

THE WHITE HOUSE
WASHINGTON

To DPC Staff

For Discussion at
Monday's 4:00 staff
meeting.

FAMILY-FRIENDLY WORK PRACTICES

"...we have to encourage companies to be more family-friendly, because most parents work...Most of us who are parents believe that that's still our most important job. For all my responsibilities to you, I still think it's my most important job." (President Clinton, Xavier University, March 23, 1996)

I. OVERVIEW

Family-friendly businesses help workers meet their responsibilities to their families as well as to their jobs. Companies can make the difference by offering flexible work schedules, expanding family leave options, or helping with child and elder care information and costs. Such family-friendly policies not only help working families, but also benefit employers by attracting the best workers, decreasing turnover and absenteeism, and improving productivity and morale.

II. FACTS AND TRENDS

- Sixty percent of women with children under 6 and 76% of women with school age children are in the workforce. Approximate one-quarter of all families with children under 18 were maintained by women in 1994 (Bureau of Labor Statistics, Current Population Survey).
- Women are nearly half of all American workers, and they have a lot to say about the need for more family-friendly workplaces. More than a quarter of a million women responded to the Labor Department's 1994 Working Women Count Survey, and the number one thing they wanted to tell the President is how hard it is to balance work and family. They also said: too much stress is their number one problem; paid leave is a high priority for change; they need help finding affordable, quality child and elder care.

III. EVIDENCE

- Family-friendly workplace practices enhance productivity. Employees who have flexible schedules want to stay in their jobs longer, are more satisfied and show more initiative (The Changing Workforce: Highlights of the National Study, Families and Work Institute 1993).
- Workers are less productive, attentive and reliable when they are having difficulties such as finding and paying for quality child and elder care, coping with a work environment that is not responsive to family emergencies, working long hours in demanding jobs with no schedule flexibility (DC Friedman, "Linking Work-Family Issue to the Bottom Line," Report no. 962, The Conference Board, 1991).

- A division of a major corporation documented a 30 percent reduction in absenteeism after implementing flexible schedules. Johnson and Johnson employees missed 50 percent less work after flexible work arrangements were instituted (The National Study of the Changing Workforce by the Families and Work Institute).

IV. CASE STUDIES

Fel-Pro Incorporated: Fel-Pro is a third-generation, family-owned automotive supply (including lubricants, adhesives, and gaskets) manufacturer in Skokie, Illinois. Fel-Pro complements a strong salary package and profit-sharing with solid health insurance (the company pays 85% of every employee's premium) and a host of unique family-friendly benefits. Among many other benefits to assist families, the company offers on-site child care for \$90 per week (a 60% subsidization), subsidizes tutoring for a child having trouble in school and runs an eight-week day camp in the summer.

Patagonia: Patagonia manufactures and distributes outdoor wear. The company offers excellent maternity and paternity leave -- both new mothers and fathers who have been with the company at least two years receive 8 weeks of paid leave after the birth of the child. The company also provides new parents with access to two on-site child care centers and accommodates workers' lives outside the job via job sharing, work-at-home opportunities, flextime, and compressed workweeks. Patagonia has an excellent record of promoting women, with females holding more than half of the highest-paying jobs, including that of the President.

V. ADMINISTRATION PROGRESS

- **Family and Medical Leave Act:** The first bill the President signed into law was the Family and Medical Leave Act, which allows workers to take up to 12 weeks of unpaid leave for an infant, spouse, or ailing loved one without losing their jobs.
- **Access to Quality Child Care:** Established the Child Care Bureau to streamline federal child care programs. Initiated Healthy Child Care Campaign to increase preventive health services for children in child care and ensure safer child care environments. Increased child care funding for military families, especially those with school-age children. Expanded Head Start.
- **Working Women Count Honor Roll:** After getting more than 250,000 responses to their Working Women Count Survey, the Women's Bureau at the Labor Department has asked employers to respond directly to women's concerns. Through the Working Women Count Honor Roll, more than 900 companies and organizations around the country are taking new steps to make work better for women, especially in the area of work and family. Some are offering paid leave so that parents can spend more time with new babies or at their children's schools. Others are creating child care centers or providing assistance with elder care. And many have instituted flexible work options such as flextime, part-time jobs with benefits, job sharing, and working from home.

PARTNERSHIP WITH EMPLOYEES

"The fourth important point, I believe, is to encourage business to work in greater partnership with their employees. That can mean a lot of things. It can mean a greater voice in the production process, it can mean good faith in collective bargaining it can mean gain-sharing of all kinds -- sharing the benefits when times are good, if you have to share the burden when times are bad. It can mean that when there has to be layoffs, it can mean having policies that really work, to at least let the employees know that you're doing your best to make sure they can move from this life to another one." (President Clinton, Xavier University, March 23, 1996)

I. OVERVIEW

Employee participation in the work process and work product make corporations more productive and provide workers with a greater sense of commitment and security. Employers can tap into the knowledge of their employees by encouraging them to become problem-solvers, self-managers, and entrepreneurs. A number of innovative structures and programs, ranging from consultative committees to self-directed work teams, strengthen these new roles of workers. These are used today by thousands of teams at hundreds of corporations, both union and non-union. Although many companies support the so-called TEAM Act in the name of employee participation, it is entirely unnecessary for this purpose; furthermore, it could permit some companies to evade democratically-elected employee representatives by picking and choosing their own "teams."

Partnerships also means sharing the benefits and burdens of good times and bad. A variety of alternative compensation plans has been devised to increase worker participation, raise productivity, and generate employee loyalty to the firm. These programs -- which include stock options, stock purchasing plans, employee stock ownership plans (ESOP), and profit/gain sharing -- can reinforce employee participation. They should, however, be a supplement to good wages, not a substitute for them.

II. FACTS AND TRENDS

Union Representation

- The proportion of employed wage and salary workers who were members of labor organizations fell from 25.2 percent in 1979 to 14.9 percent in 1995 (Bureau of Labor Statistics, Current Population Survey). Accompanying this decline has been a sharp and costly increase in the use of litigation to resolve workplace disputes (Commission on the Future of Worker Management Relations, "Fact Finding Report," May 1994).
- A 1994 national survey of more than 2400 workers, including non-supervisory personnel and low-and mid-level managers, in private sector establishments found that 41 percent of workers wanted union representation at their workplace, whereas only 14 percent were represented by unions. (Freeman and Rogers, June 1995)

Employee Participation

- Using 1992 data on 700 manufacturing establishments employing 50 workers or more, Osterman (1995) finds that 35 percent of the businesses surveyed made substantial use of self-directed work teams, job rotation, employee problem solving groups and Total Quality Management.
- A 1994 survey conducted by the National Center on the Educational Quality of the Workforce found that 37 percent of employers had adopted a formal Total Quality Management program. The survey also found that only 12 percent of non-managerial workers participate in self-managed teams. However, 54 percent of non-managerial employees participate in regularly scheduled meetings to discuss work-related problems, especially in the area of health and safety issues (Lynch and Zemsky, Feb. 1995).

Use of Alternative Compensation

- Since the enactment of ERISA in 1974, the number of ESOPs has grown from about 200 to over 10,000 today, covering an estimated 12 million ESOP participants. As a result, these employees own about \$60 billion of their employers' stock. Most ESOPs, however, are less than 25% employee owned (Center for Economic Organizing, 1995).
- While the growth in ESOPs continues, the pace is slowing. From 1983 to 1988, the number of ESOPs grew by 66 percent; from 1988 to 1993, the number grew by 11%. This deceleration was primarily attributable to: (1) the abatement of takeover fears and (2) the elimination of a number of tax breaks that reduced the ESOP's attractiveness relative to 401(k)s and other retirement vehicles (Bell and Kruse, 1995).
- Towers Perrin's 1995 Salary Management Survey, indicates that 41 percent of the companies reported using some type of variable pay program for nonexecutive employees, up from 35 percent in 1994. Variable pay programs included group/team incentives (33%), discretionary bonuses (33%), gainsharing (19%), nonqualified profit sharing (18%), stock options (10%), and pay-for-skill (2%).
- Participation in deferred profit sharing plans has increased from 8.4 percent of the workforce in 1980 to 11.1 percent in 1986 to 18.3 percent in 1991 (Bell and Kruse, 1995).

*Employee
Stock
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III. EVIDENCE

Systems of innovative human resource management, particularly those designed to enhance worker participation, can improve business productivity and have a positive economic impact on the businesses adopting the new practices.

- Fourteen of 29 studies found that employee involvement in decision-making has a positive effect on productivity. Only 2 show negative effects while the remaining studies were inconclusive. (Levine and Tyson, in Blinder ed., *Paying For Productivity*, The Brookings Institution, 1990.)
- The effects of new systems of participatory work practices are large enough to be economically important to the businesses which adopt the new practices (Kochan and Ichniowski, 1995)

Although the evidence is decidedly mixed and of varying quality, there appears to be a positive relationship between adoption of profit sharing or ESOPs and worker productivity. This positive relationship appears to be enhanced where ownership is combined with active employee involvement. Evidence of effects on worker satisfaction has been even mixed, though rarely negative.

- A 1995 review of 19 studies of productivity and profitability under employee ownership concluded that the evidence suggests: (1) an estimated average productivity difference between ESOP and non-ESOP companies of 6.2 percent; and (2) an average productivity gain accompanying the adoption of an ESOP of 4.4 percent (Kruse and Blasi, 1995).
- In a review of 25 studies of employee attitudes and behavior under employee ownership in the past two decades, researchers concluded that: (1) there is no automatic improvement of attitudes and behavior; (2) findings are rarely negative (only one found lower satisfaction and this was in an ESOP company that had had a bitter strike the year before); (3) attitudes and behavior are positively linked to greater perceived or actual participation; (4) there is no automatic connection between employee ownership and participation (Belle and Kruse, 1995).
- Profit-sharing or gain sharing programs increased productivity from 3-11 percent according to a 1995 review of 30 econometric studies in the past 15 years that estimated a relationship between profit sharing and firm performance (Bell and Kruse, 1995).
- According to the Bell and Kruse review, 5 surveys have indicated that most employees in profit-sharing plans are very favorably disposed toward it, with positive effects on employee loyalty, work effort, and other measures.
- Many employees, however, expressed reservations about the risks of income variability associated with these alternative compensation plans (Weitzman and Kruse, 1990).

IV. CASE STUDIES

Cin-Made Corporation: Cin-Made demonstrates how both the employees and owners of a small business can prosper by working together in effective partnership. Founded in 1902, Cin-Made is a unionized manufacturer of cardboard cans and tubes for niche applications -- teas, cookies, home gardening, and agricultural products.

Republic Engineered Steels was formed in 1989 when its employees, using an Employee Stock Ownership Plan, purchased the Steel Bar Division of LTV Steel. The purchase was initiated jointly by the United Steel Workers and division management. The company is one of the largest employee owned companies in the United States. Republic has been a leader in changing the nature of the workplace in a unionized, heavy manufacturing setting, creating effective partnerships between management and employees.

Cummins Engine Company, Inc. is a leading worldwide designer and manufacturer of fuel-efficient diesel engines for trucks and equipment. Cummins' commitment to partnership with its employees and to high levels of training and investment came out of a painful overhaul of the company. This commitment to employee partnership is reflected in Cummins' labor agreements. In 1994 Cummins signed an unprecedented 11 year contract with the Diesel Workers Union (representing 1800 of the company's employees), guaranteeing a minimum number of hours worked per year and reducing the number of job classifications from 11 to 3.

V. ADMINISTRATION PROGRESS

Federal Reinvention: Partnership is fundamental to reinventing Government. Federal agencies are using partnership forums to plan, develop, and implement new and better ways of doing business and serving customers.

- Thousands of Federal employees are saving tax dollars by improving productivity and avoiding litigation through a variety of partnership efforts.
- Agencies are also "doing more with less" and are using partnership to ease the transition of employees affected by reductions-in-force and base closures.
- Project Reliance, a cooperative effort among six labor unions and management at four NASA Centers has produced over 40 strategies that will provide over \$100 million in savings for NASA in the next four years.
- Through labor-management partnership and employee empowerment, the Red River Army Depot and the National Association of Government Employees ended fiscal year 1994 in a position \$14.8 million better than anticipated. Joint decision-making and responsibility enhanced employee morale and job satisfaction, improved customer service, increased productivity, and achieved significant cost savings.

OSHA/Maine 200: The heart of OSHA's regulatory reform efforts is to offer businesses the choice of working with their employees to develop and enhance health and safety programs or to be subject to traditional OSHA enforcement. OSHA is seeking to modify its operations from reactively responding to complaints to proactively identifying and fixing the biggest workplace threats to health and safety. One of the first efforts began with 200 companies with the highest number of workers' compensation claims in the state of Maine and is being replicated in OSHA area offices nationwide.

The Commission on the Future of Worker-Management Relations (the Dunlop commission) was created by the President to investigate, report findings and make recommendations on how work-place productivity and labor-management cooperation might be increased regarding employee participation, collective bargaining and organizing, and alternative dispute resolution approaches. The commission's May 1994 Fact Finding Report and subsequent Report and Recommendations, completed in December 1994, provide factual data and comprehensive recommendations for addressing these critical partnership issues.

Conference on the Future of the American Workplace: In July of 1993, the Administration brought together several hundred labor and management leaders to highlight and explore innovative workplace practices and how labor and management were working together to create economic prosperity. The panel focused on partnerships, benefits, barriers and the prospect of private-public partnerships to assist business and labor to work together.

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LEVEL 2 - 28 OF 129 STORIES

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THE KANSAS CITY STAR

June 25, 1996 Tuesday METROPOLITAN EDITION

SECTION: TUESDAY BUSINESS; Pg. D4

LENGTH: 440 words

HEADLINE: Clinton subject: workers, families;
President uses satellite conference to ask employers' help in balancing jobs,
home life.

BYLINE: DONALD BRADLEY, Staff Writer

BODY:

President **Clinton** urged employers Monday to come up with new ways to help workers spend more time at home with their families.

During a national satellite conference, he offered two proposals:

An expansion of the **Family** and Medical **Leave** Act to give workers 24 hours a year to attend parent-teacher conferences and to take children to the doctor for routine medical checkups.

An overtime initiative that would give employees a choice of time and a half in pay or an hour and a half in compensation time for each overtime hour worked.

Working more than 40 hours a week is the difference between a middle-class lifestyle and "real trouble" for a lot of families, Clinton said.

"So many parents say, 'I can make it - but I give up so much,'" Clinton said. "They can work all the overtime they want, but they never see their kids.

"Don't every let anyone tell you that Americans don't want to work - we are working fools."

Clinton's comments came during his keynote address to the Family Re-Union conference, which originated at the Tennessee Performing Arts Center in Nashville, Tenn. The event, which focused on the impact of jobs on family, also included interactive sites in Kansas City, Cleveland and Denver.

Much of the discussion was aimed at finding solutions for families trying to balance work demands with family well-being.

About 120 participants attended the site at Pierson Hall at the University of Missouri-Kansas City. The Kansas City host was the Local Investment Commission, a nonprofit group that encourages



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investment in the city.

Mayor Emanuel Cleaver was one of the speakers in Nashville.

Bert Berkley, chairman of the board of the Tension Envelope Corp., said the Clinton proposals and other **family-friendly** ideas that were pushed at the conference could have a big influence on Kansas City executives.

"They (the proposals) will be difficult for a lot of them to accept," Berkley said.

For example, split shifts, where two employees share a job, are costly because of two benefit packages and also because of a lack of qualified employees.

"But these things are essential for employers to be more considerate of families with children," Berkley said.

Bob Dole's campaign spokeswoman, Christina Martin, dismissed Clinton's proposals as "empty rhetoric."

"If Bill Clinton really wants to help America's families, he should support the Republican family flexibility legislation and let his actions do the talking. Today's stolen rhetoric was empty," she said.

GRAPHIC: Photos (2), Above, Family Re-Union conference participants listened to President Clinton's keynote address Monday, shown in Pierson Hall at the University of Missouri-Kansas City, via satellite from Nashville. At left, Rhea Lydia Graham addressed the Pierson Hall audience. Graham is with National Performance Review in Washington, D.C.; TAMMY LJUNGBLAD/The Star

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Los Angeles Times

June 25, 1996, Tuesday, Home Edition

SECTION: Part A; Page 1; National Desk

LENGTH: 907 words

HEADLINE: CLINTON PROPOSES ALLOWING MORE TIME OFF FOR WORKERS

BYLINE: MELISSA HEALY, TIMES STAFF WRITER

DATELINE: NASHVILLE, Tenn.

BODY:

President **Clinton** upped the ante Monday in the bid for votes from American working families, proposing legislation to allow workers an array of new choices for taking time off from their jobs.

Clinton outlined a plan to allow employees to take as many as 80 hours of "flex time" in lieu of overtime pay. He also proposed expanding use of the 1993 **Family** and Medical **Leave** Act to allow parents to take as many as 24 hours of unpaid time to attend their children's school academic functions.

The initiatives set the stage for a new tug of war with Republicans, who introduced their own proposals last week to aid working families, including a provision that would allow workers to take compensatory, or "comp time," the equivalent of **Clinton's** "flex time."

Administration officials conceded that there is little chance a Republican-controlled Congress would adopt the proposals the president outlined Monday. And the White House indicated that it is unlikely to sign off on the GOP measures.

The president's announcement renewed GOP accusations that he is shamelessly stealing Republican ideas and claiming them as his own. The Republicans' plan, like **Clinton's**, calls for allowing workers to take comp time, but the GOP would give employers greater voice in the decision than would **Clinton**.

Former Sen. Bob Dole, the presumed GOP presidential nominee, said in New York: "Another idea he borrowed from the Republicans. . . . He ought to have an idea of his own one of these days."

Clinton announced his initiatives at the start of a day of campaigning as he attended a yearly "Family Reunion" conference here hosted by Vice President Al Gore and his wife. **Clinton** ended his day speaking at a fund-raising event in New York sponsored by the Democratic National Committee.

Under **Clinton's** plan, an employer would have to grant a worker the equivalent



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Los Angeles Times, June 25, 1996

of 1 1/2 hours off for every hour of overtime worked if the worker requests the time off at least two weeks in advance. An employer could deny the request if the time off is sought less than two weeks in advance.

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The proposal applies to nearly 80 million workers now covered by the Fair Labor Standards Act, which applies to employees of companies that have gross sales of \$ 500,000 or more a year and engage in interstate commerce.

"Most employers in America would like" the option of granting the time off, Clinton said. "But it's also important how it's designed because it will work only as a **family-friendly** decision if there is a genuine partnership" between employers and employees.

The president was joined here by First Lady Hillary Rodham Clinton who recounted her difficulties, as a prosperous attorney in Little Rock, Ark., in balancing work with her responsibilities as a mother.

"The trade-off between time and money has become harder and harder for many working mothers and fathers," Mrs. Clinton said. "I look around and see what happens in so many families today. Many employers penalize rather than help parents who need to adjust their schedules to try to provide for pressing family concerns."

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Republicans called Clinton's plan a blatant move to help organized labor. House Speaker Newt Gingrich (R-Ga.) said that Clinton instead should endorse a the Republican "family flexibility" bill, which he said gives the administration a chance "to put the interests of American families above that of the Washington union bosses."

Clinton's initiative, however, is expected to face opposition from labor unions, traditionally one of the Democratic Party's staunchest allies. Unions have consistently blocked efforts to amend the Fair Labor Standards Act, which Clinton's proposal would require, because labor leaders fear that such a step could start to unravel landmark legislation that has protected workers since it was passed in 1938.

Labor also worries that proposals to expand the use of compensatory time would harm many workers over the long term by eroding the standard 40-hour workweek, enabling companies to require employees to work more hours at peak seasons and fewer hours when times are slow.

The Clinton initiative differs from the Republican "comp time" proposal in that it would give workers more latitude in dictating when they would take their paid time off. It also would provide greater protections against an employer's possibly coercive use of comp time.

Under the Republican plan, employees would be permitted to accumulate as many

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as 240 hours of comp time but employers could deny requests to take the time if granting it would be "unduly disruptive" to the company.

The White House, while not mentioning the GOP plan specifically, said that Clinton opposes legislation that "allows for coercion" of workers and "uses phrases like 'comp-time' as a cover for giving workers less choice in the workplace."

*

Expansion of the **Family and Medical Leave Act** would apply to the 67 million Americans--over half of all workers--who are covered by the law. The act allows workers at companies with 50 or more employees to take as many as 12 weeks of unpaid leave for personal illness or a series of other family needs.

A recent study of the act conducted by a bipartisan congressional commission showed that more than 12 million workers have taken advantage of the measure since 1993 and that 40% of all workers think they would need time away from work under the act some time in the next five years.

GRAPHIC: PHOTO: (A2) MARITAL MOMENT--President Clinton, above with first lady, wants to expand workers ' ability to take time off for family needs. A1
PHOTOGRAPHER: Reuters

LANGUAGE: English

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LEVEL 2 - 32 OF 129 STORIES

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The New York Times

June 25, 1996, Tuesday, Late Edition - Final

SECTION: Section A; Page 19; Column 1; National Desk

LENGTH: 1165 words

HEADLINE: POLITICS: THE DEMOCRAT;
Banking on Family Issues, Clinton Seeks Parents' Votes

BYLINE: By ALISON MITCHELL

DATELINE: NASHVILLE, June 24

BODY:

Holding hands, the First Couple strode onto the stage today under posters of a child's line drawing of a house. Holding hands, the Second Couple followed. Like the bus trips of 1992, it was a **Clinton-Gore** extravaganza, at the **Gores'** annual conference on family and work.

There was talk of "good fathers like Bill **Clinton** and Al **Gore**." Of the "**family-friendly** workplace." Of "a brand new way of thinking about the wholeness of our lives." There were video clips of family scenes from television to the movies, from the idyllic to the most strained.

The speeches and Phil Donahue-style panel discussion -- with Mr. Clinton and Mr. Gore moderating -- provided another glimpse of how Mr. Clinton has transformed a host of child- or family-related stands into an unusual Presidential campaign platform designed to appeal to a huge swath of the population: married couples with children at home. Within that group are represented other groups of swing voters: independent-leaning suburban voters, working-class Reagan Democrats and women. Analysts say the strategy has paid off in the polls.

Today, the focus was on balancing the pressures of work and child-rearing. Hillary Rodham Clinton told of the discomfort she had once caused her male colleagues by being a practicing, pregnant lawyer.

She said: "A judge looked me straight in the eye and said, 'Hillary,' he said, 'you just can't have this baby in this courtroom.' I said, 'Judge, I'm not planning on doing that.' "

For his part, President **Clinton** borrowed a concept from the House Republicans and proposed a change in the labor law to allow employees to choose compensatory time off instead of overtime pay when they work more than 40 hours a week. He also called for an expansion of the **Family** and Medical **Leave** Act of 1993 that would grant each worker up to 24 hours of unpaid **leave** time annually for such **family** events as parent-teacher conferences.

In Mr. **Clinton's** quest to lure married voters, he is supporting things like



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The New York Times, June 25, 1996

school uniforms, school competency tests and youth curfews and a drive to improve the content of children's television. Many of these stands feature the President more as a moral spokesman than as a policy maker, talking about the challenges of child-rearing in a fast-paced age when both parents are likely to work.

"You give President Clinton five minutes on television, he'll mention children 15 times," Bob Dole, the likely Republican nominee, said recently. "But he won't mention if we don't balance the budget, what happens to your children. Or we continue to raise taxes, what happens to your children."

In the Democratic camp's quest for parents' votes, it has made several calculations. Mr. Clinton's aides say the elderly became a reliable Clinton constituency last year when the President and Congressional Democrats fought off Republican attempts to slow the growth of Medicare, the Federal health-insurance program for the elderly. As a group, single people are less likely than married people to consider themselves conservatives and are thought by political analysts to lean toward the Democrats.

But couples with children, political strategists say, are more concerned with issues involving values and have been more receptive to the Republican focus on family values. So Mr. Clinton has sought to win over this group with his own "values agenda," based on ideas designed to help people bring up their children, like curfews and school uniforms and fighting smoking by teen-agers.

Mr. Clinton has also tailored his economic proposals toward families. He has offered tax credits for children and several proposals for tax relief for college tuition, an expensive burden for families seeking better lives for their children.

The strategy has already had an effect, analysts say. Some of Mr. Clinton's advisers believe that these issues have helped Mr. Clinton maintain his strong lead over Mr. Dole, emerging virtually unscathed from the polls after several weeks of controversies related to Whitewater and to the White House personnel office's collection of more than 400 F.B.I. files on former White House employees, most of them Republicans.

In early April, polling conducted for The New York Times and CBS News showed that the race between Mr. Clinton and Mr. Dole among families with children was a dead heat. But a poll conducted earlier this month showed Mr. Clinton with a clear lead, 51 percent to 38 percent, among that group.

Stanley B. Greenberg, who conducts public opinion surveys for the Democratic National Committee and was Mr. Clinton's 1992 pollster, said Mr. Clinton was now running ahead among married mothers. Married fathers, Mr. Greenberg said, are still favoring Mr. Dole by a margin of five to six percentage points, but he called that a sharp drop from the margin the Republicans have held with such men in the past.

"It's a very big deal that the President is running very well with married mothers and, to some extent, married men," he said.

Mr. Clinton's endorsement today of a compensatory-time option as a way to allow workers more time with their families marked another instance in which he



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has co-opted a Republican idea, but not the actual Republican legislation.

House Republicans are sponsoring a bill, opposed by organized labor, to allow compensatory time off in lieu of paid overtime, which is expected to be reported out of committee as early as this week. Christina Martin, the deputy press secretary to Mr. Dole, said today that if Mr. Clinton "really wants to help America's families," he should support the Republican bill "and let his actions do the talking."

"Today's stolen rhetoric was empty," Ms. Martin said.

Gene Sperling, an adviser to the President, said that despite his stand today, Mr. Clinton still "strongly opposes" the Republican bill. The White House says that the bill would allow employers to deny the use of compensatory time if they thought that their companies would be unduly disrupted and that it would allow each employee to accumulate up to 240 hours of compensatory time.

Instead of supporting that, Mr. Clinton made his own proposal, which his aides said would contain safeguards to protect workers who depend on overtime pay.

Under the **Clinton** plan, employers and employees would be required to agree on how overtime would be handled. A worker would be entitled to take compensatory time off after giving two weeks' notice. And only 80 hours of compensatory time could be accumulated, to protect workers in case a company went bankrupt.

Mr. **Clinton** also proposed expanding the **Family** and Medical **Leave** Act, which allows workers to take up to 12 weeks of unpaid leave for medical reasons to care for a baby or for a seriously ill relative. Mr. **Clinton** called for a maximum of 24 hours' **leave** annually for **family** obligations like attending parent-teacher conferences or taking a child or elderly relative to the doctor. The law does not apply to businesses with fewer than 50 employees.

GRAPHIC: Photo: President Clinton and his wife, Hillary, appeared yesterday at a Nashville session on the family and work, a big issue for the Democrats.
(Associated Press)

LANGUAGE: ENGLISH

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June 25, 1996, Tuesday, SOONER EDITION

SECTION: BUSINESS, Pg. B-7

LENGTH: 388 words

HEADLINE: UNIONS LUKEWARM TO CLINTON PROPOSAL

BYLINE: JIM MCKAY, POST-GAZETTE STAFF WRITER

BODY:

Labor unions already opposed to Republican efforts to change overtime laws reacted warily yesterday to President Clinton's proposal to allow workers to take up to 80 hours of compensatory time or what he called ''flex time'' for family matters.

AFL-CIO President John Sweeney said American families need flexible schedules, but he said that flexibility should not come at the expense of workplace protections. Low-wage workers, he said, are particularly vulnerable.

''Opening up overtime laws to potential abuse is not the solution to families' needs,'' Sweeney said.

Most workers prefer pay to compensatory time for overtime, according to a recent poll conducted for the AFL-CIO by pollster Peter Hart. Half of those polled said they believed employers would be able to force them to take compensatory or comp time instead of overtime pay despite legal protections.

The Fair Labor Standards Act of 1938 requires overtime pay of time and a half to most non-supervisory employees if they put in more than 40 hours in any work week.

U.S. Rep. Cass Ballenger, R-N.C., has introduced legislation that would give workers the option of taking comp time at a later date rather than taking overtime pay.

Employer associations support the Ballenger bill as a way to introduce flexibility into the workplace, while unions see the proposal as an attempt to eliminate overtime pay requirements and give employers incentive to dictate dangerously long work weeks.

''The Ballenger bill represents a pay cut,'' said Jack Sheehan, the legislative director of the United Steelworkers union. Although the Ballenger bill gives employees the choice of forfeiting overtime, Sheehan said, organized labor is concerned that employees could be coerced into trading overtime pay for comp time.

Sheehan said he didn't know enough about Clinton's proposal on flex time to critique it. But he said, ''Flex time is very narrowly defined to mean that a



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Pittsburgh Post-Gazette, June 25, 1996

worker could arrange his 40 hours of work a week. It has nothing to do with the Wage and Hour Act's penalty for overtime, time and a half.'

Although he was wary of the flex-time idea, the AFL's Sweeney said he welcomed Clinton's proposal to expand the **Family** and Medical **Leave** Act to provide up to 24 hours a year for children's school activities and family medical needs.

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LEVEL 2 - 37 OF 129 STORIES

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Rocky Mountain News

June 25, 1996, Tuesday

SECTION: NEWS/NATIONAL/INTERNATIONAL; Ed. F; Pg. 2A

LENGTH: 374 words

HEADLINE: President touts flex time
Clinton wants workers to be able to convert overtime into time off

BYLINE: Leo Rennert; Scripps-McClatchy Western Service

DATELINE: WASHINGTON

BODY:

Expanding his **'family friendly'** agenda, President **Clinton** said Monday he will push legislation to give workers the right to convert overtime into time-and-a-half off the job to make it easier to balance pressures at home and in the workplace.

Under **Clinton's** proposal, employees could accumulate up to 80 hours (or two weeks) of flex-time for any purpose of their own choosing as long as they provided at least two weeks notice to their employer. Or they could continue to get paid overtime.

'You can choose money in the bank or time on the clock,' the president explained in outlining his plan at a family-issues conference in Nashville, Tenn.

In a related move, **Clinton** said he also will ask Congress to expand the 1993 **Family and Medical Leave Law** to allow an extra 24 hours a year of unpaid leave for school activities, routine medical visits or an elderly relative's health needs.

The law already permits workers at businesses with 50 or more employees to take up to 12 weeks of unpaid leave to care for a newborn or adopted child, to attend to serious health needs or to care for a seriously ill family member.

Bob Dole, the GOP's presumptive presidential nominee, and congressional Republicans accused Clinton of copy-cat tactics, pointing to GOP flex-time legislation as giving their party greater credibility.

But Clinton said his proposals, unlike the GOP's, would give workers a guaranteed option to choose between paid overtime and flex-time.

The White House said the Republican version would let employers decide if and when workers could take flex-time and also would allow them to force employees to take up to 240 hours of compensatory time in lieu of overtime - whether they liked it or not.



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Rocky Mountain News, June 25, 1996

GRAPHIC: Photo

President Clinton and his wife, Hillary, leave the White House on Monday for a forum on families in Nashville, Tenn. By Ron Edmonds / Associated Press.

LANGUAGE: English

LOAD-DATE: June 26, 1996



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Copyright 1996 Times Mirror Company
Los Angeles Times

June 25, 1996, Tuesday, Home Edition

SECTION: Part A; Page 1; National Desk

LENGTH: 907 words

HEADLINE: CLINTON PROPOSES ALLOWING MORE TIME OFF FOR WORKERS

BYLINE: MELISSA HEALY, TIMES STAFF WRITER

DATELINE: NASHVILLE, Tenn.

BODY:

President **Clinton** upped the ante Monday in the bid for votes from American working families, proposing legislation to allow workers an array of new choices for taking time off from their jobs.

Clinton outlined a plan to allow employees to take as many as 80 hours of "flex time" in lieu of overtime pay. He also proposed expanding use of the 1993 **Family and Medical Leave** Act to allow parents to take as many as 24 hours of unpaid time to attend their children's school academic functions.

The initiatives set the stage for a new tug of war with Republicans, who introduced their own proposals last week to aid working families, including a provision that would allow workers to take compensatory, or "comp time," the equivalent of **Clinton's** "flex time."

Administration officials conceded that there is little chance a Republican-controlled Congress would adopt the proposals the president outlined Monday. And the White House indicated that it is unlikely to sign off on the GOP measures.

The president's announcement renewed GOP accusations that he is shamelessly stealing Republican ideas and claiming them as his own. The Republicans' plan, like **Clinton's**, calls for allowing workers to take comp time, but the GOP would give employers greater voice in the decision than would **Clinton**.

Former Sen. Bob Dole, the presumed GOP presidential nominee, said in New York: "Another idea he borrowed from the Republicans. . . . He ought to have an idea of his own one of these days."

Clinton announced his initiatives at the start of a day of campaigning as he attended a yearly "Family Reunion" conference here hosted by Vice President Al Gore and his wife. **Clinton** ended his day speaking at a fund-raising event in New York sponsored by the Democratic National Committee.

Under **Clinton's** plan, an employer would have to grant a worker the equivalent



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Los Angeles Times, June 25, 1996

of 1 1/2 hours off for every hour of overtime worked if the worker requests the time off at least two weeks in advance. An employer could deny the request if the time off is sought less than two weeks in advance.

*

The proposal applies to nearly 80 million workers now covered by the Fair Labor Standards Act, which applies to employees of companies that have gross sales of \$ 500,000 or more a year and engage in interstate commerce.

"Most employers in America would like" the option of granting the time off, **Clinton** said. "But it's also important how it's designed because it will work only as a **family-friendly** decision if there is a genuine partnership" between employers and employees.

The president was joined here by First Lady Hillary Rodham **Clinton** who recounted her difficulties, as a prosperous attorney in Little Rock, Ark., in balancing work with her responsibilities as a mother.

"The trade-off between time and money has become harder and harder for many working mothers and fathers," Mrs. **Clinton** said. "I look around and see what happens in so many families today. Many employers penalize rather than help parents who need to adjust their schedules to try to provide for pressing family concerns."

*

Republicans called Clinton's plan a blatant move to help organized labor. House Speaker Newt Gingrich (R-Ga.) said that Clinton instead should endorse a the Republican "family flexibility" bill, which he said gives the administration a chance "to put the interests of American families above that of the Washington union bosses."

Clinton's initiative, however, is expected to face opposition from labor unions, traditionally one of the Democratic Party's staunchest allies. Unions have consistently blocked efforts to amend the Fair Labor Standards Act, which Clinton's proposal would require, because labor leaders fear that such a step could start to unravel landmark legislation that has protected workers since it was passed in 1938.

Labor also worries that proposals to expand the use of compensatory time would harm many workers over the long term by eroding the standard 40-hour workweek, enabling companies to require employees to work more hours at peak seasons and fewer hours when times are slow.

The Clinton initiative differs from the Republican "comp time" proposal in that it would give workers more latitude in dictating when they would take their paid time off. It also would provide greater protections against an employer's possibly coercive use of comp time.

Under the Republican plan, employees would be permitted to accumulate as many



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as 240 hours of comp time but employers could deny requests to take the time if granting it would be "unduly disruptive" to the company.

The White House, while not mentioning the GOP plan specifically, said that Clinton opposes legislation that "allows for coercion" of workers and "uses phrases like 'comp-time' as a cover for giving workers less choice in the workplace."

*

Expansion of the **Family** and Medical **Leave** Act would apply to the 67 million Americans--over half of all workers--who are covered by the law. The act allows workers at companies with 50 or more employees to take as many as 12 weeks of unpaid leave for personal illness or a series of other family needs.

A recent study of the act conducted by a bipartisan congressional commission showed that more than 12 million workers have taken advantage of the measure since 1993 and that 40% of all workers think they would need time away from work under the act some time in the next five years.

GRAPHIC: PHOTO: (A2) MARITAL MOMENT--President Clinton, above with first lady, wants to expand workers ' ability to take time off for family needs. A1
PHOTOGRAPHER: Reuters

LANGUAGE: English

LOAD-DATE: June 25, 1996



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June 25, 1996

SECTION: NATIONAL DESK

LENGTH: 5694 words

HEADLINE: Remarks by President Clinton, Vice President Gore in Roundtable Discussion on Work and Family

CONTACT: White House Press Office, 202-456-2100

DATELINE: WASHINGTON, June 24

BODY:

Following is a transcript of remarks by President Clinton and Vice President Gore in an opening roundtable discussion on balancing work and family:

Tennessee Performing Arts Center
Nashville, Tennessee

11:30 A.M. CDT

THE PRESIDENT: Thank you very much. Well, Mr. Vice President, I kind of hate to talk, that panel was so good. I sort of -- I think they were the keynote, and I'll just try to finish it with a grace note.

I'd like to begin by thanking the Vice President and Tipper for showing this consistent commitment to the American family. I mean, it's one thing to have one of these conferences, but to have one every year and have each one be better than the last, and to be able to demonstrate to the American people that we are building on it and actually doing something with it -- I mean, after that conference last year, I left here with a renewed commitment to make sure that when we passed the telecommunications bill it had the V chip in it. I left here with a renewed sense that, because of the media people that were here, that we could work with the leaders of the entertainment industry to develop a television rating system, and we did. And I believe we'll be able to get an agreement to increase the quality and quantity of educational time on television.

And I believe a lot of good things will come out of this conference as well. So, for -- we're indebted to them for a lot of things, but this will be a lasting legacy. (Applause.)

I also want to thank Dr. Erickson and Representative Purcell, Speaker Naifeh, Governor Wilder, and the other officials that are here -- Attorney General Burston, Attorney General Humphrey, and state legislators from across the country. And I thank you for coming.

I'd like to begin by saying you could probably tell that we're all kind of into this, and that's a very important thing for me for you to know. I believe as we move into this new era that the people of this country are going to have more chances to live out their dreams than any generation of Americans before them. But we have to do it in a way that, number one, gives everybody a chance to live out their dreams, not just a few -- or not even just many or most, but everybody who is willing to be a



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responsible citizen should have a chance to live out their dreams. And we have to do it in a way that brings us together, instead of dividing us.

This is an incredibly diverse country. This is an incredibly complex and diverse economy. We are being more and more drawn into a global -- not just a global economy, but a

global society. And it is absolutely imperative that we have a commitment to dealing with these challenges in a way that increases opportunity for all and brings us together.

When Hillary and I and Al and Tipper all sort of moved into the White House, one of things that I tried to do was to kind of get a fix on the people who were working for us. Now, a lot of people who work for the White House are young people who haven't started their families yet, and that's probably good because they work these crazy hours and they never seem to get tired. (Laughter.) I use to be that way myself. (Laughter.) And then a lot of people who work for us, all their children are grown, so they can accommodate bizarre schedules and long hours.

But we have a significant number of people in very responsible positions who still have children who are either school age or pre-school age. And one of the things I told them when we started this was that we were on a mission to change America for the better, but it wasn't as important as taking care of their kids. And if they ever thought that their families were really suffering, they ought to quit, because the most important job any of us have, starting with the President, is to be a good parent. (Applause.) And several of them have taken me up on my admonition -- (laughter) -- sometimes at great personal loss to me.

One of the most brilliant people who ever worked in the White House, at least in the last several years, Bill Galston -- a man who made an enormous contribution to our administration, full of new ideas and ways to move America into the 21st century -- came to me one day and he said, "My boy keeps asking where I am. He's 10 years old. You can get somebody else to do this job, no one else can do that job. I have to go home. You said I could, and now I have to." And he did. And I think he'll never regret it.

My Deputy Chief of Staff, Erskine Bowles, whose wife went to college with Hillary -- his wife is a very prominent executive in the textile industry, and her job got bigger and bigger and she was going to have to travel more. And they just had one child left at home and he was going into his senior year. And Erskine said, you know, he said, "I just love working here. I love public service, and I don't need the money. But my boy should not be at home in his last year in high school. And I don't want him to ever wonder, not a single time, for the rest of his life, whether he was ever the most important thing in the world to his parents -- and I'm going home." And he did.

And his son just graduated from high school and he's going to Princeton next year. He made the right decision.

So I say that to all of you to try to put this into some sort of context, and also to try to emphasize what I was saying earlier. One of you said -- one of the panelists said, you know, we don't live to work, we work so we can live; and we hope that we find fulfillment in our work and we do good things. Politics, if you will, is one step removed from that. What is the purpose of the national enterprise? Well, the first thing we're supposed to do is to give you a safe world to live in -- no Cold War, but new threats, terrorism and things like that.

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The second thing we're supposed to do is try to help give you a safe country within which to live -- safe streets and a clean environment and healthy food. The third thing we're supposed to do is kind of create a structure of opportunity and a structure of fairness, so that everybody has a chance and we all have a chance to grow together. And if you think about the Constitution, the Bill of Rights and the whole history of our nation, it's been one long struggle to make this country a country with more opportunity, more fairness, more unity, living up to the ideals that the founders enshrined.

So that people can then make all their own decisions -- and most of the decisions made have nothing to do with government, about how they're going to organize work -- and, hopefully, the work will permit them to live good personal lives and build strong families. And that's the way I look at my job.

Now, what have been talking about today are the worries of

parenthood. It seems to me there are at least three big challenges that parents face today. Parents are worried about -- to go back to what Mrs. Jordan said, even if I teach my kids good values, will something in the society and the culture change my child's life or destroy it. Will my child be subject to violence, to gangs, to drugs, to teen pregnancy? Will my child be subject, even long before that, to cultural influences or other dangers over which I basically have no control, especially if I have to work and my kid is home watching television four or five hours a day?

Dad says cigarettes are bad for you and besides that it's illegal. Right before you get out of the car to go to school or get out of the school bus, you see this great Joe Camel ad on the billboard. You know, Joe Camel is more well-known to six-year-olds than Bill Clinton. (Laughter.) And more interesting looking. I mean, you know, let's face the facts. (Laughter.) I mean, it's an interesting, brilliant strategy.

Mother says, son, you can't be violent; sticks and stones can break your bones; words won't hurt you; don't get mad; walk away. And then Mom goes to work. The kid flips on the television and watches four hours of people killing each other with assault weapons.

So it's a challenging thing. That's what last year's conference was all about. And again, I want to take my hat off to the people in the entertainment industry who are coming to grips with this really tough problem of rating television programs.

You know, it's pretty easy to rate movies. There is a certain fixed number of them that come out every year. You just think about how many channels you have at home and how many hours a day those channels are on, and how many different programs are on them, and you get an idea of the staggering task that the entertainment industry has voluntarily taken on itself so that parents, by the time we get V chips in all these new television sets, so that parents will actually have a guide so they'll know what they're doing to program the V chip and use it.

But it's a move in the right direction. It's what we're trying to do when our administration became the first one in history to take on the whole issue of the access of young people to exposure to tobacco advertising and sales. Now, it's illegal in every state in the country for kids to buy cigarettes, but 3,000 kids a day start smoking and a thousand of them are going to die sooner because of it. There is no other public health problem in America with those kind of numbers. So we have to try to do something about it. (Applause.)



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I want to say a special word of thanks again to Al Gore, who lost his only and beloved sister to lung cancer, for being a constant voice of conscience in our administration, for getting us to come to grips with this. This is what they call in Washington politics a character builder. It's no accident that no one else had ever done this before. And it's not a free decision. But it was the right thing to do, and we're trying to do it to try to create a framework within which other people can build their lives.

Even the Crime Bill itself was designed to create a framework. The Safe and Drug Free Schools initiative; or putting 100,000 police on the streets in community policing; or taking the assault weapons off the street; or passing the Brady Bill, which has kept 60,000 felons, fugitives and stalkers from buying handguns in just three years -- that's an important thing. (Applause.) All I can do is to create a framework within which others are going to be given the opportunity to change the culture of this country community by community.

But let me tell you, lest you grow fainthearted, we're about to enter the fourth year in a row of violent crime dropping in America. So don't let anybody tell you it can't be done. It can be done, we can change this. But we are a long way from home and we still have breathtaking rates of violence among juveniles. You go back to what Robert said about young people needing to be taught to be parents and to be responsible. So I thank you for that.

When we set up this national service program, AmeriCorps, what we were trying to do was not have a government program, but to try to give people a chance to set up a structure within which people could go out in their communities and solve their own problems. So I wanted to deal with that.

The second pressure I think parents face is increasingly financial. You heard Ms. Allen talk about that. It's no accident that, on average, families today are spending more hours at work and less hours at home than they were 25 years ago. Don't let anybody tell you that Americans aren't hardworking. We are working fools. (Laughter.) Some of us because we like it, others because we have to. But we do it, we show up. We show up. All the surveys show most people on welfare are dying to go to work. There are 1.3 million fewer people on welfare today than we had three and a half years ago, partly because we're giving the states the ability to create opportunities and then move people to work. This is a working country. But you have to be able to create a strong and secure family. Otherwise, the harder you work, the more you fall behind and the more frustrated people get.

Now, what can the government do about that? Well, we can create a framework -- we've cut the deficit in half, and got interest rates down, and expanded trade, and invested in technology and infrastructure and education, and the American people produced almost 10 million new jobs. That's a good thing. It's a good thing. The interest rates brought mortgage rates down, we've got almost 4 million new homeowners in the last three and a half years.

But that doesn't resolve all the problems. There's still -- this economy churns so much, and so many of our jobs are now being created in smaller companies where people normally are used to having less security, that we have to find ways, I believe, to reward work by giving people lifetime access to education, training, health care and retirement.

That's what this debate in Washington is about over the

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Kassebaum-Kennedy bill. It would give 25 million people access to health insurance by simply saying you don't lose your health insurance if you have to change jobs or if someone in your family has been sick. That's what insurance is for.

That's what the small business package of pension reforms that we sent to Congress is all about. It basically says if you're a self-employed person or you work in a little business and you work for a whole series of small businesses and you're always changing jobs, or you're out of work for a while, you ought to be able to take out a pension and keep it even through the bad times, and you ought not to have to wait a long time when you move from one job to the other to know that that pension is secure and seamless and continuous. As far as I know, there is no opposition in the Congress to this package in either party, and I'm hoping we can get that out.

The Secretary of Education and the Secretary of Labor worked very hard on a proposal to collapse all the job training programs in the country. Somebody loses their job, they just get a voucher worth \$2,600 a year to go to the local community college or do whatever is necessary to get job training. And these are the kinds of things that we think are very important.

And the last thing I would say is that we know that the fastest growing essential in every family's budget in the last 12 years, believe it or not, was not health care, it was the cost of college -- was the only thing that went up more rapidly than health care costs. So we proposed to give families a tax deduction of up to \$10,000 a year for the cost of college tuition and to make the 13th and 14th years of college universally available in America by giving families a tax credit for the cost of going to a community college.

So we could say to people, look, it's just not enough to have a high school diploma anymore, and if you're just coming out of high school or if you've been in the work force for years and you want to go back, everybody, one hundred percent of the people ought to have guaranteed access to at least two years of education.

Now, these things I think will change the framework within which families have to live and work, and will give them more income security and more stability. It doesn't guarantee any results, but at least it sets up a framework within which families can succeed.

The third thing, though, that we have heard a lot about today is time. A lot of people say, I can make money, but if I do I have to give up all my time. And this is a very important thing. There are so many families, two-parent families that are working two full-time jobs and a part-time job or two. There are so many single parents who are working two jobs or working so much overtime they're worried about whether they will ever see their kids.

And I think about this a lot. You know, when Hillary and I were young parents and she had already spent many years studying all this -- she took an extra year in law school to work at the Child Study Center where we were in law school so that she would know a lot about the impact of the law on children and their interests. And I'll never forget, one day I was working on something, working like crazy, and Chelsea was about a year old, and she said, you know all that stuff they tell you about quality time, she said it's about half not true. She said, time counts; show up.

(Laughter.) You know, time counts. (Applause.)

And I can remember a lot of nights when I would read my daughter to



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sleep and I would fall asleep before she would. And she would elbow me and say, "Dad, finish the book, finish the book." (Laughter.) But it meant something. Even the nights when I wasn't very good, you know, it meant something. And I'm proud to say that my daughter is about to be a senior in high school and she can still count on one hand the number of things that I have missed over her whole life. But I'll tell you something, she hasn't forgotten a single one of them. (Laughter.) And sometimes I hear, you remember when I was in the second grade, we had such and you were -- but I like that. I like that. I'm glad she felt entitled to complain.

And when Katherine Wright was talking about the videotapes -- one of the great highlights of my recent life is that we did that in reverse, Katherine. I was in Russia meeting with President Yeltsin when Chelsea had her junior prom, and she did a videotape so she could send a message to her dad that she was sorry that I couldn't send her off. And I thought to myself, well, that's one she didn't hold against me. And that kind of bothers me. She has reached the age when I'm not around, she doesn't hold it against me as much, but at least -- (laughter) -- at least I have a film of it.

Every person is entitled to build that memory bank. Somebody who is out there working for six bucks an hour in a factory, they are just as entitled to build that kind of a memory bank as the President of the United States. (Applause.) They're just as entitled to it. (Applause.)

And let me ask you also to look at this from the children's point of view. We did a great job here -- all of these companies and the public employees that are here, and the people in the federal government who do a good job of this, we talk about how it makes for happier workers, and happier parents make more productive workers, and you make more money. And you see that immediately. But let me ask you to think about this over the long haul.

Think about the cumulative impact of all those extra stories at bedtime. Fifteen years later you have a more literate citizenry. Think about the cumulative impact of the extra hour or two helping your child with homework. Fifteen years down the road you have a more productive citizenry. Think about what it means to sit at your sick child's bedside. By the way, sometimes they don't make it. Fifteen years from now you have people who are freed from the bitterness of thinking that they were deprived of the right to share what life they had with their children. It may seem small, but it may mean the difference in whether you raise a whole bunch of productive citizens or self-absorbed and completely alienated people. It may make the difference in whether people when they grow up live lives of responsibility or lives of rage, that they still -- they never quite understand.

So we talked a lot of about how this can be done and you can make money today about it because people would be happy and more productive, and that's terrible important. But if you think about it in generational terms, which is how we ought to be thinking about it, it can also shape what this country looks like way into the 21st century. That's why in some ways the first bill I signed as President, the Family and Medical Leave law, may be the most important, because of the framework it established for other people to do things.

I can tell you this, that I still talk to people all the time -- about 10 days ago or so we had the Children's Miracle Network and all the children's hospitals, telethon people, in the White House. And I was upstairs and they said, Mr. President, these people are downstairs, and



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would you like to go down and say hello to them. So I did. And they all these children who had been desperately sick -- some of them were well now; some of them were still sick -- and their parents, one from each state. And these kids were -- they had been through a lot, and their parents had been through a lot. And most of their parents were just working people. And two of them on the way out, separately, said to me, I do not know what I would have done without the Family and Medical Leave law. It enabled me to take care of my child without hurting my family, without losing my job. (Applause.)

Twelve million people have now taken advantage of that law. And a recent study by a bipartisan commission on leave said that 9 out of 10 companies involved said the act did not cost them any money or done anything to their profits. And obviously, since -- and let me put it in some larger context. I'm about to go to Europe in a couple of days to the annual meeting of the G-7 countries, the Big Seven economies. In the last three and a half years, those economies have created a total of 10 million jobs, 9.7 million in the United States and 300,000 in the other six. So the Family Leave law did not hurt the American economy, it helped the American economy. (Applause.)

Now, again I say the most important thing is for us to have a framework. Then, by far, more significant would be changing the culture of America -- have, as Vance Opperman said, having more companies follow the leads of the companies that are here. But I do believe that we've had a lot of time now to think about this and work on this in the last three years. I've listened to people talk about

it. I believe there are two more changes we can make that would help the American economy, not hurt business, and strengthen families. And I want to propose them here today in the hope that you will bring us the same good fortune that you did last year with the V chip and the telecommunications bill.

First of all, the Family and Medical Leave law has done a lot of good, but it is extremely narrow in its purpose. In other words, you're entitled to time off without losing your job in a workplace of 50 employees or more if there's a medical crisis involving a parent or a child, an immediate family member, or the birth of a child. That's better than it used to be. But I believe, just based on -- and you heard some of this today -- I believe we should expand the Family Leave law.

I would propose that we pass a Family Leave II that would allow employees to take up to 24 hours a year -- that's not a lot of time -- for parent-teacher conferences or for routine medical care for a child, a spouse or a parent -- because there are a lot of parents who cannot go to school to see the child's teacher because the work schedule and the schedule of the school don't work. And there are a lot of times when there is a routine, what at least starts out to be a routine medical problem, where it really makes a difference if the parent can go -- especially with a young child -- or where there's nobody else to take the parent.

So I am very hopeful that we can get some support for this. (Applause.) I also think it would create a more honest workplace. I mean, I bet every one of us knows somebody who's called in sick or said they had car trouble so they could go meet with their child's teacher or take a child or a parent to the doctor. So I think that we ought to pass Family Leave II and I believe it will make a difference.



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U.S. Newswire, June 25, 1996

Secondly, I think we need to make the workplace more family-friendly, especially where a lot of overtime is concerned, and give people more flex-time in taking overtime either in income or in time with their families.

Now, traditionally, overtime has been a very important way for a lot of American workers to realize their dreams. Overtime is really the difference between a good middle-class existence and being in real trouble for a lot of workers. And I don't believe we should change that. But with more Americans working more hours simply spending time with your family can be a dream in itself -- a vacation, a maternity leave that goes beyond what's mandated by law, or if the child's in trouble and you just need some time to spend time with your child.

So today what I'm proposing is that we redefine compensation in a way that reflects the value of family and community. I'm going to send to Congress a flex-time initiative that will give employees this choice. If you work overtime you can be paid time and a half, just as you are now and just as the law requires. But if you want, you can take that payment in time; and for every hour you work overtime, you can take off an hour and a half. In this sense, the proposal is fundamental to redefining work time. Workers can put in time and get money, or they can put in time and get time. You can choose money in the bank or time on the clock.

It's important that this be a choice for employees. I should say that most employers in America would like this option. And there's a lot of support among employers for giving this kind of option. But it's also important how it's designed, because it will only work as a family-friendly decision if there's a genuine partnership -- which means, to go back to what our friend from Saturn says, this is a case where the employee has to make the decision.

And that's very important. There must be complete freedom to choose. If you're required to work overtime in your job or your given the chance to work overtime, then you, the employee, must get the choice of whether to take the overtime in money or time. Otherwise it could simply open the door wide for abuse of the overtime laws, so that families that need the overtime income could fall behind. But if it is honestly administered and fairly given to the employee, think what a difference it could make in critical family situations. (Applause.)

Now, this is a case where more than anything else I think we have to change the culture. But we have to write strong protections into the law. And if you have any doubt, just look at the front page of the Wall Street Journal today, which talks about, in contrast to these companies, the widespread abuse of the overtime laws and how a lot of people are entitled to it and can't get it. So we'll have to write this law in a way that protects the employees. Otherwise, we'll have even more of what is already a problem that is bigger than the Labor Department can manage with its present resources.

But I believe it's important. We have got to develop flex-time proposals that recognize that Americans have priorities at home as well as at work. But if we do this, if we give people the opportunity to earn overtime and then take it in cash or time at their discretion, and if we pass **Family Leave II** so that people can do some ordinary work that is profoundly important over the life of their children or their families as well as deal with the emergencies, I believe this will be a stronger country. I believe we will have a stronger economy. I know we will have stronger children in stronger families.

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U.S. Newswire, June 25, 1996

And that is the most important thing of all. So let me say again, I'm very grateful to Al and Tipper **Gore** for doing this. It means a lot to Hillary and me just to know that they're our friends and our partners, and that they share our values about this. There is nothing more important, I will say again, than doing a good job of raising our kids. I still think I did the right thing, even though I have lost some valued employees, in telling every one of them to leave if they ever thought their responsibilities at home were threatened.

The Talmud says: Every blade of grass has its angel that bends over it and whispers, "grow, grow." Our children are those blades of grass and we must be their better angels. Thank you and God bless you all.
(Applause.)

END

12:01 P.M. CDT

LANGUAGE: ENGLISH

LOAD-DATE: June 25, 1996

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LEVEL 2 - 80 OF 129 STORIES

The Associated Press

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June 24, 1996, Monday, PM cycle

SECTION: Business News

LENGTH: 468 words

HEADLINE: Clinton Proposes Flex-Time for Families

BYLINE: By SONYA ROSS, Associated Press Writer

DATELINE: NASHVILLE

BODY:

President **Clinton** proposed today that workers be allowed to take "flex-time" on their jobs as well as unpaid **leave** for school activities or **family** affairs.

The president said he would propose new legislation that would allow employees to take up to 80 hours of time off as flex time and up to 24 hours a year in unpaid **leave** for **family** matters such as parent-teacher conferences, doctor appointments or tending to elderly parents.

Republicans called **Clinton's** plan a gratuitous overture to the nation's unions. House Speaker Newt Gingrich, R-Ga., said **Clinton** should instead endorse a GOP-backed "family flexibility" bill already pending in Congress.

"This bill is an opportunity for the Clinton administration to put the interests of American families above that of the Washington union bosses," Gingrich said. "Forcing families to go to Washington to beg a bureaucrat for workplace flexibility will not do enough to allow Americans to spend more time with their children."

Without mentioning the GOP bill, the White House said Clinton opposes legislation that "allows for coercion" of workers and "uses phrases like 'comp-time' as a cover for giving workers less choice in the workplace."

The GOP plan allows employees to accumulate up to 240 hours of comp time. But it has drawn the ire of unions who fear it would allow employers to dictate when a worker could take overtime and when he or she would have to accept comp time instead.

Under both proposals workers could take time off instead of pay for some of their overtime. Republicans call it comp time while the **Clinton** Administration prefers the term flex time.

Clinton presented his plan here during an annual conference on families

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The Associated Press, June 24, 1996

hosted by Vice President Al Gore and his wife, Tipper. Later today, he was scheduled to travel to New York for a pair of fundraisers to benefit the Democratic National Committee.

Gore called on companies to adopt "**family-friendly** policies" last month after meeting with a group of working wives and mothers. During that session, the women told how they sometimes have to juggle their schedules in order to make room for doctor appointments or school plays.

Clinton's plan seeks to expand on the **Family and Medical Leave** Act passed in 1993. That law allows workers at businesses with 50 or more employees to take up to 12 weeks of unpaid leave for personal illness, the birth or adoption of a baby, or to care for a sick child, parent or spouse.

His new proposal would allow employees to opt, by written agreement, for time-and-a-half paid flex time for each hour of overtime worked, up to 80 hours.

A worker in the private sector could cash out their flex time with at least two weeks' notice, and companies would be prevented from substituting unused flex time for unemployment compensation.

LANGUAGE: ENGLISH

LOAD-DATE: June 24, 1996



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LEVEL 2 - 82 OF 129 STORIES

The Associated Press

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June 24, 1996, Monday, AM cycle

SECTION: Business News

LENGTH: 713 words

HEADLINE: President Makes Middle-Class Pitch for More Family Leave

BYLINE: By NANCY BENAC, Associated Press Writer

DATELINE: NASHVILLE, Tenn.

BODY:

In an election-year appeal to Americans juggling job and family, President Clinton proposed letting workers swap overtime pay for time off and take more unpaid **leave** for **family** duties.

"You can choose money in the bank or time on the clock," said Clinton, whose proposals on Monday are unlikely to go far in the GOP-controlled Congress. "With more Americans working more hours, simply spending more time with the family can be a dream in itself."

Republicans in Congress, who have their own "comp-time" plan, refused to cede the family-values debate to Clinton and criticized his proposal in advance as a "watered-down, union-boss-endorsed half-reform." The campaign of GOP presidential candidate Bob Dole dismissed Clinton's proposal as empty, stolen rhetoric.

The rush to help Americans cope with the competing demands of work and home is central to the efforts of both Democrats and Republicans to turn family and social issues to their own advantage in the 1996 elections.

Clinton has produced a long list of proposals on social policy that move him toward the political center. On everything from school dress codes and teen curfews to TV violence, Clinton has used the presidency to preach personal responsibility and the need for stronger values.

That has prompted Dole to complain that Clinton's campaign is a "me-too" copy of Republican ideas.

The president unveiled his **family-leave** proposals at the same "Family Reunion" forum where he last year endorsed legislation - since approved - that would require manufacturers of new television sets to install a "V-chip" that would recognize programs electronically labeled as violent.

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The Associated Press, June 24, 1996

Clinton's family-leave plan would:

-Allow workers to take up to 24 hours of **leave** each year to meet **family** obligations such as routine doctor appointments, parent-teacher conferences and assistance for elderly relatives. This would be an expansion of the **Family and Medical Leave Act**, which already allows employees to take up to 12 weeks of unpaid leave to care for a child or parent or to deal with their own health problems. **Clinton** called it **Family Leave II**.

-Allow workers to take up to 80 hours of overtime compensation as paid time off rather than extra dollars in their paychecks. Workers would be given 1.5 hours off for each hour of overtime they worked. All overtime beyond 80 hours would have to be paid in cash. Workers would have to give two weeks' notice before taking "flex time" off.

"The employee has to make the decision," **Clinton** said. "Otherwise it could simply open the door wide for abuse of the overtime laws so that families that need the overtime income could fall behind."

Dole campaign spokeswoman Christina Martin dismissed Clinton's plan as "empty rhetoric."

"If Bill Clinton really wants to help America's families, he should support the Republican family flexibility legislation and let his actions do the talking. Today's stolen rhetoric was empty," she said.

The GOP plan, proposed by Rep. Cass Ballenger, R-N.C., would allow employees to accumulate up to 240 hours of what it calls "comp time." The Republican plan has drawn criticism from unions who fear it would allow employers to dictate when workers could take overtime and when they would have to take comp time.

At the Chamber of Commerce, labor law policy manager Peter Eide said **Clinton** was belatedly jumping on a Republican bandwagon. He said the proposed expansion of the medical-leave act would be unnecessary if workers were able to build up comp time. The chamber was an outspoken opponent of the original **family-leave** law as an unwarranted interference with businesses.

Clinton unveiled his proposal at an annual forum moderated by Vice President **Al Gore** and attended by Tipper **Gore** and first lady Hillary Rodham **Clinton**.

"The tradeoff between time and money has become harder and harder for many working mothers and fathers, and all of us worry and most of us feel guilty from time to time," Mrs. **Clinton** told the conference. She recalled her own challenges as a working mother to daughter Chelsea and acknowledged that many parents face far greater challenges.

From Nashville, Clinton was flying to New York to raise money for Democratic causes - at the same time Dole was in the city to fill GOP coffers.

LANGUAGE: ENGLISH

LOAD-DATE: June 24, 1996



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LEVEL 2 - 89 OF 129 STORIES

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June 24, 1996 Monday, EVENING UPDATE EDITION

SECTION: NEWS; Pg. 1; ZONE: C

LENGTH: 110 words

HEADLINE: CLINTON ASKS FOR FAMILY 'FLEX-TIME'

BODY:

President **Clinton** proposed Monday that workers be allowed to take "flex-time" on their jobs as well as unpaid **leave** for school activities or **family** affairs. The president said he would propose new legislation that would allow employees to take up to 80 hours of time off as flex time and up to 24 hours a year in unpaid **leave** for **family** matters such as parent-teacher conferences, doctor appointments or tending to elderly parents. Republicans called **Clinton's** plan a gratuitous overture to the nation's unions. House Speaker Newt Gingrich (R-Ga.) said **Clinton** should instead endorse a GOP-backed "family flexibility" bill already pending in Congress.

LANGUAGE: ENGLISH

LOAD-DATE: June 25, 1996



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LEVEL 2 - 94 OF 129 STORIES

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The Nashville Banner

June 24, 1996, Monday FINAL EDITION

SECTION: NEWS, Pg. A2

LENGTH: 326 words

HEADLINE: President proposes extension of leaves, flex-time choices

BODY:

Here are the major elements of the proposals President **Clinton** announced today at the Family Reunion conference:

Expand the current **Family** and Medical **Leave** Act.

The law now lets workers take up to 12 weeks of unpaid leave, but only for medical crisis or special, limited care-giving needs, such as birth or adoption. **Clinton's** proposal lets employees take an additional 24 hours of unpaid annual leave for:

School activities that directly relate to educational advancement of child, such as parent-teacher conferences or interviewing for a new school.

Routine family medical purposes such as accompanying a child to routine dental or medical appointments.

Older relatives' health needs, including accompanying an elderly relative to routine medical appointments or interviews at nursing homes.

Offer new employee-choice flex-time.

Clinton said this proposal would allow more Americans to fulfill their responsibilities as workers and parents. Under the plan:

Workers could agree with their employers to receive extra, paid time off -- flex-time -- instead of working overtime for cash pay. Workers would get time-and-a-half in flex-time for each hour of overtime. There would be a limit of 80 hours that a worker could accumulate in flex-time. And all additional overtime work -- beyond the limit -- would have to be paid in cash.

Employees could choose to use their flex-time for family and medical leave purposes whenever they needed it. At any time, workers could use their flex-time for family and medical leave purposes -- to care for a newborn or adopted child, to attend to their own serious health needs, or to care for a seriously ill child, parent or spouse.

Workers would maintain control of when to use flex-time, as long as they provide two weeks' notice to their employers. Private-sector employees could elect to cash out their flex-time for cash due as long as two weeks of notice is given to their employer.



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LEVEL 2 - 95 OF 129 STORIES

Copyright 1996 Reuters, Limited
Reuters North American Wire

June 24, 1996, Monday, BC cycle

LENGTH: 644 words

HEADLINE: Clinton proposes new family legislation

BYLINE: By Steve Holland

DATELINE: NASHVILLE, Tenn

BODY:

Campaigning in Vice President Al Gore's home state, President Clinton Monday proposed legislation to require employers to give workers time off to deal with family matters and let them take time off instead of overtime pay.

At Gore's fifth "family reunion conference," Clinton and first lady Hillary Rodham Clinton said the changes were needed to help families attend school events or care for sick children and aging parents.

It was Clinton's latest effort to promote himself as sensitive to the needs of ordinary working families in his election-year battle with Republican Bob Dole. In New York on a campaign stop, Dole called the idea "another he borrowed from the Republicans."

Clinton, who won Tennessee in 1992 over President George Bush and believes he can do better than expected in the South this year, later arrived in New York to attend events raising \$ 3 million for the Democratic Party.

The president leads Dole in some national polls by up to 20 percentage points, but a new one Monday by the John Zogby Group International Inc. put Clinton's lead at 44.5 percent to 38.9 percent for Dole, the smallest margin in recent surveys.

Clinton would expand the **Family and Medical Leave Act**, which he signed soon after taking office in 1993 and which gives parents time off to care for newborns. He would amend the law to let a worker take up to 24 unpaid hours off a year for child education, older relatives' health needs and routine family medical purposes.

And under a proposed amendment to the Fair Labor Standards Act, Clinton would require employers to let workers choose to take up to 80 hours a year- about two weeks- in compensatory time off, instead of accepting overtime pay.

Workers could use the so-called "flex-time" off for any reason as long as they give their bosses two weeks notice. They could cash it out with two weeks notice as well.

"With more Americans working more hours, simply spending time with your family can be a dream in itself," Clinton told the conference.



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To protect against abuses by what the White House called "coercive or unstable businesses," employees and employers would have a written agreement that the worker would receive compensatory time off instead of cash pay before the worker performed any overtime work.

A senior White House economic aide, Gene Sperling, said Clinton's "flex-time" proposal was an improvement over similar legislation offered by Rep. Cass Ballenger, a North Carolina Republican, because that plan does not require a written agreement and gives employers ultimate control.

But Dole campaign spokeswoman Christina Martin said in Washington: "If Bill Clinton really wants to help America's families, he should support the Republican family flexibility legislation and let his actions do the talking. Today's stolen rhetoric was empty."

Sperling, describing the Republican bill as a "wolf in sheep's clothing," stopped short of saying Clinton would veto the measure if the Republican-led Congress passed it. But he said Clinton strongly opposed the bill.

Although prospects for such legislation in this year's political season seemed doubtful, Sperling said the White House was drafting its bill now and would like to see it approved.

Later at a fundraising dinner for the Democratic Party in New York, Clinton talked about the recent rash of black church burnings in the South and compared those events to the travels of the Olympic flame on its way to Atlanta.

"You've got to figure out which torch America's going to be identified with. I think this is the country of the Olympic torch where citizens who are real citizens are the heroes of America," he said.

"I believe the 21st century will give the young people of this audience more possibilities to live out their dreams than any time in human history," he said. "But we have to make the right decisions."

LANGUAGE: ENGLISH

LOAD-DATE: June 25, 1996



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June 24, 1996, Monday, BC cycle

LENGTH: 602 words

HEADLINE: Clinton would make workplaces more **family friendly**

BYLINE: By Steve Holland

DATELINE: NASHVILLE, Tenn

BODY:

Campaigning in Vice President Al Gore's home state, President Clinton Monday proposed legislation to require employers give workers time off to deal with family matters and let them take time off instead of overtime pay.

At Gore's fifth "family reunion conference," Clinton and first lady Hillary Rodham Clinton said the changes were needed to help families attend school events or care for sick children and aging parents.

It was Clinton's latest effort to promote himself as sensitive to the needs of ordinary working families in his election-year battle with Republican Bob Dole, and another example of taking a Republican idea and modifying it.

Clinton, who won Tennessee in 1992 over President George Bush and believes he can do better than expected in the South this year, later was to attend events in New York raising \$ 3 million for the Democratic Party.

The president leads Dole in some national polls by up to 20 percentage points, but a new one Monday by the John Zogby Group International Inc. put Clinton's lead at 44.5 percent to 38.9 percent for Dole, the smallest margin in recent surveys.

Clinton would expand the **Family and Medical Leave Act**, which he signed soon after taking office in 1993 and which gives parents time off to care for newborns. He would amend the law to let a worker take up to 24 unpaid hours off a year for child education, older relatives' health needs and routine family medical purposes.

And under a proposed amendment to the Fair Labor Standards Act, Clinton would require employers to let workers choose to take up to 80 hours a year- about two weeks- in compensatory time off, instead of accepting overtime pay.

Workers could use the so-called "flex-time" off for any reason as long as they give their bosses two weeks notice. They could cash it out with two weeks notice as well.

"With more Americans working more hours, simply spending time with your family can be a dream in itself," Clinton told the conference.



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To protect against abuses by what the White House called "coercive or unstable businesses," employees and employers would have a written agreement that the worker will receive compensatory time off instead of cash pay before the worker performed any overtime work.

A senior White House economic aide, Gene Sperling, said Clinton's "flex-time" proposal is an improvement over similar legislation offered by Rep. Cass Ballenger, a North Carolina Republican, because that plan does not require a written agreement and "down the line" gives employers ultimate control.

Describing the Republican bill as a "wolf in sheep's clothing," Sperling stopped short of saying Clinton would veto the measure if the Republican-led Congress passed it. But he said Clinton strongly opposed the bill.

Although prospects for such legislation in this year's political season seemed doubtful, Sperling said the White House was drafting its bill now and would like to see it approved.

Mrs. Clinton said the legislation was needed because "many employers penalize rather than help parents who need to adjust their schedules to try to provide for pressing family concerns."

She told conference participants that when she grew up in the 1950s, her father was always there for her, but now, economic pressures make it much harder to have time for family.

"Most parents have to work longer hours to make a living. Many have to commute farther and farther to their jobs. And nowadays parents are less likely to have built-in support systems like grandparents and relatives and neighbors at home who can jump in and help out in a moment's notice," she said.

LANGUAGE: ENGLISH

LOAD-DATE: June 25, 1996



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THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

July 11, 1994

July 11, 1994

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Expanding Family-Friendly Work
Arrangements in the Executive Branch

In order to recruit and retain a Federal work force that will provide the highest quality of service to the American people, the executive branch must implement flexible work arrangements to create a "family-friendly" workplace. Broad use of flexible work arrangements to enable Federal employees to better balance their work and family responsibilities can increase employee effectiveness and job satisfaction, while decreasing turnover rates and absenteeism. I therefore adopt the National Performance Review's recommendation that a more family-friendly workplace be created by expanding opportunities for Federal workers to participate in flexible work arrangements, consistent with the mission of the executive branch to serve the public.

The head of each executive department or agency (hereafter collectively "agency" or "agencies") is hereby directed to establish a program to encourage and support the expansion of flexible family-friendly work arrangements, including: job sharing; career part-time employment; alternative work schedules; telecommuting and satellite work locations. Such a program shall include:

- (1) identifying agency positions that are suitable for flexible work arrangements;
- (2) adopting appropriate policies to increase the opportunities for employees in suitable positions to participate in such flexible work arrangements;
- (3) providing appropriate training and support necessary to implement flexible work arrangements; and
- (4) identifying barriers to implementing this directive and providing recommendations for addressing such barriers to the President's Management Council.

I direct the Director of the Office of Personnel Management ("OPM") and the Administrator of General Services ("GSA") to take all necessary steps to support and encourage the expanded implementation of flexible work arrangements. The OPM and GSA shall work in concert to promptly review and revise regulations that are barriers to such work arrangements and develop legislative proposals, as needed, to achieve the goals of this directive. The OPM and GSA also shall assist agencies, as requested, to implement this directive.

The President's Management Council, in conjunction with the Office of Management and Budget, shall ensure that any guidance necessary to implement the actions set forth in this directive is provided.

more

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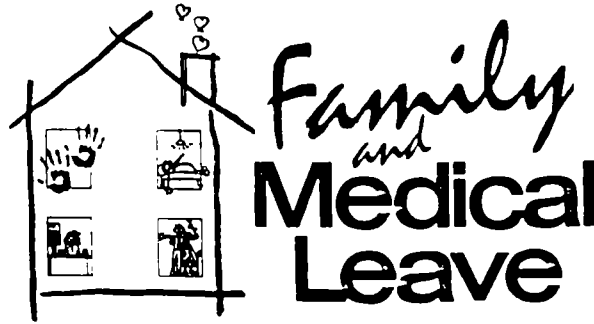
Independent agencies are requested to adhere to this directive to the extent permitted by law.

This directive is for the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

The Director of the Office of Management and Budget is authorized and directed to publish this directive in the Federal Register.

WILLIAM J. CLINTON

#



LEAVE FOR MORE
FAMILY NEEDS

AMERICA'S WORKING FAMILIES NEED FAMILY AND MEDICAL LEAVE FOR MORE FAMILY NEEDS

The Family and Medical Leave Act (FMLA) currently guarantees covered employees 12 weeks of unpaid leave each year to care for a newborn or newly adopted child or a seriously ill family member, or to recover from their own serious health conditions. This law is an enormous help to families in these situations. But it doesn't help resolve many other significant conflicts between family and work demands. In fact, two-thirds of employed parents with children under 18 say they don't have enough time for their children.¹

Working Parents Need More Time to Participate in their Children's Education

The FMLA does not protect parents' jobs when they need to attend to their children's educational needs. Yet parental involvement in children's education can significantly affect their success in school:²

- **Attending parent-teacher conferences may significantly influence children's academic performance.** Children become higher achievers when their families are consistently informed about their progress at school.
- **In elementary schools where parents were actively involved, fourth grade average reading scores were 17 points above the national average.**
- **Parental involvement is more important than family education level or income in determining student success.**
- **Teachers ranked strengthening parents' roles in their children's learning as the top issue that should receive the highest priority in public education policy over the next few years.**
- **Parents who are involved in their children's education develop a greater appreciation of their role in their children's education, an improved sense of self-worth, stronger social**

¹Paul B. Finney, *The PTA/Newsweek National Education Survey*, Newsweek, May 17, 1993.

²Unless otherwise stated, these data are from U.S. DEPT. OF EDUCATION, *STRONG FAMILIES, STRONG SCHOOLS* 11, 3, 6-7 (1994).

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networks, and even the desire to continue their own education.

Parents are often unable to take the time they need to be actively involved in their children's education:³

- 28% of employed parents report that they face problems at work when they want to attend school activities.
- 23% report that they face problems at work when they need to attend parent-teacher conferences.
- 40% of employed parents believe they aren't devoting enough time to their children's education.
- The total time parents spend with their children has diminished by about one third in the past 30 years.⁴

Seven states -- California, Florida, Illinois, Louisiana, Minnesota, Nevada, and North Carolina -- and the District of Columbia already have laws giving public or private employees leave to attend or participate in their children's school-related activities.

Working Parents Need Job-Guaranteed Leave to See to their Children's Routine and Nonemergency Health Needs

The FMLA only covers children's serious illnesses. Yet children suffer from a range of illnesses that, while not covered by the law, still require parental care:

- 24% of employed parents report that they face problems at work when they have to care for a sick child.
- The overwhelming majority of children frequently suffer from common illnesses that require them to stay home from school. In addition, about 10 million children have chronic medical conditions.⁵
- 65% of respondents to one poll reported missing work in the past year because of a child's illness or other emergency.⁶
- More than 1 in 3 families need at least 2 weeks each year to care for an ill family

³Unless otherwise stated, these data are from Finney, *The PTA/Newsweek National Education Survey*, Newsweek, May 17, 1993.

⁴Carnegie Foundation, 1993.

⁵S. Jody Heymann. Harvard School of Public Health, 1996.

⁶Greater Cincinnati Business Coalition on Sick and Emergency Child Care, 1996.

member: 1 in 4 families need at least 3 weeks each year.⁷

Working Americans Need Job-Guaranteed Leave to Care for Older Relatives' Routine and Nonemergency Health Needs

If an employee needs to care for an elderly relative, the current FMLA only applies if the relative is the leave-taker's parent (or spouse) and is seriously ill. Yet older people increasingly rely on family members' care for help with routine medical care and other important needs.

- For example, the current law does not cover an employee who needs to take her elderly and ailing parent to inspect a nursing home or to a routine medical appointment.
- Employees also need to care for elderly relatives other than their own parents (or spouses), such as in-laws and grandparents.
- In fact, in 1991, family members and friends provided 80% to 90% of the care for the frail elderly.⁸

As our population ages, more employees will need family and medical leave to care for elderly relatives:

- 38% of employees anticipate needing to take leave from work to care for an ill parent in the next five years.⁹
- Between 1990 and 1995, the percentage of Americans 65 years or older more than tripled -- from 4.1% in 1990 to 12.8% in 1995 -- a jump from 3.1 million to 33.5 million in this age group.¹⁰
- The ratio of Americans age 65 and older to all other Americans is expected to increase to 1 in 5 by the year 2030.¹¹
- People age 85 and over are expected to be the fastest growing part of the elderly population into the next century.¹²

⁷S. Jody Heymann, Harvard School of Public Health study, 1996.

⁸Susan E. Foster & Jack A. Brizius, Caring Too Much?, 1991.

⁹Family Leave Commission, A Workable Balance: Report to Congress on Family and Medical Leave Policies, 1996.

¹⁰Family Caregiver Alliance, Fact Sheet: Selected Caregiver Statistics, 1995.

¹¹Family Caregiver Alliance, Fact Sheet: Selected Caregiver Statistics, 1995.

¹²Family Caregiver Alliance, Fact Sheet: Selected Caregiver Statistics, 1995.



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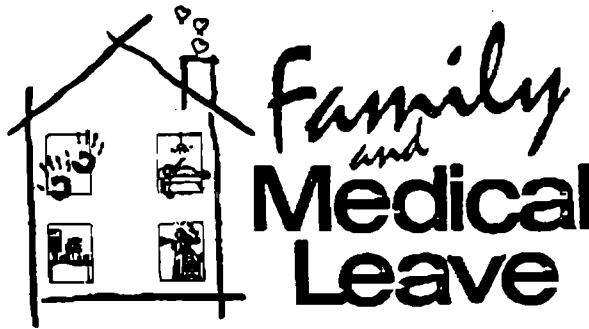
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ORGANIZATION: _____

FROM: Donna Leuchoff / Lauren AsherDATE: 3-17-97 PROGRAM CHARGED: _____FAX NO.: 456-2878 NO. OF PAGES (incl cover): _____COMMENTS: FMLA Expansion materials...

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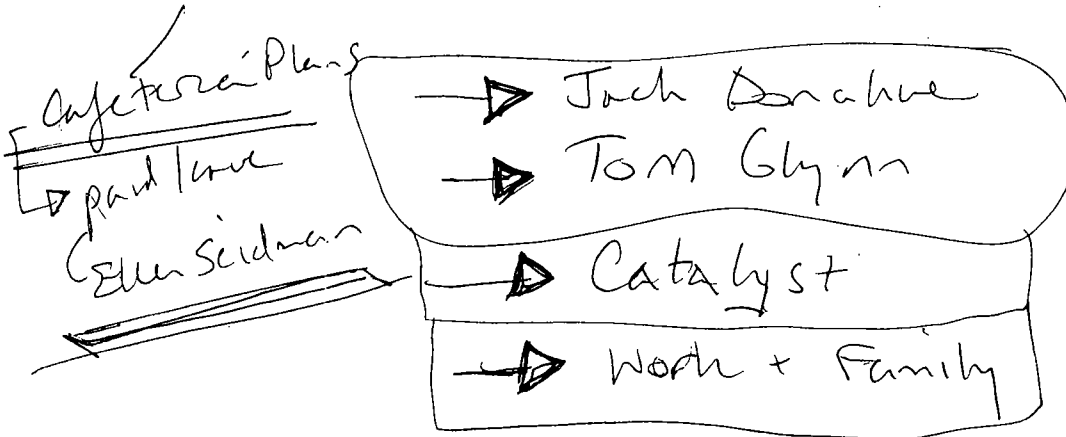


SUMMARY

EXPANDING THE FMLA: A SUMMARY

There are five important ways to expand the FMLA to extend greater benefits to more American working families. This packet includes fact sheets that detail the need for each of these expansion proposals.

- Give more American working families the benefit of the FMLA: lower the threshold of coverage to employers that employ 25 or more employees
- Give America's working families leave for more family needs: allow an additional 24 hours' leave for employees to attend to routine medical needs of their children and parents and to participate in their children's educational activities
- Protect America's working families from domestic violence: allow employees to use FMLA leave to address the direct results of domestic violence
- Protect children of America's working families: allow employees to use sick leave to care for sick children
- Help America's working families to afford FMLA leave: study the feasibility of family-leave insurance



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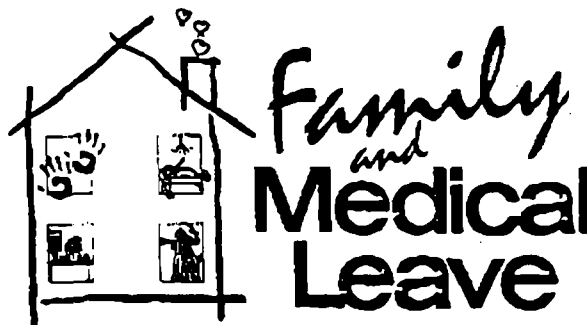
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PROPOSED EXPANSIONS

RECENT PROPOSALS TO EXPAND THE FMLA

- S. 183, introduced by Senator Christopher Dodd (D-Conn.):
Lowers threshold for FMLA coverage to employers of 25 or more employees.
Contact: Suzanne Day (202) 224-5630
- S. 280, introduced by Senator Patty Murray (D-Wash.):
Allows employees 24 hours of unpaid leave per year to participate in their children's school activities or to participate in literacy training under a family literacy program.
Contact: Greg Williamson (202) 224-2621
- H.R. 109, introduced by Representative William Clay (D-Mo.):
Lowers threshold for FMLA coverage to employers of 25 or more employees and allows employees an additional 24 hours of unpaid leave per year to participate in school activities directly related to their children's educational advancement, to accompany children to routine dental or medical appointments, or to accompany elderly relatives to routine medical appointments and other professional services.
Contact: Peter Rutledge (202) 225-7117
- H.R. 191, introduced by Representative Alcee Hastings (D-Fla.):
Lowers threshold of FMLA coverage to employers of 25 or more employees and allows employees an additional 24 hours of unpaid leave per year to participate in or attend activities sponsored by their children's school or community organization.
Contact: Lindsay Rosenberg (202) 225-1313
- H.R. 234, introduced by Representative Carolyn Maloney (D-N.Y.):
Lowers threshold of FMLA coverage to employers of 25 or more employees and allows employees an additional 24 hours of unpaid leave per year to participate in or attend activities sponsored by their children's school or community organization, or to meet routine family medical needs and routine medical care needs of elderly relatives.
Contact: Gail Ravnitsky (202) 225-7944
- S. 367, Section 4, and H.R. 851, Section 4, introduced by Senator Paul Wellstone (D-Minn.) and Representative Lucille Roybal-Allard (D-Cal.):
Allows employees to use FMLA leave to deal with the direct results of domestic violence and its aftermath.
Contact: Ellen Riddleberger (202) 225-1766
- Clinton Administration proposal, sent to Congress at end of 104th Congress:
Allows employees an additional 24 hours of unpaid leave per year to participate in school activities directly related to their children's educational advancement, to accompany children to routine dental or medical appointments, or to accompany elderly relatives to routine medical appointments and other professional services.
Contact: Geri Palast, Assistant Secretary of Labor (202) 219-4692

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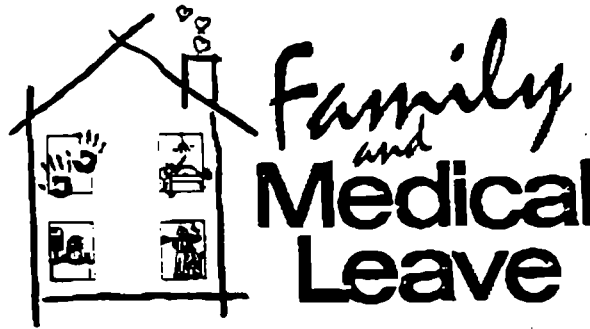
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POLLING DATA

AMERICANS SUPPORT THE FMLA AND ITS EXPANSION BY WIDE MARGINS

Currently, the Family and Medical Leave Act (FMLA) guarantees covered employees 12 weeks of unpaid leave each year to care for a newborn or newly adopted child or a seriously ill family member, or to recover from their own serious health conditions. Support for this law is overwhelming and bipartisan.

- 82% of Americans support the FMLA.¹

A vast majority of Americans also support expansion of the FMLA to cover more employees and a broader range of family and medical situations.

- 86% of voters in a survey released in January 1997 said they favored expansion.²
- 92% of Democrats and 78% of Republicans in the same study said they favored expansion.
- 75% of "likely voters" in another recent nationwide survey support an expansion of family leave.³

¹ *LA Times*, Sept. 27, 1996, A6, poll for *LA Times*.

² National PTA, January 16, 1997.

³ Princeton Survey Research Associates, Nov. 1996.

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LOWERING
THE THRESHOLD

AMERICA'S WORKING FAMILIES NEED THE FMLA TO COVER MORE EMPLOYEES

The FMLA has benefitted businesses as well as families. More employees, however, should have access to its provisions. An expanded FMLA would give people who work for smaller employers the same benefits that others already enjoy.

The FMLA Helps Millions of American Working Families¹

The Family and Medical Leave Act provides for 12 weeks' unpaid leave every year for eligible employees. Currently, it applies to employers of at least 50 employees, covering more than 57% of this country's private workforce, or more than 55 million private employees.² 66% of the entire workforce, including government employees, is covered. More than 12 million working Americans have taken family or medical leave since the FMLA became law.

More American Working Families Need the Protection of the FMLA

Because the FMLA applies only to employers of at least 50 employees, more than 41 million private employees (almost 43% of the private workforce) are not protected by the FMLA.

If the FMLA applied to employers of 25 or more, it would cover:³

- 71% of the private workforce.
- More than 13 million additional privately employed workers, for a total of more than 68 million private employees across the United States.
- Almost 12% of private employers.

	FMLA COVERAGE BY SIZE OF EMPLOYER		
	25-49	50 +	Total
# Private employees covered	13 million	55 million	68 million
% Private employees covered	14%	57%	71%
# Private employers covered	439,000	321,000	760,000
% Private employers covered	7%	5%	12%

An Expanded FMLA Would Not Hurt Small Businesses

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:

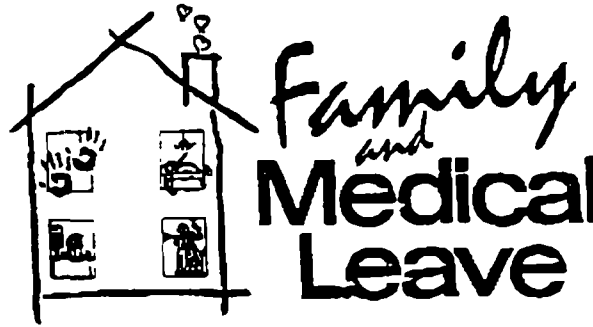
- 93% of covered worksites with 25 to 49 employees found it very or somewhat easy to determine worksite coverage, and 98% found it very or somewhat easy to determine employee eligibility.
- These smaller businesses found complying with the FMLA even easier than larger employers.
- 75% of covered worksites 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, only 1.4% 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.

ENDNOTES:

1. Except where noted, data come from the Family Leave Commission's report, A Workable Balance: Report to Congress on Family and Medical Leave Policies, 1996.
2. U.S. Census Bureau Data, 1994.
3. U.S. Census Bureau Data, 1994. Assumes even distribution of employers of between 20 and 49 employees; oral conversation with representative of National Federation of Independent Businesses (1/16/97).



LEAVE FOR MORE
FAMILY NEEDS

AMERICA'S WORKING FAMILIES NEED FAMILY AND MEDICAL LEAVE FOR MORE FAMILY NEEDS

The Family and Medical Leave Act (FMLA) currently guarantees covered employees 12 weeks of unpaid leave each year to care for a newborn or newly adopted child or a seriously ill family member, or to recover from their own serious health conditions. This law is an enormous help to families in these situations. But it doesn't help resolve many other significant conflicts between family and work demands. In fact, two-thirds of employed parents with children under 18 say they don't have enough time for their children.¹

Working Parents Need More Time to Participate in their Children's Education

The FMLA does not protect parents' jobs when they need to attend to their children's educational needs. Yet parental involvement in children's education can significantly affect their success in school:²

- Attending parent-teacher conferences may significantly influence children's academic performance. Children become higher achievers when their families are consistently informed about their progress at school.
- In elementary schools where parents were actively involved, fourth grade average reading scores were 17 points above the national average.
- Parental involvement is more important than family education level or income in determining student success.
- Teachers ranked strengthening parents' roles in their children's learning as the top issue that should receive the highest priority in public education policy over the next few years.
- Parents who are involved in their children's education develop a greater appreciation of their role in their children's education, an improved sense of self-worth, stronger social

¹Paul B. Finney, *The PTA/Newsweek National Education Survey*, Newsweek, May 17, 1993.

²Unless otherwise stated, these data are from U.S. DEPT. OF EDUCATION, *STRONG FAMILIES, STRONG SCHOOLS* 11, 3, 6-7 (1994).

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networks, and even the desire to continue their own education.

Parents are often unable to take the time they need to be actively involved in their children's education:¹

- 28% of employed parents report that they face problems at work when they want to attend school activities.
- 23% report that they face problems at work when they need to attend parent-teacher conferences.
- 40% of employed parents believe they aren't devoting enough time to their children's education.
- The total time parents spend with their children has diminished by about one third in the past 30 years.⁴

Seven states -- California, Florida, Illinois, Louisiana, Minnesota, Nevada, and North Carolina -- and the District of Columbia already have laws giving public or private employees leave to attend or participate in their children's school-related activities.

Working Parents Need Job-Guaranteed Leave to See to their Children's Routine and Nonemergency Health Needs

The FMLA only covers children's serious illnesses. Yet children suffer from a range of illnesses that, while not covered by the law, still require parental care:

- 24% of employed parents report that they face problems at work when they have to care for a sick child.
- The overwhelming majority of children frequently suffer from common illnesses that require them to stay home from school. In addition, about 10 million children have chronic medical conditions.⁵
- 65% of respondents to one poll reported missing work in the past year because of a child's illness or other emergency.⁶
- More than 1 in 3 families need at least 2 weeks each year to care for an ill family

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⁴Carnegie Foundation, 1993.

⁵S. Jody Heymann, Harvard School of Public Health, 1996.

⁶Greater Cincinnati Business Coalition on Sick and Emergency Child Care, 1996.

member; 1 in 4 families need at least 3 weeks each year.⁷

Working Americans Need Job-Guaranteed Leave to Care for Older Relatives' Routine and Nonemergency Health Needs

If an employee needs to care for an elderly relative, the current FMLA only applies if the relative is the leave-taker's parent (or spouse) and is seriously ill. Yet older people increasingly rely on family members' care for help with routine medical care and other important needs.

- For example, the current law does not cover an employee who needs to take her elderly and ailing parent to inspect a nursing home or to a routine medical appointment.
- Employees also need to care for elderly relatives other than their own parents (or spouses), such as in-laws and grandparents.
- In fact, in 1991, family members and friends provided 80% to 90% of the care for the frail elderly.⁸

As our population ages, more employees will need family and medical leave to care for elderly relatives:

- 38% of employees anticipate needing to take leave from work to care for an ill parent in the next five years.⁹
- Between 1990 and 1995, the percentage of Americans 65 years or older more than tripled -- from 4.1% in 1990 to 12.8% in 1995 -- a jump from 3.1 million to 33.5 million in this age group.¹⁰
- The ratio of Americans age 65 and older to all other Americans is expected to increase to 1 in 5 by the year 2030.¹¹
- People age 85 and over are expected to be the fastest growing part of the elderly population into the next century.¹²

⁷S. Jody Heymann, Harvard School of Public Health study, 1996.

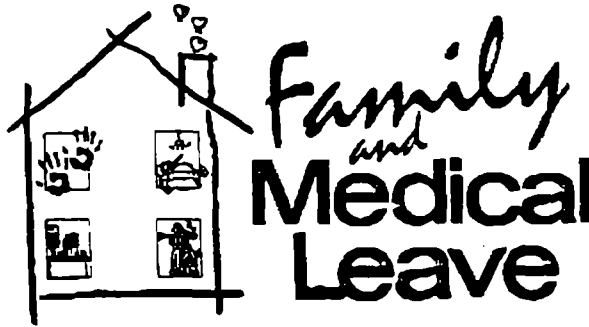
⁸Susan E. Foster & Jack A. Brizius, Caring Too Much?, 1991.

⁹Family Leave Commission, A Workable Balance: Report to Congress on Family and Medical Leave Policies, 1996.

¹⁰Family Caregiver Alliance, Fact Sheet: Selected Caregiver Statistics, 1995.

¹¹Family Caregiver Alliance, Fact Sheet: Selected Caregiver Statistics, 1995.

¹²Family Caregiver Alliance, Fact Sheet: Selected Caregiver Statistics, 1995.



PAID LEAVE

AMERICA'S WORKING FAMILIES NEED PAID-LEAVE INSURANCE

Many Employees Cannot Afford to Take FMLA Leave Under the Current Law

The Family and Medical Leave Act (FMLA) currently guarantees covered employees 12 weeks of unpaid leave each year to care for a newborn or newly adopted child or a seriously ill family member, or to recover from their own serious health conditions. But because that leave is unpaid, many employees cannot afford to take time off, even when their families need them most:¹

- Fully 64% of employees who needed but did not take family or medical leave did not take it because they could not afford it.
- 9% 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%.
- People who need leave to care for others can least afford to take unpaid leave because of the additional expenses caregiving requires. 26% of caregivers spend up to 10% of their monthly incomes on caregiving.²

In light of its extensive survey, the bipartisan Family Leave Commission concluded that, by far, the major reason otherwise eligible employees do not take family or medical leave is that they cannot afford to do so. When working women and men do take unpaid leave, they often suffer financial hardship. As a result, the Commission recommended development of *a uniform system of wage replacement for periods of family and medical leave*.

Options for Change

Many employers provide some paid family and medical leave through sick leave, annual leave, paid parental leave, or temporary disability insurance (TDI). For example:

- Ohio provides four weeks of paid parental leave to its state employees at 70% of their base salaries; employees may substitute sick leave, personal leave, vacation leave, or

¹Unless otherwise stated, data are from Family Leave Commission, A Workable Balance: Report to Congress on Family and Medical Leave Policies, 1996.

²*Aging and Care Giving: Theory, Research, and Policy*, 1990.

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compensatory time to supplement that rate up to 100%.

- Nation's Bank offers women employees up to 6 weeks of paid maternity and family leave for childbirth or adoption.
- Managers of large companies report that offering paid leave increases productivity, raises levels of retention, and lowers recruitment costs.³

Several existing insurance schemes could be used to make paid leave more widely available while broadly spreading the cost.

- TDI systems could be created or expanded to cover periods of FMLA-protected absences.
 - TDI provides partial wage replacement to employees who are temporarily disabled for non-work-related reasons, including pregnancy and other serious health conditions. A TDI plan may be paid by the employer, employee, or both; it may be part of a state-run program, self-insurance plan, or private insurance plan.
 - Currently, five states -- California, Hawaii, New Jersey, New York, and Rhode Island -- and Puerto Rico require employers to provide TDI. And many employers voluntarily offer TDI as an employee benefit.
 - If TDI in California were extended to include wage replacement for employees temporarily out of work to care for newborn or newly adopted children or family members with serious health conditions, the average monthly premium cost per covered employee would be only \$14.70. Comparable policies in ten states would have premiums ranging from \$12.60 to \$17.70.⁴
- Unemployment insurance (UI) could also be used to cover periods of FMLA-covered absences.

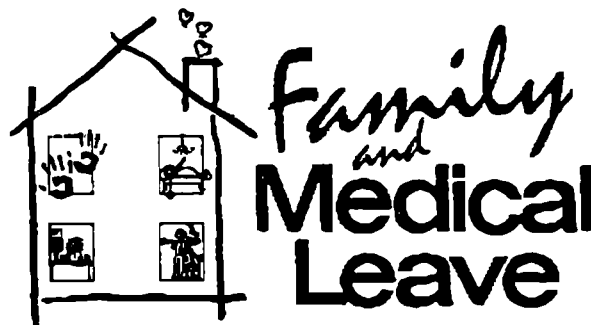
Unemployment insurance, of course, is provided by every state and the District of Columbia to ensure that employees who lose their jobs receive some form of wage replacement during their period of unemployment. Benefits generally last for 13 or more weeks and pay a percentage of salaries (up to a cap).

In Canada, employees who are on maternity, parental, and personal sick leave receive wage replacement through its UI system. Up to a maximum of 30 weeks in any 52-week period, women employees can take up to 15 weeks of paid leave around the birth of a child; all employees can take up to 10 weeks of paid parental leave to care for newborn or newly adopted children; and all employees can take up to 15 weeks of paid personal sick leave.

At least one state, Vermont, is currently considering using UI funds to pay for certain types of family leave.

³Kirsten Wever, Assessing Temporary Wage Replacement for Family and Medical Leave, 1995.

⁴Research in Brief: What is Temporary Disability Insurance?, Institute for Women's Policy Research, 1995.



DOMESTIC VIOLENCE AND LEAVE

AMERICA'S WORKING FAMILIES NEED JOB-GUARANTEED LEAVE TO PROTECT THEMSELVES FROM DOMESTIC VIOLENCE

Domestic Violence Jeopardizes Victims' Employment

- 25 to 30% of battered women cite abuse as the reason they lost their jobs.¹
- Studies of battered women have found that 50 to 55% of abused women missed work because of abuse; over 60% reported arriving late due to abuse.²
- Surveys show that 24 to 30% of battered women reported that domestic violence contributed to their loss of employment.³
- 96% of employed domestic violence victims had some type of problem in the workplace as a direct result of their abuse or abuser.⁴
- One study found that 74% of employed battered women reported being harassed while at work by their abusive partners in person or by telephone and 54% missed three days of work each month because of abuse.⁵

Victims of Domestic Violence Need Leave from Work to Cope with this Family Emergency

In order to take the necessary steps to protecting themselves against domestic violence, victims require time away from work. Some of these steps include:

- Going to court to obtain protection orders against their batterers;
- Seeking medical treatment;
- Obtaining forensic documentation of wounds for legal purposes;
- Seeking new living arrangements;
- Seeking child care.

¹Shepard and Pence, "The Effect of Battering on the Employment Status of Women," 1988.

²NOW LDEF, The Impact of Violence in the Lives of Working Women: Creating Solutions - Creating Change, 1996.

³NOW LDEF, The Impact of Violence in the Lives of Working Women: Creating Solutions - Creating Change, 1996.

⁴Domestic Violence Intervention Services, Inc. study, 1992.

⁵New York Victim Services Agency Report, 1987.

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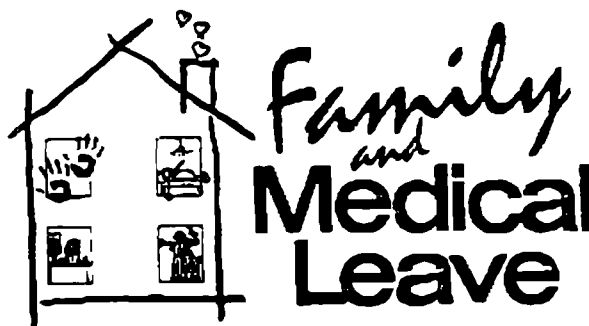
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SICK LEAVE FOR SICK CHILDREN

AMERICA'S WORKING FAMILIES NEED SICK LEAVE TO CARE FOR THEIR SICK CHILDREN

Currently, the Family and Medical Leave Act (FMLA) allows employees to take up to 12 weeks of unpaid leave to care for the serious health conditions of their children. Employees cannot, however, use sick leave -- which is paid -- to care for the kind of routine or nonemergency illnesses from which children all too often suffer.

Studies Show that Employees Need to Use Sick Leave to Care for their Children

- According to a 1996 study by CCH, Inc., employers said that family issues and personal needs, such as caring for a sick child, accounted for a total of 46% of unscheduled employee absences that year. Personal illness accounted for only 28% of absences, down from 45% in 1995.¹
- A 1996 Harvard study recommended using sick leave to care for ill children as "the best immediate opportunity for facilitating parental care of sick children. . . If all employees were guaranteed paid sick leave . . . and if that leave covered care of sick dependents, then more than 80% of families would have their sick child care needs met."²
- Parents in one study reported missing an average of 4.2 work days each year because of a sick child.³
- Only 26% of employees in the same study who had missed work in the previous year because of a child's illness or other emergency worked at companies with

¹CCH. Human Resources Management. 1996.

²S. Jody Heymann. Parental Availability for the Care of Sick Children. 1996.

³Greater Cincinnati Business Coalition on Sick and Emergency Child Care. 1996.

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policies that addressed parental needs regarding sick children.⁴

- When parents cannot miss work and must send sick children who are contagious to child care, these children worsen the high rate of infections in child care centers. Children left home alone, meanwhile, can't get the care their illness demands and are unable to see a physician if the need arises.⁵

Existing Policies Allow Some Employees to Use Sick Leave to Care for their Children.

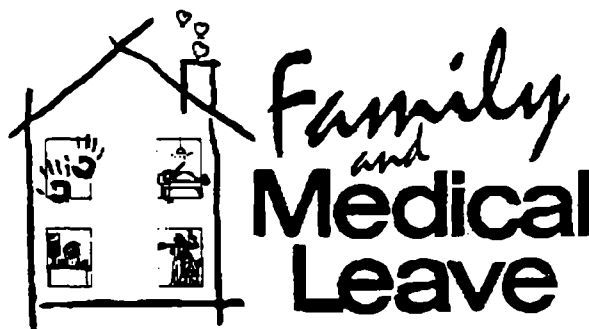
Mechanisms have already been implemented to allow employees to use sick leave to care for their sick children. These initiatives should be expanded to apply to all employees covered by the FMLA.

- Twenty-two states -- Arizona, Colorado, Florida, Idaho, Indiana, Iowa, Kansas, Kentucky, Maryland, Montana, Minnesota (child only), Nebraska, Nevada, New Hampshire (dependents residing in household only), North Carolina, North Dakota, South Carolina, South Dakota, Tennessee, Texas, Utah, and Washington -- have statutes allowing employees to use sick leave to care for sick family members.
- Many union contracts provide for use of sick leave to care for ill family members.⁶

⁴Greater Cincinnati Business Coalition on Sick and Emergency Child Care, 1996.

⁵S. Jody Heymann, Parental Availability for the Care of Sick Children, 1996.

⁶Institute of Industrial Relations, Labor News for Working Families, 1994.



NEWS RELEASE
 Embargoed for Release
 10 AM Wednesday, May 1, 1996

CONTACT: Antoinette Allsbrooks
 202/986-2600

**FAMILY AND MEDICAL LEAVE ACT IS TREMENDOUS SUCCESS,
 CONCLUDES BI-PARTISAN FAMILY LEAVE COMMISSION,
 BUT MILLIONS OF AMERICANS STILL NEED JOB-GUARANTEED LEAVE**

Commission Recommends Exploring Options For Paid Leave

WASHINGTON, D.C. -- In a report issued today to Congress, the bi-partisan Family Leave Commission concludes that the Family And Medical Leave Act (FMLA) has helped millions of Americans balance their work and family responsibilities without creating significant costs or burdens for employers. Yet, the Commission's final report also underscores the limits of the FMLA, which covers just over half of American workers and provides no wage replacement for those who need leave to cope with family or medical crises.

Originally proposed by Donna Lenhoff, General Counsel of the Women's Legal Defense Fund (WLDF) and Vice Chair of the Commission, the FMLA was passed by Congress in 1993, nine years after it was first introduced. It was the first bill President Clinton signed into law.

The FMLA requires employers with 50 or more employees to provide up to 12 weeks per year of job-guaranteed leave to eligible workers to care for: newborn, newly-adopted or foster children; children, spouses or parents with serious health conditions; or their own serious health conditions (including maternity-related disability). Employees are eligible for leave if they have worked for a covered employer for at least one year, and for 1,250 hours over the past year. Employers must continue providing employees' health benefits during periods of leave.

"This report, from a Commission that includes opponents of the FMLA from both the business and political worlds, is proof positive that the FMLA is working for businesses and for families," WLDF President Judith L. Lichtman said. "Now, we must expand the law so that more Americans can take the leave they so urgently need."

more

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Add One

The report, *A Workable Balance: Report to Congress on Family and Medical Leave Policies*, concludes that the FMLA:

"has had a positive impact on employees overall. It has succeeded in replacing the piecemeal nature of voluntary employer leave policies and state leave statutes with a more consistent and uniform standard. The FMLA has not been the burden to business that some had feared. For most employers, compliance is easy, the costs are non-existent or small and the effects are minimal."

In its report to Congress, the Commission issued a series of recommendations. They included public education to ensure that Americans understand and can take advantage of their rights, technical assistance to help employers implement the FMLA, measures to guarantee strong enforcement, further research, and an exploration of paid leave options.

The Commission found that the predominant reason employees who need leave cannot take it is that they cannot afford to lose wages while they deal with a family or medical crisis -- nearly two-thirds cite lost wages as a barrier to taking leave.

"Many people who need the FMLA are not protected because the eligibility and coverage requirements are so strict, or because they cannot afford to lose wages during their leave," Lenhoff said. "It's time to expand the FMLA to cover workers at smaller companies, reduce the eligibility requirements, and vigorously explore wage replacement systems, perhaps modeled after our unemployment system."

Without taking a position on wage replacement, the Commission recommended that the "development of a uniform system of wage replacement for periods of family and medical leave be given serious consideration by employers, employee representatives and others."

The Commission's research shows that lack of wage replacement has serious consequences. Nearly one in eight women leave-takers (12 percent) are forced onto public assistance during their leave. Research conducted for the Commission by Westat, Inc. and the University of Michigan Survey Research Center also found that:

- ▶ More than two-thirds of employees (71 percent) agree that "every employee should be able to have up to 12 weeks of unpaid leave in a year from work for family and medical problems:

more

Add One

The report, *A Workable Balance: Report to Congress on Family and Medical Leave Policies*, concludes that the FMLA:

"has had a positive impact on employees overall. It has succeeded in replacing the piecemeal nature of voluntary employer leave policies and state leave statutes with a more consistent and uniform standard. The FMLA has not been the burden to business that some had feared. For most employers, compliance is easy, the costs are non-existent or small and the effects are minimal."

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more

Add Two

- ▶ Two in five employees expect to need leave for an FMLA-covered reason in the next five years:
- ▶ Nearly half of U.S. workers (45 percent) are not protected by the FMLA:
- ▶ Just 58 percent of covered employees have heard of the FMLA:
- ▶ The FMLA has caused two-thirds of covered employers to change some aspect of their leave policies, usually by increasing the reasons employees can take leave:
- ▶ For the great majority (89 to 99 percent) of covered worksites, implementing the FMLA has created no costs or only small costs;
- ▶ Almost 80 percent of leave-takers take leave to care for a sick child, spouse or parent, or to recover from an illness or injury themselves. The median length of leave is just ten days. Employees age 25 to 34 are most likely to take leave, as are employees with children, hourly employees, and employees with family incomes of \$20,000 to \$30,000 per year; and
- ▶ The vast majority of leave-takers (84 percent) return to their same employer. Only six percent do not, and ten percent remain on leave.

"Businesses do not have to choose between being family-friendly and being competitive," Lichtman said. "The FMLA has been a significant first step for American workers. Let's build on this success. Policymakers should include wage replacement in the FMLA, protect workers regardless of the size of their employer, make leave available sooner after employment begins, and expand the FMLA to cover more of the needs of working families."

-- 30 --

NOTE: Copies of the consumer-friendly *Women's Legal Defense Fund Guide To The Family And Medical Leave Act: Questions and Answers* are available for \$10 from: FMLA Guide; Women's Legal Defense Fund, 1875 Connecticut Avenue NW, Suite #710, Washington, D.C. 20009.

The Women's Legal Defense Fund also can put reporters in touch with families around the country who have used the FMLA. For information, call Donna Lenhoff at 202/986-2600.

> 1

1 of 1 items

CQ's WASHINGTON ALERT 03/21/97

HR851 Roybal-Allard (D-CA) 02/26/97 (478 lines)
Introduced in House

To amend the Family and Medical Leave Act of 1993 to allow leave to
address domestic violence and its effects, and for other purposes.

Special typefaces used in this bill version:

// \\ Italic
!! !! Bold roman

Item Key: 1609

105TH CONGRESS
1ST SESSION

H. R. 851

To amend the Family and Medical Leave Act of 1993 to allow leave to
address domestic violence and its effects, and for other purposes.

=====

IN THE HOUSE OF REPRESENTATIVES

February 26, 1997

Ms. ROYBAL-ALLARD (for herself, Mr. TORRES, Mrs. MORELLA, Mr. FROST,
Mr. GUTIERREZ, Ms. SLAUGHTER, Ms. LOFGREN, Ms. NORTON, Mrs.
MALONEY of New York, Ms. PELOSI, Mr. ACKERMAN, Mr. JACKSON of
Illinois, Mr. CONYERS, Mr. LEWIS of Georgia, and Mr. BALDACCI)
introduced the following bill; which was referred to the Committee
on Ways and Means, and in addition to the Committees on Education
and the Workforce, Government Reform and Oversight, and House
Oversight, for a period to be subsequently determined by the
Speaker, in each case for consideration of such provisions as fall
within the jurisdiction of the committee concerned

A BILL

To amend the Family and Medical Leave Act of 1993 to allow leave to address domestic violence and its effects, and for other purposes.

//Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,\\

!!SECTION 1. SHORT TITLE AND REFERENCE.!!

(a) SHORT TITLE.--This Act may be cited as the "Battered Women's Employment Protection Act".

(b) REFERENCE.--Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Family and Medical Leave Act of 1993.

!!SEC. 2. FINDINGS AND PURPOSES.!!

(a) FINDINGS.--Congress finds that--

(1) violence against women is the leading cause of physical injury to women, and the Department of Justice estimates that intimate partners commit more than one million violent crimes against women every year;

(2) approximately 95 percent of the victims of domestic violence are women;

(3) in the United States, a woman is more likely to be assaulted, injured, raped, or killed by a male partner than by any other type of assailant;

(4) the Bureau of Labor Statistics predicts that women will account for two-thirds of all new entrants into the work force between now and the year 2000;

(5) violence against women dramatically affects women's work force participation, insofar as one-quarter of battered women surveyed had lost a job due at least in part to the effects of domestic violence, and over half had been harassed by their abuser at work;

(6) a study by Domestic Violence Intervention Services, Inc. found that 96 percent of employed domestic violence victims had some type of problem in the workplace as a direct result of their abuse or abuser;

(7) the availability of economic support is a critical factor in women's ability to leave abusive situations that threaten them and their children, and over half of battered women surveyed stayed with their batterers because they lacked resources to support themselves and their children;

(8) a report by the New York City Victims Services Agency found that abusive spouses and lovers harass 74 percent of battered women at work, 54 percent of battering victims miss at least 3 days of work per month, 56 percent are late for work at least 5 times per month, and a University of Minnesota study found that 24 percent of women in support groups for battered

women had lost a job partly because of being abused;

(9) a survey of State unemployment insurance agency directors by the Federal Advisory Council on Unemployment Compensation found that in 31 States battered women who leave work as a result of domestic violence do not qualify for unemployment benefits, in 9 States the determination often varies depending on the facts and circumstances, and in only 13 States are they usually considered qualified for unemployment benefits;

(10) a study by the New York State Department of Labor found that, when filing for unemployment insurance benefits, domestic violence victims frequently hide their victimization and do not disclose the domestic violence as a reason for their problems with the job or need to separate from employment;

(11) 49 percent of senior executives recently surveyed said domestic violence has a harmful effect on their company's productivity, 47 percent said domestic violence negatively affects attendance, and 44 percent said domestic violence increases health care costs, and the Bureau of National Affairs estimates that domestic violence costs employers between 3 and 5 billion dollars per year; and

(12) existing Federal and State legislation does not expressly authorize battered women to take leave from work to seek legal assistance and redress, counseling, or assistance with safety planning and activities.

(b) PURPOSES.--Pursuant to the affirmative power of Congress to enact this Act under section 5 of the Fourteenth Amendment to the Constitution, as well as under clause 1 of section 8 of Article I of the Constitution and clause 3 of section 8 of Article I of the Constitution, the purposes of this Act are--

(1) to promote the national interest in reducing domestic violence by enabling victims of domestic violence to maintain the financial independence necessary to leave abusive situations, to achieve safety and minimize the physical and emotional injuries from domestic violence, and to reduce the devastating economic consequences of domestic violence to employers and employees, by--

(A) providing unemployment insurance for victims of domestic violence who are forced to leave their employment as a result of domestic violence; and

(B) entitling employed victims of domestic violence to take reasonable leave under the Family and Medical Leave Act of 1993 to seek medical help, legal assistance, counseling, and safety planning and assistance without penalty from their employer;

(2) to promote the purposes of the Fourteenth Amendment by protecting the civil and economic rights of victims of domestic violence and by furthering the equal opportunity of women to employment and economic self-sufficiency;

(3) to minimize the negative impact on interstate commerce from dislocations of employees and harmful effects on productivity, health care costs, and employer costs from domestic violence; and

(4) to accomplish the purposes described in paragraphs (1) ,

(2) and (3) in a manner that accommodates the legitimate interests of employers.

!!SEC. 3. UNEMPLOYMENT COMPENSATION.!!

(a) UNEMPLOYMENT COMPENSATION.--Section 3304(a) of the Internal Revenue Code of 1986 is amended--

(1) by striking "and" at the end of paragraph (18),

(2) by striking the period at the end of paragraph (19) and inserting "; and",

(3) by adding after paragraph (19) the following:

"(20) compensation is to be provided where an individual is separated from employment due to circumstances directly resulting from the individual's experience of domestic violence.",

(4) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively, and

(5) by adding after subsection (a) the following:

"(b) CONSTRUCTION.--

"(1) For the purpose of determining, under subsection (a)(20), whether an employee's separation from employment is 'directly resulting' from the individual's experience of domestic violence, it shall be sufficient if the separation from employment resulted from--

"(A) the employee's reasonable fear of future domestic violence at or en route to or from her place of employment;

"(B) the employee's wish to relocate to another geographic area in order to avoid future domestic violence against the employee or the employee's family;

"(C) the employee's need to recover from traumatic stress resulting from the employee's experience of domestic violence;

"(D) the employer's denial of the employee's request for the temporary leave from employment to address domestic violence and its effects authorized by section 102 of the Family and Medical Leave Act of 1993; or

"(E) any other respect in which domestic violence causes the employee to reasonably believe that termination of employment is necessary for the future safety of the employee or the employee's family.

"(2) For purposes of subsection (a)(20), where State law requires the employee to have made reasonable efforts to retain employment as a condition for receiving unemployment compensation, it shall be sufficient that the employee--

"(A) sought protection from or assistance in responding to domestic violence, including calling the police or seeking legal, social work, medical, clergy, or other assistance;

"(B) sought safety, including refuge in a shelter or temporary or permanent relocation, whether or not the employee actually obtained such refuge or accomplished such relocation; or

"(C) reasonably believed that options such as a leave, transfer, or alternative work schedule would not be

sufficient to guarantee the employee or the employee's family's safety.

"(3) For purposes of subsection (a)(20), where State law requires the employee to actively search for employment after separation from employment as a condition for receiving unemployment compensation, such requirement shall be deemed to be met where the employee is temporarily unable to actively search for employment because the employee is engaged in seeking safety or relief for the employee or the employee's family from domestic violence, including--

"(A) going into hiding or relocating or attempting to do so, including activities associated with such relocation or hiding, such as seeking to obtain sufficient shelter, food, schooling for children, or other necessities of life for the employee or the employee's family;

"(B) actively pursuing legal protection or remedies, including meeting with the police, going to court to make inquiries or file papers, meeting with attorneys, or attending court proceedings; or

"(C) participating in psychological, social, or religious counseling or support activities to assist the employee in ending domestic violence.

"(4) In determining if an employee meets the requirements of paragraphs (1), (2), and (3), the employer of an employee may require the employee to provide--

"(A) documentation of the domestic violence, such as police or court records, or documentation of the domestic violence from a shelter worker, attorney, clergy, or medical or other professional from whom the employee has sought assistance in addressing domestic violence and its effects; or

"(B) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances which provide the basis for the claim, or physical evidence of domestic violence, such as photographs, torn or bloody clothes, etc."

All evidence of domestic violence experienced by an employee, including an employee's statement, any corroborating evidence, and the fact that an employee has applied for or inquired about unemployment compensation available under section 3304(a)(20) shall be retained in the strictest confidence of the employer, except to the extent consented to by the employee where disclosure is necessary to protect the employee's safety."

(b) SOCIAL SECURITY PERSONNEL TRAINING.--Section 303(a) of the Social Security Act (42 U.S.C. 503(a)(4)) is amended by redesignating paragraphs (4) through (10) as paragraphs (5) through (11), respectively, and by adding after paragraph (3) the following:

"(4) Such methods of administration as will ensure that claims reviewers and hearing personnel are adequately trained in the nature and dynamics of domestic violence and in methods of ascertaining and keeping confidential information about possible experiences of domestic violence, so that employment separations stemming from domestic violence are reliably screened,

identified, and adjudicated and full confidentiality is provided for the employee's claim and submitted evidence."

(c) DEFINITIONS.--Section 3306 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(u) DOMESTIC VIOLENCE.--The term 'domestic violence' includes abuse committed against an employee or a family member of the employee by--

- "(1) a current or former spouse of the employee;
- "(2) a person with whom the employee shares a child in common;
- "(3) a person who is cohabitating with or has cohabitated with the employee as a romantic or intimate partner; or
- "(4) a person from whom the employee would be eligible for protection under the domestic violence, protection order, or family laws of the jurisdiction in which the employee resides or the employer is located.

"(v) ABUSE.--The term 'abuse' includes--

- "(1) physical acts resulting in, or threatening to result in, physical injury;
- "(2) sexual abuse, sexual act AND ITS EFFECTS.--The term 'addressinhreats of or attempts at sexual abuse;
- "(3) mental abuse, including threats, intimidation, acts designed to induce terror, or restraints on liberty; and
- "(4) deprivation of medical care, housing, food or other necessities of life."

!!SEC. 4. ENTITLEMENT TO LEAVE FOR DOMESTIC VIOLENCE.!!

(a) AUTHORITY FOR LEAVE.--Section 102(a)(1) (29 U.S.C. 2612(a)(1)) is amended by adding at the end the following:

"(E) In order to care for the child or parent of the employee, if such child or parent is addressing domestic violence and its effects.

"(F) Because the employee is addressing domestic violence and its effects, the employee is unable to perform any of the functions of the position of such employee."

(b) DEFINITION.--Section 101 (29 U.S.C. 2611) is amended by adding at the end the following:

"(14) ADDRESSING DOMESTIC VIOLENCE AND ITS EFFECTS.--The term 'addressing domestic violence and its effects' means--

- "(A) experiencing domestic violence,
- "(B) seeking medical attention for or recovering from injuries caused by domestic violence,
- "(C) seeking legal assistance or remedies, including communicating with the police or an attorney, or participating in any legal proceeding related to domestic violence,
- "(D) attending support groups for victims of domestic violence,
- "(E) obtaining psychological counseling related to experiences of domestic violence,

"(F) participating in safety planning and other actions to increase safety from future domestic violence, including temporary or permanent relocation and

"(G) any other activity necessitated by domestic violence which must be undertaken during hours of employment.".

(c) INTERMITTENT OR REDUCED LEAVE.--Section 102(b) (29 U.S.C. 2612(b)) is amended by adding at the end the following:

"(3) DOMESTIC VIOLENCE.--Leave under subparagraph (E) or (F) of subsection (a)(1) may be taken by an employee intermittently or on a reduced leave schedule. The taking of leave intermittently or on a reduced leave schedule pursuant to this paragraph shall not result in a reduction in the total amount of leave to which the employee is entitled under subsection (a) beyond the amount of leave provide the basis for the claim, or physical evidence of(d)(2) (29 U.S.C. 2612(d)) is amended by striking "(C) or (D)" and inserting "(C), (D), (E), or (F)".

(e) CERTIFICATION.--Section 103 (29 U.S.C. 2613) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:

"(e) DOMESTIC VIOLENCE.--In determining if an employee meets the requirements of subparagraph (E) or (F) of section 102(a)(1), the employer of an employee may require the employee to provide--

"(1) documentation of the domestic violence, such as police or court records, or documentation of the domestic violence from a shelter worker, attorney, clergy, or medical or other professional from whom the employee has sought assistance in addressing domestic violence and its effects; or

"(2) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances which provide the basis for the claim, or physical evidence of domestic violence, such as photographs, torn or bloody clothes, etc.".

(f) CONFIDENTIALITY.--Section 103 (29 U.S.C. 2613), as amended by subsection (e), is amended--

(1) in the title by adding before the period the following: "!!"; CONFIDENTIALITY", and!!

(2) by adding at the end the following:

"(g) CONFIDENTIALITY.--All evidence of domestic violence experienced by an employee or the employee's child or parent, including an employee's statement, any corroborating evidence, and the fact that an employee has requested leave for the purpose of addressing domestic violence and its effects, shall be retained in the strictest confidence by the employer, except to the extent consented to by the employee where disclosure is necessary to protect the employee's safety.".

!!SEC. 5. ENTITLEMENT TO LEAVE FOR FEDERAL EMPLOYEES FOR DOMESTIC VIOLENCE.!!

(a) AUTHORITY FOR LEAVE.--Section 6382 of title 5, United States Code, or

participating in any 1 following:

"(E) In order to care for the child or parent of the employee, if such child or parent is addressing domestic violence and its effects.

"(F) Because the employee is addressing domestic violence and its effects, the employee is unable to perform any of the functions of the position of such employee."

(b) DEFINITION.--Section 6381 of title 5, United States Code is amended by striking "and" at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting "; and" and by adding at the end the following:

"(7) the term 'addressing domestic violence and its effects' means--

"(A) experiencing domestic violence,

"(B) seeking medical attention for or recovering from injuries caused by domestic violence,

"(C) seeking legal assistance or remedies, including communicating with the police or an attorney, or participating in any legal proceeding related to domestic violence,

"(D) attending support groups for victims of domestic violence,

"(E) obtaining psychological counseling related to experiences of domestic violence,

"(F) participating in safety planning and other actions to increase safety from future domestic violence, including temporary or permanent relocation and

"(G) any other activity necessitated by domestic violence which must be undertaken during hours of employment."

(c) INTERMITTENT OR REDUCED LEAVE.--Section 6382(b) of title 5, United States Code, is amended by adding at the end the following:

"(3) Leave under subparagraph (E) or (F) of subsection

(a)(1) may be taken by an employee intermittently or on a reduced leave schedule. The taking of leave intermittently or on a reduced leave schedule pursuant to this paragraph shall not result in a reduction in the total amount of leave to which the employee is entitled under subsection (a) beyond the amount of leave actually taken."

(d) OTHER LEAVE.--Section 6382(d) of title 5, United States Code, is amended by striking "(C) or (D)" and inserting "(C), (D), (E), or (F)".

(e) CERTIFICATION.--Section 6383 of title 5, United States Code, is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:

"(e) DOMESTIC VIOLENCE.--In determining if an employee meets the requirements of subparagraph (E) or (F) of section 6382(a)(1),

the employer of an employee may require the employee to provide--

"(1) documentation of the domestic violence, such as police or court records, or documentation of the domestic violence from a shelter worker, attorney, clergy, or medical or other professional from whom the employee has sought assistance in addressing domestic violence and its effects; or

"(2) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances which provide the basis for the claim, or physical evidence of domestic violence, such as photographs, torn or bloody clothes, etc."

(f) CONFIDENTIALITY.--Section 6383 of title 5, United States Code, as amended by subsection (e), is amended--

(1) in the title by adding before the period the following: "!!"; Confidentiality", and!!

(2) by adding at the end the following:

"(g) CONFIDENTIALITY.--All evidence of domestic violence experienced by an employee or the employee's child or parent, including an employee's statement, any corroborating evidence, and the fact that an employee has requested leave for the purpose of addressing domestic violence and its effects, shall be retained in the strictest confidence by the employer, except to the extent consented to by the employee where disclosure is necessary to protect the employee's safety."

!!SEC. 6. EFFECT ON OTHER LAWS AND EMPLOYMENT BENEFITS.!!

(1) MORE PROTECTIVE.--Nothing in this Act or the amendments made by this Act shall be construed to supersede any provision of any Federal, State or local law, collective bargaining agreement, or other employment benefit program which provides greater unemployment compensation or leave benefits for employed victims of domestic violence than that the State legislature is required in order to comply.

(2) LESS PROTECTIVE.--The rights established for employees under this Act or the amendments made by this Act shall not be diminished by any collective bargaining agreement, any employment benefit program or plan, or any State or local law.

!!SEC. 7. EFFECTIVE DATE.!!

(a) GENERAL RULE.--Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect upon the expiration of 180 days from the date of the enactment of this Act.

(b) UNEMPLOYMENT COMPENSATION.--

(1) IN GENERAL.--Except as provided in paragraph (2), the amendments made by section 3 shall apply in the case of compensation paid for weeks beginning on or after the expiration of 180 days from the date of the enactment of this Act.

(2) MEETING OF STATE LEGISLATURE.--In the case of a State with respect to which the Secretary of Labor has determined that the State legislature is required in order to comply with the amendments made by section 3, the amendments made by section 3

shall apply in the case of compensation paid for weeks which begin on or after the expiration of 180 days from the date of the enactment of this Act and after the end of the first session of the State legislature which begins after the date of the enactment of this Act or which began prior to the date of the enactment of this Act and remained in session for at least 25 calendar days after such date of enactment. For purposes of the preceding sentence, the term "session" means a regular, special, budget, or other session of a State legislature.

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Or enter BACK, HELP, or STOP
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1 of 1 items

CQ's WASHINGTON ALERT 03/21/97

*** FULL REPORT -- DIGEST, LEGISLATIVE ACTION, COSPONSORS, SPEECHES ***

MEASURE: HR851

SPONSOR: Roybal-Allard (D-CA)

BRIEF TITLE: Battered Women's Employment Protection Act.

OFFICIAL TITLE: A bill to amend the Family and Medical Leave Act of 1993 to allow leave to address domestic violence and its effects, and for other purposes.

INTRODUCED: 02/26/97

COSPONSORS: 14 (Dems: 13 Reps: 1 Ind: 0)

COMMITTEES: House Ways and Means
House Government Reform and Oversight
House Oversight
House Education and the Workforce

RELATED BILLS: See S367

SHORT TITLE AS INTRODUCED:
Battered Women's Employment Protection Act

LEGISLATIVE ACTION:

02/26/97 Referred to Committee on Education and the Workforce, Committee on Government Reform and Oversight, Committee on House Oversight, Committee on Ways and Means (for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned) (CR p. H669)

02/26/97 *** Related measure (S367) introduced in Senate. ***

02/26/97 Original Cosponsor(s): 14

Ackerman (D-NY)	Jackson, J. (D-IL)	Norton (D-DC)
Baldacci (D-ME)	Lewis, John (D-GA)	Pelosi (D-CA)
Conyers (D-MI)	Lofgren (D-CA)	Slaughter (D-NY)
Frost (D-TX)	Maloney, C. (D-NY)	Torres (D-CA)
Gutierrez (D-IL)	Morella (R-MD)	

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BILL:HR851

Results are: Bill number as entered

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Message:

1. Text & legislative history
of: S 367 & HR 851
2. Statement on introducing
Bill for S 367 (none
available for HR 851)

There were no articles re:
these bills in either C.F. Weekly
From: Report on National Journal

Signal

> 1

1 of 1 items

CQ's WASHINGTON ALERT 03/21/97

S367

Wellstone (D-MN)
Introduced in Senate

02/26/97

(475 lines)

Battered Women's Employment Protection Act.

Special typefaces used in this bill version:

// \\ Italic

!! !! Bold roman

Item Key: 1605

105TH CONGRESS
1ST SESSION

S. 367

To amend the Family and Medical Leave Act of 1993 to allow leave to
address domestic violence and its effects and for other purposes.

=====

IN THE SENATE OF THE UNITED STATES

February 26, 1997

Mr. WELLSTONE introduced the following bill; which was read twice
and referred to the Committee on Finance

=====

A BILL

To amend the Family and Medical Leave Act of 1993 to allow leave to
address domestic violence and its effects and for other purposes.

//Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,\\

!!SECTION 1. SHORT TITLE AND REFERENCE.!!

(A) SHORT TITLE.--This Act may be cited as the "Battered Women's Employment Protection Act".

(b) REFERENCE.--Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

!!SEC. 2. FINDINGS AND PURPOSES.!!

(a) FINDINGS.--Congress finds that--

(1) violence against women is the leading cause of physical injury to women, and the Department of Justice estimates that intimate partners commit more than 1,000,000 violent crimes against women every year;

(2) approximately 95 percent of the victims of domestic violence are women;

(3) in the United States, a woman is more likely to be assaulted, injured, raped, or killed by a male partner than by any other type of assailant;

(4) the Bureau of Labor Statistics predicts that women will account for two-thirds of all new entrants into the workforce between now and the year 2000;

women at work, 54 percent of battering victims miss at work

workforce participation, insofar as one-quarter of the battered women surveyed had lost a job due at least in part to the effects of domestic violence, and over one-half had been harassed by their abuser at work;

(6) a study by Domestic Violence Intervention Services, Inc. found that 96 percent of employed domestic violence victims had some type of problem in the workplace as a direct result of their abuse or abuser;

(7) the availability of economic support is a critical factor in a women's ability to leave abusive situations that threaten them and their children, and over one-half of the battered women surveyed stayed with their batterers because they lacked resources to support themselves and their children;

(8) a report by the New York City Victims Services Agency found that abusive spouses and lovers harass 74 percent of battered women at work, 54 percent of battering victims miss at least 3 days of work per month, 56 percent are late for work at least 5 times per month, and a University of Minnesota study found that 24 percent of women in support groups for battered women had lost a job partly because of being abused;

(9) a survey of State unemployment insurance agency directors by the Federal Advisory Council on Unemployment Compensation found that in 31 States battered women who leave work as a result of domestic violence do not qualify for unemployment benefits, in 9 States the determination often varies depending on the facts and circumstances, and in only 13 States are they usually considered qualified for unemployment

benefits;

(10) a study by the New York State Department of Labor found that, when filing for unemployment insurance benefits, domestic violence victims frequently hide their victimization and do not disclose the domestic violence as a reason for their problems with the job or need to separate from employment;

(11) 49 percent of senior executives recently surveyed said domestic violence has a harmful effect on their company's productivity, 47 percent said domestic violence negatively affects attendance, and 44 percent said domestic violence increases health care costs, and the Bureau of National Affairs estimates that domestic violence costs employers between \$3,000,000,000 and \$5,000,000,000 per year; and

(12) existing Federal and State legislation does not expressly authorize battered women to take leave from work to seek legal assistance and redress, counseling, or assistance with safety planning and activities.

(b) PURPOSES.--Pursuant to the affirmative power of Congress to enact this Act under section 5 of the Fourteenth Amendment to the Constitution, as well as under clause 1 of section 8 of Article I of the Constitution and clause 3 of section 8 of Article I of the Constitution, the purposes of this Act are--

(1) to promote the national interest in reducing domestic violence by enabling victims of domestic violence to maintain the financial independence necessary to leave abusive situations, to achieve safety and minimize the physical and emotional injuries from domestic violence, and to reduce the devastating economic consequences of domestic violence to employers and employees, by--

(A) providing unemployment insurance for victims of domestic violence who are forced to leave their employment as a result of domestic violence; and

(B) entitling employed victims of domestic violence to take reasonable leave under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) to seek medical help, legal assistance, counseling, and safety planning and assistance without penalty from their employer;

(2) to promote the purposes of the Fourteenth Amendment by protecting the civil and economic rights of victims of domestic violence and by furthering the equal opportunity of women to employment and economic self-sufficiency;

(3) to minimize the negative impact on interstate commerce from dislocations of employees and harmful effects on productivity, health care costs, and employer costs from domestic violence; and

(4) to accomplish the purposes described in paragraphs (1), (2) and (3) in a manner that accommodates the legitimate interests of employers.

!!SEC. 3. UNEMPLOYMENT COMPENSATION.!!

(a) UNEMPLOYMENT COMPENSATION.--Section 3304(a) of the Internal Revenue Code of 1986 is amended--

(1) by striking "and" at the end of paragraph (18);

(2) by striking the period at the end of paragraph (19) and inserting "; and";

(3) by adding after paragraph (19) the following:

"(20) compensation is to be provided where an individual is separated from employment due to circumstances directly resulting from the individual's experience of domestic violence.";

(4) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively; and

(5) by inserting after subsection (a) the following:

"(b) CONSTRUCTION.--

"(1) DIRECTLY RESULTING FROM VIOLENCE.--For the purpose of determining, under subsection (a)(20), whether an employee's separation from employment is 'directly resulting' from the individual's experience of domestic violence, it shall be sufficient if the separation from employment resulted from--

"(A) the employee's reasonable fear of future domestic violence at or en route to or from her place of employment;

"(B) the employee's wish to relocate to another geographic area in order to avoid future domestic violence against the employee or the employee's family;

"(C) the employee's need to recover from traumatic stress resulting from the employee's experience of domestic violence;

"(D) the employer's denial of the employee's request for the temporary leave from employment to address domestic violence and its effects authorized by section 102 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612); or

"(E) any other respect in which domestic violence causes the employee to reasonably believe that termination of employment is necessary for the future safety of the employee or the employee's family.

"(2) REASONABLE EFFORTS TO RETAIN EMPLOYMENT.--For purposes of subsection (a)(20), where State law requires the employee to have made reasonable efforts to retain employment as a condition for receiving unemployment compensation, it shall be sufficient that the employee--

"(A) sought protection from or assistance in responding to domestic violence, including calling the police or seeking legal, social work, medical, clergy, or other assistance;

"(B) sought safety, including refuge in a shelter or temporary or permanent relocation, whether or not the employee actually obtained such refuge or accomplished such relocation; or

"(C) reasonably believed that options such as a leave, transfer, or alternative work schedule would not be sufficient to guarantee the employee or the employee's family's safety.

"(3) ACTIVE EMPLOYMENT SEARCH.--For purposes of subsection (a)(20), where State law requires the employee to actively search for employment after separation from employment as a condition for receiving unemployment compensation, such requirement shall be deemed to be met where the employee is

of paragraphs (1), (2), and (3), the employ relief for the employee or the employee's family from domestic violence, including--

"(A) going into hiding or relocating or attempting to do so, including activities associated with such relocation or hiding, such as seeking to obtain sufficient shelter, food, schooling for children, or other necessities of life for the employee or the employee's family;

"(B) actively pursuing legal protection or remedies, including meeting with the police, going to court to make inquiries or file papers, meeting with attorneys, or attending court proceedings; or

"(C) participating in psychological, social, or religious counseling or support activities to assist the employee in ending domestic violence.

"(4) REQUIREMENT TO PROVIDE DOCUMENTATION OR OTHER EVIDENCE.--In determining if an employee meets the requirements of paragraphs (1), (2), and (3), the employer of an employee may require the employee to provide--

"(A) documentation of the domestic violence, such as police or court records, or documentation of the domestic violence from a shelter worker, attorney, clergy, or medical or other professional from whom the employee has sought assistance in addressing domestic violence and its effects; or

"(B) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances which provide the basis for the claim, or physical evidence of domestic violence, such as photographs, torn or bloody clothes, or other similar evidence.

All evidence of domestic violence experienced by an employee, including an employee's statement, any corroborating evidence, and the fact that an employee has applied for or inquired about unemployment compensation available under subsection (a)(20) shall be retained in the strictest confidence of the employer, except to the extent consented to by the employee where disclosure is necessary to protect the employee's safety."

(b) SOCIAL SECURITY PERSONNEL TRAINING.--Section 303(a) of the Social Security Act (42 U.S.C. 503(a)(4)) is amended by redesignating paragraphs (4) through (10) as paragraphs (5) through (11), respectively, and by inserting after paragraph (3) the following:

"(4) Such methods of administration as will ensure that claims reviewers and hearing personnel are adequately trained in the nature and dynamics of domestic violence and in methods of ascertaining and keeping confidential information about possible experiences of domestic violence, so that employment separations stemming from domestic violence are reliably screened, identified, and adjudicated and full confidentiality is provided for the employee's claim and submitted evidence."

(c) DEFINITIONS.--Section 3306 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(u) DOMESTIC VIOLENCE.--The term 'domestic violence' includes abuse committed against an employee or a family member of the employee by--

- "(1) a current or former spouse of the employee;
- "(2) a person with whom the employee shares a child in common;
- "(3) a person who is cohabitating with or has cohabitated with the employee as a romantic or intimate partner; or
- "(4) a person from whom the employee would be eligible for protection under the domestic violence, protection order, or family laws of the jurisdiction in which the employee resides or the employer is located.

"(v) ABUSE.--The term 'abuse' includes--

- "(1) physical acts resulting in, or threatening to result in, physical injury;
- "(2) sexual abuse, sexual activity involving a dependent child, or threats of or attempts at sexual abuse;
- "(3) mental abuse, including threats, intimidation, acts designed to induce terror, or restraints on liberty; and
- "(4) deprivation of medical care, housing, food or other necessities of life."

!!SEC. 4. ENTITLEMENT TO LEAVE FOR DOMESTIC VIOLENCE.!!

(a) AUTHORITY FOR LEAVE.--Section 102(a)(1) (29 U.S.C. 2612(a)(1)) is amended by adding at the end the following:

"(E) In order to care for the child or parent of the employee, if such child or parent is addressing domestic violence and its effects.

"(F) Because the employee is addressing domestic violence and its effects, the employee is unable to perform any of the functions of the position of such employee."

(b) DEFINITION.--Section 101 (29 U.S.C. 2611) is amended by adding at the end the following:

"(14) ADDRESSING DOMESTIC VIOLENCE AND ITS EFFECTS.--The term 'addressing domestic violence and its effects' means--

"(A) experiencing domestic violence;

"(B) seeking medical attention for or recovering from injuries caused by domestic violence;

"(C) seeking legal assistance or remedies, including communicating with the police or an attorney, or participating in any legal proceeding related to domestic violence;

"(D) attending support groups for victims of domestic violence actually taken."

(d) PAID LEAVE.--Section 1g related to experiences of domestic violence;

"(F) participating in safety planning and other actions to increase safety from future domestic violence, including temporary or permanent relocation; and

"(G) any other activity necessitated by domestic violence which must be undertaken during hours of

employment."

(c) INTERMITTENT OR REDUCED LEAVE.--Section 102(b) (29 U.S.C. 2612(b)) is amended by adding at the end the following:

"(3) DOMESTIC VIOLENCE.--Leave under subparagraph (E) or (F) of subsection (a)(1) may be taken by an employee intermittently or on a reduced leave schedule. The taking of leave intermittently or on a reduced leave schedule pursuant to this paragraph shall not result in a reduction in the total amount of leave to which the employee is entitled under subsection (a) beyond the amount of leave actually taken."

(d) PAID LEAVE.--Section 102(d)(2)(B) (29 U.S.C. 2612(d)(2)(B)) is amended by striking "(C) or (D)" and inserting "(C), (D), (E), or (F)".

(e) CERTIFICATION.--Section 103 (29 U.S.C. 2613) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:

"(e) DOMESTIC VIOLENCE.--In determining if an employee meets the requirements of subparagraph (E) or (F) of section 102(a)(1), the employer of an employee may require the employee to provide--

"(1) documentation of the domestic violence, such as police or court records, or documentation of the domestic violence from a shelter worker, attorney, clergy, or medical or other professional from whom the employee has sought assistance in addressing domestic violence and its effects; or

"(2) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances which provide the basis for the claim, or physical evidence of domestic violence, such as photographs, torn or bloody clothes, etc."

(f) CONFIDENTIALITY.--Section 103 (29 U.S.C. 2613), as amended by subsection (e), is amended--

(1) in the title by adding before the period the following: "!!"; CONFIDENTIALITY"; and!!

(2) by adding at the end the following:

"(f) CONFIDENTIALITY.--All evidence of domestic violence experienced by an employee or the employee's child or parent, including an employee's statement, any corroborating evidence, and the fact that an employee has requested leave for the purpose of addressing domestic violence and its effects, shall be retained in the strictest confidence by the employer, except to the extent consented to by the employee where disclosure is necessary to protect the employee's safety."

!!SEC. 5. ENTITLEMENT TO LEAVE FOR FEDERAL EMPLOYEES FOR DOMESTIC VIOLENCE.!!

(a) AUTHORITY FOR LEAVE.--Section 6382 of title 5, United States Code is amended by adding at the end the following:

"(E) In order to care for the child or parent of the

employee, if such child or parent is addressing domestic violence and its effects.

"(F) Because the employee is addressing domestic violence and its effects, the employee is unable to perform any of the functions of the position of such employee."

(b) DEFINITION.--Section 6381 of title 5, United States Code is amended--

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by adding at the end the following:

"(7) the term 'addressing domestic violence and its effects' means--

"(A) experiencing domestic violence;

"(B) seeking medical attention for or recovering from injuries caused by domestic violence;

"(C) seeking legal assistance or remediation intermittently or on a reduced leave schedule pursuant to attorney, or participating in any legal proceeding related to domestic violence;

"(D) attending support groups for victims of domestic violence;

"(E) obtaining psychological counseling related to experiences of domestic violence;

"(F) participating in safety planning and other actions to increase safety from future domestic violence, including temporary or permanent relocation; and

"(G) any other activity necessitated by domestic violence which must be undertaken during hours of employment."

(c) INTERMITTENT OR REDUCED LEAVE.--Section 6382(b) of title 5, United States Code, is amended by adding at the end the following:

"(3) Leave under subparagraph (E) or (F) of subsection

(a)(1) may be taken by an employee intermittently or on a reduced leave schedule. The taking of leave intermittently or on a reduced leave schedule pursuant to this paragraph shall not result in a reduction in the total amount of leave to which the employee is entitled under subsection (a) beyond the amount of leave actually taken."

(d) OTHER LEAVE.--Section 6382(d) of title 5, United States Code, is amended by striking "(C) or (D)" and inserting "(C), (D), (E), or (F)".

(e) CERTIFICATION.--Section 6383 of title 5, United States Code, is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:

"(e) DOMESTIC VIOLENCE.--In determining if an employee meets the requirements of subparagraph (E) or (F) of section 6382(a)(1), the employer of an employee may require the employee to provide--

"(1) documentation of the domestic violence, such as police or court records, or documentation of the domestic violence from

a shelter worker, attorney, clergy, or medical or other professional from whom the employee has sought assistance in addressing domestic violence and its effects; or

"(2) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances which provide the basis for the claim, or physical evidence of domestic violence, such as photographs, torn or bloody clothes, etc."..

(f) CONFIDENTIALITY.--Section 6383 of title 5, United States Code, as amended by subsection (e), is amended--

(1) in the title by adding before the period the following: "!!"; Confidentiality", and!!

(2) by adding at the end the following:

"(g) CONFIDENTIALITY.--All evidence of domestic violence experienced by an employee or the employee's child or parent, including an employee's statement, any corroborating evidence, and the fact that an employee has requested leave for the purpose of addressing domestic violence and its effects, shall be retained in the strictest confidence by the employer, except to the extent consented to by the employee where disclosure is necessary to protect the employee's safety.".

!!SEC. 6. EFFECT ON OTHER LAWS AND EMPLOYMENT BENEFITS.!!

(1) MORE PROTECTIVE.--Nothing in this Act or the amendments made by this Act shall be construed to supersede any provision of any Federal, State or local law, collective bargaining agreement, or other employment benefit program which provides greater unemployment compensation or leave benefits for employed victims of domestic violence than the rights established under this Act or such amendments.

(2) LESS PROTECTIVE.--The rights established for employees under this Act or the amendments made by this Act shall not be diminished by any collective bargaining agreement, any employment benefit program or plan, or any State or local law.

!!SEC. 7. EFFECTIVE DATE.!!

(a) GENERAL RULE.--Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect upon the expiration of 180 days from the date of the enactment of this Act.

(b) UNEMPLOYMENT COMPENSATION.--

(1) IN GENERAL.--Except as provided in paragraph (2), the amendments made by section 3 shall apply in the case of compensation paid for weeks beginning on or after the expiration of 180 days from the date of the enactment of this Act.

(2) MEETING OF STATE LEGISLATURE.--In the case of a State with respect to your set,
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the State legislature is required in order to comply with the amendments made by section 3, the amendments made by section 3 shall apply in the case of compensation paid for weeks which begin on or after the expiration of 180 days from the date of

the enactment of this Act and after the end of the first session of the State legislature which begins after the date of the enactment of this Act or which began prior to the date of the enactment of this Act and remained in session for at least 25 calendar days after such date of enactment. For purposes of the preceding sentence, the term "session" means a regular, special, budget, or other session of a State legislature.

There are no more items to read.

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Enter another display command and one or more numbers or ALL,
Enter MARK or SAVE and one or more numbers to limit or save your set,
Enter SMARTMATCH and a number to find comparable items,
Or enter BACK, HELP, or STOP
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1 of 1 items

CQ's WASHINGTON ALERT 03/21/97

*** FULL REPORT -- DIGEST, LEGISLATIVE ACTION, COSPONSORS, SPEECHES ***

MEASURE: S367
SPONSOR: Wellstone (D-MN)
BRIEF TITLE: Battered Women's Employment Protection Act.
OFFICIAL TITLE: A bill to amend the Family and Medical Leave Act of 1993 to allow leave to address domestic violence and its effects, and for other purposes.
INTRODUCED: 02/26/97
COSPONSORS: 0 (Dems: 0 Reps: 0 Ind: 0)
COMMITTEES: Senate Finance
RELATED BILLS: See HR851

SHORT TITLE AS INTRODUCED:
Battered Women's Employment Protection Act

CRS SUBJECT INDEX TERMS:

- Labor
- Assault
- Child abuse
- Child sexual abuse
- Children
- Civil liberties
- Claims
- Collective bargaining agreements
- Confidential communications
- Counseling
- Court records
- Crimes against women
- Criminal justice
- Criminal justice information
- Employee training
- Employment at will
- Evidence (Law)
- Executive departments
- Families
- Family violence
- Federal employees--Department of Health and Human Services
- Government employees
- Government information

Job hunting
Job training
Law
Leave of absence
Medical care
Medicine
Parental leave
Parents
Personnel records
Relocation of employees
Right of privacy
Sex crimes
Sick leave
Social services
Social workers
Stalking
State and local government
State laws
Stress (Psychology)
Unemployment insurance
Wife abuse
Women
Women's shelters

LEGISLATIVE ACTION:

02/26/97 Referred to Committee on Finance (Text of bill appears on
pgs. S1678-S1681 of the Feb. 27, 1997, Congressional
Record) (CR p. S1659)

02/26/97 *** Related measure (HR851) introduced in House. ***

02/26/97 WELLSTONE, D-Minn., Senate speech: Introduces the
Battered Women's Employment Protection Act. (Text of
bill) (CR p. S1678-S1681)

There are no more items to display.

Results: 1 items in BILLTRACK

Search criteria used:

BILL:S367

Results are: Bill number as entered

SEARCH/DISPLAY OPTIONS

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| 2 REFINER your search on prime topic | 14 ACTION detailed action (no speeches |
| 3 SORT retrieved items | 15 SUMMARY major action only |
| 4 SAVE bill numbers in a list | 16 STATUS most recent major action |
| 5 GRAPH relevance ranking | 17 MILESTONE key action dates table |
| 6 SCAN select from bill citations | 18 COSPONSOR-ALL current cosponsors |
| 7 CITE display bill citations | 19 COSPONSOR-DATE cosponsors by date |
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12 HISTORY all legislative action	

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1 of 1 items

CQ's WASHINGTON ALERT 03/21/97

STATEMENTS ON INTRODUCED BILLS AND
JOINT RESOLUTIONS -- By Mr. WELLSTONE:
Senate speeches & inserts
(CRTEXT 02/26/97 p.S1678; 635 lines.)
Item Key: 2849

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[ps1678]

STATEMENTS ON INTRODUCED BILLS AND JOINT
RESOLUTIONS -- By Mr. WELLSTONE:

S367. A bill to amend the Family and Medical Leave Act of 1993 to allow leave to address domestic violence and its effects, and for other purposes; to the Committee on Finance.

BATTERED WOMEN'S EMPLOYMENT PROTECTION

ACT

Mr. WELLSTONE. Mr. President, while we have begun to make important progress toward seriously addressing the devastating physical and emotional effects of domestic violence, little attention has been paid to the severe economic consequences of domestic abuse. The Battered Women's Employment Protection Act, which I am introducing today, will ensure eligibility for unemployment compensation to women who are separated from their jobs as a direct result of domestic violence. Several new studies illustrate the need for the legislation I am introducing today. The evidence is irrefutable, domestic violence dramatically affects women's ability to work and support themselves and their children.

According to New York City's Victims Service, one-quarter of battered women recently surveyed who have survived abuse had lost their jobs due to the effects of domestic violence.

Abusive husbands and partners harass 74 percent of employed battered women at work, either by showing up at the workplace or calling them at work. It is not unusual for women in abusive relationships to be late for work at least 5 times a month, to leave early at least 5 times a month, and to miss at least 3 full days of work a month-National Work-place Resource Center on Domestic Violence.

There have been cases brought to my attention in my home State of Minnesota where the women trying to escape abusive relationships could have benefited from this legislation, and we know that, sadly, there are many more such stories throughout the country.

On February 12, 1997, a woman came into the Women's Rural Advocacy Program in Marshall, MN, after her partner had emotionally, verbally, and physically assaulted her. After many years of fighting, her abuser finally let her get a drivers license and a car. His motivation for allowing her to do this was that she could get a job, resulting in more money for himself. Three months into her job, her partner assaulted her and she was in need of safe housing and constant protection. Because of the fear of her abuser finding her and her child, it was not safe for her to take their child to daycare, so she was unable to get to work. Seeing that this was a new job, she did not have any vacation days she could use.

Her abuser soon found out where she was located. She panicked and took her child and left the shelter, presumably the city, her friends, and her job. The shelter advocate we spoke to had no idea where she went, but was sure she had no money, very little clothes, and no car.

A woman, known as Sarah, is a 34-year-old college educated mother of 5 children, all under the age of 12. Sarah and her husband of 15 years had a successful market research company. Their combined salaries totaled over \$225,000. The husband was the president of the company, Sarah the vice president. They were equal share holders in the company until Sarah came in contact with law enforcement and the Lewis House Shelter due to her hospitalization for extensive injuries suffered at the hands of her abusive husband.

Sarah admits that the abuse has gone on for years. She filed for an order of protection, filed assault charges, and filed for divorce. Her husband then fired Sarah from the company they started. Her lawyer tells Sarah that she can sue for her position to be reinstated in the company. Sarah knows she is not safe and that nothing can protect her or her children from the repeated pattern of abuse. She is faced with the loss of her position, her income, legal fees, medical bills, as well as the foundation of her children's lives.

It took Sarah 6 months to find a full-time position. She has supported herself by using credit cards she maintained in her own name. She begins her new life with \$30,000 of new debt. Her batterer maintains his company today, with no loss of position and an increase in income.

For women attempting to escape a violent environment, this legislation can be a lifeline.

There has been great progress in the last few years in societal and legislative response to violence within the home. One area that has not been

sufficiently addressed, in my opinion, is the economic cost of domestic abuse.

The Bureau of National Affairs recently estimated that domestic violence costs employers between 3 and 5 billion dollars per year. Domestic violence results in lower productivity, greater absenteeism, and increased health costs.

The National Institute for Justice estimates that from 1987 to 1990, domestic violence cost Americans \$67 billion a year.

According to annual estimates for reported domestic violence injuries, family violence exacts a significant economic toll on the well-being of the family, and the United States.

Forty-four million, three hundred ninety-three thousand, seven hundred dollars total annual medical costs, 21,000 hospitalizations, 28,700 emergency room visits, and 175,000 days lost from work.

In addition-50 to 80 percent of women on AFDC are victims or past victims of domestic violence (Taylor Institute Study, 1996). One year after divorce, women's incomes average only 67 percent of their pre-divorce incomes compared to 90 percent for men (Report of the American Psychological Association Presidential Task Force on Violence and the Family, 1996).

The Battered Women's Employment Protection Act will help women retain employment and financial independence by ensuring that employed victims of domestic violence can have time off from work to make necessary court appearances, seek legal assistance, and get help with safety planning, without penalty from the employer.

This bill enables employees to use their family, medical, sick, and other leave in order to deal with circumstances arising from domestic abuse.

Circumstances that would allow an employee to take leave include going to the doctor for injuries caused by domestic violence, seeking legal remedies such as going to court, seeking orders of protection, or meeting with a lawyer.

Current Federal and State laws fail to address the negative economic consequences domestic violence can cause. Today, battered women are not expressly allowed to take leave from work to address the consequences of family violence-but to relocate for safety reasons. Similarly, bill help women to escape abusive situations by helping them retain employment and financial independence. And, by requiring employers to provide leave to employees for the purpose of dealing with domestic violence and its aftermath-it does not increase costs to employers, it permits employees to

use their existing leave to deal with domestic violence.

Furthermore, to ensure that battered women can retain the independence necessary to leave their abusers without having to rely on welfare, the bill requires that States provide unemployment benefits to women who are forced to leave work as a result of domestic abuse. The bill ensures eligibility for unemployment compensation to women who are separated from their jobs as a direct result of domestic violence. For example, victims of abuse could not be denied unemployment if they were forced to leave their jobs because they had to relocate for safety reasons. Similarly, a woman would be eligible for unemployment compensation if she was fired from her job because she repeatedly showed up late for work with physical signs of abuse or was excessively absent from work as a result of abuse. In addition, the bill provides for specialized training of personnel in assessing unemployment compensation claims based on domestic violence.

All of us here today are committed to doing what we can to help battered women and their children escape domestic violence. I urge my colleagues to join in this effort by cosponsoring the Battered Women's Employment Protection Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

[ps1679]

S367

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Battered Women's Employment Protection Act".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) violence against women is the leading cause of physical injury to

women, and the Department of Justice estimates that intimate partners commit more than 1,000,000 violent crimes against women every year;

(2) approximately 95 percent of the victims of domestic violence are women;

(3) in the United States, a woman is more likely to be assaulted, injured, raped, or killed by a male partner than by any other type of assailant;

(4) the Bureau of Labor Statistics predicts that women will account for two-thirds of all new entrants into the workforce between now and the year 2000;

(5) violence against women dramatically affects women's work force participation, insofar as one-quarter of the battered women surveyed had lost a job due at least in part to the effects of domestic violence, and over one-half had been harassed by their abuser at work;

(6) a study by Domestic Violence Intervention Services, Inc found that 96 percent of employed domestic violence victims had some type of problem in the workplace as a direct result of their abuse or abuser;

(7) the availability of economic support is a critical factor in a woman's ability to leave abusive situations that threaten them and their children, and over one-half of the battered women surveyed stayed with their batterers because they lacked resources to support themselves and their children;

(8) a report by the New York City Victims Services Agency found that abusive spouses and lovers harass 74 percent of battered women at work, 54 percent of battering victims miss at least 3 days of work per month, 56 percent are late for work at least 5 times per month, and a University of Minnesota study found that 24 percent of women in support groups for battered women had lost a job partly because of being abused;

(9) a survey of State unemployment insurance agency directors by the Federal Advisory Council on Unemployment Compensation found that in 31 States battered women who leave work as a result of domestic violence do not qualify for unemployment benefits, in 9 States the determination often varies depending on the facts and circumstances, and in only 13 States are they usually considered qualified for unemployment benefits;

(10) a study by the New York State Department of Labor found that, when filing for unemployment insurance benefits, domestic violence victims

frequently hide their victimization and do not disclose the domestic violence as a reason for their problems with the job or need to separate from employment;

(11) 49 percent of senior executives recently surveyed said domestic violence has a harmful effect on their company's productivity, 47 percent said domestic violence negatively affects attendance, and 44 percent said domestic violence increases health care costs, and the Bureau of National Affairs estimates that domestic violence costs employers between \$3,000,000,000 and \$5,000,000,000 per year; and

(12) existing Federal and State legislation does not expressly authorize battered women to take leave from work to seek legal assistance and redress, counseling, or assistance with safety planning and activities.

(b) PURPOSES.-Pursuant to the affirmative power of Congress to enact this Act under section 5 of the Fourteenth Amendment to the Constitution, as well as under clause 1 of section 8 of Article I of the Constitution and clause 3 of section 8 of Article I of the Constitution, the purposes of this Act are-

(1) to promote the national interest in reducing domestic violence by enabling victims of domestic violence to maintain the financial independence necessary to leave abusive situations, to achieve safety and minimize the physical and emotional injuries from domestic violence, and to reduce the devastating economic consequences of domestic violence to employers and employees, by-

(A) providing unemployment insurance for victims of domestic violence who are forced to leave their employment as a result of domestic violence; and

(B) entitling employed victims of domestic violence to take reasonable leave under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.)

to seek medical help, legal assistance, counseling, and safety planning and assistance without penalty from their employer where an individual is separated from of the Fourteenth Amendment by protecting the civil and economic rights of victims of domestic violence and by furthering the equal opportunity of women to employment and economic self-sufficiency;

(3) to minimize the negative impact on interstate commerce from dislocations of employees and harmful effects on productivity, health care costs, and employer costs from domestic violence; and

(4) to accomplish the purposes described in paragraphs (1), (2) and (3) in a manner that accommodates the legitimate interests of employers.

SEC. 3. UNEMPLOYMENT COMPENSATION.

(a) UNEMPLOYMENT COMPENSATION.-Section 3304(a) of the Internal Revenue Code of 1986 is amended-

(1) by striking "and" at the end of paragraph (18);

(2) by striking the period at the end of paragraph (19) and inserting "; and";

(3) by adding after paragraph (19) the following:

"(20) compensation is to be provided where an individual is separated from employment due to circumstances directly resulting from the individual's experience of domestic violence.";

(4) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively, and

(5) by inserting after subsection (a) the following:

"(b) CONSTRUCTION.-

"(1) DIRECTLY RESULTING FROM VIOLENCE.-For the purpose of determining, under subsection (a)(20), whether an employee's separation from employment is 'directly resulting' from the individual's experience of domestic violence, it shall be sufficient if the separation from employment resulted from-

"(A) the employee's reasonable fear of future domestic violence at or en route to or from her place of employment;

"(B) the employee's wish to relocate to another geographic area in order to avoid future domestic violence against the employee or the employee's family;

"(C) the employee's need to recover from traumatic stress resulting from the employee's experience of domestic violence;

"(D) the employer's denial of the employee's request for the temporary leave from employment to address domestic violence and its effects authorized by section 102 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612); or

"(E) any other respect in which domestic violence causes the employee to reasonably believe that termination of employment is necessary for the future safety of the employee or the employee's family.

"(2) REASONABLE EFFORTS TO RETAIN EMPLOYMENT.-For purposes of subsection (a)(20), where State law requires the employee to have made reasonable efforts to retain employment as a condition for receiving unemployment compensation, it shall be sufficient that the employee-

"(A) sought protection from or assistance in responding to domestic violence, including calling the police or seeking legal, social work, medical, clergy, or other assistance;

"(B) sought safety, including refuge in a shelter or temporary or permanent relocation, whether or not the employee actually obtained such refuge or accomplished such relocation; or

"(C) reasonably believed that options such as a leave, transfer, or alternative work schedule would not be sufficient to guarantee the employee or the employee's family's safety.

"(3) ACTIVE EMPLOYMENT SEARCH.-For purposes of subsection (a)(20), where State law requires the employee to actively search for employment after separation from employment as a condition for receiving unemployment compensation, such requirement shall be deemed to be met where the employee is temporarily unable to actively search for employment because the employee is engaged in seeking safety or relief for the employee or the employee's family from domestic violence, including-

"(A) going into hiding or relocating or attempting to do so, including activities associated with such relocation or hiding, such as seeking to obtain sufficient shelter, food, schooling for children, or other necessities of life for the employee or the employee's family;

"(B) actively pursuing legal protection or remedies, including meeting with the police, going to court to make inquiries or file papers, meeting with a

All evidence of domestic violence experienced by an employee participating in psychological, social, or religious counseling or support activities to assist the employee in ending domestic violence.

"(4) REQUIREMENT TO PROVIDE DOCUMENTATION OR OTHER EVIDENCE.-In determining if an employee meets the requirements of paragraphs (1), (2), and (3), the employer of an employee may require the employee to provide-

"(A) documentation of the domestic violence, such as police or court records, or documentation of the domestic violence from a shelter worker, attorney, clergy, or medical or other professional from whom the employee has sought assistance in addressing domestic violence and its effects; or

"(B) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances which provide the basis for the claim, or physical evidence of domestic violence, such as photographs, torn or bloody clothes, or other similar evidence.

All evidence of domestic violence experienced by an employee, including an employee's statement, any corroborating evidence, and the fact that an employee has applied for or inquired about unemployment compensation available under subsection (a)(20) shall be retained in the strictest confidence of the employer, except to the extent consented to by the employee

where disclosure is necessary to protect the employee's safety."

(b) SOCIAL SECURITY PERSONNEL TRAINING.-Section 303(a) of the Social Security Act (42 U.S.C. 503(a)(4)) is amended by redesignating paragraphs (4) through (10) as paragraphs (5) through (11), respectively, and by inserting after paragraph (3) the following:

"(4) Such methods of administration as will ensure that claims reviewers and hearing personnel are adequately trained in the nature and dynamics of domestic violence and in methods of ascertaining and keeping confidential information about possible experiences of domestic violence, so that employment separations stemming from domestic violence are reliably screened, identified, and adjudicated and full confidentiality is provided for the employee's claim and submitted evidence."

(c) DEFINITIONS.-Section 3306 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(u) DOMESTIC VIOLENCE.-The term 'domestic violence' includes abuse committed against an employee or a family member of the employee by-

"(1) a current or former spouse of the employee;

"(2) a person with whom the employee shares a child in common;

"(3) a person who is cohabitating with or has cohabitated with the employee as a romantic or intimate partner; or

"(4) a person from whom the employee would be eligible for protection under the domestic violence, protection order, or family laws of the jurisdiction in which the employee resides or the employer is located."

"(v) ABUSE.-The term 'abuse' includes-

"(1) physical acts resulting in, or threatening to result in, physical injury;

"(2) sexual abuse, sexual activity involving a dependent child, or threats of or attempts at sexual abuse;

"(3) mental abuse, including threats, intimidation, acts designed to induce terror, or restraints on liberty; and

"(4) deprivation of medical care, housing, food or other necessities of life."

[ps1680]

SEC. 4. ENTITLEMENT TO LEAVE FOR DOMESTIC VIOLENCE.

(a) AUTHORITY FOR LEAVE.-Section 102(a)(1) (29 U.S.C. 2612(a)(1)) is amended by adding at the end the following:

"(E) In order to care for the child or parent of the employee, if such

child or parent is addressing domestic violence and its effects.

"(F) Because the employee is addressing domestic violence and its effects, the employee is unable to perform any of the functions of the position of such employee.".

ment.".

(c) INTERMITTENT OR REDUCED LEAVE (50 U.S.C. 2611) is amended by adding at the end the following:

"(14) ADDRESSING DOMESTIC VIOLENCE AND ITS EFFECTS.-The term 'addressing domestic violence and its effects' means-

"(A) experiencing domestic violence;

"(B) seeking medical attention for or recovering from injuries caused by domestic violence;

"(C) seeking legal assistance or remedies, including communicating with the police or an attorney, or participating in any legal proceeding related to domestic violence;

"(D) attending support groups for victims of domestic violence;

"(E) obtaining psychological counseling related to experiences of domestic violence;

"(F) participating in safety planning and other actions to increase safety from future domestic violence, including temporary or permanent relocation; and

"(G) any other activity necessitated by domestic violence which must be undertaken during hours of employment.".

(c) INTERMITTENT OR REDUCED LEAVE.-Section 102(b) (29 U.S.C. 2612(b)) is amended by adding at the end the following:

"(3) DOMESTIC VIOLENCE.-Leave under subparagraph (E) or (F) of subsection (a)(1) may be taken by an employee intermittently or on a reduced leave schedule. The taking of leave intermittently or on a reduced leave schedule pursuant to this paragraph shall not result in a reduction in the total amount of leave to which the employee is entitled under subsection (a) beyond the amount of leave actually taken.".

(d) PAID LEAVE.-Section 102(d)(2)(B) (29 U.S.C. 2612(d)(2)(B)) is amended by striking "(C) or (D)" and inserting "(C), (D), (E), or (F)".

(e) CERTIFICATION.-Section 103 (29 U.S.C. 2613) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:

"(e) DOMESTIC VIOLENCE.-In determining if an employee meets the

requirements of subparagraph (E) or (F) of section 102(a)(1), the employer of an employee may require the employee to provide-

"(1) documentation of the domestic violence, such as police or court records, or documentation of the domestic violence from a shelter worker, attorney, clergy, or medical or other professional from whom the employee has sought assistance in addressing domestic violence and its effects; or

"(2) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances which provide the basis for the claim, or physical evidence of domestic violence, such as photographs, torn or bloody clothes, etc.".

(f) CONFIDENTIALITY.-Section 103 (29 U.S.C. 2613), as amended by subsection (e), is amended-

(1) in the title by adding before the period the following: "; CONFIDENTIALITY"; and

(2) by adding at the end the following:

"(f) CONFIDENTIALITY.-All evidence of domestic violence experienced by an employee or the employee's child or parent, including an employee's statement, any corroborating evidence, and the fact that an employee has requested leave for the purpose of addressing domestic violence and its effects, shall be retained in the strictest confidence by the employer, except to the extent consented to by the employee where disclosure is necessary to protect the employee's safety.".

SEC. 5. ENTITLEMENT TO LEAVE FOR FEDERAL EMPLOYEES FOR DOMESTIC VIOLENCE.

(a) AUTHORITY FOR LEAVE.-Section 6382 of title 5, United States Code is amended by adding at the end the following:

"(E) In order to care for the child or parent of the employee, if such child or parent is addressing domestic violence and its effects.

"(F) Because the employee is addressing domestic violence and its effects, the employee is unable to perform any of the functions of the position of such employee.".

(b) DEFINITION.-Section 6381 of title 5, United States Code is amended-

(1) by striking hours of employment.".

(c) INTERMITTENT.-Striking the period at the end of paragraph (6) and inserting " and"; and

(3) by adding at the end the following:

"(7) the term 'addressing domestic violence and its effects' means-

"(A) experiencing domestic violence;

"(B) seeking medical attention for or recovering from injuries caused by domestic violence;

"(C) seeking legal assistance or remedies, including communicating with the police or an attorney, or participating in any legal proceeding related to domestic violence;

"(D) attending support groups for victims of domestic violence;

"(E) obtaining psychological counseling related to experiences of domestic violence;

"(F) participating in safety planning and other actions to increase safety from future domestic violence, including temporary or permanent relocation; and

"(G) any other activity necessitated by domestic violence which must be undertaken during hours of employment."

(c) INTERMITTENT OR REDUCED LEAVE.--Section 6382(b) of title 5, United States Code, is amended by adding at the end the following:

"(3) Leave under subparagraph (E) or (F) of subsection (a)(1) may be taken by an employee intermittently or on a reduced leave schedule. The taking of leave intermittently or on a reduced leave schedule pursuant to this paragraph shall not result in a reduction in the total amount of leave to which the employee is entitled under subsection (a) beyond the amount of leave actually taken."

(d) OTHER LEAVE.--Section 6382(d) of title 5, United States Code, is amended by striking "(C) or (D)" and inserting "(C), (D), (E), or (F)".

(e) CERTIFICATION.--Section 6383 of title 5, United States Code, is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:

"(e) DOMESTIC VIOLENCE.--In determining if an employee meets the requirements of subparagraph (E) or (F) of section 6382(a)(1), the employer of an employee may require the employee to provide-

"(1) documentation of the domestic violence, such as police or court records, or documentation of the domestic violence from a shelter worker, attorney, clergy, or medical or other professional from whom the employee has sought assistance in addressing domestic violence and its effects; or

"(2) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances which provide the basis for the claim, or physical evidence of domestic violence, such as photographs, torn or bloody clothes, etc."

(f) CONFIDENTIALITY.--Section 6383 of title 5, United States Code, as amended by subsection (e), is amended-

(1) in the title by adding before the period the following: "; Confidentiality", and

(2) by adding at the end the following:

"(g) CONFIDENTIALITY.-All evidence of domestic violence experienced by an employee or the employee's child or parent, including an employee's statement, any corroborating evidence, and the fact that an employee has requested leave for the purpose of addressing domestic violence and its effects, shall be retained in the strictest confidence by the employer, except to the extent consented to by the employee where disclosure is necessary to protect the employee's safety."

[pS1681]

SEC. 6. EFFECT ON OTHER LAWS AND Except as provided in paragraph (2), the amendments made othing in this Act or the amendments made by this Act shall be construed to supersede any provision of any Federal, State or local law, collective bargaining agreement, or other employment benefit program which provides greater unemployment compensation or leave benefits for employed victims of domestic violence than the rights established under this Act or such amendments.

(2) LESS PROTECTIVE.-The rights established for employees under this Act or the amendments made by this Act shall not be diminished by any collective bargaining agreement, any employment benefit program or plan, or any State or local law.

SEC. 7. EFFECTIVE DATE.

(a) GENERAL RULE.-Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect upon the expiration of 180 days from the date of the enactment of this Act.

(b) UNEMPLOYMENT COMPENSATION.-

(1) IN GENERAL.-Except as provided in paragraph (2), the amendments made by section 3 shall apply in the case of compensation paid for weeks beginning on or after the expiration of 180 days from the date of the enactment of this Act.

(2) MEETING OF STATE LEGISLATURE.-In the case of a State with respect to which the Secretary of Labor has determined that the State legislature is required in order to comply with the amendments made by section 3, the amendments made by section 3 shall apply in the case of compensation paid for weeks which begin on or after the expiration of 180 days from the date of the enactment of this Act and after the end of the first session of the State legislature which begins after the date of the enactment of this Act or which began prior to the date of the enactment of this Act and remained in session for at least 25 calendar days after such date of enactment. For purposes of the preceding sentence, the term "session" means a regular, special, budget, or other session of a State legislature.

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