

Background

Paid family and medical leave helps ensure workers can perform essential caretaking responsibilities for themselves, seriously ill family members, and newborn or newly-adopted children. In a recent survey, **three-quarters of respondents (76 percent) reported that they favor expanding the Family and Medical Leave Act to offer paid leave.** Without some form of wage replacement, the FMLA's promise of job-protected leave is out of reach for millions of women and men.

- Among FMLA-qualified workers who needed leave but did not take it, more than three quarters did not do so because they could not afford time off without pay.
- More than one-third of the men and women who have taken leave under the FMLA received no pay at all during their leave.
- Nearly six in ten workers who received less than full pay during an FMLA leave reported that it was difficult to make ends meet.

In the most recent legislative session, paid family leave bills have been introduced in more than half a dozen state legislatures to respond to workers' needs.

Arizona

Representatives Daniel Patterson, Barbara McGuire, Kyrsten Sinema, and Edward Ableser introduced paid leave legislation in January 2010 to be considered by Arizona's House of Representatives. The bill, **HB 2319**, would provide up to five weeks of paid leave for workers to use to care for a newborn or newly-adopted child, to care for a family member with a serious health condition, or to recover from a serious health condition. Workers would be eligible to receive **\$250 per week**; each year, the benefit level would be adjusted to account for inflation.

For more information about the legislation, visit www.azleg.state.az.us.

Hawaii

Representative Karl Rhoads introduced **HB 2258**, which would create a family leave insurance fund under Hawaii's workers' compensation statute. Weekly benefits would be capped at **\$250** per employee. The fund would be financed by employers

and employees. The bill was introduced in January 2010. After a late January hearing, the Committee on Labor and Public Employment reported the bill favorably out of committee in February 2010. It was then referred to the Committee on Finance.

Senator Dwight Takamine and seven of his colleagues introduced a companion bill, **SB 2392**, in January 2010. The Committee on Human Services and the Committee on Labor held a hearing, but the bill did not advance out of either Senate committee.

For more information about the legislation, visit www.capitol.hawaii.gov.

Massachusetts

There are two bills currently pending in the Massachusetts State Senate and one in the House:

Senator Karen Spilka, along with the support of three colleagues, introduced **S.71**, which would establish a state paid family and medical leave system. The legislation would create a trust fund to

be used for wage replacement when workers need to take time away from work to care for a newborn, newly-adopted or newly-fostered child, to recover from a serious illness, or to care for a family member with a serious illness. Workers would be eligible for **80% of their wages** or salary, up to a maximum of \$750 per week, for up to 12 weeks. The bill was introduced in January 2009. The Joint Committee on Children, Families and Persons with Disabilities held a hearing in September 2009 and reported out the bill favorably in March 2010. It was then referred to the Senate Committee on Ways and Means.

Senator Pat Jehlen, along with three colleagues, introduced **S.474**, which would establish paid family and medical leave through a new state temporary disability insurance system. Workers would be able take up to 12 weeks of job-protected paid leave to address their own illness, care for a newborn baby, newly-adopted or newly-fostered child, or care for a seriously ill family member. Workers would receive up to **66% of their average weekly wages**, capped at 57.5% of the state's average weekly wage. The bill was introduced in January 2009 and received hearings in the Joint Committee on Financial Services, which discharged the bill, and the Joint Committee on Labor and Workforce Development, which voted the bill favorably out of committee. The bill was then referred to the Senate Committee on Ways and Means.

Representative Antonio Cabral, along with five colleagues, introduced **H.124**, which would allow workers to take up to 12 weeks of paid leave to care for a newborn baby, a newly-adopted or newly-fostered child, or a seriously ill family member. Under the proposal, employee contributions of up to 0.1% of wages (to a maximum of \$120 annually), would be paid into a newly-created state Family Fund. In September 2009, the Joint Committee on Children, Families and Persons with Disabilities held a hearing and, in February 2010, the committee reported out the bill favorably. It was then referred to the Joint Committee on Health Care Financing.

For more information about the legislation, visit www.mass.gov/legis.

Missouri

Representative Beth Low, along with six colleagues, introduced **HB 1940**, which would require businesses with over 100 employees to provide four weeks of paid leave for the birth or adoption of a child. The bill was introduced in February 2010. In May 2010, it was referred to the Small Business Committee.

For more information about the legislation, visit www.house.mo.gov.

New Hampshire

Representative Mary Gile introduced **HB 661**, which would establish a state family leave insurance system to ensure that workers can take up to six weeks of paid leave to care for a newborn or newly-placed child or to care for a family member with a serious health condition, including a wounded service member. Workers would receive **\$250 per week**. The bill was introduced in February 2009 and carried over into 2010 for interim study. The study committee will meet during the Summer and Fall of 2010. A coalition led by the **New Hampshire Women's Lobby** strongly supports this bill.

For more information about the legislation, visit www.qencourt.state.nh.us.

For more information about the advocacy campaign, visit the New Hampshire Women's Lobby website at www.nhwomenslobby.org.

New York

Assemblyman Sheldon Silver and **Senator Diane Savino**, along with several colleagues, introduced **A8742** and **S5791**. The bill would expand New York's existing Temporary Disability Insurance (TDI) program to include paid parental leave as well as paid leave to care for a seriously ill family member. The weekly benefit would be 50% of the worker's average weekly wage, but never exceeding 35% of the statewide average weekly wage. The legislation was introduced in June 2009 and carried over into the 2010 session. The **New York State Paid Family Leave Coalition** and the **Center for Working Families** have partnered with legislators to advance paid family leave in the state.

For more information about the legislation, visit assembly.state.ny.us.

For more information about the advocacy campaign, visit the New York Time to Care website at www.timetocareny.org or the Center for Working Families website at www.centerforworkingfamilies.info.

Oregon

Building on near-victory in prior legislative sessions, **Senator Diane Rosenbaum**, along with several colleagues, is planning to re-introduce a paid leave insurance bill in the next session of the Oregon State Legislature, which begins in 2011. The legislation would establish a program to provide up to six weeks of paid leave to care for a new infant or newly-adopted child or for a family member with a serious health condition. A large coalition led by **Children First for Oregon** and **Family Forward Oregon** is supporting Senator Rosenbaum's legislative efforts.

For more information about the advocacy campaign, visit the Children First for Oregon website at www.cffo.org or the website of Family Forward Oregon at www.familyforwardoregon.org.

Pennsylvania

Representative Jaret Gibbons and 14 of his colleagues introduced **HB 1558**, which proposes to establish a family temporary care insurance program through the state's unemployment compensation program. The new insurance program would provide up to 12 weeks of wage replacement benefits to employees who take time off work to care for a seriously ill child, spouse, or parent, or to bond with a new child. An individual's weekly benefit would be equal to the amount provided through standard unemployment compensation benefits. The bill was referred to the House Committee on Labor Relations in May 2009, where it has not yet received a hearing.

For more information about the legislation, visit www.legis.state.pa.us.

Texas

In their most recent legislative session in 2009, **Representative Ruth McClendon** and one of her colleagues introduced **HB 1057**, which proposed to establish a job-protected, family care leave program through the state's unemployment compensation program. The new program would provide up to six weeks of wage replacement benefits after the birth, adoption, or foster placement of a child to workers who are unable to access employer-sponsored paid leave. An individual's weekly benefit would be equal to the amount provided through standard unemployment compensation benefits. The bill was introduced in February 2009 and referred to the House Business and Industry Committee, which held a hearing in March 2009. **Senator Leticia Van De Putte** introduced a companion bill, **SB 692**, which was referred to the Senate Business and Commerce Committee. Neither bill made it out of committee before the end of the 2009 session. The Texas Legislature does not meet in 2010 but will reconvene in 2011.

For more information about the legislation, visit www.capitol.state.tx.us.

Vermont

In January 2010, **Representative Rachel Weston** introduced **H.672**, which proposes to establish a system of paid, job-protected family leave, giving qualified employees up to six weeks of paid leave for the birth or adoption of a child or to care for themselves or a seriously ill close family member. The bill creates a paid family leave insurance fund financed by a small payroll tax. Workers would receive two-thirds of their average weekly wage up to a maximum of **\$500 per week**. The bill was referred to the Committee on General, Housing and Military Affairs, but did not receive a hearing in the 2010 legislative session.

For more information about the legislation, visit www.leg.state.vt.us.

Washington State

Washington State enacted a paid parental leave insurance program in 2007, but the original legislation did not establish a funding mechanism. Now, the state is working to identify funding to launch the program. In previous sessions, the legislature has considered bills that would establish an employee-paid payroll tax premium system to sustain the program. However, due to a state budget shortfall, advocates, led by the **Washington Family Leave Coalition**, are looking ahead to future sessions—as well as seeking the support of federal funding—to launch the funding mechanism for their paid leave program. Advocates inside and outside the legislature are also working to expand the coverage of the program beyond paid parental leave to cover family care leave and medical leave.

For more information about the advocacy campaign, visit the Washington Family Leave Coalition's website at www.familyleave.org.