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001. paper	re: In Five Years, The Family and Medical Leave Act [partial] (1 page)	n.d.	b(6)
002. paper	re: In Five Years, The Family and Medical Leave Act [partial] (1 page)	n.d.	b(6)

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FOLDER TITLE:

Family and Medical Leave Act - General [1]

2013-0436-S

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RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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- b(1) National security classified information [(b)(1) of the FOIA]
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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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 assurance 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 extremely small number of complaints from 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 businesses' administrative structures.

In short, the FMLA has been a success for workers and businesses. The Act has gone a long way towards helping Americans balance work and family, a goal that 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 it's 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 greater uniformity and consistency in their family and medical policies.

The Department of Labor's five year experience in implementing and enforcing the FMLA, along with the findings of the bipartisan Commission on Family and Medical Leave, leads 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 70 percent of the American labor force – about 88 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 – an extremely small number given 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.

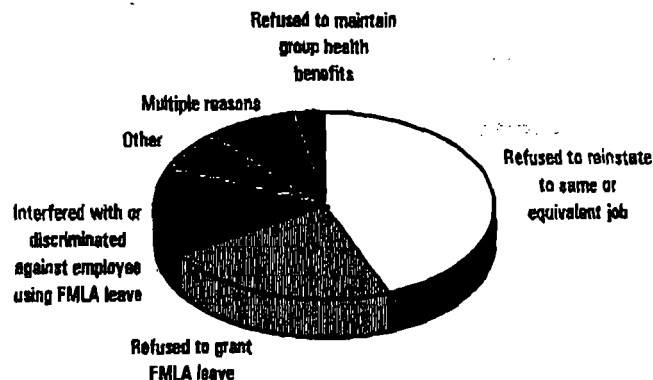
A review of the FMLA compliance actions completed through June 30, 1998, shows that by far the largest number of covered workers who filed complaints – 44 percent – did so because their employers refused to reinstate them to the same or equivalent positions after they returned from FMLA leave. In the 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, while most of the remaining complaints involved other issues, primarily administrative.

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 conciliation.

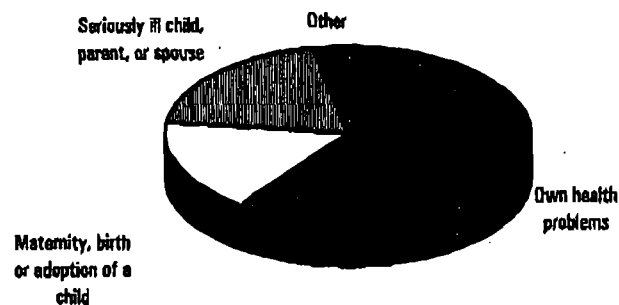
Since FMLA's enactment, the Department has initiated legal action in only 28 cases, most of which involve the issues of job restoration and leave denial. Seventeen cases were ultimately resolved before a court decision was issued. Of the remaining 11 cases, the courts issued a favorable decision in one case, unfavorable decisions in two, and eight cases are pending in district court.

Reasons for FMLA Leave

According to the bipartisan Commission on Family and Medical Leave's (Commission) report to Congress in April 1996, entitled "*A Workable Balance*," 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.

Compliance Experience

Employers in general have not had serious problems complying with the law. In a national survey that covered 18 months in 1994-95, the Commission on Family and Medical Leave 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, 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 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 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

In a continuing effort to provide easy-to-understand information on the FMLA, the Department 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 have been 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.

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 Women's Bureau.

October 28, 1999

Note

MEMORANDUM

TO: Shirley Sagawa
Maryellen McGuire

FROM: Stephanie Madden *Sm*

RE: Health Behaviors and Risks in Urban and Rural Teenagers

The attached materials came to me from:

Paul S. Fardy, Ph.D.
Professor and Director of PATH
Department of Family, Nutrition and Exercise Sciences
Queens College
The City University of New York
Flushing, New York 11367

He apparently got my contact information as a result of the Save America's Treasures event the First Lady did at Queens College last December. I have no particular knowledge of him or of the Path Program that he directs. He wants to bring this issue to the First Lady's attention and has his aim set on a Westchester Fund for Women and Girls annual awards breakfast that he says she is scheduled to attend in the near future.

His basic tenets are:

- 1) health behaviors are poor in young people
- 2) there is a high prevalence in early onset risk factors for heart disease, with young girls and certain ethnic groups at greatest risk
- 3) the literature shows that these behaviors and risk factors carry over into adulthood resulting in additional stress on an already taxed health care system
- 4) school classes in physical education have been cut by 50% in the past decade while inactivity, obesity and other problems associated with a sedentary life are on the rise

He is recommending that the First Lady advocate policy changes in education such that every student be required to take a class in personal wellness before graduating high school.

HEALTH BEHAVIORS AND RISK FACTORS IN URBAN AND RURAL TEENAGERS: The PATH Program

The PATH Program is a unique school-based model of personal wellness for pre-teens and teenagers. It represents a successful collaboration among higher education, public schools, physicians, and private industry. Since 1994 PATH has been introduced to approximately 15,000 students in twenty-five middle-and high schools, mostly in metropolitan New York. Approximately 2000 teens have been tested on health knowledge, health behaviors, risk factors for coronary heart disease, and cardiovascular fitness.

With that as background, the invitation to write an editorial for primary care physicians in The American Journal of Medicine & Sports provided an opportunity to share adolescent health data from PATH while encouraging physicians to take a visible role in improving health behaviors in children and adolescents. Specifically, I urge active support of youth programs that reduce the risk of coronary heart disease (CHD) as adults. Even though CHD is associated with middle and old age, the presence of poor health habits in boys and girls has to be addressed seriously and aggressively to alter disease prevalence later in life. Primary prevention needs to be initiated before developing habits that are difficult to reverse with increasing age.

Recent data from NHANES III and the PATH Program (1,2) revealed that large numbers of children and teenagers, especially minority youngsters, already possessed poor health behaviors and risk factors for CHD. In fact, fifty-three percent of urban teenagers tested as a part of PATH had at least one major risk factor, i.e. obesity, physical inactivity, hypercholesterolemia, hypertension and cigarette smoking. Rural teenagers were subsequently evaluated to determine whether clean air, less concern for personal safety, fewer exposures to poor health choices, slower paced lifestyle, and less crowded living conditions typical of "life in the country" was associated with better health behaviors and fewer risk factors.

The findings (3) were rather surprising (Figures 1 and 2). In general, rural and urban teenagers had equally poor results. Rural girls and boys smoked more than their urban counter parts. Rural boys had higher cholesterol and were less active than urban boys, although there were no significant differences between urban and rural girls. In addition, urban girls and boys were more likely to skip breakfast, eat fast foods and eat fried foods compared with rural teens.

Girls, in particular, both urban and rural, fared poorly. Even though they scored higher than boys on heart health knowledge, girls were more likely to: be overweight, be less active and less fit, have higher cholesterol, be on a diet, skip breakfast, and have lower self-perception of health. Boys were more likely to have elevated blood pressure. Gender differences were similar in rural and urban teens. Taken as a whole these findings are alarming, and, similar to those of NHANES III (1), illustrate that much still needs to be done to prevent CHD in adults.

INSERT FIGS OF % RISK FACTORS FOR BOYS, GIRLS

How can the primary care physician play a role? Because physicians are in an enviable position of commanding public trust, their opinions can engender public support. Therefore, I suggest that physicians strive to increase public awareness of the following facts:

- 1) urban and rural teens have poor heart health behaviors and a high prevalence of CHD risk factors,
- 2) girls generally are worse than boys, and,
- 3) CHD in adults is at least partially the outcome of poor health behaviors that are ignored during youth.

Addressing these facts through educational goals and objectives can prevent an unhealthy outcome as adults. Health professionals, especially primary care physicians, can and should exert their influence on public education by supporting models of personal wellness that are cost-effective, based on sound academic principles and can be replicated easily. Must this intervention be school-based? Perhaps not, but school programs offer the best opportunity to get the message to the largest numbers.

Based on knowledge learned from PATH and other studies about teenage health, we recommend that all high school students be required to take a course in personal wellness that will prepare them to make healthy lifestyle choices. Introductory courses should also be taught at the middle-and elementary school level. The PATH model integrates vigorous physical activity, heart health education and behavior modification and is taught as a part of physical education in high schools and middle schools. The focus of PATH is vigorous exercise, consisting of aerobic activities that improve cardiovascular health and fitness. Because the emphasis in physical education is on "physical", most class time is devoted to activity. However, heart health education that includes basic anatomy and physiology, heart disease risk factors and

pathology, rationale for starting at an early age, developing proper dietary habits, the concepts of exercise, how to develop an exercise program to meet individual needs, stress management and smoking cessation is also important. Behavior modification strategies for long-term effect are the third component of the model. Through PATH students learn to employ skills that facilitate changes in lifestyle. They use workbooks that emphasize critical thinking and decision making and include basic skills in reading, writing, mathematics and biology. Homework assignments are used to cover additional lecture material and to allow parents an opportunity to understand the goals of the program. By integrating these three components, PATH has demonstrated increased heart health knowledge, improved health behaviors, decreased CHD risk factors, and enhanced cardiovascular fitness (4-6).

Unfortunately, today's educational reality, is that physical education in the public schools is moving in a direction opposite that recommended by the President's Council on Physical Fitness and Sports and the United States Surgeon General. Physical education requirements have decreased by approximately 50% in the last decade (7). Complicating the problem further is that health issues in children are a low priority for the American public (8), creating a significant gap between what is needed in school and what is provided. Primary care physicians have a unique opportunity and obligation to work with teachers, administrators and school boards to promote and establish successful preventive programs that will reduce this gap. Otherwise, today's unhealthy children will become tomorrow's unhealthy adults who will place added strain on an already overtaxed health care system.

Sincere thanks to Ann Azzollini for providing the figures for the manuscript. For more information on PATH contact: Paul S. Fardy, Ph.D., Professor and Director of PATH, FNES Department, Queens College, Flushing, NY 11367. Tel (718) 997-2714, fax (718) 997-2749, email: [psf\\$hpmed@qc1.qc.edu](mailto:psf$hpmed@qc1.qc.edu).

References

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2. Fardy PS, Azzollini A, Magel JR, et al. Gender and ethnic differences in health behaviors and risk factors for coronary disease among urban teenagers: The PATH Program. *J Gender-Specific Med.* 1999 (in press).
3. Azzollini A, Fardy PS, Salerno VM, et al. A comparison of health knowledge and behaviors between urban and rural teens: The PATH Program. *Med Sci Sports Ex.* 1999; 31(5S):S55.
4. Fardy PS, White REC, Clark LT, et al. Health promotion in minority adolescents: A Healthy People 2000 pilot study. *J Cardiopulmonary Rehabil.* 1995; 15:65-72.
5. Fardy PS, White REC, Haltiwanger-Schmitz K, et al. Coronary disease risk factor reduction and behavior modification in minority adolescents: The PATH Program. *J Adoles Health.* 1996; 18:247-253.
6. Fardy PS, Azzollini A, Tekverk L, et al. PATH: A program to improve cardiovascular fitness, health behavior and coronary disease risk factors in multi-ethnic teenagers. *Ann N.Y. Acad Sci.* 1997; 817:356-358.
7. Physical Activity and Fitness Research Digest. What you need to know about the Surgeon General's Report on Physical Activity and Health. President's Council on Physical Fitness and Sports. 1996; 2(6): 1-8.
8. Blendon RJ, Young JT, McCormick MC, et al. Americans' views on children's health. *JAMA.* 1998; 289:2122-2127.

FMLA Expansion

The President is proposing again to extend the benefits of the Family and Medical Leave Act (FMLA) -- the first piece of legislation that the President signed into law -- to ten million more American workers. Today, workers are eligible for up to 12 weeks of FMLA-protected leave to care for a newborn or adopted child, to attend to their own serious health needs, or to care for a seriously ill parent, child or spouse -- if they work at a business with 50 or more employees. By covering workers in businesses with 25 or more workers, 10 million more American workers will be covered by the FMLA. The President is also calling for expanding the law to allow FMLA-eligible workers to take up to 24 hours of additional leave each year to meet specified family obligations. Leave could be taken to: (1) participate in school activities, such as parent-teacher conferences; (2) accompany one's child to routine dental or medical appointments; and (3) accompany an elderly relative to routine medical appointments or other professional services.

U.S. Department of Labor

Employment Standards Administration
Wage and Hour Division

FAX TRANSMITTAL SHEET

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

From: Maureen Morrill

Phone: (202) 693-0051/693-0608 direct

Fax: (202) 693-1406

Email address: mmorrill@fenix2.dol-esa.gov

Date: 5-13-99To: Nicole Rabner (sp?)Fax: 456-2878Number of pages including cover sheet: 12

Nicole,
Notes: Here are some materials that may help.
Our expert is Rick Brennan - 693-0517 direct.
He's wonderful & can speak fluently on this
issue. Just FYI too, there was a POTUS proposal
in Sept. 1996 that was never introduced. Rick
told me that. Hope this helps.

Maureen

Working to Improve the Lives of America's Workers

U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR
WASHINGTON, D.C.

FEB 26 1997

The Honorable James M. Jeffords
Chairman
Committee on Labor and Human Resources
United States Senate
Washington, D.C. 20510

Dear Chairman Jeffords:

We understand that your Committee will consider S. 4, the "Family Friendly Workplace Act," on Wednesday, February 26. I am writing to emphasize the Administration's strong opposition to S. 4, and to urge your Committee not to order the bill reported.

The Administration believes strongly that any legislation to authorize compensatory time -- "comp time," or paid time-off -- under the Fair Labor Standards Act (FLSA) should be linked to expansion of the Family and Medical Leave Act (FMLA), as the President proposed during the last Congress. The FMLA provides important benefits to working families and has proved effective in meeting the needs of both families and businesses. And, unlike comp time which would be optional, family and medical leave is a right that covered employers may not deny to eligible employees. Expanding FMLA to give working families the flexibility they need for greater involvement in the education of their children and elder care will go a long way toward achieving the stated goals of S.4. The bill before your Committee does not include FMLA expansion, and it should.

Any comp time legislation must effectively and satisfactorily address three fundamental principles: real choice for employees; real protection against employer abuse; and preservation of basic worker rights, including the 40-hour workweek.

Real choice for employees must include the right to choose whether to earn comp time or overtime premium pay; the right to take comp time when needed for FMLA purposes; the right to choose to use comp time for any purpose with two weeks notice unless its use would cause substantial injury to the employer; and the right to "cash out" accrued comp time for pay on 15 days notice, as well as a prohibition against giving employers the unilateral right to cash out an employee's accrued comp time at their discretion. Real protection against employer abuse must include a number of protections that are entirely absent

from S.4, such as the exclusion of vulnerable workers; special protections in cases where the employer goes bankrupt or out-of-business; prohibitions against employers' substituting comp time for paid vacation or sick leave benefits, or penalizing employees who choose overtime premium pay instead of comp time; damages that allow an employee to obtain adequate relief if denied the use of comp time or denied overtime assignments; and strong effective provisions for enforcement. Preservation of worker rights requires preserving the 40-hour workweek, the right to receive premium pay for overtime work, and the cardinal FLSA principle that overtime is earned whenever an employer knows or has reason to know that overtime is being worked. Several provisions of S. 4., including the 80-hour biweekly work program and the flexible credit hour program, could effectively eliminate these rights.

President Clinton will veto any bill that does not meet these fundamental principles. While the President has called for and strongly supports enactment of responsible comp time legislation, he will not sign any bill -- including S. 4 -- that obliterates the principle of time-and-a-half for overtime or that destroys the 40-hour workweek. Workers -- not employers -- must be able to decide how best to meet the current needs of their family.

The Office of Management and Budget advises that there is no objection to the submission of this report.

Sincerely,


CYNTHIA A. METZLER
Acting Secretary of Labor



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

March 19, 1997
(House)

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 1 - Working Families Flexibility Act of 1997
(Ballenger (R) NC and 99 others)

The President will veto H.R. 1 if it is passed in its current form. The President will not sign H.R. 1, or any other comp time legislation, unless it adheres to three fundamental principles: (1) real choice for workers; (2) real protection against employer abuse; and (3) preservation of workers' rights.

H.R. 1 purports to give working families greater flexibility. In reality, it grants employers more rights at the expense of working people:

- H.R. 1 fails to offer workers real choice. In particular, H.R. 1 would allow an employer to decide when a worker could use his or her compensatory time-off by disapproving such time-off if the employer claims it would "unduly disrupt" its operations. In addition, H.R. 1 would permit an employer to "cash out" a worker's earned compensatory time over 80 hours.
- H.R. 1 fails to protect workers against employer abuse. For example, H.R. 1 offers inadequate protections for vulnerable workers and part-time, seasonal, and temporary employees, including garment and construction workers, and those who are employed in industries with histories of Fair Labor Standards Act violations. H.R. 1 also fails to prohibit employers from substituting compensatory time-off for paid vacation or sick leave benefits. Furthermore, H.R. 1 lacks meaningful remedies for workers when employers penalize them for electing to receive overtime pay in lieu of compensatory time-off. In addition, H.R. 1 contains inadequate worker safeguards in cases where an employer goes bankrupt or out-of-business.
- H.R. 1 fails to preserve workers' rights. Workers who take compensatory time-off can be forced to work additional overtime in the same week -- even on the weekend -- without being paid overtime premium pay.

The Administration supports the substitute amendment to be offered by Representative George Miller, although procedural obstacles in the House have prevented the amendment from addressing all of the important issues that need to be treated, including expansion of Family and Medical Leave Act (FMLA). The Administration strongly believes that any legislation to authorize compensatory time under the Fair Labor Standards Act should be linked to expansion of

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the FMLA. Expanding the FMLA to give working families greater flexibility to foster the education of their children or provide routine health care for their children or elderly relatives will go a long way toward achieving the stated goals of H.R. 1.

The Miller amendment, however, would ensure real employee choice, by adding crucial provisions not found in H.R. 1. For example, employers that adopt comp time programs would have to make comp time available to similarly-situated employees on a fair and non-discriminatory basis. Working families are guaranteed real protection against possible comp time abuse through the Miller amendment.

Furthermore, the Miller amendment would preclude employers from using comp time to modify or reduce existing paid leave plans. It would entitle employees choosing comp time to get regular statements of their accrual and use of comp time; put a reasonable limit on the number of hours of comp time that can be accrued; and allow employees to seek damages when they incur costs because an employer wrongfully denies them use of the comp time they earned. The Secretary of Labor would have the authority to bar employers with a pattern and practice of comp time abuse from continuing to offer comp time. H.R. 1 has none of these protections. These are all improvements to H.R. 1 that guarantee the legislation enhances rather than decreases flexibility for America's working families.

THE WHITE HOUSE

WASHINGTON

March 19, 1997

Dear Mr. Speaker:

America's working families find it increasingly difficult to balance the demands of work and family. Our nation's workers and their employers deserve responsible compensatory time legislation that gives working people the flexibility they need to meet their obligations at home and in the workplace, while upholding three fundamental principles: real choice for employees, real protection against employer abuse, and preservation of fair labor standards such as the 40 hour work week and the right to overtime pay.

The legislation currently pending House consideration, H.R. 1, the Working Families Flexibility Act of 1997, does not meet these principles. As a result, I strongly oppose H.R. 1 and will veto this bill if passed in its current form.

We should enact comp time legislation this year that meets the needs of working families and U.S. businesses. Last year, I proposed employee-choice flex-time legislation and included expansion of the Family and Medical Leave Act (FMLA) so that workers could take leave for parent-teacher conferences or attend to the routine medical needs of their families. With these objectives in mind, I encourage you to support a substitute amendment to be offered by Representative George Miller. Unlike H.R. 1, the Miller amendment allows comp time without endangering fair labor standards, and without burdening business with greater costs or risks:

The Honorable Newt Gingrich
Page Two

It is time for us to work together to give America's working families the help they need to succeed in an increasingly demanding environment. Although I am prepared to support and sign a responsible comp time bill, I intend to veto any legislation that fails to guarantee real choice for employees, real protection against employer abuse, and preservation of fair labor standards such as the 40 hour work week and the right to overtime pay. To that end, I hope that you can support the Miller amendment -- a good step toward responsible comp time reform.

Sincerely,

Bill Clinton

The Honorable Newt Gingrich
Speaker of the
House of Representatives
Washington, D.C. 20515



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

May 9, 1997 (SENT)
(Senate)

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

S. 4 - Family Friendly Workplace Act (Ashcroft (R) MO and 41 others)

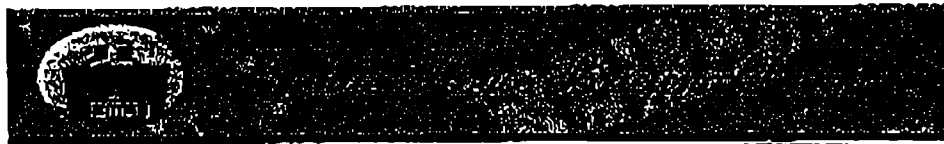
The Administration strongly opposes S. 4, as reported by the Senate Labor and Human Resources Committee, because it does not uphold three fundamental principles: (1) real choice for workers; (2) real protection against employer abuse; and (3) preservation of workers' rights. The President will veto S. 4 or any other compensatory time legislation that does not fulfill these principles.

S. 4 purports to give working families greater flexibility. In reality, it grants employers more rights and leaves working Americans and their families worse off:

- S. 4 fails to offer workers real choice. In particular, S. 4 would allow an employer to unfairly pick and choose which employees are offered compensatory time. Moreover, it would allow the employer to decide when workers use their compensatory time-off by disapproving such time-off if the employer claims it would "unduly disrupt" its operations — even if a worker needed the time off for family leave or medical emergencies. In addition, S. 4 would permit an employer to unilaterally "cash out" a worker's earned compensatory time over 80 hours. These provisions do not guarantee real choices to workers.
- S. 4 fails to protect workers against potential abuse. At a time when overtime is reaching an all-time high in some industries, S. 4 offers inadequate protections against employer abuse, especially for vulnerable workers and part-time, seasonal, and temporary employees, including garment and construction workers. The bill also fails to prohibit employers from substituting compensatory time-off for paid vacation or sick leave benefits. It does not adequately safeguard workers when an employer goes bankrupt or out of business: workers could lose up to six weeks of pay due to S. 4's unreasonably high cap of 240 hours of bankable compensatory time. S. 4 also lacks meaningful remedies when workers exercise their private right of action against employers who penalize them for choosing overtime pay in lieu of compensatory time.
- S. 4 fails to preserve workers' rights. It effectively eliminates the 40-hour workweek by allowing employers to establish an 80-hour biweekly work schedule or a flexible credit hour program that allows employers to pay straight time pay for overtime work. That is money out of the employee's pocket. It also ends the 60-year-old right to time and a half pay whenever an employee works more than 40 hours a week, not just when the employer orders it. In addition, workers who take compensatory time-off can be forced to work extra hours in the same week even on the weekend without being paid time and a half pay.

This gives families less flexibility, not more. If compensatory time legislation is truly to provide more flexibility to working families, it must not be allowed to undermine the 40-hour workweek.

Finally, the Administration strongly believes that any legislation to authorize compensatory time under the Fair Labor Standards Act should be linked to expansion of the Family and Medical Leave Act (FMLA). Expanding the FMLA to give working families greater flexibility to foster the education of their children or provide elder care will go a long way toward achieving the stated goals of S. 4.



THE WHITE HOUSE
Office of the Press Secretary
Saturday, March 22, 1997

[Listen to Address with Real Audio player](#) || [Download in .au format \(~3 Mb\)](#)

RADIO ADDRESS OF THE PRESIDENT TO THE NATION

Mantyniemi Residence
Helsinki, Finland

THE PRESIDENT: Good morning. I'm glad to be back at the microphone this morning after relying on the Vice President to fill in for me last Saturday. My knee is healing just fine and I'm happy to report that I've just completed a successful summit meeting with President Boris Yeltsin of Russia in Helsinki, Finland.

Together we're building a strong United States-Russia relationship to meet the challenges of the 21st century, building a democratic, undivided Europe at peace; leading the world away from the nuclear threat; forging new ties of trade and investment that will benefit all our people.

Today I want to talk with you about how we can work together to strengthen America's working families and to help them meet their responsibilities both at work and at home. We have made significant progress in this area with the Family and Medical Leave Act of 1993. That was landmark legislation and I was very proud that it was the first bill I signed as President. But I'm even more proud of the impact this law has had on the everyday lives of working families.

Since its enactment millions of Americans have been able to take unpaid leave to care for a newborn child or to be with a family member who's sick. I know that many Americans would have lost their jobs if it weren't for the family leave law.

With new pressures on families in the way they work and live, we have to do even more to give people the chance to be good workers and good parents. That's why I proposed expanding the Family and Medical Leave Act so that workers can take time off to attend teacher conferences or to take a child for a medical checkup. I have challenged the Congress to pass legislation that will do just that this year, and I have high hopes that they will.

This morning I want to talk about another way to strengthen our working families. I have a plan that offers employees this simple choice: If you work overtime you can be

RADIO ADDRESS BY THE PRESIDENT 03/22/97 - Microsoft Internet Explorer Page 2 of 3

paid time and a half, just as the law now requires, or if you want you can take that payment in time -- an hour and a half off for every hour of overtime you work. Simply put, you can choose money in the bank or time on the clock. Comp time can be used for a vacation, an extended maternity leave, or to spend more time with your children or your parents.

We can give employees in American business more flexibility. That serves everyone's interests. But we must make sure that as we give greater flexibility we do it in a way that's good for both business and employees.

Unfortunately, a version of comp time legislation that is moving through Congress now would take the wrong approach. It could actually leave working families worse off than today. Strong comp time legislation gives employees the choice of when to take their overtime pay in money or in time off from work. But under the congressional majority's proposal, employees aren't really guaranteed that choice. There are no effective safeguards to stop an employer from telling an employee who needs a paycheck more than family time that he or she has no choice -- you work overtime this week, then I'll give you less time next week.

Strong comp time legislation would give employees the choice of when they take time off. That's the best way to strengthen families and to give parents more flexibility. But the congressional majority's plan would make it simply too easy for employers to tell workers they cannot take the comp time they have earned.

Under strong comp time legislation, the time off you have earned is just that -- time off. But under the congressional majority's plan, employees who take comp time could be forced to work extra hours at night or on the weekend to make up the time without any overtime pay. That means if you take off a Friday that you have earned by working overtime your employer could simply make you work Saturday without paying overtime because you haven't worked your full 40-hour week.

Above all, strong comp time legislation preserves the protection of our 40-hour week, which has been the law now for most of this century. Today the law says if you are an hourly worker and you work longer than 40 hours, you get paid time and a half for overtime. Our plan would give you the choice of taking an hour and a half off for every hour you work instead. But under the congressional majority's plan, some employees who work an extra hour would get only an hour off -- less overtime than they would be eligible for today. That's money out of their pocket.

The vast majority of our employers will be fair to their workers under any system. But as we modernize our laws to fit a changing workplace we have to uphold historic safeguards for all our employees. Giving workers the real choice of taking time off as overtime pay is good for our families. It will help all Americans balance the demands of home and work. But it's employees and their families, not employers, who should choose if, when and how they take and use comp time.

Congress should pass expanded family leave and a strong comp time bill. The moment

3/24/97

11:32:54 AM

RADIO ADDRESS BY THE PRESIDENT 03/22/97 - Microsoft Internet Explorer Page 3 of 3

a responsible comp time bill hits my desk I will gladly sign it. It will be good for workers, good for business, good for the economy, and strong in the building of our families. But let me also be clear: I will have to veto any legislation that fails to guarantee real choice for employees, real protection against employer abuse, and real preservation of fair labor standards including the 40-hour week.

It's time for us to join together to give America's families the help they need to succeed on the job and in the home. Let's pass comp time legislation, but let's do it right.

Thanks for listening.

3/24/97

11:32:54 AM

February 8, 1999

MEMORANDUM

TO: Hillary Rodham Clinton
FROM: Nicole Rabner
SUBJECT: FMLA Case

Early this month, Kevin Knussman, the Maryland state employee about whose FMLA case you wrote in your book *ITAV*, won his suit against the State of Maryland. Mr. Knussman needed to take 12 weeks of paternity leave when his first daughter, Paige, was born in 1994 and his wife was temporarily disabled by pregnancy and childbirth complications. However, his employer only allowed him to take 2 weeks off and made comments suggesting that this was because he was a man. The jury found that this conduct violated the FMLA and also constituted unlawful sex discrimination under Title VII. He won a jury verdict of \$375,000.

I spoke with Mr. Knussman today. He called to convey his deep thanks to you for your support through *ITAV*, and said that he would like to come in at some point to thank you in person. Also, Mr. Knussman wanted us to know that following the jury verdict, the State of Maryland prosecutors suggested that they may appeal the case on the basis that the FMLA is unconstitutional. I am working with the Counsel's Office and the Labor Department to see what, of anything, we can do to respond.

Nicole — I'd like to do this.

THE WHITE HOUSE

WASHINGTON

February 12, 1999

2-16-99

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Elena Kagan

Copied:
Reed
Kagan
Podesta

SUBJECT: DPC Weekly Report

1. Tobacco -- Record Verdict: A jury in San Francisco awarded a former smoker \$1.5 million in compensatory damages and \$50 million in punitive damages in her lawsuit against Philip Morris Co., the largest award ever in a suit filed by an individual smoker. The verdict sent tobacco stocks reeling, and stunned tobacco analysts who considered this a relatively weak case. This award could open the floodgates to similar claims against tobacco companies and may increase the pressure on the tobacco industry to settle the federal claims being brought by the Justice Department.

2. Crime -- NY Gun Verdict: On Thursday, a jury in the Federal District Court in Brooklyn found 9 gun manufacturers collectively liable for shootings with illegally obtained handguns due to their negligent marketing and distribution practices. The case, Hamilton v. Accu-Tek, represents the first time a jury has found gun makers liable on a theory of negligent distribution. The suit was brought on behalf of 6 homicide victims and a severely wounded teenager, all of whom were shot with illegally obtained handguns. The plaintiffs argued that gun manufacturers oversupply the market in southern states with weak gun laws, enabling traffickers to move guns up the "iron pipeline" to New York. Even though the plaintiffs could not prove which manufacturers' guns were used in any of the specific incidents, they argued that the defendants marketed and distributed handguns so negligently that they contributed to the illegal gun trafficking that ultimately resulted in the shootings. Of the more than 25 gun manufacturers named as defendants, the jury found 15 negligent but only 9 liable for any of the shootings. However, the jury awarded damages only to one plaintiff -- the surviving teen -- in the amount of \$3.95 million, of which he is expected to collect about \$500,000. The Justice Department is currently reviewing the details of this decision, and we intend to meet with them soon to discuss its implications on similar lawsuits recently filed by New Orleans, Chicago, and other cities.

3. Health Care -- Ganske HMO Bill: On Wednesday, Rep. Ganske and 10 other Republicans introduced a new version of the Patients Bill of Rights, which denies access to punitive damages for individuals suing plans for actions that result in harm. Although there were other modest changes to the underlying bill, the legislation effectively retains the core protections that Rep. Dingell has been advocating. Ganske and Dingell are contemplating a

joint press conference after the recess to highlight the similarities of the two bills and to underscore their belief that a compromise is easily within reach that can attract far more than the 218 votes necessary in the House. In the Senate, however, any bill will have a much lower threshold of protections. Our strategy should be to expedite House action in order to influence the Senate bill.

4. Health Care -- Medicare Prescription Drug Benefit: Chris Jennings reports that an internal committee of the Pharmaceutical Research and Manufacturers Association (PhRMA) will recommend that the association endorse the development of a Medicare prescription drug benefit that would be administered privately. This recommendation apparently will be forwarded to PhRMA's Board of Directors this week, and they may endorse the proposal as early as Thursday of next week. If true, such an endorsement will increase momentum for the inclusion of a prescription drug benefit in any Medicare Commission recommendation. On Wednesday, Rep. Allen and 65 Democratic cosponsors introduced legislation that allows pharmacists to provide prescription drugs to Medicare beneficiaries at Federal supply schedule prices, creating a system similar to the one used by the Veterans Administration. Chris believes that despite the fact that the drug industry can defensibly label this as something very close to price controls, the bill will provide pressure to move forward with a more realistic Medicare drug benefit. Chris is also hearing that some Republicans, like Senator Roth, are also interested in a Medicare drug benefit for all beneficiaries.

5. Children and Families -- FMLA Verdict: Kevin Knussman, a Maryland state trooper who was denied the right to take 12 weeks of paternity leave, won a \$375,000 jury verdict against the state of Maryland. You met Knussman in August 1995, and the First Lady wrote about his story in *It Takes A Village*. A state trooper for 18 years, Mr. Knussman needed to take 12 weeks of family leave when his first daughter was born in 1994, but his employer allowed him only 2 weeks because he was a man. The jury found that this conduct violated the FMLA and constituted unlawful sex discrimination under Title VII. Maryland is expected to appeal.

6. Welfare Reform -- Elaine Kinslow: You recently asked about a news story noting that Elaine Kinslow, the welfare-to-work success story from Indianapolis you saluted in last year's State of the Union, had to change jobs when her employer lost its government transportation grant. We have been in communication with that company, Pathfinder Transportation Service, many times over the past year. As you may recall, Pathfinder ran a van service for welfare recipients going to work, but lost its contract when the state decided not to use state funds for this purpose and wrongly contended that federal rules prevented the use of TANF funds. To correct this misunderstanding, we worked with HHS, Labor, and DOT to issue official joint guidance last spring explaining how TANF and other federal resources can be used to address transportation challenges for people moving from welfare to work, and made sure Pathfinder as well as the right Indiana state officials received copies. You sent a letter to every governor stressing the importance of investing TANF savings in transportation, child care, and other services. Despite this information, Indiana decided not to

continue the contract with Pathfinder. However, Pathfinder does receive funds from local employers and job placement agencies, and is part of an Indianapolis consortium applying for a federal Access to Jobs grant that DOT will consider this spring.

7. Welfare Reform -- Washington State: A recent survey of individuals leaving welfare in Washington shows high rates of employment and earnings, even as caseloads continue to decline. Most people left welfare for employment (67%), with the next most common reasons being increased income through child support or SSI (9%), and conflict with program requirements (8%). Seventy-one percent of those who left the rolls between April and August 1998 were still working when they were surveyed in the Fall of 1998, at an average wage of over \$8 an hour. Washington systematically contacts people once they've gone to work to help them find opportunities to increase their skills through short-term community college courses or other training and to find better jobs. The state also is investing TANF savings in extensive supports for working families, and recently reallocated TANF funds to increase reimbursement for child care providers who accept infants or provide care during non-standard hours.

*try to keep
open*

FOR IMMEDIATE RELEASE
Tuesday, January 19, 1999

CONTACT: Lisa Lederer
202/371-1999 ext.1

STATE OF THE UNION REFLECTS PRESIDENT CLINTON'S POWERFUL COMMITMENT TO WORKING FAMILIES

**Statement by Judith L. Lichtman, President
National Partnership for Women & Families**

The State of the Union address President Clinton will deliver tonight includes measures that will improve life dramatically for this nation's women and families. President Clinton's proposal to expand the Family & Medical Leave Act to cover more workers at mid-sized companies is urgently needed and long overdue. The Family & Medical Leave Act was the first measure Bill Clinton signed into law when he became president, but too many Americans must still make an impossible choice between the job they need and the family they love when a baby is born or adopted, or a medical crisis strikes. President Clinton is right that we need to lower the threshold so that the law covers more working Americans.

We also applaud a range of other initiatives the President is recommending that will make a difference for women and families: raising the minimum wage; narrowing the wage gap; enforcing civil rights more aggressively; prohibiting job discrimination against working parents; helping people get from welfare to work; and helping families provide care for their children and elderly and disabled relatives. And the President is right that federal lawmakers have no higher priority this year than passing the *Patients' Bill of Rights Act*. Americans deserve real patient protections, not more laws that protect the insurance industry.

President Clinton is spelling out an impressive agenda for working women and their families tonight. Americans will be watching closely to see which elected officials support that agenda, and which stand in its way. Congress should stop playing politics and start making policy.

###

The National Partnership for Women & Families (formerly the Women's Legal Defense Fund) is a nonprofit, nonpartisan organization that promotes fairness in the workplace, quality health care, and policies that help women and men meet the dual demands of work and family.



dlenhoff @ nationalpartnership.org
02/03/99 09:23:00 AM

Record Type: Record

To: Nicole R. Rabner, Neera Tanden

cc:

Subject: large jury verdict in a 'paternity leave' FMLA/sex discrimination

I thought you'd be interested in this -- I just learned that yesterday, Kevin Knussman, a flight paramedic who worked for the state of Maryland, won a jury verdict of \$375,000 in his sex discrimination and FMLA case! Mr. Knussman had needed to take off 12 weeks of paternity leave when his first daughter, Paige, was born in 1994, because his wife was temporarily disabled by pregnancy and childbirth complications. But his employer only allowed him to take 2 weeks and made comments suggesting that this was because he was a man. The jury found that this conduct violated the FMLA and also was unlawful sex discrimination under Title VII. Sara Mandelbaum of the ACLU Women's Rights Project represented the Knussmans in court.

Mr. Knussman testified before the Family Leave Commission several years ago about his experience, and his story was featured in the First Lady's book, 'It Takes a Village.' You can read more about his story on our website, www.nationalpartnership.org.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

August 5, 1998

**STATEMENT BY THE PRESIDENT
On the Fifth Anniversary of the Family and Medical Leave Act**

Five years ago today, the Family and Medical Leave Act went into effect, giving tens of millions of Americans the peace of mind that they would never have to choose between the jobs they need and the families they love. I am very proud that the Family and Medical Leave Act was the very first piece of legislation I signed into law.

Millions of Americans have benefited from this historic legislation by taking time off -- without fear of losing their jobs -- to care for a newborn or adopted child, to attend to their own serious health needs, or to care for a seriously ill parent, child or spouse. In addition, a report issued today by the Department of Labor shows the relative ease with which the law has been implemented -- the overwhelming majority of employers have found the FMLA easy to administer and nine out of ten complaints have been successfully resolved, often with a simple phone call.

I have always believed that we can help our workers fulfill their family responsibilities and strengthen the economy and America's businesses. For five years, the Family and Medical Leave Act has helped us to fulfill both of those critical goals.

-30-30-30-

EXPANDING THE FAMILY AND MEDICAL LEAVE ACT TO HELP FAMILIES BALANCE WORK AND FAMILY RESPONSIBILITIES

January 27, 1998

In the new economy, most parents work harder than ever. They face a constant struggle to balance their obligations to be good workers -- and their even more important obligations to be good parents. The Family and Medical Leave Act was the very first bill I was privileged to sign into law as President in 1993. Since then, about 15 million people have taken advantage of it, and I've met a lot of them all across this country. I ask you to extend that law to cover 10 million more workers, and to give parents time off when they have to go see their children's teachers or take them to the doctor.

--President Bill Clinton

State of the Union Address, 1/27/98

In his State of the Union Address, President Clinton called on Congress to extend the benefits of the Family and Medical Leave Act -- the first piece of legislation that the President signed into law -- to ten million more American workers.

BIPARTISAN REPORT SHOWS THE LAW IS WORKING. Since the Family and Medical Leave Act was enacted in 1993, at least fifteen million Americans have taken FMLA-covered leave. Today, workers are eligible for FMLA-protected leave if they work at a business with 50 or more employees and if they have worked at least twelve months and 1,250 hours for the employer. FMLA allows eligible employees to take up to 12 weeks unpaid, job-protected leave to care for a newborn or adopted child, to attend to their own serious health needs, or to care for a seriously ill parent, child or spouse. The bipartisan Commission on Leave -- chaired by Senators Craig and Dodd -- reported that the law is working:

- **67 million Americans -- over half of all workers -- are guaranteed they can take leave from their job to care for a sick relative or a newborn child without fear of losing their job or health insurance.**
- **Millions of Americans have taken leave since the enactment of FMLA.** During the 18-month period covered by the Commission's study (1/94 - 6/95), an estimated 12 million Americans took leave for FMLA-covered purposes.
- **40% of all workers think they will need to take leave for a covered reason at some time in the next five years.**
- **Despite its opponents' claims, compliance is easy and costs are low for most employers now covered by the law:**
 - **Nine out of ten employers find the law "very" or "somewhat" easy to administer.**
 - **Compliance entails either little or no costs for 89%-99% of businesses.**
 - **Smaller covered worksites found it easier to comply than larger sites.**
- **Some businesses have reported reduced employee turnover, enhanced productivity and improved morale which they attribute to the Act.**

NOW IS THE TIME TO EXPAND THE LAW TO COVER MORE WORKERS AND BETTER HELP WORKERS CARE FOR THEIR CHILDREN AND PARENTS. The President believes that it is time to expand the benefits of the law. He is urging the Congress to:

- **Enable workers at businesses with 25 or more workers to take unpaid, job-protected leave -** current law covers businesses of 50 or more employees. Lowering the employer coverage threshold from 50 to 25 workers will mean that FMLA will cover up to ten million more American workers, allowing them to take up to twelve weeks unpaid, job-protected leave to care for a newborn or adopted child, to attend to their own serious health needs, or to care for a seriously ill parent, child or spouse.
- **Allow FMLA-eligible workers to take up to 24 hours of additional leave each year to meet specified family obligations,** including routine doctors appointments and parent-teacher conferences. Leave could be taken to: (1) participate in school activities, such as parent-teacher conferences; (2) accompany your child to routine dental or medical appointments; and (3) accompany an elderly relative to routine medical appointments or other professional services.

Talking It Over

By Hillary Rodham Clinton



Time to expand reach of medical-leave law

Five years ago this week, the first bill my husband signed after taking office went into effect: the Family and Medical Leave Act.

Before then, too many Americans — Americans like George and Vicki Yandle — had to choose between spending precious time with a loved one and losing their jobs.

In January 1987, George and Vicki's youngest daughter, Dixie, was diagnosed with cancer. Doctors amputated her left leg and immediately began chemotherapy.

During Dixie's illness, both the Yandles took time off from work to care for her — and both were fired from their jobs.

In September 1992, Congress passed the Family and Medical Leave Act and sent it to President Bush, who vetoed it. But the following year, my husband signed the FMLA, and in August, it became law.

Sadly, though, this was too late for the Yandles. Dixie had died in April. She was 17.

Since 1993, millions of Americans have taken advantage of the FMLA's protections. The law allows workers in companies of 50 or more — 88 million people — to take up to 12 weeks of unpaid leave in a 12-month period for the birth or adoption of a child; to care for a seriously ill child, spouse or parent; or to recover from their own serious illness. While on leave, the employee's job and health insurance are protected.

Let me share a letter I received from Lynne Wade, of Highlands Ranch, Colo., who took advantage of her rights under the FMLA:

"I am writing to let you know that two months ago, my husband died of congestive heart failure after ... several years of illness.

"Because your husband signed into law the Family and Medical Leave Act, I was able to transport him to doctor appointments and hospital visits.

"The act enabled me to keep my job and bring him comfort at the end of his life. I will be eternally grateful."

Thanks to the FMLA, Lynne did not spend the critical last months of her husband's life worrying about whether or not she would have a job after he died.

According to a bipartisan commission's report called "A Workable Place," more than 80 percent of FMLA leave is used to care for serious illnesses. Mike and Molly Goodson of St. Paul, Minn., though, took back-to-back FMLA leave when their two daughters were born.

Many of Mike's male co-workers told him they wished they, too, had taken time off when their children were born. Molly agreed: "I think it's great that more men are taking leave." As a matter of fact, 42 percent of all FMLA leave is taken by men.

A new study from the Families and Work Institute tells us that family leave is not only good for workers, it's also good for business. Despite concerns that the FMLA would burden companies with administrative hassles and

Thanks to the FMLA, Lynne Wade of Colorado did not spend the critical last months of her husband's life worrying about whether or not she would have a job after he died.

expenses, 84 percent of employers find that the benefits of providing family and medical leave offset or outweigh the costs. In fact, many businesses note reduced employee turnover, enhanced productivity and im-

proved morale. And nine out of 10 employers agree that the law is easy to administer.

Elizabeth Carlson, director of Human Resources for the National Futures Association for more than 10 years, reports, "I feel confident that I speak for all levels of management ... when I say that our experience with this leave policy has been very positive."

E-SOURCE, an information-service company in Boulder, Colo., chose to adopt FMLA leave policies for its 48 employees although it was not required to do so. Chief Financial Officer Joan Wright considers the benefit a "real plus for recruitment" that more than pays for itself in employee retention, loyalty and lower administrative costs.

She argues that the FMLA should be expanded to include smaller companies such as hers because it's "the right thing to do."

I agree. Now that we've seen how important this law has been for America's workers, why not extend its reach? Why exclude those who work in smaller companies? In times of family crisis, shouldn't they, too, be able to take job-protected leave?

And what about other family obligations? Shouldn't we, at the same time, recognize the importance of routine commitments, such as parent-teacher conferences or medical appointments? Isn't it time to expand the FMLA to allow workers 24 hours of leave each year to meet these responsibilities?

When my husband signed this bill into law, he declared, "Family and medical leave is a matter of pure common sense and a matter of common decency." It's about letting Lynn Wade spend her husband's last days caring for him without fear of losing her job. It's about letting Mike and Molly Goodson take the time to welcome their newborn daughters into the world.

It's about respecting the rights and responsibilities of all Americans as they struggle to balance work and family.

For more information about the FMLA, you can call the U.S. Department of Labor at 1-800-959-FMLA.

TALKING IT OVER

BY HILLARY RODHAM CLINTON

RELEASE: WEDNESDAY, AUGUST 5, 1998, AND THEREAFTER

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To find out more about Hillary Rodham Clinton and read her past columns, visit the Creators Syndicate web page at www.creators.com.

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THE WHITE HOUSE

August 6, 1998

PERSONAL
&

The Honorable Christopher Dodd
U.S. Senate
Washington, D.C. 20515

~~CONFIDENTIAL~~

DETERMINED TO BE AN ADMINISTRATIVE
MARKING Per E.O. 12958 as amended, Sec. 3.3 (c)

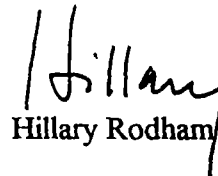
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Dear Chris:

As we mark the fifth anniversary of the Family and Medical Leave Act, I would like to share with you my recent column on this subject and take this opportunity to thank you for your continuing leadership on this important issue. I know we both agree that the FMLA is one of the most significant achievements of the past many years.

With warm regards, I remain

Sincerely yours,


Hillary Rodham Clinton

CHRISTOPHER J. DOOD
CONNECTICUT



July 31, 1998

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Please note
Plan 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.

*Jer/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
7/15/98
Follow up
to the President
on the FMLA
event
on 8/11/98
The Honorable Christopher Dodd
United States Senate
Washington, DC 20510

To: Erskine Bowles
From: Christopher Dodd
Re: 5th Anniversary of the Family and Medical Leave Act
Date: July 13, 1998

As you know, August 5 marks the fifth anniversary of the implementation of the Family and Medical Leave Act of 1993. I remain convinced that the FMLA will long stand as one of the signature accomplishments of the Clinton Administration -- as well as of those of us in Congress who worked for nearly a decade to get it signed into law.

This anniversary offers an important opportunity to remind the nation of this achievement as well as lay out an agenda for the future. As you know, President Clinton announced his support for my initiative to expand the FMLA to include the 13 million Americans who work at mid-sized firms of between 25 and 50 employees in this year's State of Union address. The President has not yet officially rolled out this new policy. The anniversary would be an excellent time to coordinate an event focusing on five years of success and the expansion of the Act to more families.

To increase interest and relevance in this event, the President could release new findings about the success of the FMLA and announce several new Administration initiatives to promote the expansion of the FMLA in ways that do not require legislative action.

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 the FMLA has either saved them money or has been cost neutral. This positive data continues to undermine Republican arguments that the Act has had 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 estimate to provide us with a new number of how many working Americans and their families have benefitted from the FMLA.

Administration Initiatives:

- **Support for Expansion Legislation.**
- **Educational Campaign Targeted at Small Business.** Announce an educational campaign by the Small Business Administration and the Department of Labor to work with small and mid-sized businesses to encourage them to implement beneficial family and medical leave policies.
- **Support for Study on Affordability.** Announce the Administration's support for the National Academy of Sciences' work on how to make FMLA more affordable for working Americans.

Timing of this event would be important. As you know, the Senate is scheduled to be out of session all of August. The event should be timed for the last week of July and we can plan coordinated events on the actual anniversary in our states to amplify this important message.

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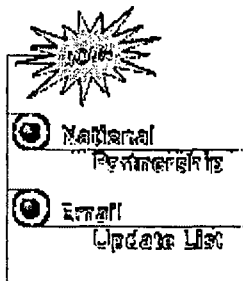
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Family Leave For More Working People: Expanding The FMLA To Cover Mid-Sized Businesses

The Family and Medical Leave Act (FMLA) has benefitted millions of working families, but more employees should have access to its protections. A 1997 study by the National Partnership for Women & Families found that expanding the law to cover businesses with 25-49 employees would bring an additional 13 million working women and men within the FMLA's protections, while affecting only a small percentage (6.4%) of private businesses. ¹

The FMLA Helps Millions of American Working Families

The FMLA allows eligible employees to take up to 12 weeks' unpaid leave every year to care for a new baby or seriously ill family member, or to recover from their own serious illness. Currently, it applies to employers with 50 or more employees, covering 57.5% of this country's private workforce, or almost 55 million private employees. Since the FMLA became law in 1993, millions of working Americans have taken family or medical leave. 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 (nearly 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.
- 11.2% of private employers.
- More than 13 million additional privately employed workers, for a total of more than 68 million private employees across the United States.

FMLA Coverage in the United States			
	Size of Employer (# of employees)		
Private Sector	50+	25-49	Total (25+)
# 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

We believe that providing family leave is a "win-win" situation for both our company and our employees.
 -- Flora Green, co-owner of
 Foliage by Flora, Kendall, Florida

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, fewer than 2% 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.

For more information, read [Expanding the Family and Medical Leave Act](#).

ENDNOTES

1. *Expanding the Family and Medical Leave Act to Cover Businesses with 25-49 Employees: The Impact in the U.S. and In Each State* (1997). For the full report, contact the National Partnership for Women & Families. 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 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).

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EXPANDING THE FAMILY AND MEDICAL LEAVE ACT TO COVER BUSINESSES WITH 25-49 EMPLOYEES: THE IMPACT IN THE U.S. AND IN EACH STATE

NATIONAL OVERVIEW

Executive Summary. The Family and Medical Leave Act (FMLA) helps millions of America's working families each year. Enacted in 1993, this federal law ensures that working women and men do not lose their jobs or their health insurance during periods of compelling family need -- when they have newborn or newly adopted children, or when they or their children, spouses, or parents suffer from serious health conditions. But nearly half the private workforce is excluded from FMLA protections because the law only applies to companies of 50 or more employees.

One way to give more families the right to FMLA leave is to expand the law to cover businesses with 25-49 employees, and several bills to do that are currently pending in Congress. If this proposal were adopted, **13 million** more working women and men would gain the FMLA's protection -- but only a small percentage (6.4%) of private businesses would be affected.

This Report details the impact of such expansion on employees and businesses nationwide, and in each of the 50 states and the District of Columbia. It concludes that *expanding the FMLA to cover employers of 25-49 employees would significantly increase the number and percentage of employees covered in every state, while affecting a relatively small percentage of employers.*

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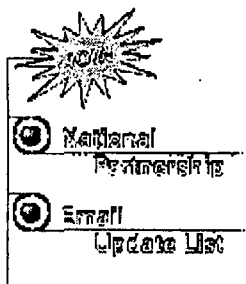
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EXPANDING THE FAMILY AND MEDICAL LEAVE ACT TO COVER BUSINESSES WITH 25-49 EMPLOYEES: THE IMPACT IN THE U.S. AND IN EACH STATE

Introduction

The FMLA Helps Millions of American Working Families -- Without Hurting Employers

The federal Family and Medical Leave Act now gives millions of Americans the right to take up to 12 weeks a year of unpaid, job-protected leave to care for new babies or seriously ill family members, or to recover from their own serious illnesses. More than 12 million working Americans have taken family or medical leave since the FMLA went into effect in August of 1993.

The FMLA currently applies to employers of at least 50 employees, covering 57.5% of the private U.S. workforce¹ (and 66% of the entire workforce, including government employees²). This means that almost 55 million private employees are covered by the law.

Despite the predictions of business interests who opposed the FMLA originally, the law has *not* had a negative effect on employers. To the contrary, the vast majority of employers found the FMLA very or somewhat easy to comply with, and have experienced little or no cost increases as a result of it. Eighty-nine percent or more of employers experienced little or no increase in administrative, benefits, hiring, or other costs associated with implementing the FMLA; over three-quarters find the administrative tasks of determining coverage, maintaining records, and coordinating with other laws and policies very or somewhat easy³. In fact, many employers find that providing family and medical leave enhances their productivity and their employees' morale. The FMLA is a "win-win" policy: good for employees, good for employers.

Too Many Working Americans Are Not Protected by the FMLA

But nationwide, **almost 41 million private employees (42.5% of the private workforce) are not protected by the FMLA** because they work for businesses with fewer than 50 employees. These people risk losing their jobs when they need time off for a new child or medical crisis. Too often, they face an impossible choice between the jobs they need and the families they love.

This is a very real problem. Fully 20% of employees needed family

or medical leave in the 18-month period surveyed by the Family Leave Commission -- and the need was as great for employees **not** currently covered by the FMLA as for those who are currently covered. Moreover, 39% of employees expect to need family or medical leave from their jobs some time in the next 5 years -- most often to care for elderly parents⁴.

The Solution: Expand the FMLA to Cover More Employees

Expanding the FMLA to cover mid-sized employers would go a long way toward giving more people job security and flexibility. To assess the expansion's impact in each state, the Women's Legal Defense Fund analyzed the most recent available government employment data and found that if the minimum size of covered businesses -- the coverage threshold -- were dropped from 50 to 25 employees, the proportion of the private workforce *not* protected by the FMLA would be cut almost a third -- from 42.5% to 28.7%. But the vast majority -- 88.8% -- of all private *employers* would still be exempt, because they have fewer than 25 employees. More specific findings are presented in the next section of this Overview.

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Notes:

¹ Unless otherwise noted, data on private workforce coverage in this Report are for the private sector and come from the U.S. Department of Labor, Bureau of Labor Statistics, "Covered Employment and Wages (ES-202) Program" (1995). These data assume even distribution of establishments of 20-49 employees and of employees who work in establishments of 20-49 employees. This Report uses 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), p. xvi.

³ A Workable Balance, p. 125 (Figure 6.3); p. 120 (Figure 6.1).

⁴ A Workable Balance, pp. 91-94, 101-102.

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Congressional Proposals to Expand the FMLA

COVERING EMPLOYEES OF MID-SIZED COMPANIES

The FMLA currently applies only to employers who employ 50 or more employees. The following bills would extend the FMLA to employees of mid-sized companies by lowering the threshold for FMLA coverage:

· Clinton Administration Proposal	Contact: Geri Palast, Assistant Secretary of Labor (202) 219-4692
· S. 183, introduced by Sen. Christopher Dodd (D-Conn.) (25 employees)	Contact: Suzanne Day (202) 224-5630
· H.R. 109, introduced by Rep. William Clay (D-Mo.) (25 employees)*	Contact: Peter Rutledge (202) 225-7117
· H.R. 191, introduced by Rep. Alcee Hastings (D-Fla.) (25 employees)*	Contact: Lillian German (202) 225-1313
· H.R. 234, introduced by Rep. Carolyn Maloney (D-N.Y.) (25 employees)*	Contact: Gail Ravnitzky (202) 225-7944
· H.R. 1373, introduced by Rep. Rosa DeLauro (D-Conn.) (20 employees)	Contact: Catriona Macdonald (202) 225-3661
· S. ___ to be introduced by Sen. Edward Kennedy (D-Mass.) (10 employees)	Contact: Susan Green (202) 224-5441

LEAVE FOR OTHER SERIOUS FAMILY NEEDS

The FMLA currently allows employees to take leave for the birth or adoption of a baby; for the employee's serious health condition; or for the serious health condition of the employee's spouse, child, or parent. The following bills would allow employees to take leave for other important family needs:

Education -- 24 hours of unpaid leave per year to participate in children's school activities or literacy training:

· S. 280, introduced by Sen. Patty Murray (D-Wash.)	Contact: Greg Williamson (202) 224-2621
· H.R. 191, introduced by Rep. Alcee Hastings (D-Fla.)*	Contact: Lillian German (202) 225-1313

Education Plus Nonemergency Care for Children and Elderly Parents -- 24 hours of unpaid leave per year to participate in school activities as well as to accompany children and older relatives to

routine dental or medical appointments:

· Clinton Administration proposal *	Contact: Geri Palast, Assistant Secretary of Labor (202) 219-4692
· H.R. 109, introduced by Rep. William Clay (D-Mo.)*	Contact: Peter Rutledge (202) 225-7117
· H.R. 234, introduced by Rep. Carolyn Maloney (D-N.Y.)*	Contact: Gail Ravnitsky (202) 225-7944

Domestic Violence -- Permits employees to use FMLA leave to deal with the direct results of domestic violence and its aftermath.

· S. 367, introduced by Sen. Paul Wellstone (D-Minn.)	Contact: Charlotte Oldham-Moore (202) 224-5641
· H.R. 851, introduced by Rep. Lucille Roybal-Allard (D-Cal.)	Contact: Ellen Riddleberger (202) 225-1766

* Administration proposal, H.R. 109, H.R. 191, and H.R. 234 both lower the coverage threshold and provide for leave for other serious family needs.

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FMLA Survey of Surveys/Studies; Focus on data on small businesses/threshold

1. 10/95 survey by Census of smaller businesses on impact of FMLA (2-2.5 m firms, excluding C corporations and most government and agricultural firms). Collected information on covered and non-covered businesses' experiences with family leave in 1992 and 1994. Exec summary attached. See pp. 138-140 of Commission's study. Of those surveyed, 9.5% said were covered.

91% surveyed companies incurred little or no cost increase as result of FMLA. For those that incurred cost, was less than \$5000 and generally less than 1% of payroll.

2/3 of covered companies report no change in policies or practices required.

Of remaining 1/3, 70% reported no noticeable effects.

Impact of FMLA on all covered firms, 90% no negative effect on productivity, 96% no negative effect on employee turnover; small positive effect on employees' ability to handle family needs.

Of covered firms, 1992 length of leave for those that reported compared to 1994 -- slight shift to longer leaves.

37% of covered firms reported employees using f&m leave in 1992; 42% in 1994. Most firms reported average of less than 5 employees who took leave in either year.

Useful for data findings; not of use for further data "mining." Given time frame, doubtful could ask them to do another survey.

2. The Conference Board: Work-Family Roundtable on Family and Medical Leave, Winter 1994. 9/94 survey was of private companies and government agencies with experience in implementing work-family programs. Not representative of all companies. **Companies were predominantly large (median workforce of 13,377).**

3. Case Western Reserve Law Review: Analysis and Understanding of the Family and Medical Leave Act of 1993, Winter 1995. Note GAO estimated 2.5 m people likely to take FMLA leave [58 Fed Reg 31,794, 31810, (1993)]. **Not on point to discussion of small businesses.**

4. United Nations: Family Leave: Changing Needs of the World's Workers, 1993. **Not on point to discussion of small businesses.**

5. Hewitt Associates: Employers Offer Leave Benefits that Exceed FMLA Requirements, Jan. 1994. Survey by international consulting firm of 628 employers -- 96% of whom had more than 500 employees. Little on point to discussion of small businesses

but do note that 5/10 employers extend leave to employees at locations with less than 50 employees -- note that surveyed firms were most certainly covered and thus were extending just to small sites. (Other points of interest: 4/10 allow employees to take longer than 12 weeks of leave; 9/10 expect less than 5% to take FMLA leave in given year -- 3/10 expect number to be less than 1%; 6/10 are concerned about finding temporary replacements; 6/10 concerned about cost of supplying leave.)

6. Organization for Economic Co-operation and Development: Employment Outlook, July 1995; Chapter 5, Long-term leave for parents in OECD countries. "It is also not known how small enterprises react and adjust to parental leave." p. 172 Exclusions for small businesses exist in Greece, and until recently in France and Japan. p. 179 **Unless want comparisons to types of leave provided in European countries, not on point.**

7. WSJ: Family-Leave Law Can Be Excuse for a Day Off, 7/7/95. Survey of 123 of Fortune 500 re impact on productivity: positive -- 8%; no impact -- 65%; negative -- 24%; highly negative -- 1%. "Although most employers find compliance with the FMLA less burdensome than initially feared, some cite examples of what they see as abuses by employees." **Not on point except problems cited will be used as reason for not expanding (even though survey was of large companies).**

8. Business Week: Family Leave may not be that big a hardship for business, 6/3/91. Washington Post: Study of Firms Finds Parental Leave Impact Light, 6/23/91. **Pre-FMLA**. Reports on Families and Work Institute survey in four states. Findings of survey: most companies, even the smallest, already offer lots of leave to mothers of infants (though frequently not through formal plans). Under 10 employees: 79% offer maternity leave, 66% continue health benefits, average weeks allowed is 9.1. 10-20 employees: 89% offer maternity leave, 78% continue health benefits; average weeks allowed is 12.7. 91% of employers reported no difficulty in implementation of parental leave; majority reported no increase in costs; 67% relied on existing employees rather than hiring temps; only 6 percent reduce other health benefits to pay for continuing health benefits to those on leave; percentage of women taking leave and average duration was unaffected by passage of state laws. [Other articles on same subject offer less detail.]

9. 9 to 5: Family and Medical Leave Act at the One-Year Mark: Law Needs Exposure, Expansion, Enforcement, 7/27/94. Survey plus recommendations including "expansion of the law to include a gradual lowering of threshold for covered employees, redefining the term immediate family to be more inclusive and providing some form of income replacement during leave." Survey was of callers to their info Hot Line (i.e, largely female employees). **No relevant data.**

10. SHRM: July 1994 FMLA survey of human resource professionals.

75% of surveyed human resource professionals reported FMLA causes administrative problems. Lost productivity (28%) and recordkeeping (30%) are biggest expense. 64% of surveyed said created little or no benefit; 19% said increased morale. When asked about what needs to be changed most, 42% said eliminate provision allowing intermittent or reduced leave schedules -- but 41% had no related difficulties and 30% only minimal difficulties (18% moderate and 11% major). Also claim coordinating with ADA (31%), COBRA (13%), and workers' comp (29%) was difficult. 87% had to revise leave policies and ½ had to use outside help to do so (but of those that reported cost, almost all said it cost less than \$5,000). 38% said changes were minimal and only 10% had to re-design their benefit policies. 38% said it took them 1 week or less to revise their policies; 33% more than 3 weeks; 11% were still trying.

On a day-to-day basis, 26% said administrative requirements of the FMLA were no problem, 38% said a small problem, 27% said a moderate problem, and 10% a major problem. 34% said SHC definition caused difficulties; 66% said it didn't. 70% reported employees provided adequate notice "always" or "frequently." Biggest cost (can check multiples): little or no - 22%; health insurance - 23%; productivity loss - 28%; cost of replacement worker - 17%; overtime - 10%; employee morale - 6%; administrative - 30%.

SHRM support family leave but does not like "one-size-fits-all nature of FMLA." Only 300 responded to survey given to 4,000 members. **Size of company of respondents:** 5% were 0-99; 42% 100-499; rest larger. 32% in manufacturing, 10% finance, 22% services, 10% health.

11. SHRM: 1996 Work and Family Survey, 1/97. Only 552 responded to survey given to 5,000 members (92% covered). Do a 'small'/'large' company comparison but its for under and over 250 employees.

74% said at least one employee used family leave and 72% medical leave since 1993. 58% of surveyed human resource professionals reported FMLA cost them additional money, particularly replacement workers, but have become more efficient in administration and compliance with the Act. 33% report costs for continued health insurance coverage and for loss of productivity. 64% described compliance as very or somewhat easy. 26% said compliance is very or somewhat difficult. Also claim coordinating with ADA (28%), COBRA (17%), state FMLA (17%), UI (11%), and workers' comp (27%) was difficult. 51% said their firm did not experience any benefits from FMLA; 27% did. Respondents without CBAs nearly twice as likely to report benefits. 79% no effect on other benefits offered; 5% decreased other benefits. 80% reported employees provided reasonable notice. 39% found compliance with recordkeeping for intermittent leave somewhat or very difficult; 38% somewhat or very easy. 28% had difficulties in with definition of SHC, 63% did not. For both of these "problems," large companies (>250) reported more difficulties than small ones.

When asked about what needs to be changed most, 54% said tighten SHC definition; 40% wanted to make minimum leave 4 hours; 1/3 wanted to eliminate intermittent and reduced leave schedules; 19% wanted repeal. Interesting finding: 42% of employees failed to return after taking leave; 59% for larger organizations and 40 % from smaller. Work coverage (multiple answers): 92% assign work to others; 71% hire temp; 42% put some work on hold; 23% employee on leave does some work at home.

Size of company of respondents: 22% were 0-99; 48% 100-499; rest larger. 30% in manufacturing, 12% FIRE, 22% services, 9% health. 22% have CBA.

12. Trzcinski and Finn-Stevenson: A Response to Arguments against Mandated Parental Leave: findings from the Connecticut Survey of Parental Leave Policies, Journal of Marriage and the Family 53 (May 1991). Gives answers to three arguments against: 1) many firms already provide family leave; 2) child care, not parental leave, is what parents want; 3) mandated parental leave will raise the costs of doing business. **Drawn from 1988 Connecticut Survey of Parental Leave Policies. Too old to be of great value.** Data available by size of company (10-49, 50-99, 100-499, 500 & >) and type of employee.

Job-guaranteed disability leave is less likely to be available at smaller companies. 97% of firms that offer separate maternity leave guarantee leaves of at least 6 weeks. In the 80-90% range for parental leaves of 6 weeks or greater. Appreciably fewer of small firms offer health insurance continuation. Leave to care for sick children: yes for 57% small firms, 65% for 50-99, 55% for 100-499, and 41% for largest. Have section on replacements for leave takers. Rate of leave-taking (sickness, disability and maternity) in past 12 months: 3% of FTE for smallest; 4% for 50-99, 5% for 100-499, and 5% for largest.

13. Families and Work Institute: Parental Leave Benefits for American Workers (1993?). **Too old to be of great value. However, includes information from survey of Minnesota and Oregon – found that covered employers with fewer than 50 employees had no more difficulty and experienced no greater cost complying with state parental leave laws than larger employers.**

A survey of four states with mandated leave found 91% experience no difficulty with implementation. Majority of those surveyed who had experience with state law experienced no increased cost. "A longitudinal study found that women who were offered more leave for maternity and parenting were more likely to return to the same employers..." Rest of information not on point.

14. Women's Legal Defense Fund: Expanding the Family and Medical Leave Act to Cover Businesses with 25-49 Employees: The Impact in the U.S. and in Each State (1997) State if expanded, 13 million workers and 6.4% of businesses would be

covered. (Assume even distribution of establishments and workers in establishments of 20-49.) State currently covers 57.5% private workforce (almost 55 million); 66% of total. Use information from Commission. Do a state by state list of covered and "newly covered" if lower threshold. Do not seem to take into account existing state laws.

covered now:	private sector workers 54,619,688	establishments 322,579
newly covered:	private sector workers 13,084,394	establishments 431,843

15. Trzcinski: Maternity and Parental Leave: A Historical and Cross-National Comparison of Arguments Concerning the role of Government Policy Towards Work, Caring or Children, and Families, March 1991. **Data too old.** Paper addresses questions on government role in mandated parental leave policies, existence of market imperfections impeding natural creation of "efficient level of leave" by labor market, and role equity plays in perception of government intervention as positive or negative. Some interesting information on reasons for government intervention but not on point with regard to small businesses.

16. Trzcinski and Alpert: Changes in Pregnancy and Parental Leave Benefits in the U.S. and Canada: Judicial Decisions and Legislation, March 1992. **Too early and not on point.** History of changes in law regarding maternity benefits and parental leave. Good definition of maternity leave vs parental leave on p. 8. From EEOC: Leave to care for a child of any age, or to develop a healthy parent-child relationship, or to help a family adjust to the presence of a newborn or adopted child. It must be distinguished from pregnancy disability leave, which is a form of medical leave allowed to female employees who cannot work because of pregnancy or related medical conditions. A shorter version is 1) maternity: deals with short-term disability that can result from pregnancy and childbirth; 2) parental: period of bonding which benefits the psychological development of the parents as well as the child.

17. Trzcinski: Employers' Parental Leave Policies: Does the Labor Market Provide Parental Leave, 1991. **Too early. Data re small businesses is 10-49. Does have references to earlier state surveys on Connecticut and Minnesota.** References an NFIB survey that indicates low incidence of parental leave for infant care found in these states holds true for nation -- 95% of surveyed firms provided no dependent care leave; only 3% provide it for all FTEs. From Connecticut survey: unionization was associated with a substantial increase in the incidence of general disability leave coverage and infant care leave, but had only a marginal effect on separate maternity-related disability leave. Panel Study of Income Dynamics (PSID) has no information on firm size.

18. Coopers & Lybrand: Employment Practices and Programs, 1997 (chapter on Family Leave). Is a survey of firms -- do not have information on survey itself. Two charts are attached.

Most respondents report having employees who take advantage of FMLA, but the average per company is only 5%. Average length of leave is 8 weeks. The most common reason is birth or arrival of child (74%) or SHC (58%). Average of 8% do not return after leave.

Effects on company: 67% positive; 84% increased morale and 54% said helped reduce turnover. 111 cited negative effects: administrative and recordkeeping problems (60%); increased costs of hiring temp workers (47%).

19. Trzcinski and Alpert: Leave Policies in Small Business: Findings from the U.S. Small Business Administration Employee Leave Survey, October 1990.

not read yet

20. **FMLA Commission Report**. Table 6.C/Cost to Employers: The Impact of FMLA on Covered Worksite by Size; Table 6.D/Cost Savings: The Impact of FMLA on Covered Worksite by Size; and Table 6.F/Business and Employee Performance: The Impact of FMLA on Covered Worksite by Size.

Attachment

SUMMARY RESULTS OF FMLA SURVEY

There were between 2 and 2.5 million firms in the U.S., excluding C corporations, with paid employees in 1994. Only about 3 percent of these potentially are bound by the requirements of the Family and Medical Leave Act (FMLA) of 1993(1). About 15 million employees work for these firms and are potential beneficiaries of the provisions of the Act.

In August 1995, we asked a sample of these employers to evaluate the effects of the FMLA on their businesses(2). Virtually all firms with 50 or more employees for at least 20 calendar workweeks in 1994 were familiar with the legislation, but 15.8 percent said they were not covered by it, while another 13.8 percent were unsure if they were covered. Eight percent of the firms with fewer than 50 employees said that they were covered by the Act, which may reflect growth plans or more encompassing or restrictive state legislation. About 3/4 of the firms indicated over half of their employees worked sufficient hours (1250 per year) to be eligible for benefits from the Act.

For firms covered by the Act, 36.7 percent reported employees using family and medical leave in 1992, and 41.9 percent in 1994. Only 15.9 percent of the firms with less than 50 employees indicated use of this type of leave in 1992, about the same as for 1994. Most firms reported an average of fewer than 5 employees taking family and medical leave in either year, with the male participation rate being less than 10 percent in both years.

Leave policy or practice changes were made by about one third of firms to be in compliance with the Act, primarily in areas where personal health was not involved. However, three fourths of all firms reported no cost increases as a result of the Act. Costs to the remaining companies to comply was generally less than one percent of the payroll and less than \$5000.

While about 70 percent of firms reported no noticeable effects on employee behavior on all of five specific issues, the remaining firms reported small increases in negative effects such as unscheduled absences unrelated to family and medical leave, employee turnover, and reduced productivity. However, they also reported small increases in positive effects such as employees' morale and their ability to handle family needs.

- (1) The Family and Medical Leave Act covers firms with 50 or more employees for 20 or more calendar workweeks within a 75 mile radius of the firm. To be eligible employees must have been employed there one year and worked at least 1250 hours. Benefits to the employee are use of up to 12 weeks per year of unpaid leave with guarantee of their same or equivalent job on their return, for purposes related to child-bearing, adoption, and self or immediate family illnesses.
- (2) Questions relating to the Family and Medical Leave Act are a subset of questions on the Characteristics of Business Owners survey sponsored by the Small Business Administration and the Minority Business Development Agency, Department of Commerce, scheduled for complete mailout in November, 1995. This preliminary sample mailing included 1350 businesses who filed form 940 tax returns with IRS for 1994; 1206 of these were in scope (there were a large number of tax exempt filers); 896 responded to the survey; 296 responded to the 50 or more employees question; 549 responded to the less than 50 employees question; 51 did not respond to that question.

NOTE: The data in this report are subject to sampling variability as well as reporting and coverage errors. See precautions on following page.

October 25, 1995

Family Leave

The Family Leave Act of 1993 (FMLA) requires companies who employ at least 50 people to provide the following entitlements to employees in the event of a serious health condition to themselves, spouse, parent, son, or daughter:

- unpaid leave for up to twelve weeks in any twelve month period
- continuation of health benefits
- restoration of job upon returning to work

Although most respondents report having employees who take advantage of FMLA, the average per company is only 5%, with the average length of the leave being 8 weeks. The most common purpose for taking leave reported by participants is the birth or arrival of a child (74%) or a serious health condition (58%). On average, only 8% of employees taking family leave choose not to return to work.

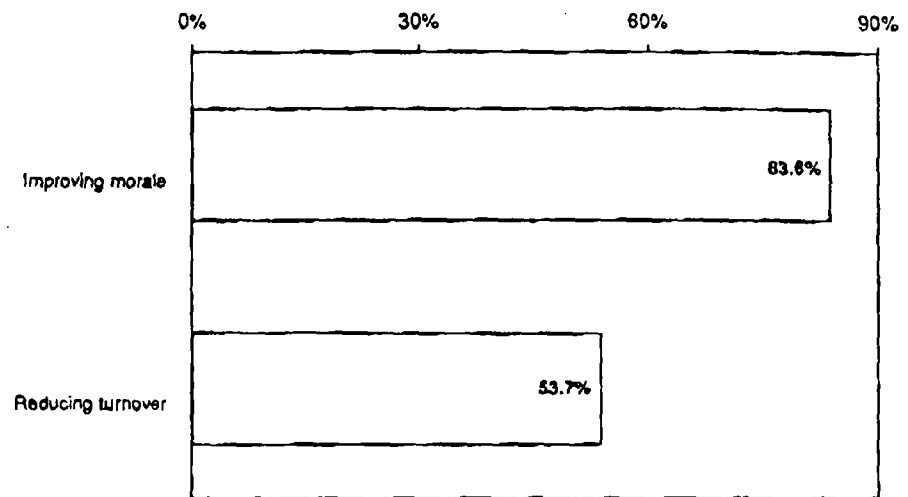
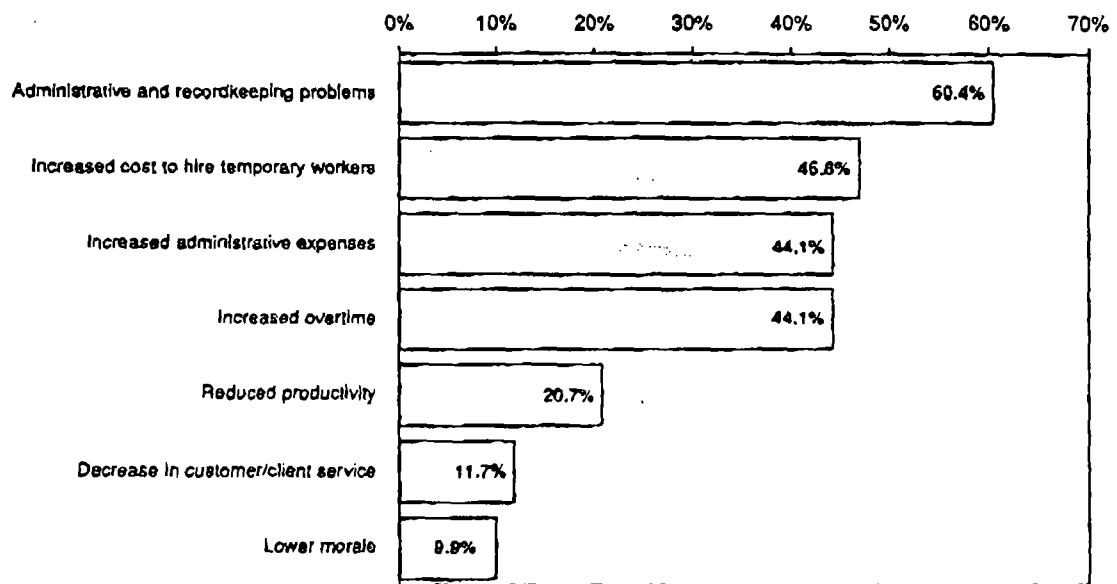
The effects of family leave on organizational performance have produced both positive and negative effects. Of the 67 companies who mentioned positive consequences of FMLA, 84% said it has increased morale and 54% noted that it has helped reduce turnover.

However, 111 respondents cited negative consequences associated with FMLA, including administrative and recordkeeping problems (60%) and the increased costs associated with hiring temporary workers (47%). These results indicate that, despite its benefits to individual employees, family leave can significantly impact the operations of an organization.

The following charts provide more detailed information on how companies are addressing family leave issues.

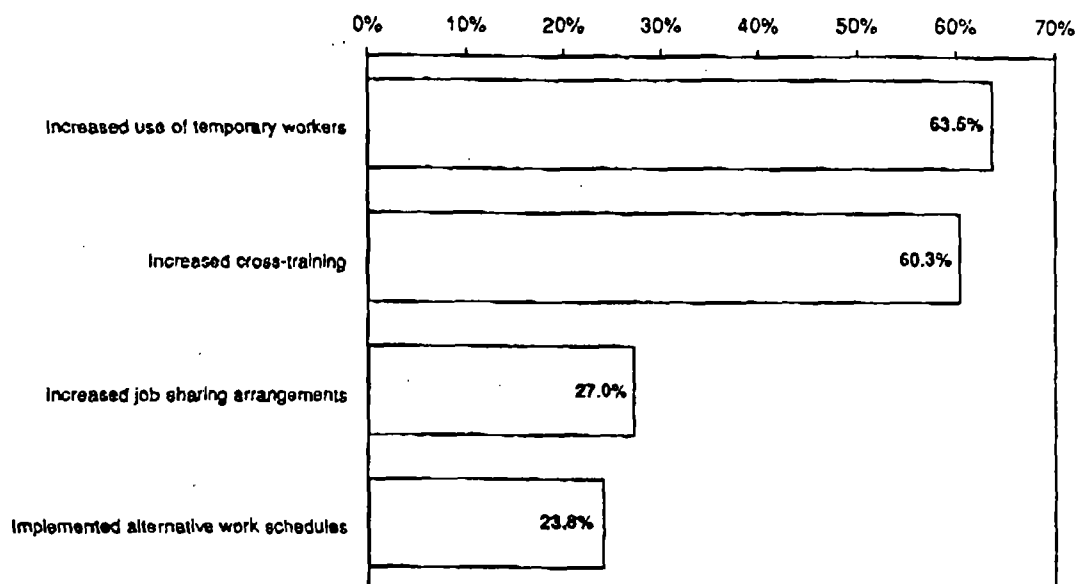
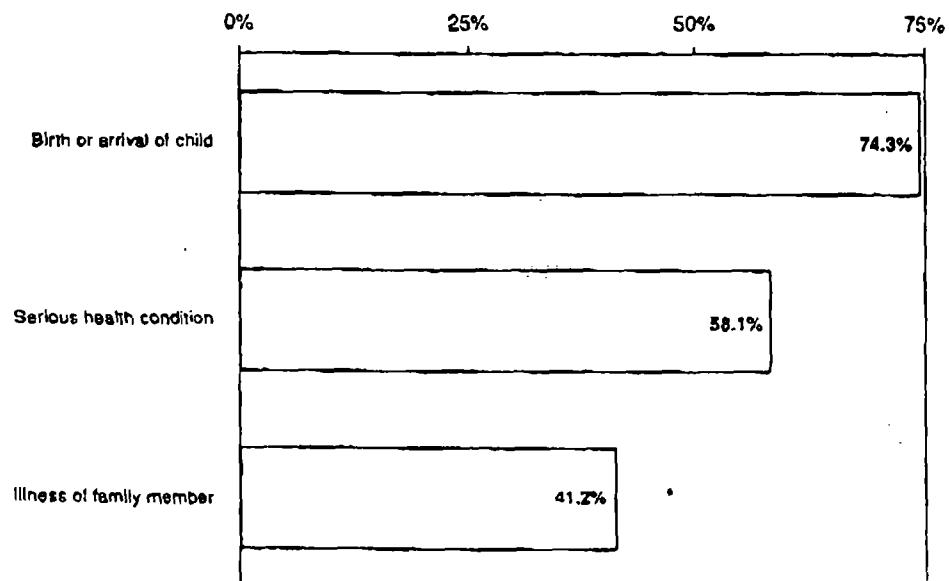
Employment Practices and Programs: 1997

Family Leave

Positive Consequences**Negative Consequences**

Family Leave

Employment Practices and Programs: 1997

Family Leave**Measures Taken In Response to Leave****Most Common Reasons for Leave**

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 ___ Total Compensation In HMOs: 1996.....\$190
 ___ Incentive Programs: 1997
 (covers annual & long-term incentives)\$275
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 ___ Compensation in Gas & Electric Utilities: 1996...\$125
 ___ Employment Practices & Programs: 1997.....\$220
 ___ Total Compensation in the
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Qty.

___ Total Compensation in the Not-for-Profit
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srpr1-98

- 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.

Nicole R. Rabner

02/20/98 09:43:21 AM

Record Type: Record

To: Neera Tanden/WHO/EOP, Jennifer L. Klein/OPD/EOP, Anne H. Lewis/OPD/EOP, Jonathan Orszag/OPD/EOP

cc: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP

Subject: FMLA

FYI, the President said the following last night at the fundraiser in West Orange about FMLA:

"....I think the most important thing we can do, more important than anything else, is helping every citizen to reconcile the competing pressures of work and family. Most parents work now. Most parents with children under the age of five, or four, or three, or two work now. And most of them have to do that.

That's why I supported the Family and Medical Leave Law and why I'd like to see it extended to cover more firms. All the research shows that small firms have just as easy a time as larger firms in meeting the Family and Medical Leave Law. And giving people a little time off when their babies are born and their parents are sick bolsters the morale of families and makes people more productive in the workplace. I think it's important...



Maureen T. Shea

07/24/98 10:18:22 AM

.....

Record Type: Record

To: Maria Echaveste/WHO/EOP, Ann F. Lewis/WHO/EOP, Minyon Moore/WHO/EOP, Broderick Johnson/WHO/EOP

cc: Marjorie Tarmey/WHO/EOP, Audrey T. Haynes/OVP @ OVP, Jennifer L. Klein/OPD/EOP, Nicole R. Rabner/WHO/EOP

Subject: FMLA

Jenn, Audrey, Nicole and I met yesterday to discuss the FMLA anniversary. It was our consensus that we hold off on a FMLA event until September when we would have a greater likelihood of getting a principal to attend and when people would be more focused. It would also give DOL and SBA additional time to I have conveyed that to Donna Lenhoff and Nicole is speaking with Labor. Stephenie Foster, Dodd's COS, called me about something else this morning, and I used that opportunity to tell her about the decision - she was fine with it and thought the Senator would be as well.

In the meantime, in preparation for a fall event, it would be helpful to have an internal process which would clarify our position on lowering the threshold.

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

Statement on the Fifth Anniversary of the FMLA

- Five years ago today the first law I signed as President went into effect -- and the Family and Medical Leave Act began protecting American workers who need time off to take care of essential family needs.
- I was proud to sign that bill into law, and I am proud today, five years later, to see just how successful the FMLA has been at helping millions of Americans with the increasing challenge of balancing work and family.
- The Report issued today by Secretary Alexis Herman's Labor Department shows the relative ease with which the law has been implemented: the overwhelming majority of employers have found the FMLA easy to administer; and overwhelming majority of complaints have successfully resolved, often through a simple phone call.
- Passing and signing the law was the easy part: the success of the FMLA since then has been the work of many people: the Department of Labor, which has gone the extra mile in education and outreach to be sure workers and employers know their rights and responsibilities; and employers and employees who have worked to implement the law in their workplaces and resolve disputes quickly.
- I am proud of the fact that American workers know that if they or a family member face a personal medical crisis, or are welcoming home a new child to the family, they can take time away from work, without worrying about their jobs, to meet their families' needs. With the protection of the FMLA, Americans can be good workers and good parents.

Internal Q &A on the Family and Medical Leave Act
August 5, 1998

Q. Today is the fifth anniversary of the Family and Medical Leave Act going into effect. What is the President doing?

A. The President is issuing a statement in celebration of the anniversary. In addition, the First Lady is writing her weekly column on the importance of the law, and the Department of Labor is issuing a report called, *"Five Years of Success: Report on the Family and Medical Leave Act."*

Q. What is the President's position on expanding the FMLA?

As the President said in his State of the Union Address, he supports covering 10 million more Americans with the protections of the FMLA. That means applying the law to more businesses -- from businesses with 50 or more workers, which is current law, to businesses with 25 or more workers. In addition, the President has proposed expanding the FMLA to allow FMLA-eligible workers to take up to 24 hours of additional leave each year to meet family obligations, including routine doctors appointments and parent-teacher conferences.

EXPANDING THE FAMILY AND MEDICAL LEAVE ACT TO HELP FAMILIES BALANCE WORK AND FAMILY RESPONSIBILITIES

January 27, 1998

In the new economy, most parents work harder than ever. They face a constant struggle to balance their obligations to be good workers -- and their even more important obligations to be good parents. The Family and Medical Leave Act was the very first bill I was privileged to sign into law as President in 1993. Since then, about 15 million people have taken advantage of it, and I've met a lot of them all across this country. I ask you to extend that law to cover 10 million more workers, and to give parents time off when they have to go see their children's teachers or take them to the doctor.

--President Bill Clinton
State of the Union Address, 1/27/98

In his State of the Union Address, President Clinton called on Congress to extend the benefits of the Family and Medical Leave Act -- the first piece of legislation that the President signed into law -- to ten million more American workers.

BIPARTISAN REPORT SHOWS THE LAW IS WORKING. Since the Family and Medical Leave Act was enacted in 1993, at least fifteen million Americans have taken FMLA-covered leave. Today, workers are eligible for FMLA-protected leave if they work at a business with 50 or more employees and if they have worked at least twelve months and 1,250 hours for the employer. FMLA allows eligible employees to take up to 12 weeks unpaid, job-protected leave to care for a newborn or adopted child, to attend to their own serious health needs, or to care for a seriously ill parent, child or spouse. The bipartisan Commission on Leave -- chaired by Senators Craig and Dodd -- reported that the law is working:

- **67 million Americans -- over half of all workers -- are guaranteed they can take leave from their job to care for a sick relative or a newborn child without fear of losing their job or health insurance.**
- **Millions of Americans have taken leave since the enactment of FMLA.** During the 18-month period covered by the Commission's study (1/94 - 6/95), an estimated 12 million Americans took leave for FMLA-covered purposes.
- **40% of all workers think they will need to take leave for a covered reason at some time in the next five years.**
- **Despite its opponents' claims, compliance is easy and costs are low for most employers now covered by the law:**
 - **Nine out of ten employers find the law "very" or "somewhat" easy to administer.**
 - **Compliance entails either little or no costs for 89%-99% of businesses.**
 - **Smaller covered worksites found it easier to comply than larger sites.**
- **Some businesses have reported reduced employee turnover, enhanced productivity and improved morale which they attribute to the Act.**

NOW IS THE TIME TO EXPAND THE LAW TO COVER MORE WORKERS AND BETTER HELP WORKERS CARE FOR THEIR CHILDREN AND PARENTS. The President believes that it is time to expand the benefits of the law. He is urging the Congress to:

- **Enable workers at businesses with 25 or more workers to take unpaid, job-protected leave -** current law covers businesses of 50 or more employees. Lowering the employer coverage threshold from 50 to 25 workers will mean that FMLA will cover up to ten million more American workers, allowing them to take up to twelve weeks unpaid, job-protected leave to care for a newborn or adopted child, to attend to their own serious health needs, or to care for a seriously ill parent, child or spouse.
- **Allow FMLA-eligible workers to take up to 24 hours of additional leave each year to meet specified family obligations,** including routine doctors appointments and parent-teacher conferences. Leave could be taken to: (1) participate in school activities, such as parent-teacher conferences; (2) accompany your child to routine dental or medical appointments; and (3) accompany an elderly relative to routine medical appointments or other professional services.

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BIPARTISAN REPORT SHOWS THE LAW IS WORKING. Since 1993, the Family and Medical Leave Act has enabled fifteen million American workers at businesses with 50 or more employees to take up to twelve weeks unpaid, job-protected leave to care for a newborn or adopted child, to attend to their own serious health needs, or to care for a seriously ill parent, child or spouse. The bipartisan Commission on Leave -- chaired by Senators Craig and Dodd -- reported that the law is working:

- 67 million Americans -- over half of all workers -- are now guaranteed they can take leave from their job to care for a sick relative or a newborn child without fear of losing their job or health insurance.
- Fifteen million Americans have ^{benefited from} ~~taken advantage of~~ the law since its enactment.
- 40% of all workers think they will need to take leave for a covered reason at some time in the next five years.
- Despite its opponents' claims, compliance is easy and costs are low for most employers now covered by the law:
 - Nine out of ten employers find the law "very" or "somewhat" easy to administer
 - Compliance entails either little or no costs for 89%-99% of businesses
 - Smaller covered worksites found it easier to comply than larger sites.
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- Enable workers at businesses with 25 or more workers to take unpaid, job-protected leave ~~from current law which~~ covers businesses of 50 or more employees. Lowering the employer coverage threshold from 50 to 25 workers would enable up to ten million more Americans to take up to twelve weeks unpaid, job-protected leave to care for a newborn or adopted child, to attend to their own serious health needs, or to care for a seriously ill parent, child or spouse.
- Allow workers to take up to 24 hours of ^{additional} leave each year to meet ~~additional~~ specified family obligations, including routine doctors appointments and parent-teacher conferences. Leave could be taken to: (1) participate in school activities, such as parent-teacher conferences; (2) accompany your child to routine dental or medical appointments; and (3) accompany an elderly relative to routine medical appointments or other professional services.

- 1 -

Draft #2

**FIRST LADY HILLARY RODHAM CLINTON
"TALKING IT OVER"/CREATORS SYNDICATE
COLUMN FOR PUBLICATION AUGUST 4, 1998**

Five years ago this week, the first bill my husband signed after taking office went into effect – the Family and Medical Leave Act.

Before then, too many Americans – Americans like George and Vicki Yandle – had to choose between spending precious time with a loved one or losing their jobs.

In January of 1987, George and Vicki's youngest daughter, Dixie, was diagnosed with cancer. Doctors amputated her left leg and immediately began chemotherapy.

During Dixie's illness, both the Yandles took time off from work to care for her – and both were fired from their jobs.

In September of 1992, Congress passed the Family and Medical Leave Act and sent it to President Bush, who vetoed it. But the following year my husband signed the FMLA, and in August it became law.

Sadly, though, this was too late for the Yandles. Dixie had died in April.

Since 1993, millions of Americans have taken advantage of the FMLA's protections. The law allows workers in companies of 50 or more –

- 2 -

88 million people – to take up to 12 weeks of unpaid leave in a 12-month period for the birth or adoption of a child, to care for a seriously ill child, spouse or parent or to recover from their own serious illness. While on leave, the employee's job and health insurance are protected.

Let me share a letter I received from Lynne Wade, of Highlands Ranch, Co., who took advantage of her rights under the FMLA:

I am writing to let you know that two months ago my husband died of congestive heart failure after...several years of illness.

Because your husband signed into law the Family and Medical Leave Act, I was able to transport him to doctor appointments and hospital visits.

The act enabled me to keep my job and bring him comfort at the end of his life. I will be eternally grateful.

Thanks to the FMLA, Lynne did not spend the critical last months of her husband's life worrying about whether or not she would have a job after he died.

- 3 -

According to a bipartisan commission's report, called "A Workable Place," over 80 percent of FMLA leave is used caring for serious illnesses. Mike and Molly Goodson of St. Paul, Minn., though, took back-to-back FMLA leave when their two daughters were born.

Many of Mike's male co-workers told him they wished they, too, had taken time off when their children were born. Molly agreed: "I think it's great that more men are taking leave." As a matter of fact, 42 percent of all FMLA leave is taken by men.

A new study from the Families and Work Institute tells us that family leave is not only good for workers; it's also good for business. Despite concerns that the FMLA would burden companies with administrative hassles and expenses, 84 percent of employers find that the benefits of providing family and medical leave offset or outweigh the costs. In fact, according to the bipartisan commission, many businesses note reduced employee turnover, enhanced productivity and improved morale. And, nine out of 10 agree that the law is easy to administer.

Elizabeth Carlson, Director of Human Resources for the National Futures Association for over 10 years, reports, "I feel confident that I speak for all levels of management...when I say that our experience with this leave policy has been very positive."

- 4 -

E-SOURCE, an information service company in Boulder, Co., chose to adopt FMLA leave policies for its 48 employees although it was not required to do so. Chief Financial Officer Joan Wright considers the benefit a "real plus for recruitment" that more than pays for itself in employee retention, loyalty and lower administrative costs.

She argues that the FMLA should be expanded to include smaller companies such as hers because it's "the right thing to do."

I agree. Now that we've seen how important this law has been for America's workers, why not extend its reach? Why exclude those who work in smaller companies? In times of family crisis, shouldn't they, too, be able to take job-protected leave?

And, what about other family obligations? Shouldn't we, at the same time, recognize the importance of routine commitments, such as parent-teacher conferences or medical appointments? Isn't it time to expand the FMLA to allow workers 24 hours a year to meet these responsibilities?

When my husband signed this bill into law he declared, "Family and medical leave is a matter of pure common sense and a matter of common decency." It's about letting Lynne Wade spend her husband's last days caring for him without fear of losing her job. It's about letting Mike and

- 5 -

Molly Goodson take the time to welcome their newborn daughters into the world.

It's about respecting the rights and responsibilities of all Americans as we struggle to balance work and family.

For more information about the FMLA, you can call the U.S. Department of Labor at 1-800-959-FMLA.

(813 words)

- 1 -

Draft #2

**FIRST LADY HILLARY RODHAM CLINTON
"TALKING IT OVER"/CREATORS SYNDICATE
COLUMN FOR PUBLICATION AUGUST 4, 1998**

Five years ago this week, the first bill my husband signed after taking office went into effect – the Family and Medical Leave Act.

Before then, too many Americans – Americans like George and Vicki Yandle – had to choose between spending critical time with a loved one and losing their jobs.

In January of 1987, George and Vicki's youngest daughter, Dixie, was diagnosed with cancer. Doctors amputated her left leg and immediately began chemotherapy.

During Dixie's illness, both the Yandles took time off from work to care for her – and both were fired from their jobs.

In September of 1992, Congress passed the Family and Medical Leave Act and sent it to President Bush, who vetoed it. But the following year my husband signed the FMLA, and in August it became law.

Sadly, though, this was too late for the Yandles. Dixie had died in April.

Since 1993, millions of Americans have taken advantage of the FMLA's protections. The law allows workers in companies of 50 or more –

- 2 -

88 million people – to take up to 12 weeks of unpaid leave in a 12-month period for the birth or adoption of a child, to care for a seriously ill child, spouse or parent or to recover from their own serious illness. While on leave, the employee's job and health insurance are protected.

Let me share a letter I received from Lynne Wade, who took advantage of her rights under the FMLA:

*I am writing to let you know that two months ago
my husband died of congestive heart failure after ...several
years of illness.*

*Because your husband signed into law the Family
and Medical Leave Act, I was able to transport him to
doctor appointments and hospital visits.*

*The act enabled me to keep my job and bring him
comfort at the end of his life. I will be eternally grateful.*

Thanks to the FMLA, Lynne did not spend this precious time worrying about whether or not she would have a job after her husband died.

According to a bipartisan commission, over 80 percent of FMLA leave is used caring for seriously ~~ill~~ illnesses. Mike and Molly Goodson of St. ✓

- 3 -

Paul, Minn., though, took back-to-back FMLA leave when their two daughters were born.

Many of Mike's male co-workers told him they wished they, too, had taken time off when their children were born. Molly agreed: "I think it's great that more men are taking leave."

A new study from the Families and Work Institute tells us that family leave is not only good for workers; it's also good for business. Despite concerns that the FMLA would burden companies with administrative hassles and expenses, 84 percent of employers find that the benefits of providing family and medical leave offset or outweigh the costs. In fact, many businesses note reduced employee turnover, enhanced productivity and improved morale, and nine out of 10 agree that the law is easy to administer.

These results
confirm
bipartisan
Congressional
findings

Elizabeth Carlson, Director of Human Resources for the National Futures Association for over 10 years, reports, "I feel confident that I speak for all levels of management...when I say that our experience with this leave policy has been very positive."

E-SOURCE, an information service company in Boulder, Co., chose to adopt FMLA leave policies for its 48 employees although it was not required to do so. Chief Financial Officer Joan Wright considers the benefit

- 4 -

a "real plus for recruitment" that more than pays for itself in employee retention, loyalty and lower administrative costs.

She argues that the FMLA should be expanded to include smaller companies such as hers because it's "the right thing to do."

I agree. Now that we've seen how important this law has been for America's workers, why not extend its reach? Why exclude those who work in smaller companies? In times of family crisis, shouldn't they, too, be able to take job-protected leave?

And, what about other family obligations? Shouldn't we, at the same time, recognize the importance of more routine commitments, such as parent-teacher conferences or medical appointments? Isn't it time to expand the FMLA to allow workers 24 hours a year to meet these responsibilities?

When my husband signed this bill into law he declared, "Family and medical leave is a matter of pure common sense and a matter of common decency." It's about letting Lynn Wade spend her husband's last days caring for him without fear of losing her job. It's about letting Mike and Molly Goodson take the time to welcome their newborn daughters into the world.

It's about respecting the rights and responsibilities of all Americans as they struggle to balance work and family.

- 5 -

For more information about the FMLA, you can call the U.S. Department of Labor at 1-800-959-FMLA.

⁷⁸¹
~~(791~~ words)

Draft #1
FIRST LADY HILLARY RODHAM CLINTON
TALKING IT OVER CREATORS SYNDICATE
COLUMN FOR PUBLICATION
AUGUST 4, 1998

Five years ago this week, the first bill my husband signed after taking office went into effect the Family and Medical Leave Act.

Before then, too many Americans Americans like George and Vicki Yandle had to choose between spending critical time with a loved one and losing their jobs.

In January of 1987, George and Vicki s youngest daughter, Dixie, was diagnosed with cancer. Doctors amputated her left leg and immediately began chemotherapy.

During Dixie s illness, both the Yandles took time off from work to care for her and both were fired from their jobs.

In September of 1992, Congress passed the Family and Medical Leave Act and sent it to President Bush, who vetoed it. But the following year my husband signed the FMLA, and in August it became law.

Sadly, though, this was too late for the Yandles. Dixie had died in April.

Some estimate that, since 1993, as many as 20 million Americans have taken advantage of the FMLA s protections. The law allows workers in companies of 50 or more 88 million people to take up to 12 weeks of unpaid leave in a 12-month period for the birth or adoption of a child, to

care for a seriously ill child, spouse or parent or to recover from their own serious illness. While on leave, the employee's job and health insurance are protected.

Let me share a letter I received from Lynne Wade, who took advantage of her rights under the FMLA:

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Because your husband signed into law the Family and Medical Leave Act, I was able to transport him to doctor appointments and hospital visits.

The act enabled me to keep my job and bring him comfort at the end of his life. I will be eternally grateful.

Thanks to the FMLA, Lynne did not spend this precious time worrying about whether or not she would have a job after her husband died.

According to a bipartisan commission, over 80 percent of FMLA leave is used caring for seriously illnesses. Mike and Molly Goodson of St. Paul, Minn., though, took back-to-back FMLA leave when their two daughters were born.

Many of Mike's male co-workers told him they wished they, too, had taken time off when their children were born. Molly agreed: I think it's great that more men are taking leave. Fully 42 percent of all FMLA leave

whether for illness, childbirth or adoption is used by men.

A new study from the Families and Work Institute tells us that family leave is not only good for workers; it's also good for business. Despite concerns that the FMLA would burden companies with administrative hassles and expenses, 84 percent of employers find that the benefits of providing family and medical leave offset or outweigh the costs. In fact, many businesses note reduced employee turnover, enhanced productivity and improved morale.

* | This administration has worked hard to make the FMLA as easy as possible for businesses to manage, and nine out of 10 employers agree that the law is easy to administer.

covered by the law

Elizabeth Carlson, Director of Human Resources for the National Futures Association for over 10 years, reports, I feel confident that I speak for all levels of management when I say that our experience with this leave policy has been very positive.

E-SOURCE, an information service company in Boulder, Co., chose to adopt FMLA leave policies for its 48 employees although it was not required to do so. Chief Financial Officer Joan Wright considers the benefit a real plus for recruitment that more than pays for itself in employee retention, loyalty and lower administrative costs.

She argues that the FMLA should be expanded to include smaller companies such as hers because it's the right thing to do.

I agree. Now that we've seen the positive impact that the FMLA has had,

it s time to extend its reach to cover millions more Americans and to allow workers up to 24 hours a year to meet family obligations such as parent-teacher conferences or routine medical appointments.

When my husband signed this bill into law he declared, Family and medical leave is a matter of pure common sense and a matter of common decency. It s about letting Lynn Wade spend her husband s last days caring for him without fear of losing her job. It s about letting Mike and Molly Goodson take the time to welcome their newborn daughters into the world.

It s about never letting another child like Dixie Yandle die without the undivided love and attention of her parents. It s about respecting the rights and responsibilities of all Americans as they struggle to balance work and family.

If you re wondering whether you qualify for FMLA leave, you can call the U.S. Department of Labor at 1-800-959-FMLA.

(791 words)

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found.

Draft #1

500 #

**FIRST LADY HILLARY RODHAM CLINTON
"TALKING IT OVER"/CREATORS SYNDICATE
COLUMN FOR PUBLICATION AUGUST 4, 1998**

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Before then, too many Americans – Americans like George and Vicki Yandle – had to choose between spending critical time with a loved one and losing their jobs.

In January of 1987, George and Vicki's youngest daughter, Dixie, was diagnosed with cancer. Doctors amputated her left leg and immediately began chemotherapy.

During Dixie's illness, both the Yandles took time off from work to care for her – and both were fired from their jobs.

In September of 1992, Congress passed the Family and Medical Leave Act and sent it to President Bush, who vetoed it. ^{The following} ~~But~~ the following year ~~February~~ my husband signed the FMLA, and it became law ^{in Aug. 1993.}

Sadly, though, this was too late for Dixie and her parents. She died ^{four months later.} ~~two months later.~~

^{Some estimate that} Since 1993 as many as 20 million Americans have taken advantage of ^{millions} the FMLA's protections. The law allows workers in companies of 50 or ^{still playing with this line... "an estimated 20 mil..." ?}

-2- fully 70% of the subject

70%

of the
workforce
(pub & priv.)

more – a total of ~~67~~ million people – to take up to 12 weeks of unpaid leave in a 12-month period for the birth or adoption of a child, to care for a seriously ill child, spouse or parent or to recover from their own serious illness. While on leave, the employee's job and health insurance are protected.

Let me share a letter I received from Lynne Wade, who took advantage of her rights under the FMLA:

I am writing to let you know that two months ago my husband died of congestive heart failure after a prolonged period of several years of illness.

Because your husband signed into law the Family and Medical Leave Act, I was able to transport him to doctor appointments and hospital visits.

The act enabled me to keep my job and bring him comfort at the end of his life. I will be eternally grateful.

Lynne should not have spent this precious time worrying about whether or not she would have a job after her husband died. And, thanks to the FMLA, she didn't.

^{more than ever}
Although 80 percent of FMLA leave is used to care for seriously ill ^{nurses}
~~relatives~~, Mike and Molly Goodson of St. Paul, Minn. took back-to-back
FMLA leave when their two daughters were born. Many of Mike's male co-
workers told him they wished they, too, had taken time off when their
children were born. Molly seconded that sentiment. "I think it's great that
more men are taking leave." According to a bipartisan commission, 42
percent of FMLA leave is used by men. ^{health care workers}

A new study from the Families and Work Institute tells us that family
leave is not only good for workers; it's also good for business. Despite
concerns that the FMLA would burden companies with administrative
hassles and expenses, 84 percent of employers reported that the benefits of
providing family and medical leave offset or outweighed the costs. In fact,
many businesses have noted reduced employee turnover, enhanced
productivity and improved morale.

Elizabeth Carlson, who has been the Director of Human Resources for
the National Futures Association for more than 10 years, reports, "I feel
confident that I speak for all levels of management, as well as our officers
and directors, when I say that our experience with this leave policy has been
very positive."

confirmed
results of
bipartisan
commission
9/10

E-SOURCE, an information service company in Boulder, Co., chose to adopt FMLA leave policies for its 48 employees although it was not legally required to do so. Chief Financial Officer Joan Wright considers the benefit a "real plus for recruitment" that more than pays for itself in employee retention, loyalty and lower administrative costs.

She argues that the FMLA should be expanded to include smaller companies such as hers because it's "the right thing to do."

I agree. Now that we've seen the positive impact that the FMLA has had, it's time to extend its reach to cover millions more Americans and to allow workers up to 24 hours a year to meet family obligations such as parent-teacher conferences or routine medical appointments.

When my husband signed this bill into law he declared, "Family and medical leave is a matter of pure common sense and a matter of common decency." It's about letting Lynn Wade spend her husband's last days caring for him without fear of losing her job. It's about letting Mike and Molly Goodson take the time to welcome their newborn daughters into the world.

It's about never letting another child like Dixie Yandle die without the undivided love and attention of her parents. It's about respecting the rights

and responsibilities of all Americans as they struggle to balance work and family.

(774 words)

enforcement credit.

easier for bus to
comply by
work w/ them

DOL, which enforces ...
resolved ~~some~~ nearly 90% of complaints,
often as easily as ~~stop~~ with just a
phone call.

When people have
to choose b/w
work & family -
or losses -

- 1 -

Draft #1

**FIRST LADY HILLARY RODHAM CLINTON
"TALKING IT OVER"/CREATORS SYNDICATE
COLUMN FOR PUBLICATION AUGUST 4, 1998**

Five years ago this week, the first bill my husband signed after taking office went into effect – the Family and Medical Leave Act.

Before then, too many Americans – Americans like George and Vicki Yandle – had to choose between ~~being good workers and being good~~ *spending critical time with a loved one and* ~~parents~~ *losing their jobs.*

[More than parents]

In January of 1987, George and Vicki's youngest daughter, Dixie, was diagnosed with cancer. Doctors amputated her left leg and immediately began chemotherapy.

During Dixie's illness, both the Yandles took time off from work to care for her – and both were fired from their jobs.

In September of 1992, Congress passed the Family and Medical Leave Act and sent it to President Bush, who vetoed it. But in February of 1993, my husband signed the FMLA and it became law.

Sadly, though, this was too late for Dixie and her parents. She died two months later.

For the past five years, the FMLA has provided important protections for American families in times of crisis. The law allows workers in

- 2 -

businesses that ^{with} employ 50 or more employees to take up to 12 weeks of unpaid leave in a 12-month period for the birth or adoption of a child, to care for a seriously ill child, spouse or parent or to recover from their own serious illness. While on leave, their jobs and health insurance are protected.

Add #
of workers
covered

Let me share a letter I received from a woman who took advantage of her rights under the FMLA:

~~Dear Mrs. Clinton:~~

I am writing to let you know that two months ago my husband died of congestive heart failure after a prolonged period of several years of illness.

Because your husband signed into law the Family and Medical Leave Act, I was able to transport him to doctor appointments and hospital visits.

The act enabled me to keep my job and bring him comfort at the end of his life. I will be eternally grateful.

--Lynne Wade

- 3 -

Lynne should not have spent this precious time worrying about whether or not she would have a job after her husband died. And, thanks to the FMLA, she didn't.

Mike and Molly Goodson of St. Paul, Minn. took back-to-back FMLA leave when each of their two daughters were born. Many of Mike's co-workers told him they wished they had taken leave when their children were born. Molly seconded that sentiment. "I think it's great that more men are taking leave. It makes them more understanding of women co-workers and subordinates and increases the overall acceptance of the principle of family leave."

Recent studies are telling us that family leave is not only good for workers. It's also good for business. Despite concerns that the FMLA would burden companies with administrative hassles and costs, nine out of 10 employers have found the law easy to administer and over 90 percent have incurred no added costs at all.

*Cite the
bipartisan
commission,
I added new
study
findings*

In fact, many businesses have reported reduced employee turnover, enhanced productivity and improved morale.

Elizabeth Carlson, who has been the Director of Human Resources for the National Futures Association for more than 10 years reports, "I feel confident that I speak for all levels of management, as well as our officers

- 4 -

and directors, when I say that our experience with this leave policy has been very positive."

E-SOURCE, an information service company in Boulder, Co., chose to adopt FMLA leave policies for its 48 employees although it was not legally required to do so. Chief Financial Officer Joan Wright considers the benefit a "real plus for recruitment" that more than pays for itself in employee retention, loyalty and lower administrative costs.

She argues that the FMLA should be expanded to include smaller companies, such as hers because it's "the right thing to do."

I agree. Now that we've seen the positive impact that the FMLA has had, ~~I believe~~ ^{Cover millions more Americans} it's time to extend its reach to ~~include mid-sized companies,~~ ^{and} ~~or, as my husband suggested in his State of the Union address this year,~~ to allow workers up to 24 hours a year to meet family obligations such as parent-teacher conferences or routine medical appointments.

When my husband signed this bill into law he declared, "Family and medical leave is a matter of pure common sense and a matter of common decency." It's about letting Lynn Wade spend her husband's last days caring for him without fear of losing her job. It's about letting Mike and Molly Goodson take the time to welcome their newborn daughters into the world.

- 5 -

It's about never letting another child like Dixie Yandle die without the undivided love and attention of her parents. It's about respecting the rights and responsibilities of all Americans as they struggle to balance work and family.

(781 words)

FAX TRANSMISSION

OFFICE OF THE SECRETARY, US DEPARTMENT OF LABOR

200 CONSTITUTION AVENUE, NW

WASHINGTON, DC 20210

202-219-5109 x159

FAX: 202-219-4902

To: Nicole Rabner

Date: August 4, 1998

Fax #: 456-2878

Pages: 1, including this cover sheet.

From: Lisa Stuart

Subject: FMLA

COMMENTS:

Nicole,

I believe you have spoken with both Richard McGahey and Suzanne Seiden regarding the First Lady's column on the 5th anniversary of FMLA. I'm the special assistant to the Chief Economist. While I passed along comments to you through Suzanne I wanted to emphasize a few points regarding quantifying FMLA users:

1. Both the Chief Economist and the Assistant Secretary for Policy have serious concerns with using 20 million to quantify the number of people using leave protected by FMLA. For a number that gives an understanding of the scope of this law, please instead use: 88 million jobs (or 70%) are covered by FMLA.
2. **Using 20 million would appear to be inconsistent with the President in his State of the Union address** where he stated there had been 15 million users as of January 1998 (since 1993).
3. If you insist on using 20 million, please be sure to explicitly credit the estimate to Donna Lenoff or the National Partnership for Women and Families. While it may be plausible, it is not a number for which we can provide justification.

Please call me for additional information.

Lisa Stuart

Draft

**Statement by the President
On the Fifth Anniversary of the Family and Medical Leave Act**

Five years ago today, the Family and Medical Leave Act went into effect, giving tens of millions of Americans the peace of mind that they would never have to choose between the jobs they need and the families they love. I am very proud that the Family and Medical Leave Act was the very first piece legislation I signed into law.

Millions of Americans have benefited from this historic legislation by taking time off -- without fear of losing their jobs -- to care for a newborn or adopted child, attend to their own serious health needs, or care for a seriously ill parent, child or spouse. In addition, a report issued today by the Department of Labor shows the relative ease with which the law has been implemented -- the overwhelming majority of employers have found the FMLA easy to administer and nine out ten complaints have been successfully resolved, often with a simple phone call.

I have always believed that we can help our workers fulfill their family responsibilities and strengthen the economy and America's businesses, as well. For five years, the Family and Medical Leave Act has helped us to fulfill both those critical goals.



THE WHITE HOUSE
WASHINGTON

FACSIMILE COVER SHEET

TO:

Suzanne Seiden

FROM:

Nicole Rabner
Associate Director for Domestic Policy
The White House

FAX #:

219 - 4753

PHONE #:

219 - 8305

OF PAGES (including cover page)

2

COMMENTS:

Draft statement by the President
for your review.

→ Donna Leunhoff
8-815

→ Good Morning America ←

THE WHITE HOUSE
WASHINGTON

DOL will release:

- (1) 5 yr report on FMLA's success
- (2) 5 yr statistics on enforcement

Heiman may do some specialty
press re: anniversary.

Families & Wk:

survey

Partnership:

survey

web site - Arcey 

- first bill signed - stories -
wks
successful -
good for bus/wkrs
- survey info - expanding

Because of FMLA, 67 million Americans -- over half of all workers -- are now guaranteed they can take leave. Since 1993, millions Americans -- some estimate over 20 million -- have taken this job-protected leave.

A new study from the Families and Work Institute shows that the vast majority -- 84 percent -- of employers find that the benefits of providing family and medical leave offset or outweigh the costs.

The bipartisan Commission found:

- 80 percent of FMLA-protected leave was taken to care for a seriously ill child, spouse, parent or the employee's own health problem.

- about 58 percent of FMLA-protected leave was used by women, about 42 percent by men.

STORY FROM THE NATIONAL PARTNERSHIP:

George and Vicki Yandle
Marietta, Georgia

The Yandles tell their story:

In January of 1987, Dixie -- George and Vicki's youngest child -- was diagnosed with synovial sarcoma, a soft-tissue cancer. To combat the cancer, doctors were forced to amputate her left leg two inches below the pelvis. Immediately thereafter, Dixie began chemotherapy treatments. Dixie was often carried out of the hospital by her father.

Both the Yandle parents took time off from work to care for their daughter during these treatments. Ms. Yandle, a salesperson at a furniture store, was fired because her manager thought that she was lying about her daughter's cancer and her need for intermittent time off.

Mr. Yandle worked as a salesperson for a large Atlanta car dealership. He juggled his work and family responsibilities by running back and forth between the dealership and the hospital. During this time, he was under enormous emotional strain. Finally, he passed out from the stress, spending three days in the hospital's intensive care unit.

Mr. Yandle was fired from his job in May 1987. He testified that his boss told him that he lost his job because of Dixie, because he put his family before his job. It took Mr. Yandle several months to find a new job. During this time, the Yandles exhausted their savings. Finally, Mr. Yandle accepted a new job at a 50-60 percent pay cut.

At a hearing held in Atlanta by Senator Christopher Dodd (then Chair of the Children and Families Subcommittee), Mr. and Ms. Yandle testified about how their family needed family and medical leave.

In September of 1992, Congress passed and sent the Family and Medical Leave bill to President Bush. When it did so, a bipartisan press conference was held to urge Bush not to veto the FMLA again, and Vicki Yandle, accompanied by her husband and daughter, spoke at that press conference.

But it wasn't until February 1993 that the FMLA became the law of the land. It was the first bill President Clinton signed. And in the Rose Garden that day Vicki Yandle was again the spokesperson representing America's working families. Two months later, in April 1993, Dixie Yandle died.

"This is a story of
someone who lost
their job before
FMLA was enacted,
in case you
wanted to
start w/ "five
years ago too
many Americans
had to chose
between spending
time w/ a loved
one & their
job."

The Yandles' story is one of two stories on which CBS' January 21, 1997 telemovie, A Child's Wish, was based.

The Yandles can be reached through the National Partnership for Women & Families at (202) 986-2600.

Wednesday, July 29, 1998

To: Nicole Rabner
From: Suzanne Seiden *SB5/mo*
Re: FMLA materials

Nicole,

Here is what I've enclosed for you.

1. Some older materials on FMLA in case you want them for reference
2. The March 22, 1997 radio address transcript
3. An April 11, 1997 OPM memorandum expanded family and medical leave policies
4. An information sheet on FMLA elaws
5. A press release on DOL's FMLA new 800 number
6. A one-pager - expanding FMLA - *never released*
7. The Families and Work Institute 1998 Business Work-Life Study (from page 20)
8. Highlights from a survey by the National Partnership for Women and Families

Nicole, hope these help. Please call me if you need anything.

Michael has

① POTUS remarks - Bill signing.

Also -

Draft DOL Study



NEW DATA ON FAMILY AND MEDICAL LEAVE

Except where noted, the following are new findings from the Families and Work Institute's 1998 Business Work-Life Study, by Ellen Galinsky and James T. Bond (Families and Work Institute 1998). This study reports on a survey of a representative sample of 1,057 private-sector, for-profit and non-profit companies with 100 or more employees in the U.S. Interviews were conducted with human resource directors. The maximum margin of error is 3%.

I. EMPLOYER DATA

Compliance with key provisions of the Family and Medical Leave Act (FMLA) is very high. Fully 90% of companies provide the 12 or more weeks of job-guaranteed leave required by the FMLA for maternity, paternity, adoption, or care of seriously ill children.

In fact, many employers provide more generous leave periods than the 12 weeks required by the FMLA. A third (33%) of companies provide 13 or more weeks of leave for maternity, and 15-16% provide 13 or more weeks of leave for paternity, adoption, and seriously ill children.

The vast majority -- 84% -- of employers find that the benefits of providing family or medical leave offset or outweigh the costs. In fact, fully half of those employers report positive returns on their investments in leave programs.



Some form of maternity leave -- of some length -- is available to 95% of all workers at private-sector companies with 25-49 employees, and to 93% of workers at companies with fewer than 25 employees.

Source: 1997 National Study of the Changing Workforce, the Families and Work Institute's 1997 survey of a representative sample of all wage and salaried workers in the U.S.

II. AFFORDABILITY OF FAMILY LEAVE

Only 53% of employers provide at least some replacement pay during periods of maternity leave, mainly (81%) through temporary disability insurance. Employers are much less likely to provide any replacement pay during leaves for paternity and adoption (13% and 12.5% respectively).

*Total exceeds 100% due to rounding.

July 30, 1998

Press Release from Nat'l Partnership ...

**IN FIVE YEARS, THE FAMILY & MEDICAL LEAVE ACT
HAS HELPED 20 MILLION AMERICAN FAMILIES**

WASHINGTON, DC -- As the fifth anniversary of the Family & Medical Leave Act (FMLA) approaches, working Americans and advocates are celebrating a rare public policy victory that has helped an estimated 20 million American families while causing little or no disruption to businesses. The first national policy to address working people's family responsibilities, the FMLA became effective on August 5, 1993. Its fifth anniversary will be next Wednesday.

let's talk
about the #
we use
"at least 13 mil" is
the # we use in our

unreleased
press
paper -
use that
for now.

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001. paper	re: In Five Years, The Family and Medical Leave Act [partial] (1 page)	n.d.	b(6)
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COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Ann O'Leary
OA/Box Number: 19580

FOLDER TITLE:

Family and Medical Leave Act - General [1]

2013-0436-S

rc1305

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

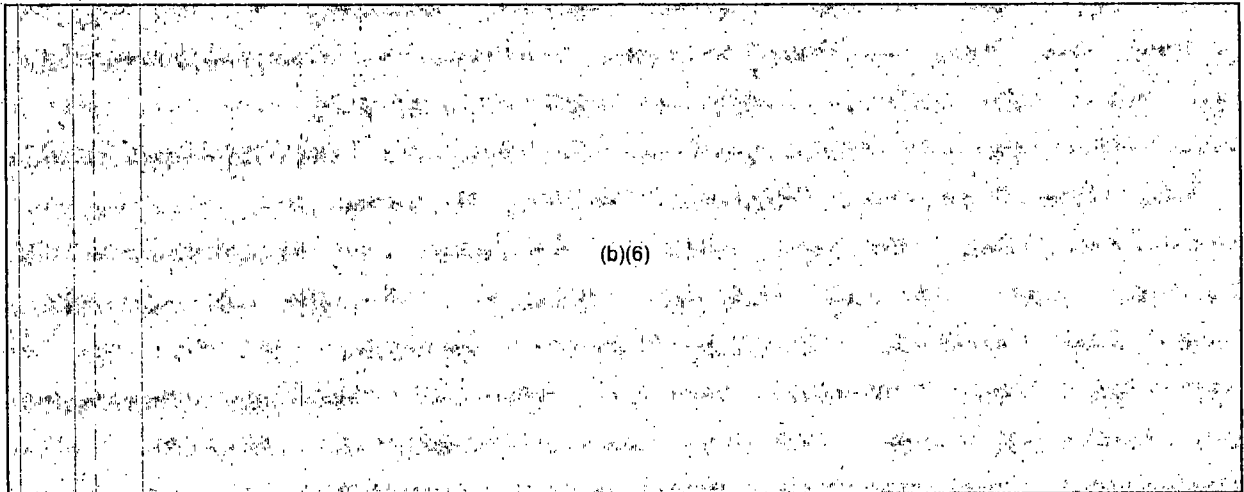
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DATA FROM THE PARTERSHIP (REPLACE WITH ONE-PAGE OVERVIEW OF THE FAMILIES AND WORK INSTITUTE STUDY I GAVE YOU) --Nicole

NEW DATA ON FAMILY AND MEDICAL LEAVE

Except where noted, the following are new findings from the Families and Work Institute's 1998 Business Work-Life Study, by Ellen Galinsky and James T. Bond (Families and Work Institute 1998). This study reports on a survey of a representative sample of 1,057 private-sector, for-profit and non-profit companies with 100 or more employees in the U.S. Interviews were conducted with human resource directors. The maximum margin of error is 3%.

I. EMPLOYER DATA

Compliance with key provisions of the Family and Medical Leave Act (FMLA) is very high. Fully 90% of companies provide the 12 or more weeks of job-guaranteed leave required by the FMLA for maternity, paternity, adoption, or care of seriously ill children.

In fact, many employers provide more generous leave periods than the 12 weeks required by the FMLA. A third (33%) of companies provide 13 or more weeks of leave for maternity, and 15-16% provide 13 or more weeks of leave for paternity, adoption, and seriously ill children.

The vast majority -- 84% -- of employers find that the benefits of providing family or medical leave offset or outweigh the costs. In fact, fully half of those employers report positive returns on their investments in leave programs.

42% 42% 17%*
Positive return cost-neutral Negative

Some form of maternity leave -- of some length -- is available to 95% of all workers at private-sector companies with 25*49 employees, and to 93% of workers at companies with fewer than 25 employees.

Source: 1997 National Study of the Changing Workforce, the Families and Work Institute's 1997 survey of a representative sample of all wage and salaried workers in the U.S.

II. AFFORDABILITY OF FAMILY LEAVE

Only 53% of employers provide at least some replacement pay during periods of maternity leave, mainly (81%) through temporary disability insurance. Employers are much less likely to provide any replacement pay during leaves for paternity and adoption (13% and 12.5% respectively).

*Total exceeds 100% due to rounding.

STORY FROM THE PARTNERSHIP:

Elizabeth M. Carlson
National Futures Association
Chicago, IL

~~It~~ well scrubbed
employer

FAMILY AND MEDICAL LEAVE ACT-- -- EMPLOYER PERSPECTIVE

Elizabeth M. Carlson has worked in human resources for more than 25 years and has been the Director of Human Resources for the National Futures Association, a regulatory organization in the commodities/futures industry for more than 10 years.

As an employee and a manager, Ms. Carlson has seen both perspectives on family and medical leave policies and concludes that they are as beneficial for the company as they are for individual employees. "I feel confident," she says, "that I speak for all levels of management as well as our officers and directors when I say that [our organization's] experience with this leave policy has been very positive." Ms. Carlson's organization, which employs 234 people in Chicago and 36 in New York, has maintained a leave policy since 1986 that exceeds the requirements laid out in the FMLA by providing 16 weeks of job-guaranteed leave. An employee may request an additional 10 weeks with the understanding that he or she may return to work only if a suitable position is available when he or she wants to come back.

Ms. Carlson is convinced of the economic value of the policy, citing the cost associated with recruiting and training new employees, as well as the heightened morale and sense of loyalty such a policy produces. As a result, the policy at Ms. Carlson's organization is available to all full- and part-time employees, including highly paid staff and officers in all locations regardless of the number of employees in the specific location. The policy surpasses the FMLA requirements by defining covered family relations to include grandparents and siblings as well. Additional leave may be requested for a wide variety of reasons including child care, education, community service, and self-renewal.

The organization's broad and flexible leave policy has been embraced by both employees and management as a great success. "Employees benefit from this policy," Ms. Carlson states, "because it allows them peace of mind without any sense of guilt about shirking their job responsibilities at a time when their energies need to be directed toward their families or personal lives. Management benefits by retaining its trained and experienced staff and from the loyalty and good will that the

policy engenders among employees." More fundamentally, Ms. Carlson sees leave policies as an important element in the stability of American society generally. "The FMLA is a significant step toward bringing U.S. employment policy into alignment with positive family experiences."

Elizabeth Carlson testified about her experience before the Family Leave Commission on May 8, 1995, and before the U.S. House of Representatives Committee on Education and the Workforce, Subcommittee on Oversight and Investigations, on June 10, 1997.

Ms. Carlson can be reached through the National Partnership for Women & Families at (202) 986-2600.

IN FIVE YEARS, THE FAMILY & MEDICAL LEAVE ACT HAS HELPED 20 MILLION AMERICAN FAMILIES

WASHINGTON, DC -- As the fifth anniversary of the Family & Medical Leave Act (FMLA) approaches, working Americans and advocates are celebrating a rare public policy victory that has helped an estimated 20 million American families while causing little or no disruption to businesses. The first national policy to address working people's family responsibilities, the FMLA became effective on August 5, 1993. Its fifth anniversary will be next Wednesday.

Since the federal Family & Medical Leave Act (FMLA) took effect, millions of Americans have been able to provide essential care for their families without risking their jobs. The FMLA allows workers at firms with at least 50 employees to take up to 12 weeks of unpaid leave to care for a newborn or newly adopted child, to tend to a sick parent, child, or spouse, or to recover from their own serious illness. While on leave, employees' jobs and health insurance are protected by law.

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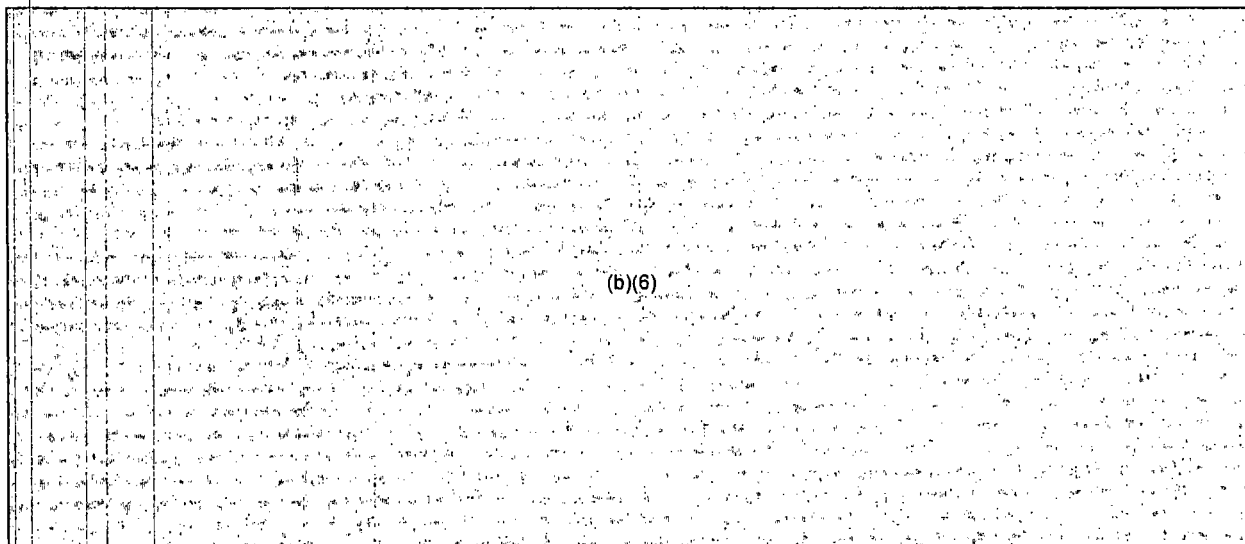
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**THE FAMILY AND MEDICAL LEAVE ACT (FMLA)
59 MONTHS OF ENFORCEMENT AND OUTREACH ACTIVITY
(August 5, 1993 - June 30, 1998)**

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 12,633 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 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.

FAMILY AND MEDICAL LEAVE ACT - SUMMARY OF OUTREACH/COMPLIANCE ACTIVITY

(August 5, 1993 through June 30, 1998)

	Aug 93/Sept 97	Oct 97/June 98	Grand Total
<u>OUTREACH/TECHNICAL ASSISTANCE</u>			
SPEECH/SEMINAR/MEDIA	2,154	539	2,693
TELEPHONE CONTACTS :	477,423	119,481	596,904
<u>COMPLETED COMPLIANCE ACTIVITY</u>			
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" (*e/laws*) 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.

THE FAMILY AND MEDICAL LEAVE ACT OF 1993

The History

President Clinton signed his first major legislation, the Family and Medical Leave Act of 1993 (FMLA), on February 5, 1993, capping an eight-year Congressional effort to enact much-needed assistance for working families through the establishment of a minimum labor standard on leave. The law provides important job protection for millions of American workers who, without the legislation, would be forced to make difficult choices between maintaining their job security and tending to vital family or health care needs. Eligible workers may now respond to pressing family or medical needs without jeopardizing their jobs.

The FMLA, which replaced earlier measures twice vetoed by former President Bush, has been estimated to apply to roughly five percent of all employers and nearly half of the nation's workforce. It requires employers of 50 or more employees to provide up to 12 weeks of unpaid, job-protected leave in a 12-month period for the birth or adoption of a child, to care for a child, spouse or parent with a serious health condition, or because of an employee's own serious health condition that prevents him or her from working. Pre-existing group health benefits must be maintained during the leave and employees must be restored to the same or equivalent positions when their leave ends. In addition, a Commission is established to study the costs and impacts of mandatory and voluntary family and temporary medical leave policies and issue recommendations to the Congress in two years.

The Vision

FMLA is a "family-friendly" law whose enactment was predicated on two overarching concerns--the needs of the American workforce, and the development of high-performance work organizations. Efforts to enact Federal family and medical leave legislation arose in part from several socio-economic trends, including the growing participation of women in the work force, the growth in single-parent families, and the growth in households with two working parents, among other factors. Increasingly, America's children and elderly are dependent upon family members who spend many hours at work. When a family emergency arises, requiring workers to attend to a seriously-ill child or parent, or to a newly-born infant, or even to their own serious illness, workers need reassurance that they will not be asked to choose between continuing their employment and meeting their personal and family obligations, or tending to vital needs at home.

The Act allows employees to balance the demands of their workplace with the needs of their families, promotes the stability and economic security of families, and promotes national interests in preserving family integrity. The Act was

intended to accomplish these purposes in a manner that accommodates the legitimate interests of employers, and in a manner consistent with the Equal Protection Clause of the Fourteenth Amendment to the Constitution in minimizing the potential for employment discrimination based on sex, while promoting equal employment opportunity for men and women.

In enacting the law, Congress found that it is important for the development of children and the family unit that parents be able to participate in early child-rearing and to attend to serious illnesses affecting their immediate family, including the elder care needs affecting more and more families in our country. When a newborn or newly adopted child arrives or a serious family medical problem occurs, employees should not have to choose between taking the time needed to attend to such important events and the loss of their job and health insurance coverage. The FMLA (like similar State laws) is intended to promote a healthier balance between work and family responsibilities, ensuring that family development and cohesiveness are encouraged by this nation's public policy.

FMLA benefits employers, too. A direct correlation exists between stability in the family and productivity in the workplace. Employees treated fairly and equitably, with sympathy and understanding of the family or medical situation they face, will be more loyal, dedicated and productive, and a greater asset to their employer. Studies show that family and medical leave policies can be cost-beneficial in that the costs incurred are more than offset by savings realized from lower turnover, higher productivity, and reducing or avoiding the costs of training new employees. Family and medical leave policies are also seen as an important attraction in recruiting and retaining employees, and in promoting employee loyalty, involvement and commitment to an employer's business goals and operations. FMLA thus encourages the development of high performance work organizations. The record of hearings on family and medical leave is full of testimonials from some of America's most respected business leaders on the powerful productive advantages of stable workplace relationships, and on the comparatively small costs of guaranteeing that those relationships will not be dissolved while workers attend to pressing family health obligations or their own serious illness.

The Initiative

During the 1992 campaign, the President pledged a number of initiatives to "treat families right" and "put people first," including signing into law the family and medical leave bill vetoed by former President Bush in 1990. Congress renewed its interest in a family leave bill during 1992 as "family values" became a major issue in the presidential campaign. A conference committee agreed to a version of FMLA on August 10, 1992 (S. 5);

the Senate approved the conference measure on August 11, 1992, and the House approved the measure on September 10, 1992. Former President Bush vetoed the bill on September 22, 1992. The Senate voted to override the Presidential veto of the bill, but the House sustained the veto on September 30, 1992.

With newly-elected President Clinton pledging support for FMLA, the Democratic leaders of the 103d Congress introduced family leave bills in each chamber early in the session. The measure was approved in both houses on February 4, 1993, in the Senate by a vote of 71-27 and in the House by a vote of 247-152. President Clinton immediately signed FMLA into law on February 5, 1993.

The legislation required the Department of Labor to issue implementing regulations within 120 days of enactment, or by June 5, 1993, with an effective date of August 5, 1993. To obtain public input and assist in developing implementing rules, the Department published a notice of proposed rulemaking on March 10, 1993, inviting comments on a variety of questions and issues. After receiving 393 comments, the Department issued an interim final rule on June 4, 1993, which took effect on August 5, 1993, and which invited further public comment until September 3, 1993. The Department extended the public comment period once again until December 3, 1993. The Department has received more than 900 comments on the interim final rules during the extended comment period, which are being carefully considered as the final rule is being developed.

Implementation of FMLA has generally received favorable reviews, in part due to the "user-friendly" features of the regulations and the Department's extensive efforts at education and outreach. The Department received 1,721 FMLA complaints during the first 14 months following FMLA's August 5, 1993, effective date. Investigators in the Department's Wage and Hour Division have resolved more than 90 percent of the 907 violations found in these first 14 months of enforcement (covering the period through September 30, 1994).

Case study: Employee on Cancer Surgery Leave Terminated Because Employer Feared Increase in Insurance Rates

employment → An employee, who had been on leave for one month and four days for cancer surgery and therapy, advised her employer that her doctor had released her from medical leave and she was ready to return to work. After receiving this notice, the employer terminated her. The employee complained to the Department of Labor, and the employer was contacted. The employer said that although the employee was a good employee, the employer fired her because the company was self-insured and was worried about insurance rates increasing if the employee had a relapse. The employer was advised that FMLA requires the employer to grant

FMLA leave to an eligible employee with a serious health condition, and that cancer surgery and therapy would qualify as a serious health condition. The employer agreed to reinstate the employee. However, three weeks later, the employer fired the employee. The employer was contacted again and informed that employees may not be discriminated against for filing FMLA complaints, and the employee was reinstated and paid \$278.00 for time lost as a result of the Department's intervention.

Case study: Employee On Short-term Leave for Cancer Terminated and Denied 12 weeks of FMLA Leave Which would have Provided Medical Insurance Coverage Until Long-term Disability Coverage Applied

employment ← Although an employee had been out on leave for longer than the 12 weeks allowed by FMLA, she had not been told that the leave was counting toward her 12-week FMLA leave entitlement as required by the FMLA regulations. Three months before her long term disability coverage was due to begin, the employer terminated her. She complained to the Department of Labor, and tried to find out if there was any way that her health coverage could be maintained until the long term disability coverage became effective. The employer was contacted and informed that FMLA requires leave to be granted to an eligible employee for a serious health condition. The employer was also advised that employers must give specific notices to employees on FMLA leave that explain the employee's obligations while taking FMLA leave. Because no notice of FMLA leave was ever given to the employee who had a qualifying serious health condition, the employer agreed to rescind the termination and allow the employee FMLA leave for 12 weeks.

of employment

Case study: Employee's Health Insurance Cancelled Over Miscommunication Regarding Insurance Premium Due Dates

An employee was out on FMLA leave for the birth of her child. One month into her leave, she received notice from her employer that her insurance coverage was cancelled because she had not paid her portion of the premium payments for the past three months. The employee's delay in payment resulted from the notice that the employee received being unclear on the date the premium payment was due. The employee contacted the Labor Department for assistance. The employer was contacted and informed that FMLA provisions require employers to provide proper notices to employees that explain their obligations while on FMLA leave, including any requirements to make premium payments to the employer during the period, and require employers to maintain the employee's health insurance coverage for at least a 30-day grace period until the employee's co-payment is over 30 days late. Because the employer did not provide proper notice to the employee of the premium due date, the employer agreed to reinstate the employee's insurance coverage. During the period

that the employee was without health insurance coverage, she incurred medical expenses estimated at \$10,000.00. The employer agreed to pay these expenses.

Quotes: Bill Clinton on Family and Medical Leave Legislation

[Source: White House signing ceremony, Rose Garden, February 5, 1993]

"Now millions of our people will no longer have to choose between their jobs and their families."

"This sends a clearer signal than any words any of us utter, that we have tried to give this government back to the people ... it was America's families who have beaten the gridlock in Washington to pass family leave."

"This bill will strengthen our families and I believe our businesses and our economy as well ... I know that men and women are more productive when they are sure they won't lose their jobs because they're trying to be good parents, good children ... over the long run, the companies that are the most productive are those that put their people first ..."

WAGE AND HOUR
ROUTING AND TRANSMITTAL SLIP

DATE 3, 27, 95

TO:

1. Hap Perry - Atlanta - via fax
2. Joe Villarreal - Dallas - via fax
3. Howard Ostmann
4. cc Suzanne Lee
5. _____
6. _____

COMMENTS:

<u>ACTION</u>	<u>APPROVAL</u>	<u>FOR CLEARANCE</u>
<u>PER CONVERSATION</u>	<u>FYI</u> ✓	
<u>COORDINATION</u>	<u>CIRCULATE</u>	<u>COMMENT</u>
<u>AS REQUESTED</u>	<u>SIGNATURE</u>	<u>OTHER</u> <u>Thank</u>

Attached is the paper prepared as
part of DOE's input to the White House
for a speech President Clinton is giving
this week.

Thank you for your fast turnaround
and input.

FROM:

R&g

RCCK:

PECK:

THE FAMILY AND MEDICAL LEAVE ACT OF 1993

Background

President Clinton signed the Family and Medical Leave Act of 1993 (FMLA) on February 5, 1993, making the Act the first major legislative accomplishment of his Administration. The law provides important job protection for millions of American workers who, without the legislation, could be forced to make difficult choices between maintaining their job security and tending to vital family or health care needs. Eligible workers may now respond to pressing family or medical needs without jeopardizing their jobs.

The FMLA requires public employers and private sector employers of 50 or more employees to provide up to 12 weeks of unpaid, job-protected leave in a 12-month period for the birth or adoption of a child, to care for a child, spouse or parent with a serious health condition, or because of an employee's own serious health condition that prevents him or her from working. Pre-existing group health benefits must be maintained during the leave and employees must be restored to the same or equivalent positions when their leave ends. The FMLA is estimated to apply to roughly five percent of all employers and nearly half of the nation's workforce.

The FMLA is a "family-friendly" law. Its enactment was predicated on two overarching concerns -- the needs of American working people, and the development of high-performance work organizations. Increasingly, America's children and elderly are dependent upon family members who spend many hours at work. When a family emergency arises, requiring workers to attend to a seriously-ill child or parent, or to a newly-born infant, or even to their own serious illness, workers need reassurance that they will not be forced to choose between continuing their employment and tending to vital needs at home.

The Act allows employees to balance the demands of the workplace with the needs of their families, promotes the stability and economic security of families, and promotes national interests in preserving family integrity.

FMLA benefits employers, too. A direct correlation exists between stability in the family and productivity at work. Employees treated fairly and equitably, with sympathy and understanding of the family or medical situations they face, will be more loyal, dedicated and productive, and a greater asset to their employer. Studies show that family and medical leave policies can be cost-beneficial in that the costs incurred are more than offset by savings realized from lower turnover, higher productivity, and reducing or avoiding the costs of training new employees. Family and medical leave policies are also seen as an important attraction in recruiting and retaining employees, and in promoting employee loyalty, involvement and commitment to an employer's business goals and operations. FMLA thus builds upon the experience of, and encourages the development of high performance work organizations.

FMLA Experience

Implementation of FMLA has generally received favorable reviews, in part due to the "user-friendly" regulations, the Department of Labor's extensive efforts at public education and outreach, and prompt servicing of FMLA complaints by the Department's Wage and Hour Division.

For example, during the first quarter of this fiscal year (FY 1995), 43 percent of all FMLA complaints were resolved within 30 days of receipt and 81 percent within 90 days. In Wage and Hour's Atlanta Region -- which includes Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee -- 65 percent of FMLA complaints received during the first quarter were resolved within 30 days and 90 percent within 90 days.

Case study: Settlement in One of First Lawsuits Filed by DOL under FMLA

An agreement was reached with a San Antonio, Texas, milk producer in one of the first lawsuits filed by the Department under FMLA. The suit alleged that the company fired the employee, a truck driver, for taking emergency FMLA leave to care for his wife who had been hospitalized for complications associated with her pregnancy and for the premature birth of triplets and their hospitalization. The company refused to grant the employee unpaid time off from the job to care for his wife and children, even though his reasons for the requested leave met all of the requirements of FMLA. In the out-of-court settlement, the company agreed to pay the employee \$10,000, including approximately \$6,500 in back wages owed to him.

Case study: Employee Suffering Depression Due to Sudden Death of Husband Terminated

An employee from LaGrange, Georgia, suffered depression due to the sudden death of her husband and was found to be temporarily unable to perform her job by her personal physician. In November 1994, the employee requested sick leave, which was initially granted by her employer, but was terminated while on leave, although she provided a certificate from her physician. The employer failed to advise the employee of her rights under the FMLA; in fact, the firm advised the employee that FMLA applied only to people having children and did not apply to her. Following a Wage and Hour investigation and discussion with the employer, the employer agreed to honor the physician's certificate, reinstate the employee's health insurance, place her back on leave under FMLA and to reinstate her to an equivalent position at the end of the FMLA leave.

Case study: Employee with Back Injury Terminated for Absenteeism

An employee from Linden, Tennessee, injured his back and was out for three weeks. He returned to work for one week but was still having back problems. Under

his doctor's orders, he was then off two more days. After he came back to work, the employee was terminated for absenteeism. The employer was contacted by Wage and Hour and given an explanation of FMLA. The company stated that the employee had not requested FMLA leave, although it was clearly aware that the employee's absence was due to a serious medical condition. The employee had provided a certification from his doctor. The company agreed to restore the employee to his position with full back pay totaling \$2,500.

Case study: Employee Taking Care of Seriously Injured Husband Terminated by Employer for Abandoning Her Job

A Harlingen, Texas, employee's husband was seriously injured in an automobile accident and needed her to be with him through recovery. The employee took some paid sick leave and vacation leave, and some unpaid FMLA leave. When the employee continued to seek additional leave in December 1993, she was told by her employer that she needed to fill out a second request for FMLA leave. The next day, she was terminated for abandoning her job. The employee was unemployed in 1994. Wage and Hour contacted the Texas company and apprised it of the situation and employee rights under FMLA. The company reviewed the facts and circumstances in the employee's case, agreed it had violated the law, and agreed to reinstate the employee with back pay estimated at \$9,000.

Case study: Worker Thanks Wage and Hour Investigator for Helping to Get His Job Back through FMLA

In December 1994, an eight-year employee in Mobile, Alabama, became too ill to work, was told by his doctor to remain off work four days, and reported his illness to his employer. Two days later, the company terminated the employee for unsatisfactory attendance, although the employee had earned membership in the company's "Gold Key Program." After calling several government agencies and contacting two attorneys, the employee was told that there were no State laws to protect employees against wrongful discharge. He also applied for unemployment compensation and was found not qualified.

Then the employee's sister advised him to go to Wage and Hour. The employee went to see the local Wage and Hour Investigator who determined that the employee was eligible for FMLA leave. The Investigator contacted the company and explained the situation. By 6:45 the next morning, the Investigator called the employee to inform him that he was to report back to work at his old job with the same pay, plus back pay. The employee learned that the Investigator had talked to the company's attorney at 6:00 a.m. that morning because the attorney was going out of town. The employee attempted to thank the Investigator, who responded that she (Imogene Butler, Wage and Hour Investigator, Mobile, Alabama) was just doing her job. However, the employee thought that Ms. Butler went well beyond her regular job to help him.

• Cases we've (DOZ)
helped

FAMILY AND MEDICAL LEAVE ACT OF 1993 (FMLA)

CASE STUDIES RE: RETALIATION

Case #1: Refusal to Restore FMLA leave taker to an "equivalent" position

An FMLA-eligible employee was diagnosed with "Epstein-Barr," a serious health condition that required a two months leave of absence to undergo continuing treatment of a health care provider. Treatment consisted of prescription drugs, complete bed rest, and periodic doctor visits. Upon return from FMLA leave, the employer, a major retail establishment in Nashville, TN, offered the employee a job as a regular sales employee position instead of the cosmetics counter manager position that she held prior to taking FMLA leave. The job offer was not to an equivalent position as the sales position's pay, status and perks were far less than those of her previous manager position. Consequently, the employee refused the job offer and was unemployed for three weeks. During this time, the employee contacted the Wage and Hour Division's local office, who in turn contacted the employer to discuss the provisions of FMLA, particularly the job-protection guarantee to be restored to the same or to an equivalent job with equivalent pay, benefits and other terms and conditions of employment. Once the company understood that it had violated FMLA, it agreed to restore the employee to her original position and to pay back wages in the amount of \$894.00 for the three weeks of unemployment. The employer agreed to future compliance.

Case #2: Employee fired from her job for giving birth to a child.

An FMLA-eligible employee of a health care establishment situated in Kingsport, TN, was dismissed from her job while recovering from the birth of her child. Even with advance knowledge of the employee's pregnancy and expected due date, the company failed to notify the employee of her eligibility and rights under FMLA. Consequently, seven weeks into her leave of absence, she was notified that she had been discharged, would lose two weeks of paid vacation and one paid personnel day, and would no longer have health insurance coverage. She contacted the Wage and Hour Division's local office, who advised the company that the employee's rights under FMLA had been violated and what the company had to do to make the employee "whole." The company agreed to reinstate the employee to her job, to restore health care insurance coverage to the day it had been cancelled, to place her on FMLA leave for an additional 30 days, and to pay her back wages in the amount of \$754.16 to cover the 11 days of paid leave benefits lost. The employer agreed to future compliance.

Case #3: Employee's job terminated for taking FMLA leave to care for terminally-ill parent.

An employee of a "Fortune 500" company located in Des Moines, Iowa, lost his job for caring for a mother who was dying of cancer. The employer, who had approved FMLA leave for the employee's absence to care for his dying mother, determined erroneously that the employee's mother had died when a collection to send flowers to the mother in the hospital was taken up by the employee's co-workers. The employee contacted the Wage and Hour Division, who contacted the personnel director of the company to explain that the termination notice was inappropriate and to seek reinstatement for the employee. The personnel director conceded that the employee's dismissal was in violation of FMLA and agreed to reinstate the employee to his job and to extend FMLA leave for up to 12-weeks. No back wages were due the employee. The employer agree to future compliance.

Case #4: Employee penalized for taking emergency leave to care for sick son.

An employee of a mid-size firm in Olivette, Missouri, needed to take FMLA leave for his son, who was born with *Tiacheomalacia* (soft wind pipe) and requires nebulizer treatments for respiratory problems. Prior to being trained to provide nebulizer treatments, the family had to rush the baby to the emergency room when the baby had breathing problems. The company was fully aware of the baby's serious health condition and knew that the employee had been trained to provide emergency life saving treatment if the baby could not breathe. One morning the employee had to take emergency medical leave to administer nebulizer treatments to his son. The employee contacted his employer to request FMLA leave to care for his son. Despite a medical note from the baby's doctor, which was fax to the employer the morning of the leave, the company refused to grant FMLA leave and instead assigned one point against the employee's attendance record. The employee, knowing that there may always be a need for FMLA leave to care for his son, contacted the Wage and Hour Division's local office to file a complaint. In discussing the provisions of FMLA with the employer's Human Resource Department, the employer's representative state that "she was not aware" that the employer cannot assess points on a FMLA qualifying event, and agreed to remove the point from the employee's attendance record. Accumulation of points may lead to suspension without pay or dismissal. The employer further agreed to revise its policy and to comply with FMLA in the future.

Case #5: Employee suspended from work for taking leave due to complications from miscarriage.

An employee for 18 years of a medical center located in Kansas City, Kansas, notified her supervisor on a Sunday morning (her day off from work) that she was entering the hospital and would not be at work on Monday. Later that day, she had a miscarriage and was ordered by the doctor to "go home, take Tylenol 3 (a prescription), get bed rest, and not to return to work until released to do so." On Thursday of that week she returned to the doctor, who prescribed antibiotics because of infection and signed a release for her to return to work on Saturday. Upon her return to work, the employee was notified that she would be placed on a three day suspension without pay for taking leave. The employee contacted the Wage and Hour Division who advised the employer that the leave taken by the employee was protected under the FMLA, that the employee had provided proper and timely notice as the leave was due to a medical emergency, and that a suspension for taking FMLA leave under the circumstances would be a violation. The employer was also advised of its obligations, which were not followed, to notify employees of their rights to FMLA leave. The employer agreed to cancel the suspension and to return the employee to work on her regular shift as previously scheduled. The employer agreed to future compliance.

Case #6: Employee dismissed for taking FMLA leave for her mother's serious health condition.

An FMLA-eligible employee of a covered employer in Overland, MO, requested leave to be with her mother who was undergoing heart surgery. Initially, the employee's supervisor advised her to take as much time as she needed, but later changed her mind and advised the employee that she would be fired if she did not return to work the day her mother was scheduled for surgery. The employee did not report to work on that day and was promptly fired from her job due to excessive absences. The employee filed a complaint with the local office of the Wage and Hour Division, who in turn contacted the employer to discuss the provisions of FMLA. The company's Human Resource Director conducted an internal review of the situation and called Wage-Hour to advised that the company had made an error by not following-up on the possibility that the leave request was indeed covered by FMLA. The company agreed to reinstate the employee to her job, to pay wages (including commissions) lost during the period of unemployment of \$2,741,49. The company agreed to future compliance.

Case #7: Employee unable to get FMLA leave to care for disabled spouse and parents.

An FMLA-eligible employee of a covered employer in Park Ridge, IL, was denied leave to care for his wife, who is 100 percent disabled due to a serious heart condition, and both parents, who are blind and have other serious health conditions, i. e., diabetes and heart. The employee had been denied FMLA leave by the employer on the basis that his family members' serious health conditions would not be qualifying reasons for taking FMLA leave. Because of the severity of the health conditions and the need to attend to his family's medical needs, the employee contacted the local office of the Wage and Hour Division, who in turn contacted the company to discuss the provisions of FMLA. The company was advised that FMLA leave must be granted to employees who need to care for immediate family members with serious health conditions. The company assured that the employee would be granted FMLA leave to care for his wife and parents once medical certifications from their health care providers were received, and that FMLA information and notification procedures would be distributed and implemented throughout the company. The company agreed to future compliance.

FAMILY AND MEDICAL LEAVE ACT OF 1993 (FMLA)

CASE STUDIES RE: RETALIATION

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Radio Address

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

March 22, 1997

RADIO ADDRESS OF THE PRESIDENT TO THE NATION

THE PRESIDENT: Good morning. I'm glad to be back at the microphone this morning after relying on the Vice President to fill in for me last Saturday. My knee is healing just fine and I'm happy to report that I've just completed a successful summit meeting with President Boris Yeltsin of Russia in Helsinki, Finland.

Together we're building a strong United States-Russia relationship to meet the challenges of the 21st century, building a democratic, undivided Europe at peace; leading the world away from the nuclear threat; forging new ties of trade and investment that will benefit all our people. ✓

Today I want to talk with you about how we can work together to strengthen America's working families and to help them meet their responsibilities both at work and at home. We have made significant progress in this area with the Family and Medical Leave Act of 1993. That was landmark legislation and I was very proud that it was the first bill I signed as President. But I'm even more proud of the impact this law has had on the everyday lives of working families.

Since its enactment millions of Americans have been able to take unpaid leave to care for a newborn child or to be with a family member who's sick. I know that many Americans would have lost their jobs if it weren't for the family leave law.

With new pressures on families in the way they work and live, we have to do even more to give people the chance to be good workers and good parents. That's why I proposed expanding the Family and Medical Leave Act so that workers can take time off to attend teacher conferences or to take a child for a medical checkup. I have challenged the Congress to pass legislation that will do just that this year, and I have high hopes that they will.

This morning I want to talk about another way to strengthen our working families. I have a plan that offers employees this simple choice: If you work overtime you can be paid time and a half, just as the law now requires, or if you want you can take that payment in time -- an hour and a half off for every hour of overtime you work. Simply put, you can choose money in the bank or time on the clock. Comp time can be used for a vacation, an extended maternity leave, or to spend more time with your children or your parents.

We can give employees in American business more flexibility. That serves everyone's interests. But we must make sure that as we give greater flexibility we do it in a way that's good for both business and employees.

Unfortunately, a version of comp time legislation that is moving through Congress now would take the wrong approach. It could actually leave working families worse off than today. Strong comp time legislation gives employees the choice of when to take their overtime pay in money or in time off from work. But under the congressional majority's proposal, employees aren't really guaranteed that choice. There are no effective safeguards to stop an employer from telling an employee who needs a paycheck more than family time that he or she has no choice -- you work overtime this week, then I'll give you less time next week.

Strong comp time legislation would give employees the choice of when they take time off. That's the best way to strengthen families and to give parents more flexibility. But the congressional majority's plan would make it simply too easy for employers to tell workers they cannot take the comp time they have earned.

Under strong comp time legislation, the time off you have earned is just that -- time off. But under the congressional majority's plan, employees who take comp time could be forced to work extra hours at night or on the weekend to make up the time without any overtime pay. That means if you take off a Friday that you have earned by working overtime your employer could simply make you work Saturday without paying overtime because you haven't worked your full 40-hour week.

Above all, strong comp time legislation preserves the protection of our 40-hour week, which has been the law now for most of this century. Today the law says if you are an hourly worker and you work longer than 40 hours, you get paid time and a half for overtime. Our plan would give you the choice of taking an hour and a half off for every hour you work instead. But under the congressional majority's plan, some employees who

work and extra hour would get only an hour off -- less overtime than they would be eligible for today. That's money out of their pocket.

The vast majority of our employers will be fair to their workers under any system. But as we modernize our laws to fit a changing workplace we have to uphold historic safeguards for all our employees. Giving workers the real choice of taking time off as overtime pay is good for our families. It will help all Americans balance the demands of home and work. But it's employees and their families, not employers, who should choose if, when and how they take and use comp time.

Congress should pass expanded family leave and a strong comp time bill. The moment a responsible comp time bill hits my desk I will gladly sign it. It will be good for workers, good for business, good for the economy, and strong in the building of our families. But let me also be clear: I will have to veto any legislation that fails to guarantee real choice for employees, real protection against employer abuse, and real preservation of fair labor standards including the 40-hour week.

It's time for us to join together to give America's families the help they need to succeed on the job and in the home. Let's pass comp time legislation, but let's do it right.

Thanks for listening.

END

Radio Address

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

April 12, 1997

RADIO ADDRESS OF THE PRESIDENT TO THE NATION

THE PRESIDENT: *Good morning. Today, I want to talk about the toughest job any person can have. It's not a job you can quit, show up late for, or do just enough to get by. In every way, it's a lifetime commitment -- it's being a parent.*

In our times, parenting has become an even greater challenge. The world moves faster, and parents rightly worry more about how to protect their children's health, their safety and their future. Jobs place more demands on mothers and fathers. Finding a balance between home and work takes more effort than ever.

Parents can use some help. And while government doesn't raise children, it can sometimes give parents the tools they need to make their jobs easier. That's why we fought for and won the V-chip and a ratings systems for TV, so parents can better protect their

Page 1

young children from unsuitable shows. That's we fought to keep the tobacco industry from advertising their products to children. And why we're fighting to keep streets safer and to reduce juvenile crime. All these help parents to do a better job with their children.

But there is still work to be done. Parents want to do right thing by their children from the very start. And giving our youngest children what they need to thrive from the very first days of life is something the First Lady has studied for a long time. In her book, "It Takes a Village," Hillary called on our nation to give its attention to new findings about the early years of children's lives that so often are overlooked in intellectual, social and emotional development.

Our administration has worked hard to better understand these early years. Since 1993, we increased funding for children's research at the National Institutes of Health by 25 percent -- or \$322 million -- and my balanced budget plan promotes further increases in funding. We expanded and improved Head Start, and we created an Early Head Start Program for children age three or younger so that they could get the stimulation they need at those critical times.

From our research, we know that from the very first days of life a child is developing emotionally and intellectually, and how he or she does in those first three years of life will help to determine how a child does later in school and in life. That's why we need to begin teaching and nurturing our children before they go to school.

We want to sort through our research and get it to parents and to care givers who work with children. So next week Hillary and I will bring together researchers, parents and other experts for the White House Conference on Early Childhood Development and Learning: What New Research on the Brain Tells Us About Our Youngest Children.

We will meet for a full day at the White House, with satellite hook-ups to more than 60 sites around our nation. This conference is an exciting and an enormous undertaking. It is a call to action to parents, to businesses, to care givers, the media, the faith community and the government, each to do their part to enhance the earliest years of life. It grows out of our commitment to find new ways to support parents and to help their children reach their God-given potential.

As part of that commitment, I also want to call today on the members of Congress to do their part to come to the aid of our families. They can do that very simply by passing my expansion of the Family and Medical Leave Act.

This bill would allow workers up to 24 hours of unpaid leave each year to fulfill certain family obligations. It could allow a worker to attend a parent-teacher conference, or take a child to the pediatrician, or to find quality child care, or to care for an elderly relative.

Families occasionally need these small pieces of time to take care of their own. More than 12 million American workers have taken leave for reasons covered by the Family and Medical Leave Act since it became the very first bill I signed into law in 1993. It was needed then, it's needed now and we need to improve on it. So I urge the Congress to act soon on this legislation. Don't ask people to choose ever between being good workers and good parents. We can help them to do both. Pass the expanded Family and Medical Leave Act.

I think this bill is so important that today I am asking

all federal departments and agencies to make expanded Family and Medical Leave available to their workers immediately. Wherever possible, I want workers to have access right now to essential time off for family obligations.

I am committed to doing all we can to support families as they struggle to do right by their children. We know that the very earliest years will decide whether children grow up to become healthy and happy people. That's why we're giving parents time off to care for them, why we should extend the family leave law so millions more parents can have that opportunity and why we must focus all our science, education and public efforts to give our children the very best start in life.

Almost a century and a half ago, Oliver Wendell Holmes said, "A child's education should begin at least a hundred years before he was born."

What we do now can benefit generations of Americans to come. We can start with the smallest community -- the family. And from there we can rebuild and renew the best in America by beginning with the best of America, our children

Thanks for listening.

END

UNITED STATES DEPARTMENT OF LABOR



Employment Laws Assistance for Workers and Small Businesses

THE FAMILY MEDICAL LEAVE ACT *elaws* Advisor

THE FAMILY AND MEDICAL LEAVE ACT *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. By responding to specific questions, and based upon the answers provided:

employees can:

- determine their eligibility to FMLA leave;
- identify the reasons for leave that qualify as FMLA leave;
- review their rights, benefits, and responsibilities under FMLA; and,
- examine the procedures for filing a complaint with the Department of Labor if an employer fails to provide FMLA protection and benefits.

employers can:

- determine whether they are an "FMLA-covered" employer;
- identify the reasons for leave that qualify as FMLA leave; and,
- review their FMLA-notification responsibilities.

The *elaws* Advisor includes links to FMLA regulations and educational publications, as well as to related regulations such as those relating to the *Americans With Disabilities Act (ADA)*, which is administered by the *Equal Employment Opportunity Commission (EEOC)*. The *elaws* Advisor also provides direct links to addresses and telephone numbers of all *Wage and Hour* District Offices located in major cities throughout the country.

This system can be accessed at <http://www.dol.gov/elaws>.

THE WAGE AND HOUR DIVISION OF THE EMPLOYMENT STANDARDS ADMINISTRATION

The *Wage and Hour Division* is located in the *Employment Standards Administration*. Its mission is to achieve compliance with labor standards through enforcement, administrative, and educational programs to protect and enhance the welfare of the Nation's workers.

THE FAMILY MEDICAL LEAVE ACT OF 1993

The *Family and Medical Leave Act of 1993 (FMLA)* requires certain private sector employers and public employers to provide up to 12 weeks of unpaid, job-protected leave each year for certain family and medical needs, such as the birth or adoption of a child, or a serious health condition affecting an immediate family member. During the leave, employers must maintain any pre-existing group health insurance coverage.

More information on the *FMLA* and other *Wage and Hour* laws, can be found at the *Wage and Hour* website at: <http://www.dol.gov/dol/esa/welcome.html>.

<http://www.dol.gov/elaws>

UNITED STATES DEPARTMENT OF LABOR



Employment Laws Assistance for Workers and Small Businesses

WHAT IS *elaws*?

elaws or Employment Laws Assistance for Workers and Small Businesses is a project undertaken by the Department of Labor to provide compliance assistance information to workers and employers about the laws administered by the Labor Department in an interactive format via the Internet. *elaws* uses expert systems information technology to simulate the interaction a person might have with a human expert, in this case an employee of the Department of Labor, to obtain information about the laws and regulations of the Department.

WHAT IS AN EXPERT SYSTEM?

An expert system is a computer program that captures valuable knowledge and allows it to be disseminated to others. Expert systems emulate the interaction a user might have with a human expert to solve a problem. The expert system embeds complex information, such as the detailed requirements of a regulation, into a computer model. That computer model can then be queried on a fact-specific situation and will give the user an answer to his/her specific question.

The range of problems that can be handled by expert systems is vast. Expert systems can be developed for any problem that involves a selection from among a definable group of choices where the decision is based on logical steps. From a user's perspective, an expert system is easy to use and conveys information in a format that is easy to understand.

Expert systems are used to help automate anything from complex regulations to aiding customers in selecting from a group of products, or diagnosing equipment problems.

WHAT *elaws* ADVISORS DOES THE DEPARTMENT HAVE AVAILABLE?

The Department currently has nine *elaws* Advisors available on its Internet website. Six sites are available directly on-line and three can be downloaded from the Internet and used on any personal computer.

The nine *elaws* Advisors currently available are: the *OFCCP Interactive Compliance Assistance Guide for Contractors and Subcontractors*; the *Family and Medical Leave Act*; *MSHA's Form 7000-2*; *OSHA's Asbestos, Confined Spaces, GOCAD, and Fire Safety Advisors*; the *VETS Uniformed Services Employment and Reemployment Rights Act*; and the *Veterans' Preference System*. All of these *elaws* Advisors can be accessed on the Internet at: <http://www.dol.gov/elaws>.

<http://www.dol.gov/elaws>

News Release



U.S. Department of Labor

Office of Public Affairs
Washington, D.C.

Contact: Carl Fillichio
202/219-8211

For Release: Immediate
Tuesday, January 21, 1997

MEDIA ADVISORY--RADIO ACTUALITY AVAILABLE HELP WITH BALANCING WORK AND FAMILY ISSUES IS JUST A PHONE CALL AWAY

Radio stations across the country may access four sound bites of Department of Labor's Wage and Hour Administrator Maria Echaveste commenting on the department's new Family and Medical Leave Act information toll-free phone number, which is being launched today.

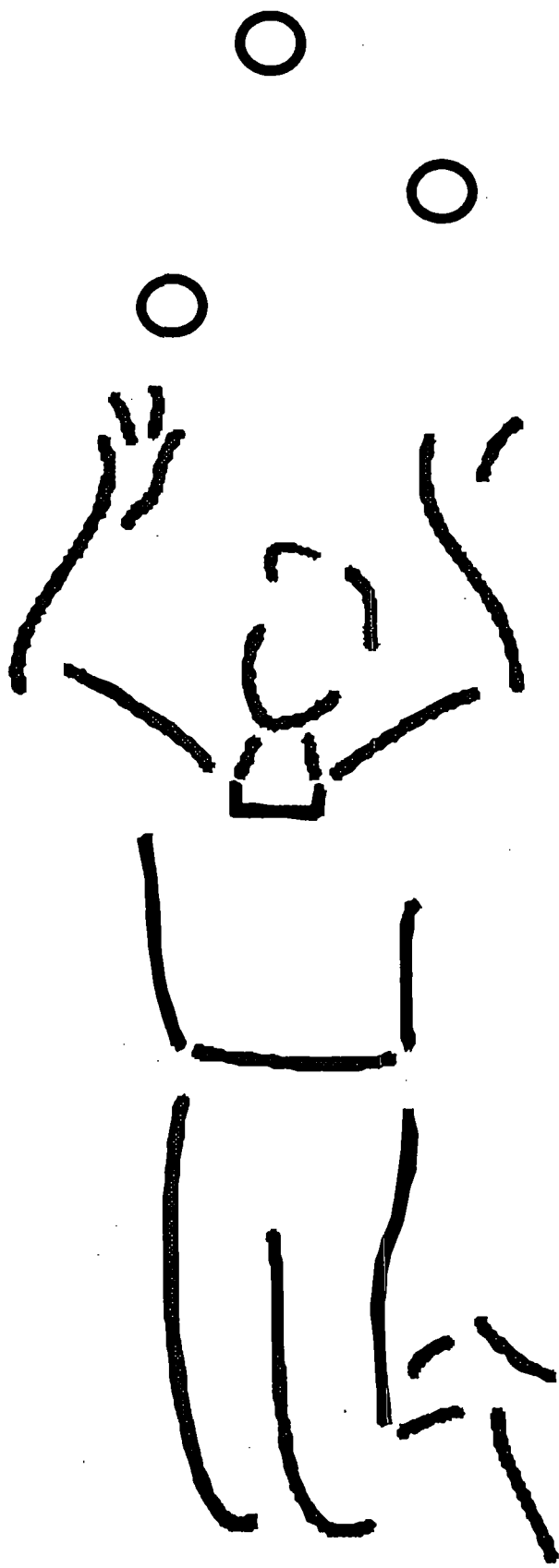
The new 1-800 service will be highlighted tonight, in a public service announcement following "A Child's Wish," a CBS made-for-television movie inspired by the stories of two families whose personal struggles were caught in the drama of the enactment of the Family and Medical Leave Act (FMLA). The FMLA was the first bill signed into law by President Clinton and became effective in August, 1993.

Beginning today, callers to 1-800-959-FMLA will receive a brief explanation of the law, as well as an opportunity to receive more detailed information through the mail.

The four sound bites are: Echaveste commenting on the FMLA (:15); explaining the benefits of the FMLA to employers (:30); discussing future expansion of the FMLA (:20); and commenting on the new toll-free telephone number (:25). PSA scripts for radio stations interested in launching their own public service campaigns are also available.

Radio stations can access this actuality by calling the U.S. Department of Labor's 24-hour radio news service at 1-800/877-9002. It will be available until Monday, January 27.

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When It Looks Like You Just Can't Juggle Any More...

This number might help. Call 1-800-959-FMLA if balancing work and family obligations have you juggling too much.

You may be eligible for benefits under the Family and Medical Leave Act, a law that could give you as much as 12 weeks of unpaid time off from work--time for the birth, care or adoption of a child, or if you or an immediate family member has a serious health condition.

To find out if FMLA can work for you, call the U.S. Department of Labor at 1-800-959-FMLA, or visit our web site at www.dol.gov.

The Family and Medical Leave Act
U.S. Department of Labor

To: Donna Linn
 From: Terry Bond
 7/21/98

FAMILY AND MEDICAL LEAVE: NEW DATA ON HOW IT'S WORKING

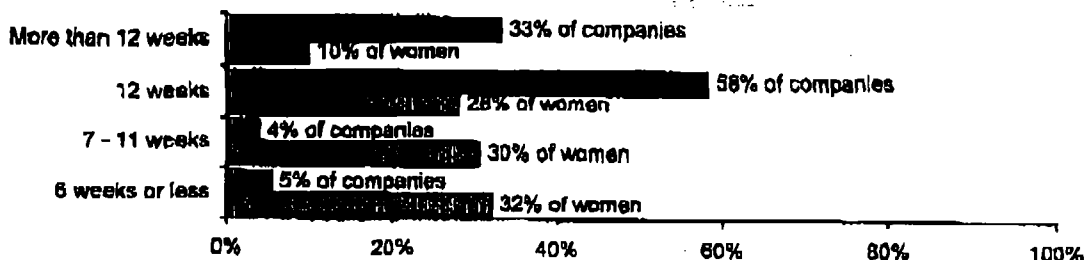
Ellen Galinsky and James T. Bond
 Families and Work Institute

Except where noted findings are from the Families and Work Institute's 1998 Business Work-Life Study of a representative sample of 1,057 private-sector for-profit and non-profit companies with 100 or more employees in the U.S. Interviews were conducted with human resource directors. The maximum margin of error is $\pm 3\%$.

- I. **Compliance with the Family and Medical Leave Act (FMLA) is high.** No more than 10% of companies with 100 or more employees nationwide in 1998 provide fewer than the 12 weeks of job-guaranteed leave required by the FMLA for maternity, paternity, adoption, or care of seriously ill children. Many of these companies (37%) have fewer than 50 employees per site, on average, and may not even be covered by the FMLA, suggesting that family and medical leave is becoming the norm among employers of all sizes. Indeed, a 1997 Families and Work Institute survey of a representative sample of all wage and salaried workers in the U.S. labor force reveals that job-guaranteed *maternity* leave of some length is available to 95% of workers employed by private-sector companies with 25 - 49 employees nationwide, and to 93% of workers employed by companies with fewer than 25 employees nationwide.
- II. **Many employers provide more generous leave periods than required by law:** 15% - 16% of companies provide 13 or more weeks of leave for paternity, adoption, and seriously ill children, while 33% provide 13 or more weeks of leave for maternity.
- III. **The vast majority — 84% — of employers find that the benefits of providing family and medical leaves offset or outweigh the costs.** In fact, fully half of this 84% perceive positive returns on their investments in leave programs.
- IV. **About one-half of companies — 53% — provide at least some replacement pay during periods of maternity leave mainly (81%) through temporary disability insurance plans.** However, only 13% provide replacement pay during paternity and adoption leaves.
- V. **The lengths of leaves women take for childbirth are generally less than the minimum 12-week period that FMLA-covered companies are required to provide.** Fully 62% of companies report that the average length of maternity leaves actually taken by women in their workforces is less than 12 weeks. Across all companies with 100 or more employees, women were reported to take an average of 10 weeks and a median of 8 weeks of leave for childbirth. Fully 71% of companies offer more leave for maternity than women in their workforces generally take—an average of 7 weeks (median of 4 weeks) more leave time than actually taken.

PREVIOUSLY-
 UNRELEASED
 DATA

Proportion of Employers Offering Maximum Maternity Leaves of Various Lengths
 and the Average Length of Leaves Actually Taken by Women



- VI. **Although women tend not to take the maximum leaves their companies allow for maternity, companies that allow longer leaves also report longer leaves taken on average.** For example, women who are allowed only 12 weeks of leave, take 9 weeks on average, while women who are allowed more than 26 weeks, take 14 weeks on average—a difference of 5 weeks.