See D.C. Code § 46-401.
- 35 D.C. Code § 32-131.02(b).
- 36 D.C. Code § 32-131.02(a).
- 37 Haw. Rev. Stat. §§ 398-1, 398-3.
- 38 Ky. Rev. Stat. Ann. § 337.015.
- 39 Me. Rev. Stat. Ann. tit. 26 § 844(1).
- 40 Me. Rev. Stat. Ann. tit. 26 § 843(4).
- 41 Me. Rev. Stat. Ann. tit. 26 § 844(1).
- 42 Me. Rev. Stat. Ann. tit. 26 § 636.
- 43 Md. Code. Ann., Lab. & Empl. § 3-802.
- 44 Minn. Stat. § 181.940 (Subd. 3).
- 45 Minn. Stat. §§ 181.940 (Subd. 2), 181.941.
- 46 N.J. Stat. Ann. §§ 43:21-27(k),(o), 43:21-38.
- 47 N.J. Stat. Ann. § 34:11B-3(f); New Jersey Office of the Attorney General. (2011, April). Civil Rights Fact Sheet: The New Jersey Family Leave Act. Retrieved 26 April 2012, from <http://www.state.nj.us/lps/dcr/downloads/flafactsheet.pdf>
- 48 N.J. Stat. Ann. § 34:11B-3(e).
- 49 N.J. Stat. Ann. §§ 34:11B-3(h), (j), 37:1-31.
- 50 Ore. Rev. Stat. § 659A.153(1).
- 51 Ore. Rev. Stat. §§ 659A.156, 659A.162(1).
- 52 Ore. Rev. Stat. §§ 106.340, 659A.150(4).
- 53 Ore. Rev. Stat. §§ 659A.159(1)(d), 659A.174(2).
- 54 R.I. Gen. Laws §§ 28-48-1(2), 28-48-2(a). Workers are entitled to a maximum of 13 weeks in any two calendar years, compared to 12 weeks in 12-month period under the federal FMLA.

- 55 Tenn. Code Ann. § 4-21-408(a), (d)(2).
- 56 Vt. Stat. Ann. tit. 21 § 471(1).
- 57 Vt. Stat. Ann. tit. 21 §§ 471(4), 472(a)(1).
- 58 Vt. Stat. Ann. tit. 21 §§ 471(1), (3), 472(a)(2).
- 59 Vt. Stat. Ann. tit. 15 § 1204(e)(12); tit. 21 §§ 471(3)(B), 472(a).
- 60 Wash. Rev. Code §§ 49.86.010, 49.86.030, 49.86.050.
- 61 Wash. Rev. Code § 49.86.060.
- 62 Wash. Rev. Code § 49.86.090.
- 63 Wash. Rev. Code § 49.78.020 (7), (17).
- 64 Wash. Rev. Code § 49.12.270.
- 65 Wis. Stat. § 103.10(2)(c).
- 66 Wis. Stat. § 103.10(1)(ar).
- 67 Wis. Stat. § 103.10(3), (4).
- 68 Wis. Stat. § 103.10(5)(b).
- 69 Calif. Lab. Code § 230.8.
- 70 Colo. Rev. Stat. § 8-13.3-102(4).
- 71 Colo. Rev. Stat. § 8-13.3-103.
- 72 D.C. Code § 32-1201(1).
- 73 D.C. Code § 32-1202.
- 74 Mass. Gen. Laws ch. 149, § 52D.
- 75 Minn. Stat. § 181.940 (Subd. 3).
- 76 Minn. Stat. § 181.9412.
- 77 Nev. Rev. Stat. §§ 392.457, 394.179.
- 78 N.C. Gen. Stat. § 95-28.3.
- 79 R.I. Gen. Laws § 28-48-1(3)(i).
- 80 R.I. Gen. Laws § 28-48-12.
- 81 Vt. Stat. Ann. tit. 21 § 471(1).
- 82 Vt. Stat. Ann. tit. 21 § 472a.

---

The National Partnership for Women & Families is a nonprofit, nonpartisan advocacy group dedicated to promoting fairness in the workplace, access to quality health care and policies that help women and men meet the dual demands of work and family. More information is available at [www.NationalPartnership.org](http://www.NationalPartnership.org).

© 2012 National Partnership for Women & Families. All rights reserved.