

# Paid Family & Medical Leave: An Overview

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Nearly all workers need to take time away from work at some point to deal with a serious personal or family illness or to care for a new child. **Laws providing paid family and medical leave allow workers to meet these needs without jeopardizing their economic security.**

## The Nuts and Bolts of “Paid Leave” Laws

**Paid leave laws allow workers to continue to earn a portion of their pay while they take time away from work to:**

- ▶ Address a **serious health condition** (including pregnancy);
- ▶ Care for a **family member** with a serious health condition; or
- ▶ Care for a **newborn, newly-adopted child or newly-placed foster child.**

A **serious health condition** is one requiring either inpatient care or continuing treatment by a health care provider. For example, serious conditions like cancer and Alzheimer’s, as well as chronic conditions like diabetes and asthma, may all be serious health conditions. Pregnancy-related complications and recovery and the need for prenatal care also qualify as serious health conditions.

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The definition of a **family member** varies under different proposals, but parents, spouses, domestic partners and children are typically covered. Under some proposals, grandparents, siblings, in-laws and the parents of domestic partners may also qualify.

The **length of the leave** also varies by proposal. In the two states with paid family leave laws, family caregivers may take leave from work for **up to six weeks**. In some of the five states with Temporary Disability Insurance (TDI) programs that allow workers to take time away from work to attend to their own serious health condition, workers may take **up to 26 weeks**.

The **amount of pay** a worker receives varies by proposal, but a worker can typically expect to receive a portion of his or her current wages while on leave. Depending on the system, workers either receive a percentage of their wages (up to a maximum cap) or all workers receive a flat benefit amount regardless of their current wage level.

Programs are **funded** either by joint employer-employee contributions or solely by employee

contributions. Under most systems and proposals, special insurance systems are created and workers' wage replacement is paid from these funds.

## Where in the United States Do Paid Leave Laws Exist Now?

- ▶ California (in 2002, implemented in 2004) and New Jersey (in 2008, implemented in 2009) have enacted paid family leave laws that allow workers to take paid leave to care for an ill family member or bond with a new child. The California and New Jersey programs complement those states' TDI programs, which provide paid medical leave for a worker's own serious illness.
- ▶ TDI programs for personal medical leave are also in place in Hawaii, New York, Rhode Island and Puerto Rico.

**These state programs show that progress is possible, but too many working families still struggle without paid leave.**

## All Working Families Need Access to Paid Leave

Only 11 percent of workers in the United States have access to paid family leave through their employers, and fewer than 40 percent have access to personal medical leave through employer TDI programs.<sup>1</sup> Unpaid leave under the Family and Medical Leave Act (FMLA) is available to fewer than 50 percent of workers,<sup>2</sup> and many can't afford to take it.

**Nationwide or statewide paid family and medical leave laws would give more workers access to the paid time they need to recover from a serious illness or care for a sick family member or new child.** Federal initiatives in support of paid family and medical leave include:

- ▶ Proposed national paid family leave insurance legislation, which would create a federal system to provide up to 60 "caregiving" days of partially-paid leave for reasons covered by the FMLA.
- ▶ A proposed \$5 million State Paid Leave Fund in the federal Department of Labor's FY 2013 budget that would help states conduct the research, planning and analysis necessary to adopt their own paid leave programs.
- ▶ The Federal Employees Paid Parental Leave Act (H.R. 616 in the 112th Congress), which would provide four weeks of paid parental leave to federal workers.

Join us in supporting paid family and medical leave proposals like these. Working families can't wait any longer. Learn more at [www.NationalPartnership.org](http://www.NationalPartnership.org).

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1 U.S. Department of Labor, Bureau of Labor Statistics. (2011, September). Employee Benefits in the United States National Compensation Survey: Employee Benefits in the United States, March 2011 (Tables 17 and 33). Retrieved 19 March 2012, from <http://www.bls.gov/ncs/ebs/benefits/2011/ebb0048.pdf>

2 Waldfogel, J. (2001, September). Family and medical leave: evidence from the 2000 surveys. *Monthly Labor Review*, 124(9), 17-23. Retrieved 19 March 2012, from <http://www.bls.gov/opub/mlr/2001/09/art2full.pdf>

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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).

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