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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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)

COLLECTION:

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

FOLDER TITLE:

FMLA [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]
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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

file: Fmta-margal heater

 National Partnership
for Women & Families



FAX TRANSMISSION

To:

Ann O'Leary

Company:

White House

Fax #:

456-2878

From:

Dome/Leah

Date:

5/30/00

Program Charged:

201-1

Subject:

No. of Pages: 2

Including this cover page

COMMENTS:

per our conversation

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Published Sunday, May 14, 2000

Family and Medical Leave Act can help parents arrange time

H.J. Cummins / Star Tribune

The Family and Medical Leave Act can help working parents arrange time at home with their teens, a women's rights attorney in Washington, D.C., points out.

In most cases a teenager's crisis will lead parents -- mostly mothers -- to arrange to leave work for a while, said Donna Lenhoff, general counsel for the National Partnership for Women and Families in Washington, formerly the Women's Legal Defense Fund. And the law guarantees working Americans up to 12 weeks' leave per year to handle family medical problems.

But parents can take those 480 hours in any arrangement they need, Lenhoff said. If depression has been diagnosed in their son or daughter, for example, they can arrange to leave work by 2 p.m. every weekday so the youngster won't be home alone.

The employer has the right to demand a doctor's note, she said. But as long as the doctor says a parent's after-school presence is medically necessary, that mother or father can begin using up annual leave time at the rate of three hours a day -- which would last 160 days, or about eight months.

The law does have its limitations. It applies only to employers with 50 or more employees, which leaves about 40 percent of the work force ineligible, Lenhoff said. Also, the time is unpaid and some families can't afford to lose the income.

Still, she said, the law is important "for the health of society, the health of our families and for making sure that women's 'equality' in the workplace is real and not just a smokescreen for women doing a double shift."

— More information on the Family and Medical Leave Act is available at 1-800-959-FMLA (1-800-959-3652) or at <http://www.nationalpartnership.org>.

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Sandhya Subramanian <sandhya@nationalpartnership.org>

03/28/2000 04:02:38 PM

Record Type: Record

To: Ann O'Leary/OPD/EOP

cc:

Subject: Leave for counseling

Ann --

I just wanted to follow up on Donna's e-mail message with more information about the court case she mentioned to you. As she explained, the case involved a woman who wanted to take leave to care for her teenage son. He had been seeing a therapist and was suffering from the aftermath of a gang-related assault, and she felt she needed to take leave to ensure his safety and access to treatment. She was denied the right to take this leave under FMLA because her son wasn't suffering from a serious medical condition. (Unfortunately, the kicker is that she decided she needed the leave to take him to the Phillippines (her native country) to remove him completely from harm's way.)

If you're interested in this story, you may want to contact the plaintiff's attorney, Chris Ibarra, at (415) 398-5329. (For your reference, we were originally asked to submit an amicus brief in this case, but declined because there wasn't enough time to put one together, among other reasons; we just received another request to participate in the briefing of the Supreme Court cert petition.)

In addition, our 1998 Balancing Acts survey, which Donna mentioned to you, is accessible from our web site at <http://www.nationalpartnership.org/publications/contentanalysis.htm>. The press release for our newest survey on TV's depiction of work-family conflicts, Prime Time @ Work, can be found at <http://www.nationalpartnership.org/news/pressreleases/2000/020900.htm>; this press release serves basically as an Executive Summary of the survey, and highlights its most interesting findings.

Finally, Lauren Asher asked that we send you some names and contact information for your media and adolescents panel. Katharine Heintz-Knowles (425/868-5261) does a lot of work with TV content analysis and would have the most up-to-date information (or know where to get it). Laurie Slass from the Annenberg Public Policy Center (202/879-6700) can also point you toward additional experts and/or reports.

Please let me know if you have any questions or would like more information!

Best regards,
Sandhya

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.

A handwritten signature in black ink, reading "Alexis M. Herman". The signature is written in a cursive, flowing style.

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.

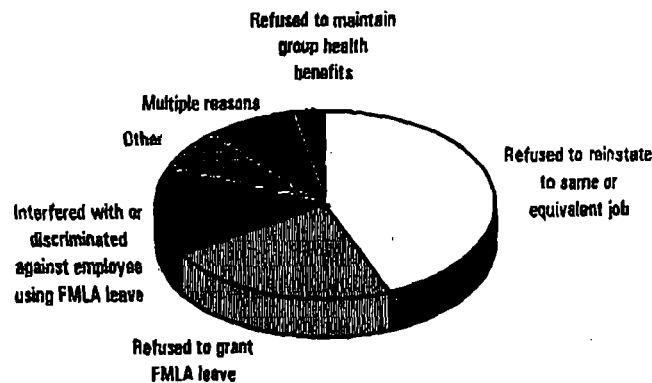
A review of the FMLA compliance actions completed through June 30, 1998, shows that by far the largest number of covered workers who filed complaints – 44 percent – did so because their employers refused to reinstate them to the same or equivalent positions after they returned from FMLA leave. In the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

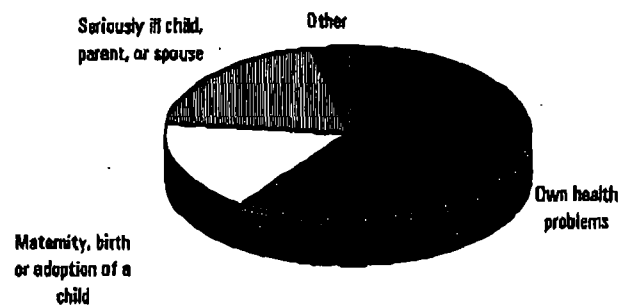
Since FMLA's enactment, the Department has initiated legal action in only 28 cases, most of which involve the issues of job restoration and leave denial. Seventeen cases were ultimately resolved before a court decision was issued. Of the remaining 11 cases, the courts issued a favorable decision in one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

Nish

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@qcl.qc.edu](mailto:psf$hpmed@qcl.qc.edu).

References

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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: 5-13-99

To: Nicole Rabner (sp?)

Fax: 456-2878

Number 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

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)
(Semic)

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.

RADIO ADDRESS BY THE PRESIDENT 03/22/97 - Microsoft Internet Explorer Page 1 of 3



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

3/24/97

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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

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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.

Lewinsky scandal r les airwaves as some hi ig people 'can relate to'

By Joyce Howard Price
THE WASHINGTON TIMES

Forum of radio talkers finds that Americans can't get enough

The Monica Lewinsky sex scandal has been dominating the nation's airwaves, and that's the way the public wants it, radio talk show hosts said at a forum on "The Media and Civility" at the Heritage Foundation.

"I find the audience is constantly steering me back to Monica Lewinsky, ... back to sex," said Jim Bohannon, a talk show host with Westwood One in Arlington, one of the nation's largest network distributors and a panelist at the Tuesday forum.

"Sex is all everybody is talking about" on radio talk shows, said another panelist, Doug Stephan of Radio America.

"Nobody cared about sending troops to Bosnia, unless he had a son or daughter [in the military] who was going to Bosnia. But ev-

eryone can relate to the boss messing around in the office with an intern, and we have to focus on what they can relate to," said Tom Becka of Radio KFAB-AM in Omaha.

According to a survey by Talkers magazine, President Clinton and Independent Counsel Kenneth W. Starr ranked, respectively, as the No. 1 and No. 2 most talked-about people on radio from July 27 to July 31, the most recent survey period.

Miss Lewinsky ranked No. 3, and Linda R. Tripp, the woman who secretly taped conversations with Miss Lewinsky in which she discussed an 18-month sexual relationship with Mr. Clinton, ranked No. 4.

Rankings in the so-called "Talkers 10" list were essentially the

same a month ago, except that Miss Lewinsky and Mrs. Tripp tied for third place behind Mr. Clinton and Mr. Starr from June 29 to July 10.

Michael Harrison, editor and publisher of Talkers magazine, says the focus on Mr. Clinton's sex life reverses what had been a downward trend in radio talk based on the president's activities. "There's been a decrease in all political talk, both conservative and liberal alike ... Policy-oriented politics is not as popular a subject today as it was in 1992," he said.

Factors responsible for the temporary respite: "Clinton-bashing became boring, Clinton became more of a moderate and Republicans became very lame," Mr. Harrison said.

But Americans who seemed relatively unfazed by scandals such as "Filegate," "Travelgate" and campaign finance are engrossed with the sex-and-lies scandal, if the volume of calls to radio talk shows are any indication.

"Talk radio is one of the best bellwethers of American public opinion," Mr. Harrison observed. It's also "entertainment-oriented," he said, and listeners want something that "sizzles."

Janet Parshall, a talk show host with the Salem Radio Network, who also participated in the forum, said no one should be surprised by the level of public fascination with the sex scandal.

"This is something the public understands. If Mr. Smith comes home and tells Mrs. Smith, 'I've been getting a little on the side,' it's

a marriage in crisis.

Nevertheless, surveys by Talkers magazine indicate that most people sounding off on the Monica Lewinsky scandal on talk shows are condemning the media's coverage of the issue, not the president's purported behavior.

Mr. Harrison said 70 percent of callers say the Lewinsky issue is a "disgrace and a waste of time, money and news coverage." The other 30 percent denounce Mr. Clinton and predict he will "get what he deserves" for possibly having sex outside of marriage and lying about it under oath. They say outcomes could include public shame and embarrassment, impeachment and eventual estrangement from his wife.

"The public is hypocritical," said Mr. Bohannon of Westwood One. "On one hand, they blast the media for being uncivil, yet they are leading the charge."

Lewinsky's fame likely near its peak as testimony nears

Scandal figure has been silent to media

By Jennifer Harper
THE WASHINGTON TIMES

Her presence in the American consciousness is only 197 days old, her stake in the media claimed through endlessly replayed video clips, delectable factoids and speculation.

Monica Lewinsky is a woman with a history. And that short history has a dichotomy: It balances weighty social pronouncements with wonderful trash.

While mainstream newspapers, weeklies and news channels crafted weighty special reports on her, Miss Lewinsky's former roommates and past professors tattled to tabloids.

While the public wrestled with the greater legal, moral and constitutional implications of the sex scandal, it also learned that Miss Lewinsky waxed her eyebrows, knit, relished chocolate cake and wished "for my life back" on her 25th birthday in July.

The press has described the former intern as, among other things, the face that launched a thousand subpoenas, trusting pal, brat, star witness, innocent and White House girl.

It is, perhaps, the title that woman that has the most permanency. That is what President Clinton called Miss Lewinsky in February in his sole public denial of the whole affair.

She is not new, in a sense, yet she is unprecedented.

"Though there have been presidents who dallied with women going back to Thomas Jefferson, I can't think of the equivalent of a Monica Lewinsky in the past," said Bruce Buchanan, a presidential scholar with the University of Texas.

"Will we see another Monica in the future?" he asked. "Hard to say. We can expect, though, more presidential crises involving a male president who strays. The presidential personality is one which is driven, prone to excesses, and that behavior is probable."

Miss Lewinsky seems to highlight her dual persona deliberately. She has flaunted the press with a parade of changing images, from chubby party girl to Vanity Fair

"One thing Monica Lewinsky's story has taught the American media is caution."

—Andrew Kohut,
Pew Research Center

peared on a talk show or made a public statement. When that moment comes — as Linda R. Tripp's did last week — the public will undoubtedly pause, ear acutely attuned.

Even before she utters a word publicly, however, the media has learned from her.

"One thing Monica Lewinsky's story has taught the American media is caution," said Andrew Kohut of the Pew Research Center. "The press has found that the public does care where they get their facts. They've also discovered that Americans do not have an endless appetite for salacious material."

Miss Lewinsky also appears in countless opinion polls. Last week, Newsweek found that 39 percent of those surveyed trust her more than Mr. Clinton. An NBC poll determined that 42 percent believe her, while only 29 percent believe him.

An ABC News poll found 59 percent trusted her and 66 percent trusted him. A CNN poll said 48 percent of those surveyed believed the former intern and 44 percent believed the president.

That dichotomy again: One of America's most famous women has, in the eyes of some, hurt feminism.

"Monica Lewinsky has become a metaphor," said Barbara Ledeon of the Independent Womens' Forum. "She represents the failure of feminism. She has rolled back the idea that women are supposed to advance in the workplace based on their merits and competency, not whether they spend time on their backs."

Miss Lewinsky and her story are a cultural moment as well.

"President Clinton came in with 1960s ethics — the moral relativism that says a lapse in character doesn't matter if it doesn't hurt

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.

"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

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? ...

THURSDAY, AUGUST 6, 1998
The Washington Times

vamp to mature woman ready to
get down to business.
Yet she is a media phantom. Few
have heard her voice. She has
never granted an interview, ap-
sex tale.
anyone," Mrs. Ledeen said. "This
is where that ends. We're coming
up to the conclusion of a classic
morality story, not just some little

THE WHITE HOUSE

August 6, 1998

PERSONAL

&

~~CONFIDENTIAL~~

The Honorable Christopher Dodd

U.S. Senate

Washington, D.C. 20515

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MARKING Per E.O. 12958 as amended, Sec. 3.3 (c)

Initials: RCR Date 05/29/13

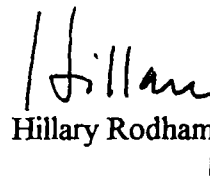
2013-0436-S

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

*Can't
Schedule
Bruce Reed
Hearing
Please note
Also be
included
in future
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.

*Jen/Nicole/EK
What shd we do?
BR*



CHIEF OF STAFF TO THE PRESIDENT
THE WHITE HOUSE

August 4, 1998

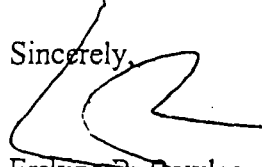
Dear Senator Dodd:

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
Follow up
It's ready
John
great
for
document
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.

TALKING IT OVER

BY HILLARY RODHAM CLINTON

RELEASE: WEDNESDAY, AUGUST 5, 1998, AND THEREAFTER

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," over 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 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 employers 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."

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.

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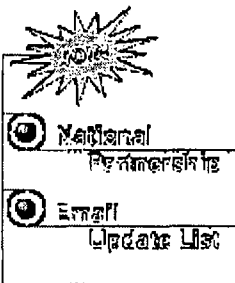
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Family Leave For More Working People: Expanding The FMLA To Cover Mid-Sized Businesses

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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Appendices:

[Appendix 1: Private-Sector FMLA Coverage Data \(alphabetical by state\)](#)

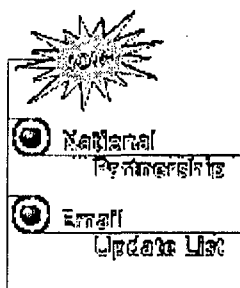
[Appendix 2: Private-Sector FMLA Coverage Data by Region](#)

[Appendix 3: State Ranking: Number of Employees Employed in Private-Sector Businesses with 25-49 Employees](#)

[Appendix 4: State Ranking: Percent of Workforce Employed in Private-Sector Businesses with 25-49 Employees](#)

[Appendix 5: State Ranking: Percent of Workforce Employed in Private-Sector Businesses with 25 or More Employees](#)

[Appendix 6: State Ranking: Number of Private-Sector Employers with 25-49](#)



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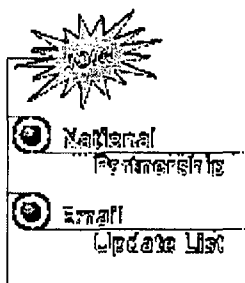
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Congressional Proposals to Expand the FMLA

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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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.

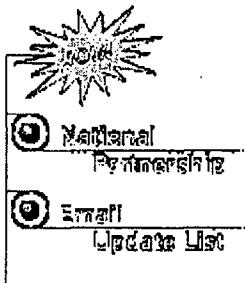
The FMLA currently applies to employers of at least 50 employees, covering 57.5% of the private U.S. workforce¹ (and 66% of the entire workforce, including government employees²). This means that almost 55 million private employees are covered by the law.

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.

Appendices:

Appendix 1: Private-Sector FMLA Coverage Data (alphabetical by state)

Appendix 2: Private-Sector FMLA Coverage Data by Region

Appendix 3: State Ranking: Number of Employees Employed in Private-Sector Businesses with 25-49 Employees

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Appendix 5: State Ranking: Percent of Workforce Employed in Private-Sector Businesses with 25 or More Employees

Appendix 6: State Ranking: Number of Private-Sector Employers with 25-49 Employees

Appendix 7: State Ranking: Percent of Private-Sector Employers with 25-49

Employees

Appendix 8: State Ranking: Percent of Private-Sector Employers with 25 or More Employees

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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.

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.

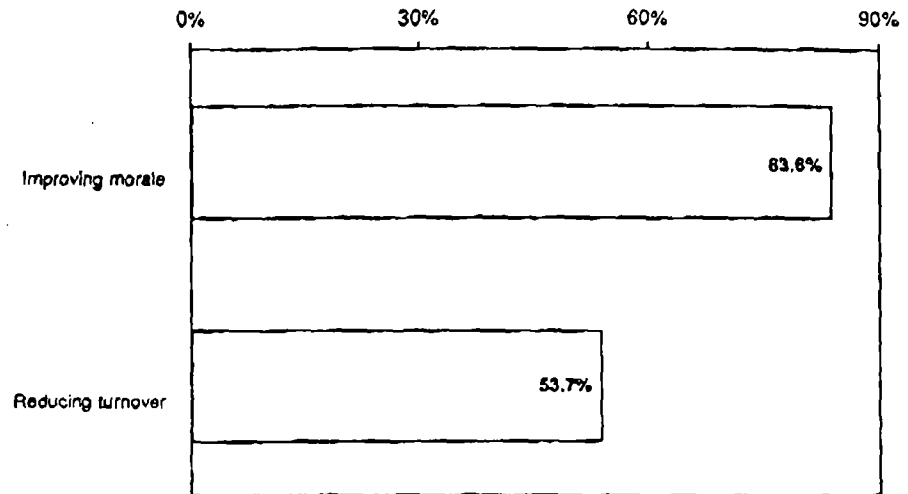
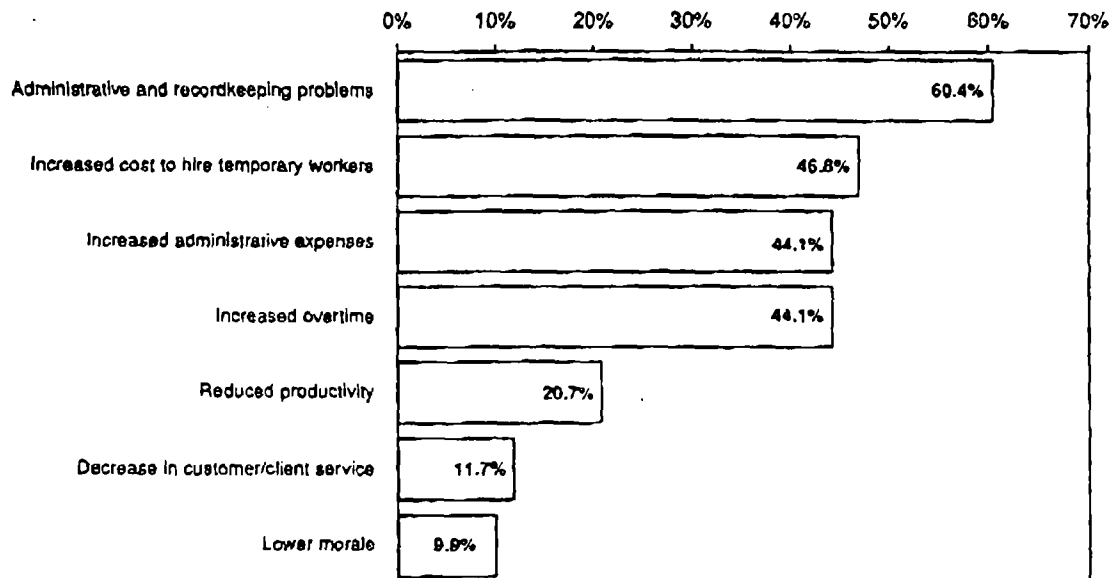
The effects of family leave on organizational performance have produced both positive and negative effects. Of the 67 companies who mentioned positive consequences of FMLA, 84% said it has increased morale and 54% noted that it has helped reduce turnover.

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

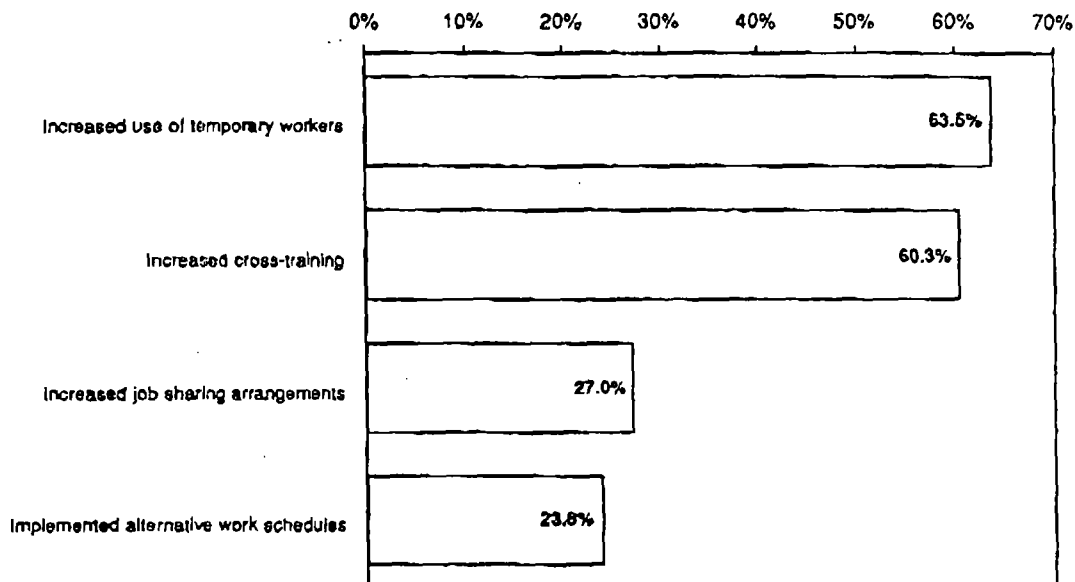
Family Leave

Positive Consequences**Negative Consequences**

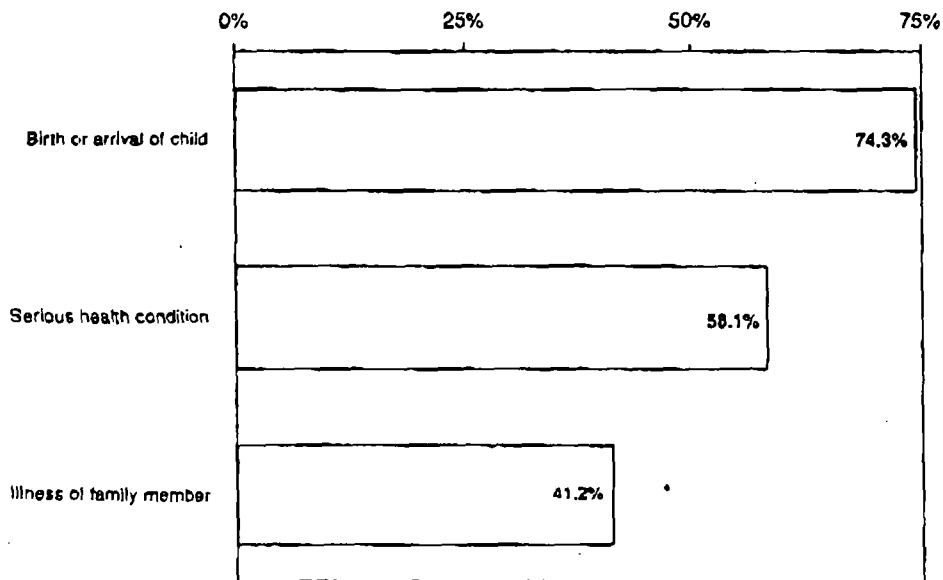
Employment Practices and Programs: 1997

Family Leave

Measures Taken In Response to Leave



Most Common Reasons for Leave



Family Leave

**Coopers
& Lybrand**Coopers & Lybrand L.L.P.
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Qty.	Qty.
___ Total Compensation for Top Management: 1997...\$275	___ Total Compensation in the Not-for-Profit Organizations: 1997.....\$220
___ Durable Manufacturing.....\$150	___ Total Compensation in Retail: 1997.....\$220
___ Non-Durable Manufacturing.....\$150	___ Total Compensation in Small Businesses: 1997...\$150
___ Business Services.....\$150	___ Total Compensation in Healthcare: 1997.....\$285
___ Transportation/Utilities.....\$150	___ Compensation Planning for 1998.....\$175
___ Executive Perquisites.....\$175	___ Total Compensation for Middle Management: 1997.....\$285
___ Compensation in Family Businesses.....\$150	___ Compensation in Financial Services: 1997.....\$220
___ Benefits Policies & Programs: 1997.....\$250	___ Severance Policies & Programs: 1997.....\$220
___ Total Compensation in Newly Public Hi-Tech Companies.....\$225	___ Water Utility Compensation & Benefits Study: 1996.....\$300
___ Compensation in Oil & Natural Gas: 1996.....\$125	___ Board of Directors' Compensation: 1997.....\$275
___ Total Compensation in HMOs: 1996.....\$190	___ Sales Compensation & Employment Practices: 1997.....\$150
___ Incentive Programs: 1997 (covers annual & long-term incentives).....\$275	___ Mergers & Acquisitions: 1997.....\$50
___ Training & Development 1996: Compensation & Programs.....\$125	Total price of reports ordered.....\$_____
___ Compensation in Gas & Electric Utilities: 1996...\$125	For overnight FedEx, please add \$6.50..... \$_____
___ Employment Practices & Programs: 1997.....\$220	New York State residents please, add appropriate Sales Tax.....\$_____
___ Total Compensation in the Telecomm Industry: 1997.....\$150	TOTAL..... \$_____

HOW DID YOU HEAR ABOUT OUR SURVEY?

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 1301 Avenue of the Americas, 2nd Floor - c/o Survey Research Unit
 New York, NY 10019-6018

NO REFUNDS ACCEPTED AFTER 10 DAYS

- 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.

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

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- 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:
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- 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)

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- 3 -

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- 5 -

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~~(791~~ words)

Draft #1
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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



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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

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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.

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Draft #1

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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 earlier.} ~~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..." ?}

more – a total of ~~67~~⁶⁸ 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.

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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.

Although ^{more than} 80 percent of FMLA leave is used to care for seriously ill ^{persons} 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. ^{has the commission confirmed}

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. ^{confirmed results of bipartisan commission 9/10}

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."

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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.

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(774 words)

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often as easily as that with just a
phone call.

When people have

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ily issues

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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 #
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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
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of add new
study
findings*

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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

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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.

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- 5 -

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(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 →

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 insurance 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 business administrative structures.

In short, the FMLA has been a success for workers and businesses. The Act has gone a long way in helping Americans balance work and family, a goal which 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 its 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 the ability to establish greater uniformity and consistency in their family and medical policies.

The Department of Labor's five years of experience in implementing and enforcing the FMLA, along with the findings of the bipartisan Commission on Family and Medical Leave, lead 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.

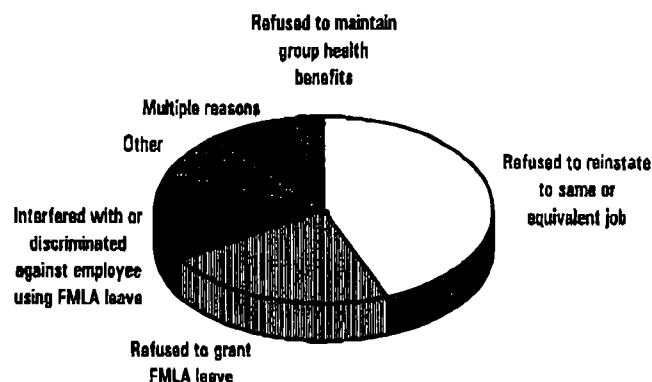
An analysis of the FMLA compliance actions completed by the Wage and Hour Division through June 30, 1998, shows that by far the largest number of covered workers who filed complaints – 44 percent – did so because their employers refused to reinstate them to the same or equivalent positions after they 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, and the remaining eight percent involved other issues, primarily administrative in nature.

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 the conciliation process.

Since enactment, the Department has initiated legal action in 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 – many of those were settled. In one case, the court issued a favorable decision and in two cases the court issued unfavorable decisions. The remaining eight cases are pending in district court.

Compliance Experience

Employers in general have not had serious problems complying with the law. Through a national survey that covered 18 months in 1994-95, the bipartisan Commission on Family and Medical Leave (Commission) 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 in April 1996, entitled “*A Workable Balance*,” 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.

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.

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.

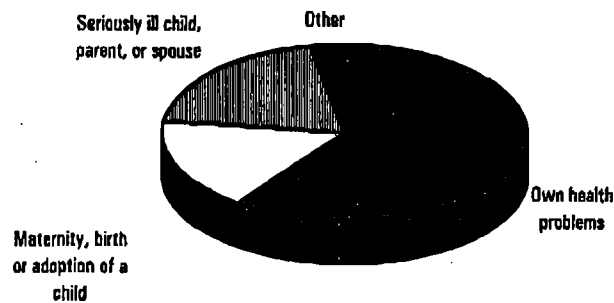
This concentrated outreach has paid off. Most of the evidence from the Commission's report and the Department's experience suggests there have not been widespread problems or abuses under the FMLA. While there have been some concerns about the definition of a serious health condition and whether employees qualify for intermittent FMLA leave, most issues arose primarily when employers tried to blend pre-existing leave and attendance policies with new FMLA requirements.

Reasons for FMLA Leave

According to the Commission on Family and Medical Leave report, 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.

THE WHITE HOUSE
WASHINGTON

DOL will release:

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

Human may do some specialty
press re: anniversary.

Families & wk:

survey

Partnership:

survey

web site.

- Arrey 

- first bill signed - Stonis -
 - wheel
 - successful -
 - good for m. n. i.
- survey

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

National Partnership for Women & Families

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.

lets talk
about the #
we use
"at least 15 mil" is
the # we use in our
unreleased
press
paper-
use that
for now.

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.

New research has concluded that the FMLA is working well for employers, too. The Families and Work Institute's new 1998 Business Work-Life Study (a nationally representative study of employers with 100 or more employees) found that, for 84 percent of employers, providing family and medical leave has benefits that either offset any costs (42 percent) or create positive returns (42 percent).

An attorney at the National Partnership for Women & Families (formerly the Women's Legal Defense Fund) first drafted the FMLA 14 years ago. The National Partnership then founded and led the broad-based coalition that fought for passage until, in 1993, the FMLA became the first bill President Clinton signed into law.

On this fifth anniversary, I am proud to say that the FMLA has been a tremendous success for America's working families and their employers, said National Partnership President Judith L. Lichtman. *Everyone wins when we make it easier for people to meet their responsibilities at work and at home.*

The FMLA now covers 57.5 percent of the nation's private workforce -- the nearly 55 million people working for businesses with at least 50 employees. But 41 million private sector workers are without the law's protection. Congress is considering expanding the FMLA to cover mid-sized companies with 25 to 49 employees, which would add 13 million more people to the covered population. According to a poll conducted by the National Partnership earlier this year, four in five Americans (79 percent) support expanding the FMLA to cover mid-sized employers.

Other expansion proposals would add 24 hours of leave for parent-teacher meetings and routine doctors appointments, and allow victims of domestic violence to take FMLA leave to find shelter and legal protection. Those proposals also have overwhelming public support.

"The FMLA has made a huge difference in the lives of millions of families without hurting business. But too many women and men are still forced to make impossible choices between job

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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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:

FMLA [Family and Medical Leave Act] - General [1]

2013-0436-S
rc1304

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]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

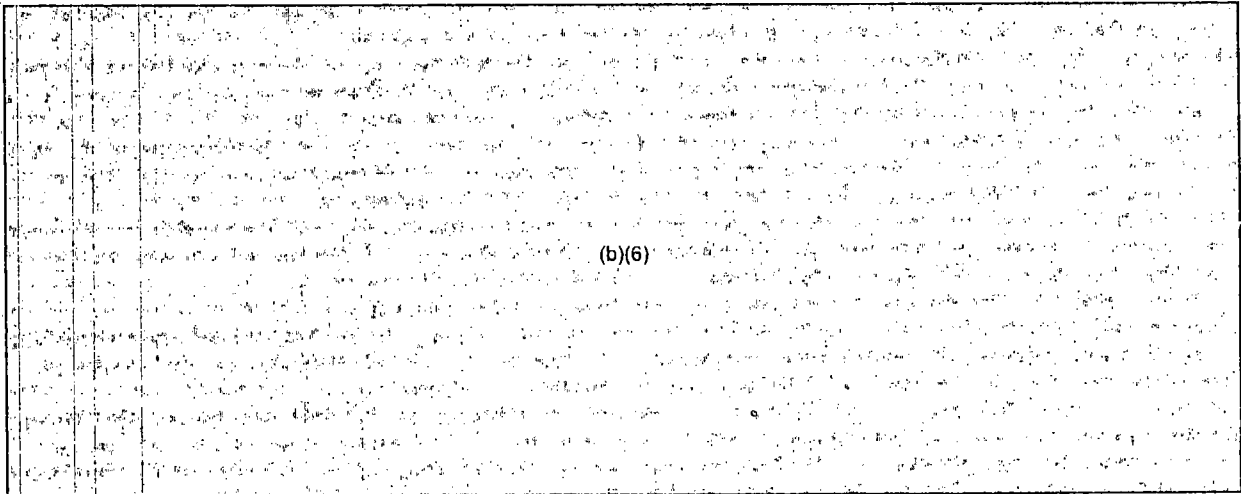
RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

and family when crisis strikes. It's time to expand the FMLA to cover more working Americans,* said National Partnership General Counsel Donna R. Lenhoff, author of the FMLA and Vice Chair of the bipartisan Family Leave Commission.

Among the estimated 20 million working women and men who have benefited from the FMLA are:



Mike and Molly Goodson of St. Paul, Minnesota. Mike and Molly Goodson took back-to-back FMLA leaves when each of their two daughters were born. Ms. Goodson said, *Because of my department team, taking leave was no big deal. We're used to covering for each other and it worked out fine.* Mr. Goodson added, *It's extremely important for co-workers to accept your leave because they're the ones who have to pick up the slack while you're gone.*

Many of Mr. Goodson's male co-workers have told him that they wish they had taken similar time off when their children were born. Said Ms. Goodson, *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.*

Some mid-sized employers are already providing the equivalent of FMLA leave, including E-SOURCE, an information service company in Boulder, Colorado. Although not legally required to provide FMLA benefits for its 48 employees, E-SOURCE chose to adopt FMLA policies in 1996 to encourage employee loyalty and longevity, even adding a provision that grants fathers one week of paid paternity leave.

E-SOURCE Chief Financial Officer Joan Wright considers the company's employee benefits package *a real plus for recruitment* that more than pays for itself in employee retention, loyalty, and lower administrative costs. Last year, INC. Magazine named E-SOURCE one of the fastest growing private companies in the country -- evidence that its family-friendly policies pay off. Ms. Wright strongly supports the proposal to expand the FMLA to mid-sized businesses such as E-SOURCE, believing it *the right thing to do.*

Several states, including New Jersey, California, and Vermont, are considering ways to make unpaid FMLA leave more affordable by expanding their temporary disability or unemployment insurance systems. Research conducted by the Family Leave Commission found that nearly one in ten (nine percent) of FMLA users needed public assistance to make ends meet while on leave. Among those who needed but did not take leave, not being able to afford it was the number one reason. Said Lenhoff, *For those who can*t afford to take unpaid leave, the promise of the FMLA remains unfulfilled. Family Leave Insurance is an innovative and sensible approach to helping fulfill the FMLA*s promise to the families who need it most.*

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

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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.

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*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.

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. paper	re: In Five Years, The Family and Medical Leave Act [partial] (1 page)	n.d.	b(6)

COLLECTION:

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

FOLDER TITLE:

FMLA [Family and Medical Leave Act] - General [1]

2013-0436-S
rc1304

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]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

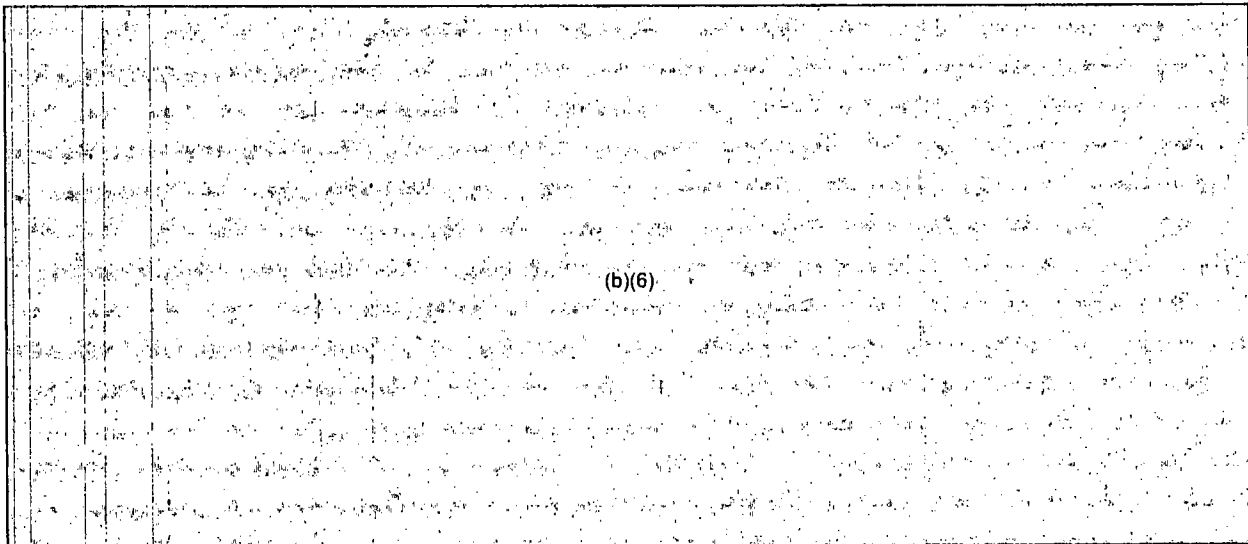
RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

and family when crisis strikes. It's time to expand the FMLA to cover more working Americans,* said National Partnership General Counsel Donna R. Lenhoff, author of the FMLA and Vice Chair of the bipartisan Family Leave Commission.

Among the estimated 20 million working women and men who have benefited from the FMLA are:



Mike and Molly Goodson of St. Paul, Minnesota. Mike and Molly Goodson took back-to-back FMLA leaves when each of their two daughters were born. Ms. Goodson said, *Because of my department team, taking leave was no big deal. We're used to covering for each other and it worked out fine.* Mr. Goodson added, *It's extremely important for co-workers to accept your leave because they're the ones who have to pick up the slack while you're gone.*

Many of Mr. Goodson's male co-workers have told him that they wish they had taken similar time off when their children were born. Said Ms. Goodson, *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.*

Some mid-sized employers are already providing the equivalent of FMLA leave, including E-SOURCE, an information service company in Boulder, Colorado. Although not legally required to provide FMLA benefits for its 48 employees, E-SOURCE chose to adopt FMLA policies in 1996 to encourage employee loyalty and longevity, even adding a provision that grants fathers one week of paid paternity leave.

E-SOURCE Chief Financial Officer Joan Wright considers the company's employee benefits package *a real plus for recruitment* that more than pays for itself in employee retention, loyalty, and lower administrative costs. Last year, INC. Magazine named E-SOURCE one of the fastest growing private companies in the country -- evidence that its family-friendly policies pay off. Ms. Wright strongly supports the proposal to expand the FMLA to mid-sized businesses such as E-SOURCE, believing it *the right thing to do.*

Several states, including New Jersey, California, and Vermont, are considering ways to make unpaid FMLA leave more affordable by expanding their temporary disability or unemployment insurance systems. Research conducted by the Family Leave Commission found that nearly one in ten (nine percent) of FMLA users needed public assistance to make ends meet while on leave. Among those who needed but did not take leave, not being able to afford it was the number one reason. Said Lenhoff, *For those who can*t afford to take unpaid leave, the promise of the FMLA remains unfulfilled. Family Leave Insurance is an innovative and sensible approach to helping fulfill the FMLA*s promise to the families who need it most.*

**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

OUTREACH/TECHNICAL ASSISTANCE

SPEECH/SEMINAR/MEDIA	2,154	539	2,693
TELEPHONE CONTACTS :	477,423	119,481	596,904

COMPLETED COMPLIANCE ACTIVITY

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 ..."

FmLA
Success Stories

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. _____
5. _____ cc, Suzanne Rae
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 DOL's input to the White House
for a speech President Clinton is giving
this week.

Thank you for your fast turnaround
and input.

FROM:

Reg

ROOM #

PHONE #

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

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.

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.

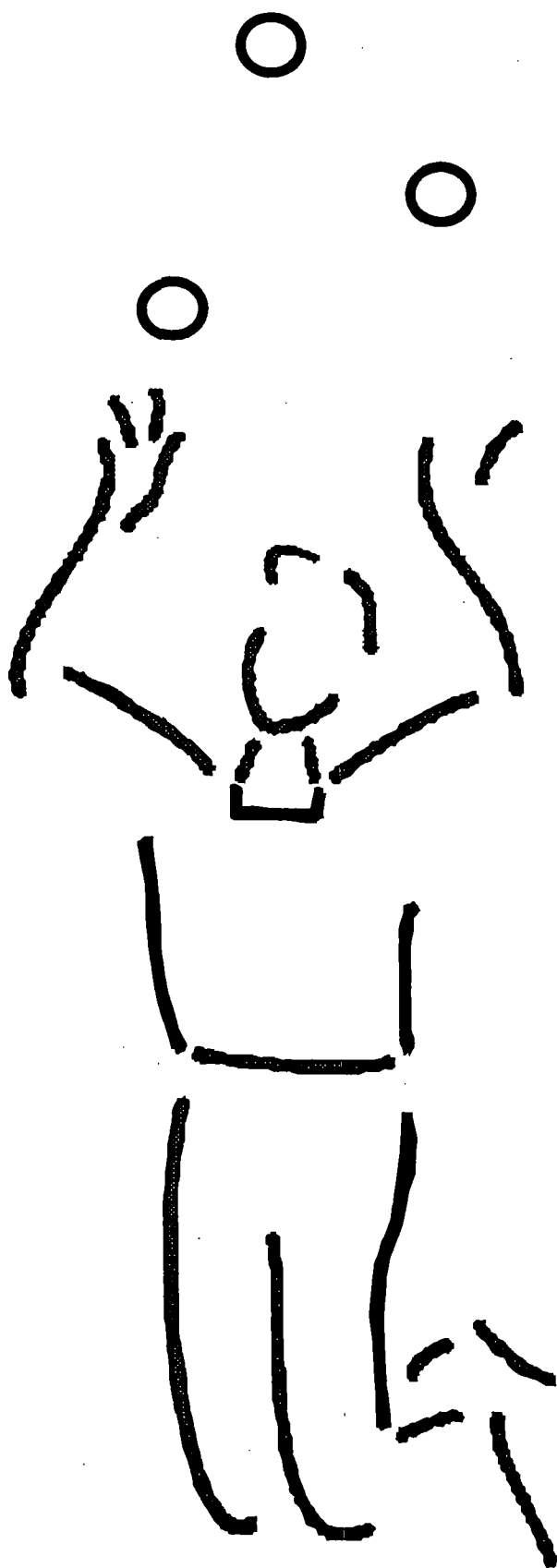
The new 1-800 service will be highlighted tonight, in a public service announcement following "A Child's Wish," a CBS made-for-television movie inspired by the stories of two families whose personal struggles were caught in the drama of the enactment of the Family and Medical Leave Act (FMLA). The FMLA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

#####



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 LONNIGAN
 FROM: TERRY BOND
 7/21/98

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

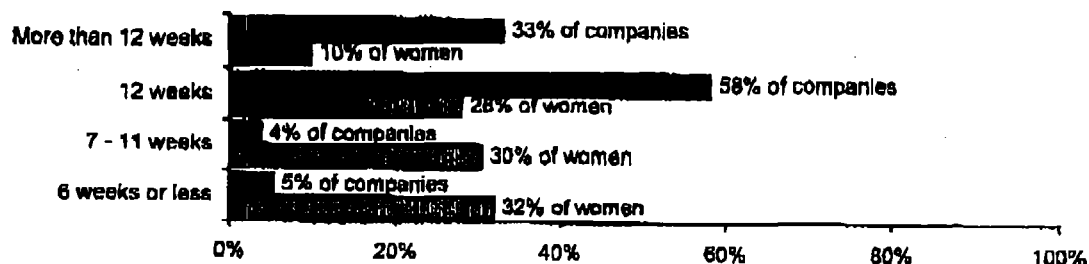
*Ellen Galinsky and James T. Bond
Families and Work Institute*

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.

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* See pg
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The
1998

Business Work-Life Study

A SOURCEBOOK

Ellen Galinsky
James T. Bond



Families and Work Institute

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Table 13: Flexible Work Arrangements

Does your company allow employees ...	Allow	No, But Considering
To periodically change starting and quitting times?	68%	9%
To change starting and quitting times on a daily basis?	24	7
To return to work gradually after childbirth or adoption?	81	7
To move from full-time to part-time and back again while remaining in the same position or level?	57	5
To share jobs?	37.5	17
To work at home occasionally?	55	6
To work at home or off-site on a regular basis	33	14
To take time off for school/child care functions	88	Not Asked

(n=1057)

Only 18 percent of companies offering one or more flexible work arrangements perceive the costs of their investments in these policies as outweighing the benefits, while 36 percent perceive these programs as cost-neutral and 46 percent perceive a positive return on their investments.

Leaves

In the 1997 National Study of the Changing Workforce, access to leaves for childbirth, adoption, or to care for sick children is considered a critical component of the flexibility and supportiveness of the workplace environment. As described above, the supportiveness of the workplace environment is strongly associated with workers' job satisfaction, commitment, loyalty, retention, and job performance, as well as their personal well-being. The 1998 BWLS provides an opportunity to assess the extent to which companies offer various types of leave.

The federal Family and Medical Leave Act (FMLA) of 1993 requires that 12 weeks of unpaid, job-guaranteed leave for childbirth, adoption, foster care placement, a serious personal medical condition, or care of a child or spouse with a serious medical condition be granted to an employee who has worked at least 1,250 hours over the preceding year for an employer with 50 or more employees within a 75-mile radius of the worksite.

Maternity Leave for Childbirth and Early Infant Care

We asked for the maximum length of job-guaranteed leave that companies allow for female employees who give birth to a child, including the period of disability and any other related time (Table 14).

- The median amount of time off for maternity leave among companies with 100 or more employees is 12 weeks, as required by the FMLA. The mean is 17 weeks. However, 9 percent provide fewer than 12 weeks off.
- Of those companies offering fewer than 12 weeks' leave, only 1 percent are clearly out of compliance by virtue of having a single location with 100 or more employees. It is likely that others are out of compliance as well; however, data available from the survey do not permit accurate estimates.
- One-third of companies allow new mothers more than 12 weeks leave: 25 percent between 13 and 26 weeks and 8 percent more than 26 weeks.
- Companies with more employees in the U.S. and those with larger proportions of unionized workers tend to offer longer leaves. Companies with at least some top executive positions filled by minorities are more likely to offer leaves longer than 12 weeks. Among industry groups, companies in the goods-producing sector, finance/insurance/real estate service, and "other services" tend to offer the most generous leaves, while companies in the wholesale and retail trades offer the least generous.

Table 14: Leave for Maternity

Employer Characteristic	Fewer than 12 weeks	12 weeks	13 - 26 weeks	More than 26 weeks	Sig.
All Companies	9%	58%	25%	8%	
Number of Employees					*
Fewer than 250 (<i>n</i> =355)	12%	55%	28%	5%	
250 - 999 (<i>n</i> =349)	9	61	22	8	
1,000 or more (<i>n</i> =242)	4	60	26	10	
Industry					***
Manufact/Const/Agri (<i>n</i> =274)	8%	53%	30%	10%	
Professional Services (<i>n</i> =252)	5	65	23	6	
Wholesale/Retail Trade (<i>n</i> =171)	20	55	23	2	
Finance/Insur/Real Est (<i>n</i> =139)	5	62	23	10	
Other Services (<i>n</i> =108)	8	56	24	12	
Percentage of Executive Positions Filled by Minorities					*
0 % (<i>n</i> =595)	9%	62%	23%	6%	
1% - 24% (<i>n</i> =196)	7	55	29	10	
25% - 49% (<i>n</i> =65)	14	48	26	12	
50% or more (<i>n</i> =88)	9	49	32	10	
Unionized Workers as Percentage of Workforce					**
0% (<i>n</i> =706)	10%	60%	23%	7%	
1% - 29% (<i>n</i> =96)	7	49	31	13	
30% or more (<i>n</i> =102)	5	54	28	13	

*Significance Levels: * = $p < .01$; ** = $p < .01$; *** = $p < .0001$.*

Replacement Pay during Maternity Leave

Just more than half (53 percent) of mothers on leave after giving birth receive some replacement pay, excluding vacation days, accrued sick days, or other paid personal time off (Table 15).

- Companies in the goods-producing industries (largely manufacturing) are most likely to provide replacement pay during maternity leave, while companies in the professional services and wholesale/retail trades are least likely. Companies with smaller proportions of top executive positions filled by women; smaller proportions of women, hourly, and part-time employees in their workforces; and larger proportions

of unionized workers are also more likely to offer replacement pay than other companies.

- Of companies providing replacement pay during leaves for maternity, 27 percent provide full pay and 60 percent partial pay, while another 13 percent report that “It depends.”
- Companies with higher proportions of unionized workers are more likely than other companies to provide full pay. Indeed, 33 percent of companies whose workforces are 30 percent or more unionized provide full pay.
- Replacement pay is usually funded (81 percent of companies) by a general temporary disability insurance plan.
- Companies most likely to provide pay through temporary disability insurance have fewer part-time employees as a percentage of their workforces and report that their financial performance is better than their competitors’. Among industry groups, companies in the professional services and wholesale/retail trades are least likely to fund replacement pay using temporary disability insurance, while companies in the goods-producing industries are most likely to do so.

Table 15: Pay during Childbirth Leave for Mothers

Employer Characteristic	Full/Part Pay	Sig.	No Pay
All Companies	53%		47%
Industry		***	
Manufact/Const/Agri (<i>n</i> =277)	66%		34%
Professional Services (<i>n</i> =266)	44		56
Wholesale/Retail Trade (<i>n</i> =175)	46		54
Finance/Insur/Real Est (<i>n</i> =140)	54		46
Other Services (<i>n</i> =113)	50		50
Percentage of Executive Positions Filled by Women		*	
0% (<i>n</i> =284)	56%		44%
1% - 24% (<i>n</i> =277)	56		44
25% - 49% (<i>n</i> =219)	56		44
50% or more (<i>n</i> =192)	41		59
Women as Percentage of Workforce		*	
Less than 40% (<i>n</i> =270)	59%		41%
40% - 60% (<i>n</i> =326)	51		49
More than 60% (<i>n</i> =266)	46		54
Unionized Workers as Percentage of Workforce		*	
0% (<i>n</i> =726)	51%		49%
1% - 29% (<i>n</i> =95)	56		44
30% or more (<i>n</i> =107)	66		34
Hourly Workers as Percentage of Workforce		***	
Less than 58% (<i>n</i> =299)	60%		40%
58 - 79% (<i>n</i> =286)	58		42
80% or more (<i>n</i> =310)	42		58
Part-time Workers as Percentage of Workforce		***	
Less than 2.5% (<i>n</i> =285)	67%		33%
2.5% - 14% (<i>n</i> =295)	55		45
15% or more (<i>n</i> =275)	34.5		65.5

Significance Levels: * = $p < .01$; *** = $p < .0001$.

Paternity Leave for Fathers

The FMLA requirements for paternity leave are the same as those for maternity leave—12 weeks of unpaid, job-guaranteed time off.

- According to the 1998 BWLS, the median amount of job-guaranteed leave that companies with 100 or more employees allow male employees whose partners give birth to a child is 12 weeks, as required by the FMLA. The mean is 14 weeks.
- Ten percent of companies report providing fewer than 12 weeks of paternity leave, with 2 percent of the sample clearly out of compliance with the FMLA. The total percentage not complying with the FMLA cannot be estimated accurately given data available from the survey.
- On the other hand, 13 percent of companies offer 13 through 26 weeks of paternity leave, and another 3 percent allow more than 26 weeks (Table 16).
- Companies with more than 250 employees and with larger proportions of unionized workers are more likely to offer at least 12 weeks of paternity leave. Companies with at least some top executive positions filled by minorities are more likely to offer paternity leaves longer than 12 weeks. Although paternity leaves of fewer than 12 weeks are most common in the wholesale/retail trades, so are leaves longer than 12 weeks.

Table 16: Leave for Paternity

Employer Characteristic	Fewer than 12 weeks	12 weeks	13 - 26 weeks	More than 26 weeks	Sig.
All Companies	10%	74%	13%	3%	
Number of Employees					*
Fewer than 250 (<i>n</i> =314)	15%	70%	13%	2%	
250 - 999 (<i>n</i> =325)	8	77	12	3	
1,000 or more (<i>n</i> =230)	6	76	14	4	
Industry					***
Manufact/Const/Agri (<i>n</i> =263)	12%	75%	11%	3%	
Professional Services (<i>n</i> =232)	5	81	12	3	
Wholesale/Retail Trade (<i>n</i> =146)	19	62	19	1	
Finance/Insur/Real Est (<i>n</i> =125)	6	75	16	2	
Other Services (<i>n</i> =101)	6	73	12	9	
Percentage of Executive Positions Filled by Minorities					***
0 % (<i>n</i> =555)	10%	78%	11%	1%	
1% - 24% (<i>n</i> =175)	7	73	17	3	
25% - 49% (<i>n</i> =66)	18	56	18	8	
50% or more (<i>n</i> =73)	7	66	16	11	
Unionized Workers as Percentage of Workforce					***
0% (<i>n</i> =637)	11%	74%	12%	2%	
1% - 29% (<i>n</i> =92)	7	74	15	4	
30% or more (<i>n</i> =99)	3	74	15	8	

*Significance Levels: * = $p < .01$; *** = $p < .0001$.*

Pay during Paternity Leave

Although men are obviously ineligible for disability pay when they take parental leaves after their partners give birth to a child, 13 percent of companies do provide wage replacement for at least part of paternity leaves beyond that available from accrued vacation days, sick days, or other paid personal time off (Table 17).

- Interestingly, smaller companies are more likely than larger companies to provide replacement pay for men when their partners give birth, as are companies that have at least some minorities in top executive positions.

Table 17: Pay During Paternity Leave

Employer Characteristic	Full/Part Pay	Sig.	No Pay
All companies	13%		87%
Number of Employees		**	
Fewer than 250 (<i>n</i> =329)	20%		80%
250 – 999 (<i>n</i> =340)	8		92
1,000 or more (<i>n</i> =235)	11		89
Percentage of Executive Positions Filled by Minorities		***	
0 % (<i>n</i> =574)	9%		91%
1% - 24% (<i>n</i> =183)	18		82
25% - 49% (<i>n</i> =69)	26		74
50% or more (<i>n</i> =78)	18		82

Significance Level: ** = $p < .001$; *** = $p < .0001$.

Leave for Adoption and Foster Care Placement

The FMLA requirements for adoption or foster care placement leave are the same as those for maternity and paternity leave—12 weeks of unpaid, job-guaranteed time off.

- The median amount of job-guaranteed leave that companies with 100 or more employees allow male and female employees caring for newly adopted children or newly placed foster children is 12 weeks, as required by the FMLA. The mean is 14 weeks—comparable to the mean length of paternity leave. Ten percent of companies allow fewer than 12 weeks, while 16 percent allow more (Table 18).
- Companies with 1,000 or more employees, 50 percent or more of top executive positions filled by women, 30 percent or more unionized employees, and 58 percent or fewer hourly workers are more likely to provide at least 12 weeks for adoption or foster care leaves. Companies with at least some top executive positions filled by minorities are more likely to provide more than 12 weeks' leave. The most striking difference among industries is that 22 percent of companies in the wholesale and retail trades provide fewer than 12 weeks' leave.

Table 18: Leave for Adoption

Employer Characteristic	Fewer than 12 weeks	12 weeks	13 - 26 weeks	More than 26 weeks	Sig.
All Companies	10%	74.5%	13%	3%	
Number of Employees					*
Fewer than 250 (<i>n</i> =326)	14%	70%	14%	2%	
250 - 999 (<i>n</i> =336)	10	77	12	2	
1,000 or more (<i>n</i> =241)	4	78	12	5	
Industry					***
Manufact/Const/Agri (<i>n</i> =263)	10%	78%	10%	2%	
Professional Services (<i>n</i> =246)	5	81	11	4	
Wholesale/Retail Trade (<i>n</i> =157)	22	61	17	1	
Finance/Insur/Real Est (<i>n</i> =137)	5	76	15	4	
Other Services (<i>n</i> =99)	8	72	12	8	
Percentage of Executive Positions Filled by Women					***
0% (<i>n</i> =258)	11%	78%	10%	2%	
1% - 24% (<i>n</i> =255)	10	76	13	1	
25% - 49% (<i>n</i> =207)	11	75	12	1	
50% or more (<i>n</i> =181)	7	68	16	10	
Percentage of Executive Positions Filled by Minorities					***
0 % (<i>n</i> =574)	11%	79%	10%	1%	
1% - 24% (<i>n</i> =188)	7	73	16	4	
25% - 49% (<i>n</i> =63)	11	59	19	11	
50% or more (<i>n</i> =77)	9	60	21	10	
Unionized Workers as Percentage of Workforce					*
0% (<i>n</i> =674)	11%	75%	13%	2%	
1% - 29% (<i>n</i> =90)	10	72	13	4	
30% or more (<i>n</i> =104)	5	76	12	8	
Hourly Workers as Percentage of Workforce					**
Less than 58% (<i>n</i> =287)	3%	79%	14%	4%	
58 - 79% (<i>n</i> =262)	15	71	11	2	
80% or more (<i>n</i> =281)	14	73	12	2	

Significance Levels: * = $p < .01$; ** = $p < .001$; *** = $p < .0001$.

Pay during Adoption and Foster Care Leave

Overall, 12.5 percent of companies provide some replacement pay for employees on leave for adoption and foster care placement (Table 19).

Companies in the finance/insurance/real estate and "other services" industries are twice as likely as companies in other industries to provide at least some replacement pay. Similarly, companies with at least some top executive positions filled by minorities are about twice as likely as companies with no minorities in top positions to provide full or partial replacement pay during leaves for adoption and foster care placements.

Table 19: Pay during Leave for Adoption

Employer Characteristic	Full/Part Pay	Sig.	No Pay
All Companies	12.5%		87.5%
Industry		**	
Manufact/Const/Agri (<i>n</i> =272)	11%		89%
Professional Services (<i>n</i> =254)	9		91
Wholesale/Retail Trade (<i>n</i> =147)	9.5		90.5
Finance/Insur/Real Est (<i>n</i> =137)	20		80
Other Services (<i>n</i> =104)	21		79
Percentage of Executive Positions Filled by Minorities		**	
0% (<i>n</i> =586)	9%		91%
1% - 24% (<i>n</i> =191)	19		81
25% - 49% (<i>n</i> =63)	25		75
50% or more (<i>n</i> =75)	13		87

*Significance Levels: ** = $p < .001$.*

Leave to Care for Seriously Ill Children

The medical leave provisions of the FMLA cover leaves for serious medical conditions of workers, their children, and their spouses. The 1998 BWLS only asked about leaves to care for seriously ill children. As with other leaves, the FMLA provides for 12 weeks of unpaid, job-guaranteed time off.

- The median amount of unpaid, job-guaranteed leave that companies with 100 or more employees allow male and female employees to care for seriously ill children is 12 weeks, as required by the FMLA. The mean is 14 weeks.
- Seven percent allow fewer than 12 weeks, 78 percent allow 12 weeks, and 15 percent allow more (Table 20).

- Companies with larger proportions of top executive positions filled by minorities and larger proportions of union members tend to offer leaves longer than 12 weeks to care for a seriously ill child.

Table 20: Leave to Care for Seriously Ill Child

Employer Characteristic	Fewer than 12 weeks	12 weeks	13 - 26 weeks	More than 26 weeks	Sig.
All Companies	7%	78%	11%	4%	
Percentage of Executive Positions Filled by Minorities					*
0 % (<i>n</i> =570)	7%	80%	10%	3%	
1% - 24% (<i>n</i> =181)	8	77	11	3	
25% - 49% (<i>n</i> =62)	3	65	21	11	
50% or more (<i>n</i> =78)	6	74	12	8	
Unionized Workers as Percentage of Workforce					*
0% (<i>n</i> =655)	8%	78%	10%	3%	
1% - 29% (<i>n</i> =93)	3	76	13	8	
30% or more (<i>n</i> =108)	5	76	12	7	

*Significance Level: * = $p < .01$.*

Time Off for Mildly Ill Children

According to the 1998 BWLS, 49 percent of companies with 100 or more employees allow employees to take a few days off work to care for a mildly ill child without using vacation days and without losing pay (Table 21).

- Financial service, insurance, and real estate companies; companies with larger proportions of unionized employees and smaller proportions of hourly employees; and companies that find vacancies in skilled positions difficult to fill are more likely than other companies to allow employees time off to care for mildly ill children without losing pay. Fully 65 percent of companies with 30 percent or more unionized workers and 63 percent of those in the finance/insurance/real estate industries allow employees to take paid time off to care for mildly ill children.

Table 21: Time Off to Care for Mildly Ill Children without Using Vacation Days or Losing Pay

Employer Characteristic	Allow	Sig.	Do Not Allow
All Companies	49%		51%
Industry		*	
Manufact/Const/Agri (<i>n</i> =305)	45%		55%
Professional Services (<i>n</i> =271)	48		52
Wholesale/Retail Trade (<i>n</i> =180)	43		57
Finance/Insur/Real Est (<i>n</i> =140)	63		37
Other Services (<i>n</i> =132)	51.5		48.5
Unionized Workers as Percentage of Workforce		**	
0% (<i>n</i> =759)	46%		54%
1% - 29% (<i>n</i> =105)	47		53
30% or more (<i>n</i> =121)	65		35
Hourly Workers as Percentage of Workforce		***	
Less than 58% (<i>n</i> =319)	56%		44%
58 - 79% (<i>n</i> =301)	52		48
80% or more (<i>n</i> =328)	36		64
Difficulty in Filling Highly Skilled Positions		*	
Very/Somewhat Easy (<i>n</i> =322)	42%		58%
Very/Somewhat Difficult (<i>n</i> =701)	51.5		48.5

*Significance Levels: * $p < .01$; ** $p < .001$; *** $p < .0001$.*

- Among companies allowing a specific number of days, the median is 6 days per year and the mean is 11. Nine percent of companies allow employees "as much time as needed," and 25 percent say, "It depends."

Return on Investments in Family Leave Policies

Very few companies have actually evaluated return on investments in their family leave policies. Undoubtedly this is due in large part to the fact that most adhere to the minimum leave policies required by federal law. However, by combining human resource directors' personal views with reported findings from evaluations, we constructed a global measure of *perceived return on investment* in family leave arrangements. Overall, 17 percent of companies perceive the costs of family leave policies as outweighing the benefits, while 42 percent view these policies as cost-neutral and 42 percent perceive benefits as outweighing costs (Table 22).

- Companies with larger proportions of top executive positions filled by women and with lower proportions of hourly workers perceive greater returns on their investments in family leave policies than other companies.
- Companies in the wholesale and retail trades are least likely to perceive the costs of family leave policies as outweighing benefits; however, they are also least likely to perceive benefits as outweighing costs, believing instead that these policies are cost-neutral.
- Curiously, companies that find it easier to hire hourly, entry-level workers perceive greater returns on their investments in family leave policies than companies that have greater difficulty hiring these workers. Conceivably this is because companies that find it easier to hire hourly, entry level workers have family leave policies that aid recruitment and retention.

Table 22: Return on Investments in Family Leave Policies

Employer Characteristic	Costs Outweigh Benefits	Cost Neutral	Benefits Outweigh Costs	Sig.
All Companies	17%	42%	42%	
Industry				**
Manufact/Const/Agri (n=278)	18%	44%	38%	
Professional Services (n=249)	19	35	46	
Wholesale/Retail Trade (n=158)	10	58	32	
Finance/Insur/Real Est (n=127)	17	35	49	
Other Services (n=113)	18	35	47	
Percentage of Executive Positions Filled by Women				***
0 % (n=270)	19%	47%	34%	
1% - 24% (n=268)	15	49	37	
25% - 49% (n=208)	19	38	43	
50% or more (n=179)	15	27	59	
Hourly Workers as Percentage of Workforce				*
Less than 58% (n=281)	14%	38%	48%	
58 - 79% (n=280)	20	38	42	
80% or more (n=290)	19	45	36	
Difficulty in Filling Entry- Level/Hourly Positions				*
Very/Somewhat Easy (n=556)	14%	42%	44%	
Very/Somewhat Difficult (n=362)	21	41	38	

Significance Levels: * = $p < .01$; ** = $p < .001$; *** = $p < .0001$.

Summary: Leave Policies

Across the four types of leave examined, 7 percent through 10 percent of companies with 100 or more employees provide fewer than 12 weeks of leave, while 15 percent through 33 percent provide 13 weeks or more. It appears that companies see maternity leave as the most deserving type of leave, as maximum leave periods are longer on average for maternity than for other reasons (Table 23).

Among companies offering less than the 12 weeks of unpaid, job-guaranteed leave required by the FMLA, 2 percent or fewer are *clearly* out of compliance with the law, based on having only one site with 100 or more employees. Although additional companies are likely to be out of compliance, survey data do not permit accurate estimates of the number. Some companies, of course, may be exempt from FMLA require-

ments—such as a portion of the 37 percent of companies in the sample with fewer than 50 employees per site on average. Indeed, it may well be that the number of exempt companies that comply with the law is larger than the number of nonexempt companies that fail to comply.

Table 23: Summary of Leave Policies

Leave Policy	Fewer than 12 Weeks	12 Weeks	13 - 26 Weeks	More than 26 Weeks	Median and Mean Number of Weeks
Maternity Leave	9%	58%	25%	8%	Median: 12 wks Mean: 17 wks
Paternity Leave	10	74	13	3	Median: 12 wks Mean: 14 wks
Adoption, Foster Care Leave	10	74.5	13	3	Median: 12 wks Mean: 14 wks
Care of Seriously Ill Children Leave	7	78	11	4	Median: 12 wks Mean: 14 wks

Although women on leave for maternity are more likely to receive some replacement pay than workers taking leaves for other reasons, this is not necessarily another indicator that maternity leave is viewed as more deserved. Indeed, this pattern of differences in the likelihood of replacement pay is most likely a product of 1) having a temporary disability insurance plan and 2) the federal Pregnancy Discrimination Act (PDA) of 1978, which requires that maternity-related disability be treated like other disabilities under insurance plans. For 81 percent of companies, pay during maternity leave is funded by their temporary disability insurance plans.

Table 24: At Least Some Replacement Pay during Leave

Leave Policy	At Least Some Replacement Pay
Maternity Leave	53%
Paternity Leave	13
Adoption/Foster Care Leave	12.5

Only 17 percent of companies think the costs of leave programs exceed the benefits, while 42 percent think leave programs are cost-neutral and another 42 percent perceive a positive return on investment in these programs.

Web site findings
follow.

MEDIA ALERT
July 23, 1998

CONTACT: Margaret Sotham, 202/986-2600
Sarah Varela, 202/371-1999

NATION TO MARK FIFTH ANNIVERSARY
OF FAMILY & MEDICAL LEAVE ACT ON AUGUST 5

August 5, 1998 is the fifth anniversary of the day the federal Family and Medical Leave Act (FMLA) went into effect. A giant step forward for America's working families, the FMLA has allowed millions of workers at firms with 50 or more employees to take up to 12 weeks of job-protected, unpaid leave to care for a new baby or sick family member, or to recover from their own serious illness.

An attorney at the National Partnership for Women & Families (formerly the Women's Legal Defense Fund) first drafted the FMLA 14 years ago. The National Partnership then founded and led the broad-based coalition that fought for passage until, in 1993, the FMLA became the first bill President Clinton signed into law. Through its extensive public education efforts and free Guide to the FMLA, the National Partnership is the nation's leading FMLA consumer information resource.

Congress is currently considering several measures that would expand the FMLA to cover more employees and more reasons for leave. National Partnership research shows how each state would be affected by the leading proposal, which would cover mid-sized employers with 25-49 employees.

To mark this anniversary, the National Partnership:

- * has compiled a list of families around the country who have used the FMLA over the past five years and are willing to share their experiences.
- * will feature new national data on how the FMLA is working, information about the law's history, analyses of all current expansion proposals, and downloadable versions of the free Guide to the FMLA in both English and Spanish on its web site at [www. nationalpartnership.org](http://www.nationalpartnership.org).
- * will release Family Matters: Ask Your Candidates About Work/Family Issues, a nonpartisan, easy-to-read pamphlet with tips on how voters can ask their candidates to address work/family issues such as family leave this election season.

For information on FMLA, to interview families affected by the law, to interview FMLA author and National Partnership general counsel Donna Lenhoff, or for a copy of the Ask Your Candidates guide, please contact Margaret Sotham at 202/986-2600 or Sarah Varela at 202/371-1999.

The National Partnership for Women & Families, formerly the Women's Legal Defense Fund, is a non-profit, non-partisan 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.

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National Partnership for Women & Families

Family Matters:

A National Survey of Women and Men
conducted for

The National Partnership For Women & Families

February 1998

Survey Highlights

A new national survey on family and health care issues shows that American workplaces and American public policies are out of step with American families:

- **Americans demand more.** Americans say that pressures on working families, including pressures around time and health care, are getting worse, not better (Table 1). Nearly unanimously, they say that both employers and government should do more to help (Table 2). Nine out of ten (90%) say that employers should do more, while nearly three out of four (72%) say that government should do more.
- **Americans will vote for more.** By overwhelming majorities, Americans say that it is important for employers to provide more "family friendly" policies (Table 3), they support expansion of the Family and Medical Leave Act (Table 4), and they support national quality controls for health care (Table 5). Legislation to provide health care patient protections is favored by 91% of women and 88% of men. In addition, Americans say they would be more likely to vote for members of Congress who support these things as well (Table 6).
- **Americans will pay more.** Americans are willing to pay for the help they demand. Large majorities support expanding state unemployment and disability insurance to include family leave insurance (Table 7), and nearly two in three (64%) are willing to pay more each month for health care patient protections (Table 8).

Notably, these views cross political and demographic boundaries. Republicans and Democrats, working women and homemakers, baby boomers and seniors, people who are white, black and Hispanic - all agree that both employers and government should be doing more, all support FMLA expansion, and all demand better quality health care (Table 9). Republican support for FMLA expansion (70%) and health care patient protection (86%) is

remarkably robust, while Democratic support is near-unanimous (87% for FMLA expansion, 95% for patient protection)

Moreover, Americans' time and health care demands are only likely to intensify over time. They expect that pressures on working families will continue to get worse ([Table 10](#)), and their expectations are warranted: large majorities - particularly among younger adults and baby-boomers - say they will need family leave or that they will have responsibility for the care of an elderly person during the next ten years ([Table 11](#)). Over two-thirds of Americans under 40 (69%) say they will need family leave in the next ten years; nearly two-thirds of those under 60 (65%) say they will have responsibility for elder care.

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Table 1

I am going to read some things that some people say are getting BETTER and other people say are getting WORSE. Please tell me whether you think each is getting BETTER or getting WORSE these days.				
	Women		Men	
	Better	Worse	Better	Worse
The health care system	30%	49%	29%	46%
Time pressures on working families	15%	65%	18%	63%

Table 2

I am going to mention some groups. For each group I mention, please tell me whether you think that group SHOULD or should NOT do MORE to help working families.				
	Women		Men	
	More	Not	More	Not
Should the government do MORE to help working families, or should government NOT do more?	74%	21%	70%	28%
Should employers and businesses do MORE to help working families, or should employers and business NOT do more?	90%	6%	89%	8%

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Table 3

Now, I'd like to ask you about some things that employers could provide their employees. I'd like to know how important each is. Please give each one a rating on a scale of one to ten, where ten means something that is EXTREMELY important for employers to provide, and one means something is NOT AT ALL important.		
	Percent who rate each 8, 9 or 10	
	Women	Men
Time off from work to care for a parent, child or spouse who is ill, for a new baby, or to recover from your own serious illness.	75%	65%
Time off from work to handle routine doctors' appointments for yourself or for someone in your family.	52%	43%
Time off from work to meet with your children's teachers.	56%	54%
Having enough flexibility to adjust your work hours to meet your family's needs.	60%	60%
Assistance in finding affordable and quality child care or elder care.	62%	50%

Table 4

I am going to describe some proposals concerning the Family and Medical Leave Act that may be considered by Congress. Please tell me if you STRONGLY favor, SOMEWHAT favor, somewhat OPPOSE, or STRONGLY oppose each one.				
	Women		Men	
	Favor	Oppose	Favor	Oppose
Expanding the FMLA to cover companies with 25 or more employees, instead of 50 or more employees.	84%	12%	74%	19%
Giving people 24 hours of unpaid leave per year to take family members to regular doctors' appointments or to meet with children's teachers.	88%	9%	81%	15%

Expanding the FMLA to cover more part-time workers, such as people who work more than one part-time job.	80%	13%	73%	21%
Allowing victims of domestic violence to take unpaid leave from work for things like court appearances or getting care for their children.	89%	6%	83%	12%

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Table 5

Now, suppose that Congress were considering a proposal called the Patient Protection Act, which would require health insurance companies and health plans to provide everything we just read.* Would you STRONGLY favor, SOMEWHAT favor, somewhat OPPOSE , or STRONGLY oppose this proposal?		
	Women	Men
Strongly favor	72%	63%
Total favor	91%	88%
Total oppose	4%	8%
* See questionnaire.		

Table 6

Imagine that your member of Congress were in FAVOR of _____. At the next election, would you be MUCH more likely, SOMEWHAT more likely, somewhat LESS likely, or MUCH less likely to vote for him or her, or wouldn't this make a difference to you?				
	Women		Men	
	More	Less	More	Less
Imagine that your member of Congress were in FAVOR of this Patient Protection Act...	75%	6%	71%	7%
Imagine that your member of Congress were in FAVOR of expanding the Family and Medical Leave Act to cover more working people...	63%	11%	51%	20%

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Table 7

Some states are considering proposals that would establish Family Leave INSURANCE. They could do this by expanding unemployment or disability insurance to provide partial wages when people need to take time from work to care for a newborn or a newly adopted child, to care for a seriously ill parent, child, or spouse; or to recover from their own serious illness. Would you STRONGLY favor, SOMEWHAT favor, somewhat OPPOSE, or STRONGLY oppose that proposal?

	Women	Men
Strongly favor	55%	43%
Total favor	82%	75%
Total oppose	10%	19%

Table 8

If the Patient Protection Act were to raise your out-of-pocket costs for health insurance, how much more would you be willing to pay a month for these protections?

	Women	Men
Nothing	22%	23%
One to five dollars a month	25%	24%
Five to ten dollars a month	17%	17%
Ten to fifteen dollars a month	9%	10%
Fifteen to twenty dollars a month	11%	15%
Total willing to pay	62%	66%

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Table 9

	Percent who favor expanding FMLA	Percent who favor a national Patient Protection Act
Republicans	70%	86%
Republican women	77%	87%
Republican men	63%	84%
Independents	79%	89%
Democrats	87%	95%
Under age 40	83%	93%
Age 40 to 59	82%	89%
Age 60 and over	71%	86%
Working women	86%	92%
Homemakers	83%	89%
Retired women	75%	87%
White	78%	89%
Black	87%	96%
Hispanic	83%	89%

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Table 10

Now, tell me whether you think each of these WILL get harder or easier during the NEXT five years.				
	Women		Men	
	Harder	Easier	Harder	Easier
Making sure your family can get quality health care.	43%	38%	42%	41%
Finding time for both work and family responsibilities.	49%	33%	46%	34%

Table 11

Thinking ahead to the next ten years, how likely is it that you will need to take time off from work to care for a newborn or a newly adopted child, to care for a seriously ill parent, child, or spouse; or to recover from your own serious illness - is it VERY likely, SOMEWHAT likely, somewhat UNlikely, or VERY unlikely?				
	Women		Men	
	Likely	Unlikely	Likely	Unlikely
Under age 40	67%	28%	71%	24%
Age 40 to 59	54%	41%	53%	41%
Age 60 and older	17%	69%	22%	68%

Thinking ahead to the next ten years, how likely is it that you will be responsible for the care of an elderly parent or relative - is it VERY likely, SOMEWHAT likely, somewhat UNlikely, or VERY unlikely?				
	Women		Men	
	Likely	Unlikely	Likely	Unlikely
Under age 40	65%	32%	65%	33%
Age 40 to 59	66%	32%	62%	34%
Age 60 and older	25%	65%	30%	64%

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Summary of Survey Results

Despite an improving economy, Americans say that pressures on their families are getting worse, not better. *Time* and *health care* are central to these pressures:

- **Time.** By a margin of three to one, Americans say that "time pressures on working families" are getting worse (64%), not better (17%), and that "finding time for both work and family responsibilities" has gotten harder (59%) for families like theirs, not easier (22%), over the past five years.
 - Indeed, Americans are more likely to say time pressures are getting worse than that crime is getting worse (56% worse, 27% better), and they say that finding enough time for both work and family is as hard as making ends meet (57% harder, 33% easier). In the end, half of Americans *personally* worry about "shortchanging your family, your job, or yourself because you do not have enough time to do everything you need to do" (46% worry at least somewhat often, 24% very often).
 - Both women and men feel significant time pressures. 63% of men and 65% of women say that time pressures are getting worse.
- **Health care.** Americans think the health care system is getting worse (48%), not better (30%), and that "making sure your family can get quality health care" has gotten harder (48%), not easier (32%).
 - One in two *personally* worries about having health care costs not covered by insurance (52% worry, including 32% who worry *very often*), about "getting quality health care if you or someone in your family gets sick" (46% worry, including 27% who worry *very often*) and about "having your health insurance or health plan deny you coverage for treatment or access to a specialist that your doctor recommended" (47% worry, including 26% who worry *very often*).



- Women with kids at home, whether they work or not, worry somewhat more about health care issues than women without kids. For example, 56% of working mothers and 60% of non-working mothers worry often about health care costs, compared to 51% of women who do not have children.

Americans have high expectations of both business and government; they want both to help ease the pressure on working families.

- While just 34% think that employers are doing a good job now in making changes to help workers meet family needs, a majority (58%) think (or hope) that they will be doing a better job five years from now. Moreover, Americans are nearly unanimous in their belief that "employers and businesses should do more to help working families" (90%).
 - Republicans and Democrats agree on this: 88% of Republicans say that employers and business should do more, compared to 93% of Democrats. Women and men also agree on this; 89% of men and 90% of women say that employers and businesses should do more. On this issue, the partisan gap is equally small among men and women.
- A smaller but also substantial majority think that "government should do more to help working families" (72%). Democrats and Independents, among both men and women, believe this by wide margins (84% of Democrats and 77% of Independents). Among Republicans, Republican women agree that government should do more (60%); it is only Republican men who do not (44% say government should do more, 54% say it should not).
 - Younger Americans are more likely than older people to believe that government should do more. Among both men and women, more than 75% of those under age 50 say government should do more, rising to more than 80% among those under age 30.
 - Hispanic and African Americans are more likely than whites to say that government should do more: 90% of African Americans and 88% of Hispanics, compared to 68% of whites, say government should do more.

Large majorities support both public and private solutions to the time pressures on families.

- **Business.** Large majorities of Americans believe it is important for employers to provide workers with the ability to take time for their families: 77% say it is important for employers to provide employees time off from work to care for an ill family member or new baby; 59% say it is important for employers to provide employees with enough flexibility to adjust their work hours to meet their families' needs. In addition, 57% say it is important for employers to

provide assistance in finding child or elder care. About half say it is important for employers to provide employees time off to meet with their children's teachers (55%) or for routine doctors' appointments (48%).

- **Government.** Of the 59% of Americans who are familiar enough with the federal Family and Medical Leave Act to have an opinion, nearly nine out of ten (88%) have a favorable opinion, while just 12% are unfavorable. Moreover, by wide margins, Americans favor expanding the FMLA further:
 - 79% support expanding the FMLA threshold to cover mid-size companies, lowering the threshold from 50 to 25 employees, including 52% who support this *strongly*;
 - 84% support providing an additional 24 hours leave for routine doctors' appointments or meetings with children's teachers, including 62% who support this *strongly*;
 - 79% support states establishing Family Leave Insurance by expanding unemployment or disability insurance, including 50% who support this *strongly*;
 - 86% support allowing victims of domestic violence to use the FMLA to take leave, including 63% who support this *strongly*;
 - 77% support expanding the FMLA to cover more part-time workers, including 48% who support this *strongly*.

Women also want and expect employers to do a better job in treating women fairly.

- Currently, a majority of American women do *not* think employers are doing a good job in "treating women fairly for pay and promotions": 39% say the job they are doing is "just fair," and another 19% say it is "poor." Just one in three say employers are doing a good job, including 29% who say they are doing a "good" job and 7% who say they are doing an "excellent" job.
- At the same time, expectations are high: two in three women expect that employers will be doing a better job on this issue five years from now (67%), compared to just 12% who expect them to do worse and 15% who predict little change.

Time issues are not "women's" issues; they are family issues.

- Across the board, men are as likely as women to say that it is important for employers to give workers time off to meet family responsibilities, and large majorities of men as well as women support FMLA expansion.
- Support for expanding the FMLA is as strong among homemakers as among women in the workforce. Indeed, there is no significant difference at all between homemakers' support for each of the ways FMLA could be

expanded, and support among full-time working women.

- Concerns over time issues are only likely to intensify over the next decade. One in three Americans, and as many men as women, say it is "very" likely that they will need to take family leave during the next ten years (29%), and a majority say it is at least "somewhat" likely (51%). Similar proportions expect to have responsibility for the care of an elderly parent or relative: 31% say this is "very" likely, 54% say this is at least "somewhat" likely.
 - These concerns are highest among younger Americans: 69% of those under age 40 say it is likely they will need family leave in the next ten years, including 74% of those under 30. Sixty-nine percent of those aged 30 to 39 say they will have responsibility for an elderly person.
 - Hispanic Americans and African Americans are more likely than white Americans to expect to need leave during the next ten years: 57% of these minorities expect to need leave, compared to 47% of whites.
- Not surprisingly, mothers have the most intense concerns about time for family needs, and there is little variation across marital or work status. Women with children at home are much more likely than non-mothers to say that it is extremely important to them personally for employers to provide time off for a family illness (69% of mothers rate this a "10" in importance, compared to 53% of women without children at home), teachers' visits (46% and 28% respectively), or flexible hours (47% and 33%). Married and unmarried mothers have similar levels of intensity, as do homemakers and mothers who work outside the home.

In choosing a health care plan, *quality* is the single most important concern, and Americans are more willing than ever both to demand quality standards and to pay more for them if necessary.

- Half say that "the quality of care" is the single most important thing to them in choosing a health care plan (47%), compared to fewer than one in five who say they care most about the type of services covered (14%), the choice of doctors (14%), or the cost (14%). This is true among both men and women: 48% of men and 46% of women say that quality is most important.
- Nearly all Americans agree that "health insurance companies and health plans should be required to meet basic quality standards" (93%). Two-thirds believe that these standards should be set at the national or state level (66%). Only a small minority would leave standards to competition in the marketplace (17%).
- Nine in ten (90%) of Americans would support a national Patient Protection Act including a wide array of quality

standards, including 68% who would support this strongly. Support is equally strong among men (89%) and women (91%), and it is nearly as strong among Republicans (86%) as independents (89%) and Democrats (95%).

- The most important elements of such an act include a wide range of basic protections, including standards that have particular relevance for women:
 - "Your doctor, rather than the insurance company, having the last word on how long you should stay in the hospital": 90% say this is very important, including 64% who say it is *extremely* important.
 - "Having confidence that your health insurance company or health plan will keep your records completely confidential": 90% say this is very important, including 61% who say it is *extremely* important.
 - "Making sure that your doctor is allowed to discuss any treatment or procedure with you that might be appropriate, even if your health insurance or health plan does not cover it": 92% say this is very important, including 58% who say it is *extremely* important.
 - "Being able to appeal any decision your health insurance company or health plan makes denying you coverage for a certain treatment": 90% say this is very important, including 56% who say it is *extremely* important.
 - "Having clear information on what services are and are not covered by your health insurance or health plan": 91% say this is very important, including 56% who say it is *extremely* important.
 - "Having doctors who are specifically trained in women's health care needs": 82% of women say this is very important, including half (51%) who say this is *extremely* important.
 - "Being able to schedule an appointment directly with a gynecologist or obstetrician without having to be referred by your primary doctor": 78% of women say this is very important, including 48% who say this is *extremely* important.
 - "Being able to choose a gynecologist or a pediatrician as the primary doctor for yourself or a member of your family, instead of a general practitioner": 74% of women say this is very important, including 41% who say this is *extremely* important.
- Two-thirds of Americans are willing to pay more for these protections, despite rising health care costs: 63% are willing to bear higher out-of-pocket costs for these protections, including 40% who are willing to pay more than five dollars a month. Only 22% say they would not be willing to pay more.
- Women make the health care decisions. Two-thirds of

women (63%) say they make most of the decisions about their families' medical care, compared to half of men (52%). Similarly, half of married women (50%) say they make most of the health care decisions in their families, compared to just a third (35%) of married men.

Americans rely on a range of sources for information about their health plans.

- People rely most on their insurance companies and plans for information: 47% say they rely a lot on their plan for information, 72% rely at least some on their plan. Doctors and employers, however, are also key sources of information: 61% rely on their doctors for information, including 39% who rely on them a lot, 50% rely on their employer, including 27% who rely on their employer a lot.
 - Seniors and people with less education rely as much on their doctor for information about their plan (48% of seniors and 44% of high-school educated Americans rely on their doctor a lot) as on their insurance company or health plan.
 - Younger people tend to rely more than others on family and friends for health plan information (41% of people under 40 rely on family and friends at least some, compared to 27% of seniors).
- Women in traditional fee-for-service plans are much more satisfied with the information they get from their health plan than women in managed care: 41% of women in traditional plans say the information provided is excellent, compared to 32% of women in PPOs (preferred provider organizations) and just 27% of women in HMOs (health maintenance organizations).
- In general, Americans rate the information they get from their employers more highly than the information they get directly from their health plan: 36% say the information they get from their employer is excellent and 20% say it is "just fair or "poor," compared to 30% who say the information they get directly from their health plan is excellent and 25% who say it is fair or poor. For both employers and plans, 42% say the information they get is "good."
 - Hispanic and African Americans are less likely than whites to be positive about the information they get on their health care plans: 33% of whites, compared to 20% of African Americans and 21% of Hispanics, say that the information they get from their health plan is "excellent"; 38% of whites, compared to 28% of African Americans and 32% of Hispanics say that the information they get from their employer is "excellent."

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Family and Medical Leave Act Feature Story of the Month

Christie Sens
Arlington, Virginia

FAMILY LEAVE -- CHILDBIRTH

According to working mother Christie Sens:

Ms. Sens is a first grade teacher for a public school in Fairfax County. In 1993, after learning she was pregnant with her first child, she called the personnel department to find out about the school's maternity leave policy. Initially, she was told that she had to choose between taking either six weeks or an entire year of leave.

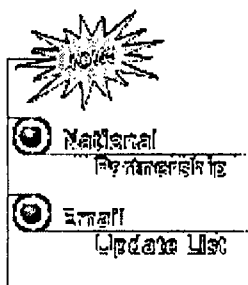
Although she thought six weeks was not enough to spend with a newborn, Ms. Sens also knew one year was a period her family could not afford without her salary. When her husband told her about the newly passed Family and Medical Leave Act, she obtained a copy of the Act and sent it to the school. Though it took five long months before the school adjusted its policy to the FMLA, Ms. Sens was granted 12 weeks of leave after the birth of her daughter, Emilia, and was allowed to go back teaching a first-grade class, as she had before the leave, on her return.

While Ms. Sens' class enjoyed a wonderful substitute in her absence, she had time to recover, bond with her child and find her a suitable day care provider. She concluded, "My entire family benefitted immensely from the law. At the same time, I feel confident that had I been forced to return to the classroom six weeks after giving birth to a new baby, my six-year-old students would have suffered. I can't imagine what Emilia's and my first few months would have been like if not for this excellent law."

In late 1995, Ms. Sens was pregnant with her second child and again was able to rely on the FMLA. Her son, Jonah, will turn three on February 20, 1999. Ms. Sens added, "Thank God for the FMLA! I really do not know what my husband and I would have done without it. I knew I did not need to worry about my job because the FMLA was there."

Christie Sens testified before the Family Leave Commission on August 4, 1995

Have YOU ever needed to take family or medical leave? The



National Partnership for Women & Families wants to know your story! Stories are the best way to show how well the FMLA is working and why more families need its protection. Please take a few minutes to answer some basic questions.

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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 time off from work to care for their families or themselves.

Before this law was enacted, many American employees were unable to take time off from work in family emergencies for fear of losing their jobs. In fact, according to the U.S. Bureau of Labor Statistics, in 1990 only 37 percent of all working women in firms with 100 employees or more were eligible for unpaid maternity leave upon the birth of a child. In the decades before this law, untold thousands of employees were forced to choose between caring for their families or keeping their jobs.

To address this intolerable situation, the FMLA was developed. It guarantees that people who work for companies with more than 50 employees can take up to 12 weeks' unpaid leave a year to care for a newborn or newly adopted child or for certain seriously ill family members, or to recover from their own serious health conditions.

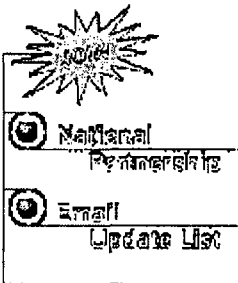
Although this law is relatively straightforward, some employees and employers may be unsure about how it actually works. This Guide is designed to answer many frequently asked questions about the FMLA. It is generally based on the regulations explaining the FMLA issued by the U.S. Department of Labor (Labor Department), which enforces the law.

This Guide explains the operation of the federal FMLA alone. In many cases, however, employees have additional protections against losing their jobs -- such as protections found in state family and medical leave laws, union contracts, or laws that prohibit discrimination on the basis of disability. These may provide greater benefits or security than the federal FMLA. For example, the FMLA guarantees 12 weeks of leave a year; but state law, a union contract, or the *Americans with Disabilities Act* may give an employee a longer period of job protection. (*See Questions 53-55 for more information about other laws that also affect family and medical leave.*)

This Guide can only describe the law and regulations in general. To find out how the FMLA, as well as the laws or contracts mentioned above, affect your particular situation, contact a lawyer who specializes in employees' rights, the Labor Department's Wage and Hour Division (1.800.959.FMLA), your state labor department, and/or your union.

[Read the entire text](#)

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Using Vacation or Sick Leave to Care for a Family Member
- **Medical Leave**
Taking Leave for Your Own Serious Illness
Medical Certification Requirements
Using Vacation or Sick Leave During Your Own Serious Illness
- **How the FMLA Protects Your Job & Health Insurance**
- **Requirements for Notifying Your Employer**
- **Does the FMLA Apply to Everyone?**
- **What Should I do if my Employer Violates my Rights under the FMLA?**
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(Family and Medical Leave Act - FMLA): Preguntas y respuestas

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What The Family And Medical Leave Act Means To You

What does the Family and Medical Leave Act ("FMLA") do?

The law allows you to take up to 12 weeks of unpaid leave from your job every year:

- to care for newborn or newly adopted children;
- to care for children, parents or spouses who have serious health conditions; or
- to recover from your own serious health condition.

After you take family or medical leave, the law entitles you to return to your previous job, or to an equivalent job with the same pay, benefits and other conditions.

This law goes into effect for most employers on August 5, 1993. If you have a union, the effective date depends on your collective bargaining agreement -- check with your union.

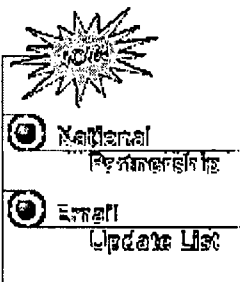
Am I covered by FMLA?

You are covered if:

- you work for a private employer that has 50 or more employees within 75 miles of your workplace, the federal government, or a state or local government; and
- you have worked for your employer for one year and at least 1,250 hours during the previous year.

How will taking family and medical leave affect my health insurance?

Your employer must continue to pay your health insurance premiums at the same rate while you are on leave. But if you don't return to work after leave, your employer may try to recover the cost of the health insurance premiums -- unless the reason you didn't return to work was continuation of a serious health condition or other circumstances beyond your control.



When do I have to tell my employer that I want to take family or medical leave?

If you need leave for birth or adoption of a child or for a planned medical treatment, you must give 30 days' advance notice -- or as much notice as is possible under the circumstances.

No advance notice is required for unplanned medical conditions or treatments.

Do I need any information from a doctor?

Your employer may require you to obtain certification from a doctor or other health care provider if the leave is for a serious health condition -- your own or a family member's.

The certification must include the date the condition began, how long it will probably last, and the schedule of treatment. The U.S. Department of Labor provides a form that health care providers can fill out.

What if my employer doesn't give me the leave or doesn't give me my job back when I return from leave?

You can file a complaint with the Department of Labor, or sue your employer. The Labor Department's Wage and Hour Division has offices throughout the United States. Look in your local phone book for the nearest office, or call the U.S. Department of Labor at 202 219-6666.

If your rights under the FMLA are violated, you may get your job back, and get damages for your lost wages and benefits and legal costs. The damages could be up to double what you actually lost in pay.

What if my state has a law that is different from the federal FMLA?

States can require that employees receive family and medical leave that is more generous than federal law. But no state can provide fewer rights. To find out more about your state's law, contact your state's labor department.

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What It Took to Pass the Family and Medical Leave Act A Nine-Year Campaign Pays Off

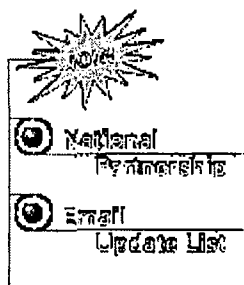
Donna R. Lenhoff, General Counsel
National Partnership for Women & Families
August 18, 1994

The phone call was from someone in Representative Howard Berman's office. A federal district court had recently struck down California's maternity-leave law as sex discrimination against men. Could I come to a meeting with the Congressman and then-California state legislator Maxine Waters to discuss how to "save" maternity leave?

On that afternoon in 1984, I had the usual millions of things to do, but I jumped at the chance to address parental leave with a legislator. Since Congress had passed the Pregnancy Discrimination amendments in 1978, we in the feminist legal community had been acutely aware that traditional maternity-leave programs were woefully inadequate. First, they were state- or employer-specific: there was no national policy; indeed, the United States stood shamefully alone among industrialized nations in not guaranteeing women their jobs after they had babies. Second, maternity-only leave programs might run afoul of principles of equality for which we had fought dearly. And finally, such programs did not address women's (and men's) needs for family leave beyond periods of childbirth-related disability. Might this initiative be an opportunity to establish comprehensive, gender-neutral family and medical leave on a national basis?

The meeting did turn out to be the pivotal first step. Convinced that the problem needed more than just a "fix" for the California maternity-leave law, Representative Berman agreed to pursue our approach. After the meeting I sat down at a typewriter (yes, a typewriter!) with a member of his staff and outlined a legislative proposal. That draft was the basis of what eventually became the Family and Medical Leave Act ("FMLA"), of which Berman, along with Representatives Patricia Schroeder and William Clay and Senator Christopher Dodd, were original cosponsors.

To begin building support for this bill, the National Partnership for Women & Families, then called the Women's Legal Defense Fund, established and led a diverse national coalition of women's, labor, disability, children's, religious, senior citizens' groups, and even the United States Catholic Conference. But it took a long ten years from that day in 1984 -- years that saw virtually every twist and turn of the legislative process -- before the bill became the law of the land.



FMLA's predecessor was first introduced in the 99th Congress (1985-86), and though it was reported

President Clinton wanted to make FMLA the first law he signed, and as soon as possible.

out of Committee in the House it never even saw a hearing in the Republican-controlled Senate. In the 100th Congress, Senator Dodd's Subcommittee on Children and Families heard from dozens of witnesses at seven hearings around the country; the bill prompted then Vice-President George Bush to make a campaign promise to the effect that "women shouldn't lose their jobs when they have new babies or sick children"; but in the end, proponents couldn't defeat a filibuster in the full Senate.

In 1990, and after some significant compromises that reduced the period of leave entitlement and raised the small-employer exemption, the bill had gained sufficient bipartisan support -- including from many anti-choice Members who could not oppose a bill that made it easier for women to have babies -- to pass both the House and the Senate. One of the best moments in that House debate was when Representative Henry Hyde, Republican and arch enemy of women's right to choose, rose to speak in favor of FMLA! Nevertheless, President Bush reversed his campaign promise and vetoed the FMLA that year, and the House failed to override the veto.

By the 102nd Congress (1991-92), FMLA had become such a cause celebre that its advocates were able to secure the coveted bill numbers "H.R. 2" and "S. 5" for it -- signaling that it was one of the top five priorities of the leadership for that Congress. After a final compromise that tightened notice and eligibility requirements and created an enforcement mechanism parallel to that of the Fair Labor Standards Act, the bill passed the Senate overwhelmingly -- with a veto-proof margin. In the House, however, the margin was still insufficient to override, and President Bush's second FMLA veto became a key issue in the 1992 Presidential campaign.

Finally, in 1993, all the years of attending drafting sessions with Legislative Counsel, reviewing Committee Reports, assessing compromise proposals, and organizing -- organizing witnesses' testimony and press conferences and constituent visits and target lists and editorial-board mailings and "Hill drops" and fact-sheet distribution and research dissemination and endless coalition meetings -- were, thankfully, over. President Clinton wanted to make FMLA the first law he signed, and as soon as possible. So starting on Inauguration Day we worked furiously to ready the bill once more for passage, and this time for signing. Senator Dodd held his hearing on FMLA the Friday after Inauguration; the House hearing and Committee action in both chambers were completed within a week. The following Thursday, both the House and Senate passed the bill, and the very next day, a balmy February 5, 1993, President Clinton held his first signing ceremony in the Rose Garden.

FMLA went into effect for most employers six months later, and in every community there are workers with personal stories of how this law Act has provided badly needed security in times of crisis. Two examples:

- Maria Herrera, a nurse assistant in San Rafael, California, returned from pregnancy leave to learn that her employer had changed her work shift to include weekend hours. Because Ms. Herrera could not find affordable child care for an infant on weekends, she was successful in getting reinstated to her former shift because the FMLA requires reinstatement to an equivalent position.
- Kenny Weaver, a technician at an oil plant outside Houston, was able to take time off to be with his eleven-year daughter in the last few weeks of her life before she died of cancer because of FMLA.

The Government Accounting Office estimates that 2.5 million people will be eligible to take family or medical leave each year.

Of course, FMLA is far from perfect. It does not cover workers at firms that employ fewer than 50 employees -- about half the workforce. And it guarantees only unpaid leave, which families who depend on each paycheck to survive often cannot afford to take (although it does help them to retain their jobs, and the prospect of paychecks, when they have no choice but to be on leave because of a medical condition). But it is a start, a foundation upon which we can build the kind of family-supportive work environment that women need to have true equal opportunity, that families need to cope with the increasing demands of our economy, and that employers need to increase their workers' productivity.

The entire history of the FMLA can be found in *Conflict and Compromise: How Congress Makes the Law*, by Ronald D. Elving (Simon & Schuster, 1995).

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The FMLA Works for America's Working Families and Employers: Findings of the Family Leave Commission

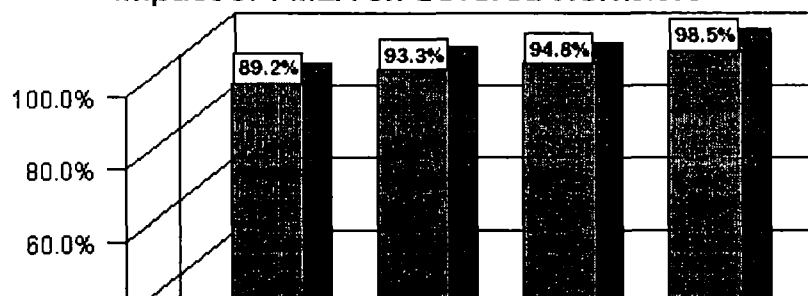
The Family and Medical Leave Act (FMLA) of 1993 helps American working families care for new babies and cope with serious illnesses without losing their jobs or health insurance. When the FMLA became law, Congress created the bi-partisan Commission on Leave to study the FMLA's impact on both employers and employees. In 1995, the Commission conducted two separate national, random-sample surveys, asking employers and employees about their experiences with the FMLA and family and medical leave in general. This extensive, nationally representative research showed that the FMLA helps working families without hurting employers, despite opponents' dire predictions. What follows are some of the Commission's most significant findings, drawn from its report, A Workable Balance: Report to Congress on Family and Medical Leave Policies (1996).

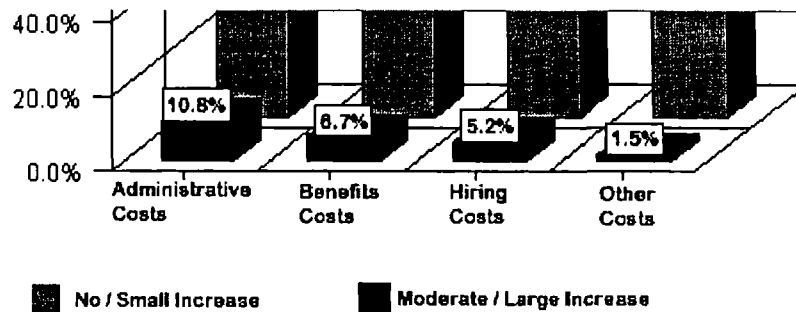
Employees Need and Use the FMLA

- The survey found that about one-fifth of American workers needed some form of FMLA-covered leave. Men took 42% and women 58% of all leaves.
- Nearly two-thirds (64%) of employees who needed -- but did not take -- family or medical leave did not take it because they could not afford to use unpaid leave.
- Nine percent of FMLA leave-takers were forced to turn to public assistance to help cover the wages they lost as a result of taking family or medical leave. Of women leave-takers, this percentage was even higher: 12%.
- Most periods of leave are short -- ten days is the median length -- with the great majority (almost 90%) falling within the FMLA's 12-week limit.
- The majority of leave-takers -- 84% -- return to their same employer after leave.

Cost to Employers

Impact of FMLA on Covered Worksites





- The great majority of covered worksites -- between 89.2 and 98.5% -- found that compliance with the FMLA entails little or no cost in four broad areas: general administrative costs; cost of continuing health benefits; costs associated with hiring and training replacements for employees on leave; and "other" costs.
- The FMLA has not proved to be the administrative burden employers had feared. The vast majority of covered worksites (over 90%) found it very or somewhat easy to determine whether the FMLA applies to them and to determine employee eligibility. A significant majority also found other administrative responsibilities to be very or somewhat easy.
- The majority of worksites also reported that the FMLA had no noticeable effect on their productivity (86.4% of worksites), profitability (92.5%), or growth (95.8%). To the contrary, most covered employers found that the FMLA had significant positive effects in employee career advancement, employee productivity, and employees' ability to care for family members.
- Covered worksites' actual experiences with the FMLA were much more positive than non-covered businesses anticipated. Almost 17% of non-covered worksites anticipated that the FMLA would require a large increase in administrative costs, and 18% anticipated a large increase in hiring and training costs. But only 1.4% of covered worksites actually experienced a large increase in administrative costs, and only 1% experienced a large increase in hiring and training costs.

The FMLA Has Had a Positive Impact on Employer Leave Practices

- Two-thirds of covered worksites changed some aspect of their policies to comply with the FMLA -- most commonly, to increase the reasons for which employees can take leave.
- Worksites covered by the FMLA offer significantly different family and medical leave policies than do non-covered worksites. Among non-covered worksites, only one-third offer parental leave, and less than half (41.7%) offer leave to care for a seriously ill child, spouse, or parent.

Return to Work and Family

Good, scrubbed
data.

Carol - This was
never released

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.

we announced our support for this last yr.