



Providing Paid Leave for Family Caregiving

BY JULIE KASHEN

“At some point, every single person... is going to have to care for a family member or themselves. And no working American should ever have to choose between their families and their paycheck,” Senator Kirsten Gillibrand (D-NY) told the Senate Finance Subcommittee on Social Security, Pensions and Family Policy in July.¹

Senator Gillibrand, along with Representative Rosa DeLauro (D-CT) has introduced the FAMILY Act (S. 337²/H.R. 947³) to make sure that parents can be home when a new baby is born or a child is adopted; be with their spouse who gets cancer, or elderly parent who is hospitalized; or address their own serious illness without worrying about their economic stability. Today, 83 percent of people in the United States do not have this right to paid family leave from their employers.⁴ As discussed in the TCF report “Tech Companies Are Leading the Way on Paid Family Leave,” the FAMILY Act would create a national paid family and medical leave program to provide individuals with twelve weeks of partial income when they take time off for the Family and Medical Leave Act (FMLA) purposes mentioned above.⁵ The bill ensures that no one need risk losing a much-needed paycheck by taking time to care for family or themselves. It should be a priority for the 116th Congress.

The next Congress also has the opportunity to improve on the bill. As states around the nation have enacted paid family and medical leave laws, policy makers and advocates are learning valuable lessons about what works, and what’s possible. For example, the newer laws in Washington, D.C., Washington State,

and Massachusetts include progressive wage replacement, where people with lower wages who are already struggling to get by will be able to receive a higher proportion of those wages during time at home with their new baby or sick family member.⁶ In Massachusetts and New York, all workers who take paid time to care will have job protection—the guarantee they can return to work in the same or an equivalent job.⁷ States have also adopted more expansive definitions of family than what is in the FAMILY Act,⁸ including siblings, grandparents, domestic partners, and in-laws, and have been including provisions like hours-based accrual, flexible eligibility requirements, and coverage for those who are not categorized as employees to ensure that nonstandard workers are covered.⁹

Among states that offer family leave, none provide more than twelve weeks; yet some private companies are offering sixteen, eighteen, or even fifty-two weeks of leave.¹⁰ Policy makers have the opportunity to learn from them and consider a longer leave duration.

At the same time, policy makers should not give up retirement security for paid leave, as has been proposed by Senator Marco Rubio (R-FL).¹¹ In the TCF commentary “Paid Family Leave Should Not Come at the Expense of Retirement,” we explained: “This proposal would redirect Social Security retirement benefits for paid leave without new funding for those who choose to make the trade-off. Parents should not be made to choose between the two.”¹²

When people need the peace of mind of sufficient guaranteed paid job-protected time to care, they should have it. The next Congress has an opportunity to make this a reality.

Notes

1 "Paid Family Leave," C-SPAN, July 11, 2018, <https://www.c-span.org/video/?448238-1/senate-finance-subcommittee-considers-paid-family-leave-proposal>.

2 S. 337, FAMILY Act, 115th Congress, February 2, 2017, <https://www.congress.gov/bill/115th-congress/senate-bill/337>.

3 H. R. 947, FAMILY Act, 115th Congress, February 2, 2017, <https://www.congress.gov/bill/115th-congress/house-bill/947>.

4 "National Compensation Survey: Employee Benefits in the United States, March 2018," U.S. Department of Labor and U.S. Bureau of Labor Statistics, September, 2018, <https://www.bls.gov/ncs/ebs/benefits/2018/employee-benefits-in-the-united-states-march-2018.pdf>.

5 Julie Kashen, "Tech Companies Are Leading the Way on Paid Family Leave," The Century Foundation, November 10, 2015, <https://tcf.org/content/report/tech-companies-paid-leave/>.

6 "Overview of Paid Family & Medical Leave Laws in the United States," A Better Balance, last updated June 28, 2018, <https://www.abetterbalance.org/wp-content/uploads/2018/06/CombinedPFMLChart-1.pdf>.

7 Ibid.

8 Ibid.

9 "Report: Constructing 21st Century Rights for a Changing Workforce: A Policy Brief Series: Brief 2," A Better Balance, October 3, 2018, <https://www.abetterbalance.org/resources/report-constructing-21st-century-rights-for-a-changing-workforce-a-policy-brief-series-brief-2/>.

10 "Leading on Leave: Companies With New or Expanded Paid Leave Policies (2015-2018)," National Partnership for Women & Families, April, 2018, <http://www.nationalpartnership.org/research-library/work-family/paid-leave/new-and-expanded-employer-paid-family-leave-policies.pdf>.

11 Emily Peck, "Rubio's New Paid Leave Bill Threatens The Very Idea Of Social Security, Report Finds," Huffington Post, August 30, 2018, https://www.huffingtonpost.com/entry/rubios-new-paid-leave-bill-threatens-the-very-idea-of-social-security-report-finds_us_5b86d4dee4b0162f471ed56b.

12 Julie Kashen and Molly Bangs, "Paid Family Leave Should Not Come at the Expense of Retirement," The Century Foundation, July 16, 2018, <https://tcf.org/content/commentary/paid-family-leave-not-come-expense-retirement/>.