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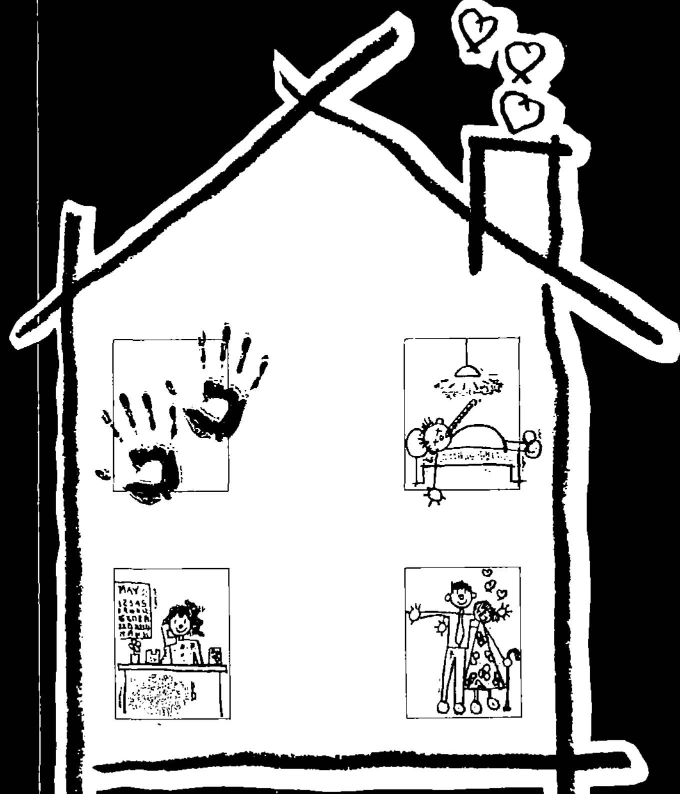

Family and Medical Leave

Family and Medical Leave

CONTENTS

EXPANDING THE FAMILY AND MEDICAL LEAVE ACT: BUILDING ON FOUR YEARS OF SUCCESS

WHAT'S IN THIS PACKET

This packet contains the following information on the Family and Medical Leave Act:

LEFT SIDE -

- About the Women's Legal Defense Fund
- WLDF's *Guide to the Family and Medical Leave Act: Questions and Answers*
- *A Workable Balance: Report to Congress on Family and Medical Leave Policies* (1996) (Executive Summary of the Family Leave Commission's Report, with charts)
- WLDF *News* (Winter 1996/1997)

RIGHT SIDE -

- Expanding the FMLA: A Summary
- Recent Proposals to Expand the FMLA
- Americans Support the FMLA and its Expansion by Wide Margins
- America's Working Families Need the FMLA to Cover More Employees
- America's Working Families Need Family and Medical Leave for More Family Needs
- America's Working Families Need Job-Guaranteed Leave to Protect Themselves from Domestic Violence
- America's Working Families Need Sick Leave to Care for their Sick Children
- America's Working Families Need Paid-Leave Insurance
- Case Study of an American Family that Needed Paid Leave
    - Cynthia Lewis -- Philadelphia, Pennsylvania

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WOMEN'S LEGAL DEFENSE FUND
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Family and Medical Leave

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 Families[1]

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).

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Proposals to Expand the Family and Medical Leave Act of 1993 (FMLA)

Clinton Administration proposal (sent to 104th Congress): Would allow employees an additional 24 hours of unpaid leave per year to participate in school activities related to their children's educational advancement, and to accompany children or elderly relatives to routine dental or medical appointments. The Administration put forth this proposal.

H.R. 109 (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. The Administration cannot support that aspect of the proposal that includes lowering the threshold for employer coverage. The Administration has discussed the issue of lowering the FMLA coverage threshold and rejected the idea at this time based on concerns regarding the effect on small businesses.

H.R. 191 (Representative Alcee Hastings, D-FL.): 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. The Administration cannot support that aspect of the proposal that includes lowering the threshold for employer coverage for the reason discussed above.

H.R. 234 (Representative Carolyn Maloney, D-NY): 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. The Administration should support this proposal because it is largely consistent with the Administration's own proposal.

H.R. 851 (Representative Lucille Roybal-Allard, D-CA): Allows victims of domestic violence to use available FMLA leave to deal with the results of domestic violence and its aftermath. The Administration should support this proposal because it is consistent with the intent of the Administration's proposal as well as suggestions put forward by the Department of Labor earlier this year.

S. 183 (Senator Christopher Dodd, D-CT): Lowers threshold for FMLA coverage to employers of 25 or more employees. The Administration cannot support this proposal for the reason discussed above.

S. 280 (Senator Patty Murray, D-WA): 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. The Administration should support this proposal because it is largely consistent with the Administration's own proposal, though somewhat narrower in scope.

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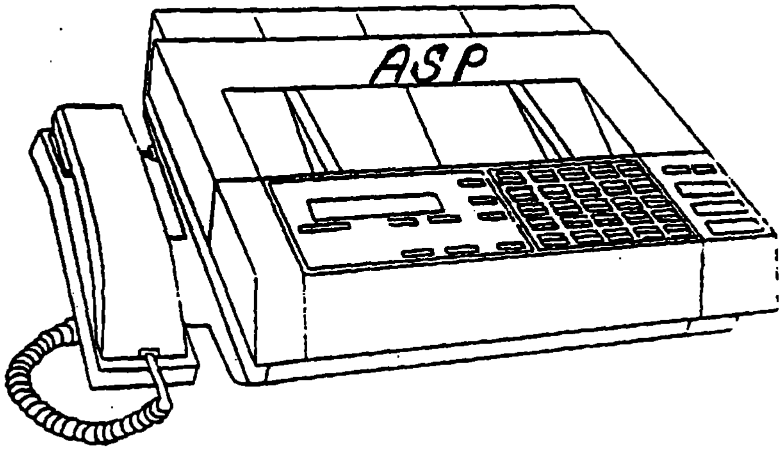
S. 367 (Senator Paul Wellstone, D-MN): Allows victims of domestic violence to use available FMLA leave to deal with the results of domestic violence and its aftermath. The Administration should support this proposal for the reason discussed above.

U.S. Department of Labor

Office of the Assistant Secretary for Policy
Washington DC 20210

FAX COVER SHEET



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FROM: Jen O'Connor PHONE NO: ______

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FAMILIES AND WORK INSTITUTE

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Fax Cover Sheet

DATE MARCH 31, 1997

TO	**PAULINE ABERNATHY** The White House Washington, DC	**FAX**	**(202) 456-2878 CODE 473**
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Number of pages including cover sheet: 27 page(s) total

Message

The research on the impact of greater workplace flexibility is summarized in this paper, *The Work-Life Business Case.* It also contains research summaries of other family-friendly programs and policies.

If we can provide any other information, please call.

I look forward to seeing you soon.

Ellen

DRAFT

The Work-Life Business Case

An Outline of a Work-in-Progress

Ellen Galinsky

Arlene A. Johnson

Dana E. Friedman

Families and Work Institute

Introduction

Large companies go through stages in their responses to the family/personal concerns of employees. We use the word "stage" to describe the overall focus or approach of the company's efforts. These stages are not always self-contained—companies can work on issues of two stages at once. In addition, the stages are not always sequential. In other words, a company may begin with Stage II, developing an integrated array of work-family programs or policies or Stage V, focusing on the community.

There is a push-pull that occurs as companies move from one stage to another. The push to change comes from external business and social factors that seem to require a response—while at the same time there are commonly accepted business assumptions that resist change. In order to address these assumptions, business leaders frequently rely on research, from other companies as well as their own, to make the business case.

In this work-in-progress, we share the highlights of the five stages that have emerged, the factors that lead to change, the ensuing assumptions that must be addressed, and the business case that is typically made.

Stage I

In Stage I, the focus of companies' efforts is on women and on addressing their child care needs.

External Factors Affecting Stage I

- An increasing number of women in the workforce: 46 percent of the workforce is now female (US Bureau of Labor Statistics, 1995).
- An increasing number of mothers with young children in the workforce: 62 percent of mothers with children under six years old are employed (US Bureau of Labor Statistics, 1995).

Assumptions That Must Be Addressed by Stage I Companies

In Stage I, there is often considerable resistance to work-family policies because of some deeply held business and societal assumptions:

- Family life has no place in the workplace.
- Managing family responsibilities is an individual, not a business issue—a business response would, in fact, be intrusive.
- Competent people can manage their family responsibilities; if they can't manage they shouldn't work.

- Mothers shouldn't work anyway; they should be with their children. The problem is greed.
- People are standing in line to be hired; the women who leave are easily replaceable.
- Anyway, you can't do things for women that you don't do for all workers.
- We haven't heard about problems from our employees.
- You have to sacrifice and prove your worth in this company; I did.
- If we did hear about problems, employees would probably want on-site child care but that's expensive, and serves only a small proportion of employees, and would create liability problems. Having children at the workplace would be disruptive.
- Work-family programs are not free—would spending money on these programs be a good use of shareholders' money?
- If we were to get involved in community child care, it is complex and confusing; unlike the schools, there is no single point of entry.

Business Case for Stage I

The major business case in Stage I is the cost of not responding, framed both in terms of the impact on the company and on the individual employee.

Cost to Employers

Child-Related Absences

- According to a nationally representative study of workers in the United States—the National Study of the Changing Workforce (NSCW), employed mothers miss an average of 4 days a year because of child-related issues such as sick children. Employed fathers miss an average of 2 days (Galinsky, Bond, and Friedman, 1993).

Employee Stress

- Forty percent of employed parents report experiencing work-family conflict at least some of the time within a three month period; 17 percent of employed mothers and 15 percent of employed fathers report experiencing quite a lot or a lot of work-family conflict (Galinsky et al., 1993).
- Thirty-eight percent of employed mothers and 19 percent of employed fathers report feeling nervous and stressed often or very often within a three month period (Galinsky et al., 1993).

The Costs as They Relate to Individual Workers' Well-being:

Companies identify the most salient child care problems and assess their impact. These are:

Child Care Breakdown

- According to the National Study of the Changing Workforce, employed parents with children under 5 have on average 1.66 child care arrangements per child. Employed parents with children 5-12 have on average 2.04 child care arrangements per child.
- Twenty-six percent of parents have child care arrangements that fall apart within a three month period—32 percent of parents with children under 5 and 20 percent of parents with children 5-12 have this experience.
- Employed parents who experience fewer breakdowns in their child care arrangements are more satisfied with their lives in general, are less stressed, and report better coping (Galinsky, et al., 1993).

Cost of Child Care

- According to the National Child Care Survey, families with an annual household income of under $20,000 spend 23 percent of their income on child care; families with an annual household income of more than $50,000 spend 6 percent on child care. On average, child care expenses consume 10 percent of household income (Hofferth, Brayfield, Deitch, and Holcomb, 1991).

- Employed parents who spend less of their household income on child care are more satisfied with their lives in general, less stressed, and report better coping (Galinsky et al., 1993).

Satisfaction with Child Care

- Overall, employed parents report being very satisfied with the quality of their child care, even when trained observers find that the quality is inadequate—potentially harmful to children's development—or mediocre, in which the children are safe but not learning (Shinn, Phillips, Howes, Whitebook, and Galinsky, 1990).
- Parents rate the quality of their child care as quite high (an average of between 5-7 on a 33-item scale where 1=inadequate, 3=mediocre, 5=good and 7=excellent). In contrast, trained observers using this scale rated these same child care arrangements on average between 2-3 (Cost, Quality, and Child Outcomes in Child Care Centers Team, 1995).
- When parents are dissatisfied with aspects of child care that directly affect them—cost, location, hours, opportunities for input—their well-being is poorer than parents who are more satisfied with those features (Shinn, et al., 1990).

Thus, the business case for Stage I companies typically rests on the cost of not responding to employees'—especially women's—family concerns in terms of the productivity loss due to child related absenteeism and employee stress. Companies also focus on the need to recruit and retain women.

Stage I Solutions

To address these concerns, Stage I companies provide:

- Child Care Resource and Referral
- Financial assistance in paying for child care
- On- or near-site child care

Stage II

Stage II companies broaden their scope to include all employees, both women and men, to broaden the range of family and personal life issues addressed and, often, to expand the definition of family. This expanded list of policies and programs is positioned as an integrated work-family agenda.

External Factors Affecting Stage II

- Increasing diversity of workforce: 46 percent of the labor force is white males; the remainder are women and minorities (US Bureau of Labor Statistics, 1995).
- Large proportion of workforce with family responsibilities: 87 percent of workers lived with a family member in 1992 (Galinsky et al., 1993).
- Increasing number of employees with elder care responsibilities: 7 percent of the workforce had regular elder care responsibilities in 1992; 18 percent expected to assume such responsibilities in the following year (Galinsky et al., 1993)

Assumptions That Must Be Addressed by Stage II Companies

Many of the business assumptions in Stage II relate to providing flexible work arrangements:

- Presence equals productivity.

- Face time equals commitment.
- If you give employees an inch, they'll take a mile.
- There is no need for policy; an employee and his or her supervisors can work it out.

Business Case for Stage II

The business case for Stage II tends to focus on the benefits of work-family solutions. There are an increasing number of studies that have assessed the impact of single work-family programs and/or policies as well as of an integrated array of programs.

Single Work-Family Programs or Policies

Parental Leave

- **Aetna:** Before 1988, Aetna experienced a 23 percent turnover among new mothers following childbirth. They found that those most likely to leave were their highest performers. In response, Aetna extended its parental leave to 6 months, allowed a part-time return, and trained supervisors in managing leaves. The company found that turnover was reduced by 50 percent—to between 9 and 12 percent. Because Aetna had done a cost of turnover study, it was able to calculate savings at approximately $1 million per year.
- **AT&T:** A study was conducted at AT&T by the Families and Work Institute of the cost of parental leave. The average cost of leave for new mothers is 32 percent of annual salary: 39 percent for management and 28 percent for non management. By comparison, the cost of turnover is 150 percent of the annual salary for management and 75 percent for non management. Thus, it is far less expensive to support a parental leave than to replace the employee permanently.

Leaves that are managed by supervisors with the least family-friendly attitudes—about working mothers and the company's role vis a vis work-family—are the most costly (Marra and Lindner, 1992). A companion study at AT&T found that problems in managing leaves are especially likely to occur when the supervisor is ill-informed about the company leave policies and feels unsupportive about work-family policies (Staines and Galinsky, 1992).

Flexible Time

- **Johnson & Johnson:** A Families and Work Institute study (1993) of Johnson & Johnson's balancing work and family program found that the average number of days absent among all J&J workers declined between 1990 before the program was instituted and after its implementation in 1992. This change occurred despite much more generous and flexible time and leave policies. Furthermore, users of the company's flexible time program are more likely to recommend J&J as an employer to prospective employees and to want to stay at the company than nonusers.

Child Care Resource and Referral

- Work/Family Directions calculates that Child Care Resource and Referral saves 13-17 hours of time for employees using the service (Work/Family Directions, 1995).

On-Site Child Care

- **Johnson & Johnson:** A study conducted at Johnson & Johnson by the Families and Work Institute found that users of their Child Development Center are more satisfied with the quality of their child care than a comparable group of nonusers at J&J. Likewise, users worry less: 22 percent of users report worrying once a week or more compared with 37 percent of nonusers. Contrary to expectations, employees with on-site child care did not miss less work than their counterparts without such access (Families and Work Institute, 1993).

- **Hospitals:** In a study of two on-site centers, Kossek (1994) found that center users are more likely to view the center as a factor in their recruitment and retention than nonusers. There was no difference in the absenteeism rates of users and nonusers.

Thus, the benefits of parental leave can be seen in lower turnover rates whereas flexible time is associated with lower absenteeism rates. The benefits of Child Care Resource and Referral relate to less lost time at work while on-site child care is linked to lower levels of worry and improved recruitment and retention.

An Integrated Array of Work-Family Programs and Policies

- **Fel-Pro:** A study conducted of Fel-Pro, an auto gasket company headquartered in Skokie, Illinois by Lambert and her colleagues from the University of Chicago (1993) found that workers with a high benefit use are more committed to the company, identify with Fel-Pro more, and feel proud to work there.

  The highest benefit users at Fel-Pro have the highest performance evaluations and the lowest intention of leaving the company. Furthermore, they have fewer disciplinary actions against them.

- **IBM:** IBM found that among their top performers, the second most important reason given for staying at the company is IBM's work-family program and policies.

- **National Study of the Changing Workforce:** Workers with access to flexible time and leave are more satisfied with their jobs, are more likely to want to remain on the job, and show more initiative than workers with no access to these policies (Galinsky et al., 1993).

Thus, the Stage II business case for a packaged or integrated response to work-family—either for adding new programs or consolidating existing company programs—relates to improvements in recruitment, in retention and in other indicators of job performance such as higher performance ratings and fewer disciplinary actions.

Stage II Solutions

In Stage II, companies typically focus on the following programs and policies:

- Development of a packaged response, i.e., an array of programs and policies under a work-family heading.
- Enhanced alternative work arrangements, including longer leaves, part-time return to work, greater work time flexibility, and less punitive absence control policies.
- Expanded dependent care supports, including elder care.
- Development of communication strategies to promote understanding and use of programs.

Differences Between Stages I-II and Stages III and Beyond

There are substantive differences between Stages I-II and the stages that follow. Stages I and II focus on increasing worker productivity and availability for work by reducing work -family conflict and family interference at work. Stages III-IV focus on enhancing work-family "fit" by eliminating workforce barriers to worker productivity. The justification also differs in Stages I-II and III-IV, shifting from justifying new programs in the first two stages to improving organizational effectiveness in the later stages. The outcomes differ as well. In the first two stages, the outcomes are decreased absenteeism, better recruitment and retention. In Stage III and beyond, the focus is on discretionary effort and improved work effectiveness.

While we continue to use the stage approach as a way of describing business change with regard to work-life, we recognize that what we are describing is two planes with very different intents and outcomes. Perhaps in the future we will find different terminology and analogies to describe these shifts.

Stage III

Companies moving into Stage III—if they have not done so in Stage II—may change the name of their initiative from work-family to work-life in recognition of the fact that the company is trying to address the needs of all workers, throughout the life cycle.

The major impetus for Stage III is the knowledge that the company's programs will only be able to achieve their intended effects if they exist within a supportive culture. Thus, Stage III companies focus on communication: publicizing managers' commitment to work-life issues; finding managers to serve as role models; removing the mixed messages within the company, and trying to align policy with practice ("walk the talk"). Stage III efforts additionally focus on improving the way front-line supervisors handle work-life concerns of employees and on making the organizational culture more family-friendly.

External Factors Affecting Stage III

The most important trends moving companies into Stage III:

- Increased downsizing: According to the 1992 National Study of the Changing Workforce, 42 percent of wage and salaried workers experienced downsizing or permanent cutbacks in the workforce in their workplaces in the last year (Galinsky et al., 1993). *The New York Times* (March 3, 1996) used Department of Labor figures to estimate that 43 million jobs have been downsized between 1979 and 1996.
- An end to the job-for-life expectation (Rifkin, 1995).

Assumptions That Must Be Addressed by Stage III Companies

As in every stage, certain business assumptions have to be addressed by Stage III companies:

- Programs are all that are needed to bring about change.
- Work-life is a program, not a culture change effort.
- People are motivated by a sink or swim atmosphere, not a supportive one.
- We won't be able to compete if we don't encourage long hours.
- Earnings and rewards should be related to one's willingness to make personal sacrifices for the company.

Business Case for Stage III

The justification for moving to Stage III is often based on the findings of several studies:

- **Johnson & Johnson:** Before J&J instituted its balancing work and family program in 1990, 44 percent of workers believed there would be a career penalty for using the flexible time and leave policies. Two years later, this number had dropped—but only to 32 percent. It is apparent that work-life programs and policies will not be utilized if workers believe their careers will be harmed by using them.

  Another finding, however, is also important. Workers at J&J with supervisors who are supportive when the employee has a work-life concern feel less stressed, feel more successful in balancing work and family life, are more loyal to the company, are more likely to recommend J&J as a place to work, and are more satisfied with their jobs.

  Likewise, workers who perceive that the company culture is supportive of their family and personal needs are also less stressed, feel more successful in balancing work and family life, are more loyal to the company, are more likely to recommend J&J as a place to work, and are more satisfied with their jobs (Families and Work Institute, 1993).

- **National Study of the Changing Workforce:** This study moves beyond the traditional indicators of productivity to look at discretionary effort. It found that workers with supportive supervisors and a family-friendly culture are more willing than workers without this support to go that extra mile to help their companies succeed. In an era of downsizing, when workers have to do more with less, the notion of discretionary effort is important to companies.

- **Fel-Pro:** The study conducted at Fel-Pro by Lambert and her colleagues (1993) found that the greater workers' use of benefits, the greater their citizenship behavior at work as seen in helping co-workers and supervisors, volunteering for work, and showing initiative. The more workers use and appreciate Fel-Pro's benefits, the more they support changes taking place at Fel-Pro. These workers show greater participation in teams, more problem solving, and are twice as likely to submit suggestions for product and process improvements.

- **DuPont:** Work/Family Directions (1995) found that employees who use or are aware of DuPont's work-life programs are the most committed workers in the company and the least likely to feel overwhelmed and burned out. Employees who use the programs are 45 percent more likely to strongly agree that they will go that extra mile to assure DuPont's success than those who don't use the work-life program.

Thus, the Stage III business case focuses on employee commitment and discretionary effort, on reducing the productivity loss caused by demoralization and by a nonsupportive workplace during periods of business turmoil.

Stage III Solutions

Stage III companies typically pursue the following initiatives:

- Enhanced communication efforts; examining company communications—formal and informal—to align all messages about work-family efforts and their rationale.

- Focus on manager behavior and role modeling as a primary form of communication and culture change.

- Training for managers in handling work-life issues at the workplace as a separate training program or as a part of core training.
- Creating linkages and promoting synergy with other functions and strategic initiatives, e.g. diversity, quality improvement, technology, recruiting, Board of Directors.
- Adding people skills to the factors by which supervisors are evaluated.
- Valuing employees and relationships: encourage pilots and experimentation and flexibility that emphasizes individual responsibility.

Stage IV

Beyond counting on sensitivity to work-life issues to encourage employees' discretionary effort, a Stage IV company asks: "Employees may be doing more work, but is it the right work?" Using a work-life lens to focus on work and work processes, a Stage IV company questions how the organization of work affects both productivity and personal and/or family well being. The answers become a catalyst for change and the company recognizes that it can profit by looking at the whole person, using the competencies derived from home and community participation as well as from work life.

Thus, it is characteristic of Stage IV companies to move away from the notion of work-life conflict toward work-life synergy—looking for the ways that work life and family/personal life can enhance, not detract, from each other.

External Factors Affecting Stage IV

Stage IV is influenced by:

- Continued downsizing: leading to increased work pressure on the survivors of downsizing.
- Re-engineering and post re-engineering: Companies focus on how work gets done most effectively and efficiently.
- Technology: Technology is changing when and where work gets done. It is also blurring the boundaries between work and nonwork—with the advent of portable computers, e-mail, home faxes, voice mail, etc.

- Cross functional teams and collaborative work processes that increase workload.

Assumptions That Must Be Addressed by Stage IV Companies

Among the business assumptions that companies grapple with in Stage IV are:

- Re-engineering is primarily a technical change process.
- Framing the issue of work processes in a work-life context might lead to less work getting done.
- Improving the work product is totally a matter of focusing on what people do at work—not on how work affects the family or personal lives of employees.
- Competitive times require us to work longer and harder.
- This is a period of business crisis, therefore we have to work in a crisis mode.

Business Case for Stage IV

Recent work-life studies reveal that the work environment and the way that jobs are structured are crucial to employee productivity, well-being and work-life balance (studies of work-life synergy have yet to be conducted).

- **National Study of the Changing Workforce:** This study asked the question, "Under what conditions are workers more willing to work hard to help their companies succeed, to show initiative, to want to stay at their companies, and to be satisfied with their jobs?" Findings reveal that the work environment and the way jobs are structured are pivotal. Employees are more likely to report putting in discretionary effort, to be satisfied with their jobs, and to want to stay in their jobs when they:
  - have some say about how to do their jobs (job autonomy);

- have some control over their schedules;
- have supportive co-worker relations;
- have supportive supervisory relations;
- don't feel that their job forces them to choose between having a job and having a life (a supportive work culture);
- feel they have an opportunity to succeed that is not hindered by their race and gender; and
- report that they have not experienced job discrimination.

Interestingly, very similar characteristics are associated with less work-family conflict. Workers with more job autonomy, reasonably—not overly—demanding and hectic jobs, and more job security, experience less work-family/personal conflict than other workers. Likewise, workers experience less conflict when they have supportive supervisors, a supportive work culture, and believe that people of their race and gender have opportunities to advance. These factors are more important than access to work-life programs in predicting the level of conflict a worker experiences (Galinsky et al, 1993).

Similarly, these same job and workplace characteristics are linked to lower levels of stress and better coping (Galinsky and Bond, 1996). In other words, the work environment and work processes affect workers' work-life balance, level of stress, and ability to cope.

These findings become even more important in light of another finding from the National Study of the Changing Workforce: work is three times more likely to spill over into family/personal life than family/personal life is to spill over into the workplace. Not surprisingly, other studies have found that job and workplace characteristics affect marriages (Hughes, Galinsky & Morris, 1991) and children's development (Howes, Sakai, Shinn, Phillips, Galinsky, & Whitebook, 1995).

Thus, the work environment and job characteristics are "the" work-life variables—the most important predictors of workers' success at home and on the job.

The Stage IV business case focuses on what work gets done and how it gets done as a way to increase productivity and workers' well-being.

Stage IV Solutions

If work characteristics are so important, does that mean that little change can occur? In fact, the answer to that question seems to be no, at least according to recent studies and consultations with companies:

- **Xerox:** With a grant from the Ford Foundation, Bailyn and her colleagues (1996) conducted a study at Xerox. The purpose of this study was to view work through a work-family lens, for researchers to work collaboratively with people at the sites to surface assumptions about the way they do their work that make their lives difficult and to work with them to change these work practices. In one worksite these assumptions were about time. Based on an analysis of how time was used, the researchers worked with a group to come up with changes. In this group, employees were unhappy because of constant interruptions. The experimental intervention consisted of setting aside specified periods of the day with no interruptions. The results were the first on-time product launch and less stress and pressure on workers. At another Xerox site, the workgroup experimented with alternative schedules. The result was a 30 percent reduction in absenteeism. In addition, customer responsiveness and hours of coverage increased.

- **Accounting Firm:** The Families and Work Institute established an evaluative, analytic process to bring about needed change in an accounting firm. Two groups were established: 1) an overall steering committee for the purpose of decision-making and 2) a cross-company sample of staff at different levels and in different jobs throughout the company. This latter group was asked to address several rounds of questions relating to work processes: Are their inefficiencies in the way we plan and conduct our work? How can we improve client service? How can we use technology more effectively? Are jobs staffed appropriately? Are meetings effective? What changes would help employee teams work together better? The answers, when evaluated by the steering committee, led to a series of recommended changes in work process aimed at improving productivity and employees' work-life synergy. The firm came to the conclusion that work-life concerns are inter-connected with the way clients are served, the way work is conducted and how people are developed.

What the Future Holds: A Preview of Stage V

We have every reason to expect that Stage V will link community with company. As one business executive put it, the walls between the internal and the external will come down.

The business case for linking company and community according to Perry Christensen of Merck and Co., Inc. (1996) are:

- The company receives a higher profile and brand image, which could potentially increase their customer base.
- The community receives much needed assistance.
- The employee is provided with the opportunity to contribute in meaningful ways to the community, thus potentially increasing the employee's skills, personal motivation, and spiritual regeneration.
- Team building occurs when the community service is done on a departmental basis. As Christensen states, "Many companies are finding out that the best and longest lasting team building does not occur by having a retreat together, but by participating together in building a home for Habitat for Humanity."

Companies have been involved in work-life endeavors in the community in several different ways. These include:

- **Creating community-wide networks:** An example is One Small Step in the San Francisco Bay area, an initiative in which community employers agree to take at least one small step to respond to their employees' family and personal needs with a new or expanded program, policy or practice.
- **Developing Funds to Increase the Supply of Quality Dependent Care:** Companies have created funds for supporting community child and elder care within their companies (e.g. AT&T's Family Care Development Fund which has pledged $40 million to improve dependent care in the communities where AT&T employees live and work), in their communities (e.g. Fort Worth TX's Corporate Champions which has raised $360,000 to support such projects as center accreditation) and across the country (the American Business Collaboration for Quality Dependent Care, a collaboration of 21 corporation that in 1995

collectively pledged $100 million to improve dependent care in their own communities).

- **Participating in Community Mobilization Efforts:** An example is business participation in Smart Start, a statewide early childhood initiative in North Carolina. Employees participate in county and state-level partnerships that determine the needs for their locations, then develop and implement plans for improving the quality and delivery of services for young children and their families.
- **Using Business Expertise to Develop Strategies to Finance the Early Childhood System:** In Colorado, for example, Governor Roy Romer appointed 25 leaders in business and finance who were charged with developing a long-term plan to finance early care and education (Galinsky, O'Donnell, and Kim, 1996).
- **Working on Community Projects:** Activities range from tutoring children, to mentoring young adults; from repairing neighborhoods to building housing or recreational centers; from staffing homeless shelters to working in soup kitchens. Sometimes, these activities are done by employees working on different projects, sometimes by business teams working on the same project. We expect to see an increase in the communities that create public-private ventures to develop family-friendly communities.

To date, most efforts have focused on dependent care, but corporate community links in the future are likely to focus on other elements of the community infrastructure for family and personal life. These and other approaches in community-building are just beginning to emerge.

Conclusion

It is clear that how we understand and frame the business case changes as companies move across the stages. It is also clear that work-life efforts are also moving—albeit very slowly—from the margins of the business enterprise to the core.

FIGURE 1: EVOLVING FOCUS OF WORK-LIFE INITIATIVES

	Stage 1	Stage 2	Stage 3	Stage 4
Commitment	**Grassroots** • A champion exists, with little support from top management	**Human Resources** • More top level support • Target managers to be more sensitive and aware	**Culture Change** • Critical top-level and middle management support	**Work Redesign** • Recognition that work-family is integral to key business decisions and design of work processes • Target front-line supervisors
Process	**Identify the Problem** •Child care or women's task force begins inquiry • Needs assessment	**Centralize Responsibility** • Task force on work-family • Instituting work family manager • Communicating policies • Training managers • Benchmarking	**Align and Mainstream Concepts** • Task force on work-life • Mission revised • Synergy with other strategic aims	**Embed in Work Processes** • Task force on people/human effectiveness • Work redesign and reengineering involves Human Resources
Initiatives	**Programmatic** • Defined as a woman's issue • Child care is primary focus • Usually some form of dependent care assistance	**Integrated** • Focus on the life cycle of employees • Packaging of policies and programs • Flexible work arrangements	**Strategic** • Eliminate mixed messages • Publicize role models • Performance reviews include work-family objectives • Flexibility without penalty	**Fundamental** • Alternative career paths • 360 degrees of feedback • Work teams have responsibility for individual scheduling
Community Focus	**Shared Information** • Attend conferences • Learn about community marketplace • Identify experts	**Project-Based Collaboration** • Consortia	**System-Wide Collaboration** • Participation on planning/policy committees • American Business Collaborative efforts • Dedicated funds	**Contributions through People** • Volunteer efforts • Targeted philanthropic agenda

FIGURE 2: EVOLVING BUSINESS CASE FOR WORK-LIFE INITIATIVES

Employees' personal lives inhibit productivity

RESPONSE TO CHANGING DEMOGRAPHICS
GOAL: REDUCE WORK-FAMILY CONFLICT

Workplace factors inhibit employees' sense of personal well-being, and, thereby, their full contribution

RESPONSE TO CHANGING ENVIRONMENT FOR JOBS
GOAL: INCREASE WORK-FAMILY SYNERGY

	Stage 1 Program(s) for dependent care, especially child care	**Stage 2** Broad range of integrated programs including alternative work arrangements	**Stage 3** Culture change with some community focus	**Stage 4** Focus on the workplace and work processes
Targeted group—who is affected?	• Women • Parents of young children	• All "families" • "Work-life" encompasses wide range of employees	• All employees • Organizational culture • Community organizations	• Employees and their families • Work teams and departments • Clients/Customers • Community
Business objectives—focus for the business case	• Recruit and retain women • Reduce productivity loss and stress caused by child care problems	• Recruit and retain a more diverse workforce • Reduce productivity loss and stress caused by family and personal life • Realize productivity gains through addressing causes of work-family conflict	• Improve employee commitment and discretionary effort • Reduce productivity loss caused by demoralization, non-supportive workplace • Create more effective organization	• For organization: efficiency; focus on what work is important and how it gets done • For individual: improved sense of well-being and commitment

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Fax Cover Sheet

Date: 3/28/97 Account code: 450

To: Pauline Abernathy

Fax number: 202 456 2878 Number of pages including cover sheet:

From: Ellen Galinsky

Message

Business report to follow on Monday
nice to talk with you
Ellen

FWI WORKING PAPER

ACCESS TO LEAVE BENEFITS UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993

Revised June 1995

James T. Bond

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EXECUTIVE SUMMARY

Based on data collected in the Families and Work Institute's *National Study of the Changing Workforce*, it is estimated that less than half (45 percent) of the U.S. wage and salaried labor force is eligible for medical and family leave benefits under the federal Family and Medical Leave Act (FMLA) of 1993. Moreover, it appears that access to FMLA benefits varies significantly in relation to gender, age, education, and other employee characteristics:

- Men have greater access than women;
- Older workers have greater access than younger workers,
- Workers with more education have greater access than other workers;
- Workers who earn more have greater access than those who earn less;
- Black, non-Hispanic workers have greater access that white, non-Hispanic workers, and much greater access than Hispanic workers;
- Workers in managerial or professional occupations have more access than other workers; and
- Workers in certain industries — e.g., manufacturing, transportation, communications, utilities, health services, and public administration — have greater access than workers in the wholesale and retail trades, personal services, and construction.

Lowering the FMLA requirement for hours worked in the past year from 1,250 to 1,000 hours would give men and women in the U.S. labor force equal access to FMLA leave benefits. However, further reducing the hours-worked requirement or the tenure requirement would do little to expand overall coverage or to eliminate unequal access among various subgroups in the labor force.

To significantly expand FMLA coverage, it would be necessary to include smaller employers — a change in policy that would have very little support from the business community. Although there is some evidence that the employer size exemption might be lowered without negative consequences for small business, existing research pertains only to parental leave and not to all of the other situations covered by the FMLA.

I. INTRODUCTION

Family and medical leave legislation was first introduced in the U.S. Congress in 1985 and was reintroduced annually, without success, through 1991. Finally in 1992, a bill passed both Houses, but was vetoed by President Bush. In early 1993, Congress sent yet another bill to the White House, and President Clinton signed it into law on February 5, 1993. The Family and Medical Leave Act (FMLA) of 1993 took effect six months later on August 5, 1993.

The FMLA provides employees with up to 12 weeks of unpaid, job-guaranteed leave annually for the following reasons:

- Their own serious health conditions including maternity-related disability;
- Care of a seriously ill child, spouse, or parent; and
- Care of a newborn child, newly adopted child, or newly placed foster child.

The FMLA requires employers to continue their contributions, if any, to pre-existing health insurance plans while employees are on leave and to preserve any employment benefits that accrued prior to the leave. Employees are entitled to take leaves on an intermittent basis when medically necessary in cases of their own serious illness or to care for a seriously ill child, spouse, or parent.

The Act covers all employers with 50 or more employees on their payrolls for 20 or more calendar weeks in the current or preceding calendar year. Employees are entitled to FMLA benefits if they have been employed by a covered employer for at least 12 months and have worked at least 1,250 hours during the preceding 12-month period for that employer, and if their employer has at least 50 employees within 75 miles of their worksite.

Faced with federal inaction on family and medical leave legislation from 1985 through 1992, many states passed their own laws. By the time the federal law took effect, 34 states — as well as the District of Columbia and the Commonwealth of Puerto Rico — had some form of maternity, medical, and/or family leave law on the books. In 13 states, these laws apply only to state employees, while in other jurisdictions, leave laws also cover private-sector employees. The FMLA specifies that state laws supersede the federal law when the provisions of state laws are more generous.

POLICY QUESTIONS

This paper addresses several key policy questions not addressed in previous research:

- Who has access to FMLA leave benefits and who does not?
- What accounts for differential access to FMLA leave benefits?
- How would changing FMLA eligibility requirements affect access to leave benefits?

It is hoped that answers to these questions will help frame future policy discussions surrounding family and medical leave.

STUDY SAMPLE

In 1992, the Families and Work Institute surveyed a representative sample of U.S. households in its *National Study of the Changing Workforce* (NSCW). The first round of data collection in this continuing study involved 45-minute telephone interviews with 3,381 employed men and women 18 - 64 years old.

The 1992 survey was funded by a consortium of corporate and philanthropic co-sponsors: Allstate Insurance Company; American Express; AT&T; Commonwealth Fund; DuPont Company; General Mills Foundation; IBM; Johnson & Johnson; Levi Strauss & Co.; Merck & Co.; Mobil Corporation; Motorola, Inc.; The Rockefeller Foundation; Salt River Project; and Xerox Corporation. The content of the survey was directly shaped by the concerns of workers and managers at the co-sponsoring organizations, as well as by the concerns of researchers and policymakers. The study was explicitly intended to pick up where the U.S. Department of Labor's last Quality of Employment Survey (Quinn and Staines, 1979) left off in 1977.

General findings for the 1992 subsample of 2,958 wage and salaried workers were published in *The Changing Workforce: Highlights of the National Study* (Galinsky, Bond, and Friedman, 1993). Analyses for this paper use the same sample of 2,958 wage and salaried workers.

ESTIMATION OF FMLA ELIGIBILITY

In order to identify a respondent as FMLA eligible or ineligible, it is necessary to estimate how long they have worked for their current employer (*tenure*), the number of hours they worked during the preceding year (*hours worked*), and the number of employees on their employer's payroll within a 75 mile radius of their worksite (*worksite coverage*).

The *National Study of the Changing Workforce* provides a direct measure of tenure, breaking it into months for respondents who have worked for their current employer for less than a year. The number of hours-worked during the preceding year was estimated from the following self-report variables: current regularly scheduled hours per week, average paid overtime hours per week, and number of weeks worked during the preceding year. Because the survey did not ask respondents how many persons were employed by their employers within 75 miles of their workplaces, worksites were classified as covered when respondents reported 50 or more employees at their place of work. It is likely that this method of identifying covered worksites slightly under-estimates overall FMLA eligibility. Specifically, among the 19 percent of respondents whose local worksites have fewer than 50 employees, but whose employers have more than 50 employees nationwide, some surely meet the criterion of working for an employer 50 or more employees of the same employer within 75 miles — as well as meeting the eligibility rules for tenure and hours worked.

II. FINDINGS

WHO HAS ACCESS TO FMLA LEAVE BENEFITS AND WHO DOES NOT?

As the findings in Table 1 indicate, different subgroups of the U.S. labor force have rather different access to family and medical leave benefits under the FMLA.[1] Overall, we estimate that less than half of wage and salaried workers in the U.S. — about 45 percent — are eligible for FMLA leave benefits. Access varies by gender, age, education, and numerous other factors:

- Men have somewhat greater access than women;
- Older workers have much greater access than younger workers,
- Workers with more education have greater access than less educated workers;

[1] Whether absolute differences among subgroups reach statistical significance is indicated with asterisks in the body of tables. A single asterisk (*) indicates that there is less than one chance in twenty (p<.05) that the observed difference resulted from sampling error. Similarly, two asterisks (**), three asterisks (***), and four asterisks (****) indicate that there is less than one chance in 100 (p<.01), in 1,000 (p<.001), or in 10,000 (p<.0001), respectively, that observed differences resulted from sampling error.

Table 1: Estimated Percentage of Employees Covered by the Family and Medical Leave Act of 1993 — Overall and by Population Subgroups
(Maximum Sample Size for Analysis = 2,958)

Employee Groups	Estimated Percentage of Employees Covered
All Wage and Salaried Workers *(N=2958)*	45.3%
Gender *(N=2958)*	**
Men	47.7
Women	42.9
Age *(N=2935)*	****
Under 30 years	34.3
30 - 49 years	48.6
50 or more years	52.8
Education *(N=2948)*	***
High school or less	41.7
Some college or more	47.9
Hourly earnings *(N=2317)*	****
Less than $7.00 per hour	28.0
$7.00 through $15.99 per hour	48.5
$16.00 per hour or more	59.2
Race/Ethnicity *(N=2870 for three groups analyzed)*	****
White, Non-Hispanic	44.9
Black, Non-Hispanic	55.7
Hispanic	33.7

*Statistical significance: * = p<.05; ** = p<.01; *** = p<.001; **** = p<.0001; NS = Not Significant*

(Table 1 continued)

Table 1 (Continued)

Employee Groups	Estimated % of Employees Who Are Covered
Parental status *(N=2958)*	NS
No child under 18 at home	
Child under 18 at home	
Elder or adult dependent care responsibilities *(N=2958)*	*
No	44.9
Yes	54.0
Occupation *(N=2958)*	****
Manager or professional	52.4
Other occupation	42.1
Industry *(N=2949)*	****
Manufacturing	70.4
Transportation, communications, utilities	54.1
Wholesale and retail trades	34.0
Finance, insurance, real estate	42.8
Business or professional service	40.5
Health services	51.7
Educational services	43.3
Social service or religious organizations	36.5
Personal services	25.6
Public administration, government	53.1
Construction	15.0
Mining, agriculture, fishing	32.1

*Statistical significance: * = p<.05; ** = p<.01; *** = p<.001; **** = p<.0001; NS = Not Significant*
Source: Families and Work Institute, 1992 National Study of the Changing Workforce

- Workers who earn more have much greater access than those who earn less;

- Black, non-Hispanic workers have greater access that white, non-Hispanic workers, and much greater access than Hispanic workers;

- Workers with elder care or adult dependent care responsibilities have somewhat greater access than others.

- Workers in managerial or professional occupations have more access than other workers; and

- Workers in certain industries — e.g., manufacturing, transportation, communications, utilities, health services, and public administration — have greater access than workers in other industries — e.g., wholesale and retail trades, personal services, and construction.

The only groups compared that were not found to have differential access to FMLA leave benefits are workers with and without children under 18 years of age at home.

WHAT ACCOUNTS FOR DIFFERENTIAL ACCESS?

In order to be eligible for family and medical leaves under the FMLA, an employee must work at a covered worksite,[2] must have been employed by his or her employer for at least 12 months, and must have worked at least 1,250 paid hours in the 12 months preceding a request for leave. The findings reported in Table 2 help to explain the differential access to FMLA leave benefits evident — for all but working parents versus others — in Table 1 (above). It is clear from the findings presented in Table 2 that some groups of workers in the U.S. labor force are more likely than others to meet FMLA eligibility requirements:

- Men are more likely than women to have full-time jobs and to have worked at least 1,250 hours over the past year. Men and women do not differ with respect to tenure or worksite coverage.

- Workers over 30 are more likely than younger workers to satisfy all three eligibility requirements — hours worked, tenure, and worksite coverage.

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[2] According to the provisions of the FMLA a covered worksite is a site with 50 or more employees within a 75-mile radius. By our definition for this paper a covered worksite is a site with 50 or more employees at that location. See discussion on page 3.

Table 2: Percentage of Employees in Selected Subgroups of the Labor Force Who Meet Each of the FMLA Eligibility Criteria

Employee Groups	Employees Meeting 1250 Hours Worked Criterion	Employees Meeting 12-month Tenure Criterion	Employees at Covered Worksites (50 or More Employees)
Gender *(N=2934)*	****	NS	NS
Men	84.9%		
Women	76.6		
Age *(N=2914)*	****	****	***
Under 30 years	69.7	73.0	46.6
30 - 49 years	83.9	88.4	54.4
50 or more years	88.8	94.6	57.1
Education *(N=2924)*	NS	NS	****
High school or less			47.0
Some college or more			56.5
Hourly earnings *(N=2315)*	****	****	****
Less than $7.00 per hour	68.5	74.2	34.7
$7.00 through $15.99 per hour	84.8	87.4	56.2
$16.00 per hour or more	86.6	93.5	65.3
Race/Ethnicity *(N=2846 for three groups analyzed)*	NS	NS	****
White, Non-Hispanic			52.9
Black, Non-Hispanic			60.2
Hispanic			37.3

*Statistical significance: * = p<.05; ** = p<.01; *** = p<.001; **** = p<.0001; NS = Not Significant*

(Table 2 Continued)

Table 2 (Continued)

Employee Groups	Employees Meeting 1250 Hours Worked Criterion	Employees Meeting 12-month Tenure Criterion	Employees at Covered Worksites (50 or More Employees)
Elder or adult dependent care responsibilities *(N=2934)*	*	NS	*
No	80.1%		52.1%
Yes	88.5		62.4
Occupation *(N=2938)*	****	****	***
Manager or professional	87.5	91.3	57.8
Other occupation	77.8	82.6	50.3
Industry *(N=2949)*	****	****	****
Manufacturing	89.5	89.9	77.6
Transportation, communications, utilities	90.2	90.5	58.1
Wholesale and retail trades	72.4	77.9	42.6
Finance, insurance, real estate	86.3	87.4	48.2
Business or professional services	82.7	85.9	47.2
Health services	75.9	84.2	67.8
Educational services	76.8	91.0	53.2
Social service or religious organizations	75.3	82.5	40.2
Personal services	71.0	74.5	27.7
Public administration, government	90.3	93.2	56.5
Construction	76.4	78.9	22.4
Mining, agriculture, fishing	83.4	84.6	33.7

*Statistical significance: * = p<.05; ** = p<.01; *** = p<.001; **** = p<.0001; NS = Not Significant*
Source: Families and Work Institute, 1992 National Study of the Changing Workforce

- Workers with more education tend to work for larger employers than workers with less education. Consequently, higher education workers more often work at FMLA-covered worksites. Tenure and hours worked do not vary by educational level.

- Workers with higher hourly earnings are more likely than those with lower earnings to satisfy all three eligibility requirements.

- Black, non-Hispanic workers are more likely than either Hispanic or white, non-Hispanic workers to be employed at FMLA-covered worksites with more than 50 employees. These groups do not differ with respect to tenure or hours worked.

- Workers with elder or adult dependent care responsibilities are older and somewhat more likely than other workers to meet the hours-worked requirement and to be employed at an FMLA-covered worksite, but do not differ with respect to meeting the tenure requirement.

- Managers and professionals are more likely than workers in other occupations to meet all three eligibility criteria, since, on average, they work longer hours, have longer tenure with their employers, and are employed by larger companies and organizations.

- An analysis of industries reveals that employees in manufacturing, transportation, communications, and utilities industries, as well as those in public administration, are most likely to have worked 1,250 hours during the preceding 12 months. Employees in these three industries, along with those in educational services, are also most likely to have worked for their current employers for at least 12 months. Finally, employees in manufacturing industries are most likely to be employed at FMLA-covered worksites, followed by workers in health services, transportation, communications, utilities, public administration, and educational services.

Although federal policymakers certainly did not intend to provide men and women, members of different ethnic groups, or employees in different industrial sectors with differential access to FMLA leave benefits, unwittingly they did, as indicated by the findings reported in Tables 1 and 2.

HOW WOULD CHANGING FMLA ELIGIBILITY REQUIREMENTS AFFECT ACCESS?

Among the various maternity, medical, and family leave laws proposed and/or enacted over the past decade, there is little agreement about which employers should be covered and which employees should be entitled to leave. Although most state statutes, like the federal FMLA, exempt smaller private employers (i.e., those with fewer than 100, 75, 50, or 25 employees), eight states extend maternity, adoption, and/or medical leave benefits — but not family leave benefits — to employers with fewer than 10 employees. Five of these states (CA, CT, MT, and NH) extend maternity leave benefits alone to firms with 1 through 6 or more employees; two states (CO and MA) extend both maternity and adoption leave benefits to firms with 1 or more and 6 or more employees, respectively; and two states (IA and KS) extend general medical leave benefits to firms with 4 or more employees. The lowest exemption thresholds for state mandated family leave benefits are found in Vermont, which exempts employers with fewer than 15 employees, and Minnesota, which exempts firms with fewer than 21 employees from both medical and family leave requirements.

Similar variation exists with respect to the tenure and hours-worked requirements. Although 12 months of continuous service (the FMLA criterion) is the most common tenure requirement, state laws covering maternity and medical leave, in contrast to family leave, often have no tenure requirement at all. Regarding hours-worked requirements, most states do not impose any requirement, and none imposes the federal requirement of 1,250 hours. Among those few states with an hours-worked requirement, 1,000 hours worked in the preceding 12 months is the most common criterion, approximating the hours associated with half-time jobs.[3]

A series of "what if" analyses were conducted to determine how changes in FMLA eligibility requirements — hours worked, tenure, and worksite coverage — would affect the overall proportion of U.S. workers covered by the FMLA and the equality of access to FMLA leave benefits by different groups of workers within the labor force.

Table 3 presents estimates of the percentage of wage and salaried workers who would be covered by the FMLA under less demanding eligibility criteria — alternative criteria that have been implemented by states and/or proposed in bills put before the U.S. Congress. These estimates assume that only one criterion would vary at a time — e.g., the tenure requirement would be lowered to 9 months, but all other eligibility requirements would remain as prescribed by the FMLA.

Lowering the tenure requirements from 12 months to 9 or 6 months makes only a small difference in the proportion of the U.S. labor force that would be covered by the

[3] Information about state family and medical leave statutes was drawn from a report by the Women's Bureau of the U.S. Department of Labor (U.S. Department of Labor, June 1993).

FMLA. Reducing the hours-worked requirement from 1,250 hours in the preceding year to 1,000 hours or to 0 hours, makes a slightly larger difference in coverage. However, lowering the employer size exemption from 50 employees to 20 or 15 employees has by far the largest impact on FMLA coverage.

Table 3: Estimated Percentage of Employees Who Would Be Covered Under Alternative Eligibility Criteria — Varying Only One Criterion at a Time
(Sample Size = 2,958)

Hypothetical Variations in the Criteria by which Eligibility for Leave Is Determined	Estimated Percentage of Employees Covered
Under Current FMLA Eligibility Criteria	45.3%
Alternative Tenure Requirement:	
Lowering the tenure requirement from 12 months to 9 months	45.9%
Lowering the tenure requirement from 12 months to 6 months	46.5%
Alternative Hours-worked Requirement:	
Lowering the hours-worked requirement from 1,250 hours to 1,000 hours	47.0%
Eliminating the hours-worked requirement	49.6%
Alternative Employer Size Exemption:	
Lowering the exemption threshold from 50 employees to 20 employees	56.9%
Lowering the Exemption threshold from 50 employees to 15 employees	59.7%

Source: Families and Work Institute, 1992 National Study of the Changing Workforce

Table 4 illustrates how simultaneous variation of FMLA eligibility criteria — hours worked, tenure, and employer size — would affect FMLA coverage. The percentages in the top left cell (45.3 percent) and bottom right cell (70.2 percent) represent the extremes considered in this exercise. Currently, about 45 percent of U.S. wage and salaried workers are eligible for FMLA leave benefits. If the hours-worked requirement were eliminated, the tenure requirement reduced to 6 months, and the employer size exemption threshold reduced to fewer than 15 employees, 70 percent of U.S. workers would be covered.

Table 4: Estimated Percentage of Employees Who Would Be Covered Under Alternative Eligibility Criteria Varying Multiple Criteria at the Same Time
(Sample Size = 2,958)

Employee Eligibility Criteria		Employer Size Exemption		
Tenure Requirement	Hours Requirement	Fewer than 50 Employees	Fewer than 20 Employees	Fewer than 15 Employees
12 Months	1250 hours	45.3%*	56.9%	59.7%
	1000 hours	47.0	59.2	62.1
	None	49.6	62.6	65.5
9 Months	1250 hours	45.9	57.9	60.7
	1000 hours	47.7	60.3	63.3
	None	50.4	63.9	66.9
6 Months	1250 hours	46.5	58.8	61.9
	1000 hours	48.8	62.0	65.2
	None	52.2	66.7	70.2

Source: Families and Work Institute, 1992 National Study of the Changing Workforce

* The shaded cell contains the estimated percentage of employees who are eligible for leave benefits under the provisions of the Family and Medical Leave Act of 1993. Other cells give estimates of coverage under alternative combinations of eligibility criteria.

In Table 5, several of the Table 4 "what if" scenarios are examined to determine whether or not they would provide more equal access to FMLA leave benefits among U.S. workers. The following 5 options, which have some precedence in state or proposed federal laws, were evaluated:

Option 1: Hours-worked requirement lowered to 1,000 hours in the past year (tenure and employer size exemption unchanged);

Option 2: Employers with 20 or more employees are covered (tenure and hours worked unchanged);

Option 3: Employers with 15 or more employees are covered (tenure and hours worked unchanged);

Option 4: Employers with 20 or more employees are covered and hours-worked requirement is reduced to 1,000 hours in past year (tenure unchanged);

Option 5: Employers with 15 or more employees are covered and hours-worked requirement is reduced to 1,000 hours in past year (tenure unchanged).

As shown in Table 5, reducing the hours-worked requirement to 1,000 hours in the past year would eliminate differential access by gender, but have no appreciable impact on differential access among other groups and do little to expand FMLA coverage of the labor force as a whole. Lowering the employer size exemption has the greatest overall impact on FMLA coverage of the labor force; however, within the ranges considered here — 20 or fewer employees and 15 or fewer employees — lowering the employer size exemption would not eliminate differential access to FMLA leave benefits.

Further analyses were conducted to evaluate how even less restrictive eligibility rules than those considered in Table 5 might provide more equal access to leave benefits among various subgroups in the U.S. labor force. For example, the least restrictive option represented in Table 4 would lower the tenure requirement to 6 months, eliminate the hours-worked requirement altogether, and reduce the establishment size exemption to fewer than 15 employees. Although relaxing eligibility rules to that point would expand labor force coverage well beyond the coverage provided by any option in Table 5, it would not eliminate differential access to leave benefits by age, education, earnings, ethnicity, elder care or adult dependent care responsibility, occupation, or industry. Indeed, access differences among these groups remain statistically significant even when the establishment size exemption is lowered to fewer than 5 employees.

Further manipulation of eligibility rules revealed that the statistically significant difference in access by elder care or adult dependent care responsibility disappears when

Table 5: How the Percentage of Employees Covered Would Vary by Population Subgroups Under Alternative Criteria for Employer Exemption and Employee Eligibility
(Maximum Sample Size for Analysis = 2,958)

Employee Groups	Current Law	Option 1 Hours-worked requirement lowered to 1000 hours in previous 12 months	Option 2 Employers with 20 or more employees covered	Option 3 Employers with 15 or more employees covered	Option 4 Employers with 20 or more employees covered and hours-worked requirement lowered to 1000 hours in previous 12 months	Option 5 Employers with 15 or more employees covered and hours-worked requirement lowered to 1000 hours in previous 12 months
All Wage and Salaried Workers	45.3%	47.2%	56.9%	59.7%	[illegible]	61.1%
Gender *(N=2958)*	**		**	**		
Men	47.7	NS	59.5	62.1	NS	NS
Women	42.9		54.3	57.2		
Age *(N=2935)*	****	****	****	****	****	****
Under 30 years	34.3	35.2	46.1	47.2	47.4	48.7
30 - 49 years	48.6	50.4	59.3	62.8	61.7	65.4
50 or more years	52.8	55.2	66.9	69.8	70.0	72.9
Education *(N=2948)*	***	***	**	**	**	**
High school or less	41.7	43.2	53.8	56.6	55.8	58.6
Some college or more	47.9	49.7	59.1	61.7	61.6	64.5
Hourly Earnings *(N=2317)*	****	****	****	****	****	****
Less than $7.00 per hour	28.0	29.8	39.3	41.5	42.3	44.4
$7.00 through $15.99 per hour	48.5	50.1	60.1	63.3	62.1	65.5
$16.00 per hour or more	59.2	61.0	71.8	74.3	73.8	76.3
Race/Ethnicity *(N=2870)*	****	****	****	****	****	***
White, Non-Hispanic	44.9	46.7	56.6	59.6	59.0	62.2
Black, Non-Hispanic	55.7	56.3	67.3	68.4	68.5	69.7
Hispanic	33.7	36.1	46.7	49.8	49.4	52.5

*Statistical significance: * = p<.05; ** = p<.01; *** = p<.001; **** = p<.0001; NS = Not Significant.*

(Table 5 Continued)

Table 5 (Continued)

Employee Groups	Current Law	Option 1 Hours-worked requirement lowered to 1000 hours in previous 12 months	Option 2 Employers with 20 or more employees covered	Option 3 Employers with 15 or more employees covered	Option 4 Employers with 20 or more employees covered and hours-worked requirement lowered to 1000 hours in previous 12 months	Option 5 Employers with 15 or more employees covered and hours-worked requirement lowered to 1000 hours in previous 12 months
Parental Status *(N=2958)*						
No child under 18 at home Child under 18 at home	NS	NS	NS	NS	NS	NS
Elder or adult dependent care *(N=2958)*	*	*	*	*	*	
No	44.9	46.6	56.5	59.3	58.8	NS
Yes	54.0	56.1	65.1	67.6	67.2	
Occupation *(N=2958)*	****	****	****	****	****	****
Manager or professional	52.4	54.2	66.0	70.0	68.3	72.4
Other occupation	42.1	43.8	52.8	55.0	55.1	57.4
Industry *(N=2949)*	****	****	****	****	****	****
Manufacturing	70.4	70.9	77.6	78.9	78.6	79.9
Transport., communicat., utilities	54.1	55.0	67.4	69.3	68.3	70.3
Wholesale and retail trades	34.0	35.4	44.2	47.2	46.8	50.3
Finance, insurance, real estate	42.8	44.5	57.4	59.4	59.1	61.1
Business or professional service	40.5	42.5	50.7	57.0	52.9	59.7
Health service	51.7	55.2	58.1	60.3	62.5	64.7
Educational service	43.3	47.2	62.0	65.1	67.4	70.9
Social service or religious org.	36.5	36.5	50.5	55.6	50.5	55.6
Personal service	25.6	26.4	40.2	43.4	41.3	44.5
Public admin., government	53.1	54.9	69.6	70.0	71.4	71.8
Construction	15.0	16.6	29.6	31.9	31.2	33.5
Mining, agriculture, fishing	32.1	32.8	39.7	42.2	40.5	42.9

*Statistical significance: * = p<.05; ** = p<.01; *** = p<.001; **** = p<.0001; NS = Not Significant.*
Source: Families and Work Institute, 1992 National Study of the Changing Workforce

the hours-worked requirement is eliminated, while maintaining the establishment size exemption at fewer than 15 employees and tenure at 12 months.[4] Although it might seem that there is no need to worry about this difference since workers with greater family care responsibilities have greater access to leave benefits than other workers, the other workers in this instance tend to be younger, forming families, and raising young children — that is, many have their own demanding family care responsibilities.

Age differences in access disappear when both the tenure and hours-worked requirements are eliminated, while maintaining the establishment size exemption at fewer than 15 employees. Although differences in access by education level and ethnic group membership are sharply attenuated when the establishment size exemption is lowered to fewer than 5 employees, while maintaining the requirements for tenure at 6 months and hours-worked at zero, statistically significant differences do not disappear until the size exemption is lowered to fewer than 4 employees, in the case of education, and fewer than 3 employees, in the case of ethnicity. This is due to the fact that poorly educated workers and Hispanic workers are disproportionately represented in the very smallest workplaces. As for differences in access by earnings level, occupation, and industry, they persist — albeit in attenuated form — until both the tenure and hours-worked requirements are eliminated entirely and the establishment size exemption is lowered to fewer than 3 workers, in the case of occupation, or eliminated altogether, in the case of earnings level and industry.

DISCUSSION

With less than half the U.S. labor force covered by the Family and Medical Leave Act of 1993 and with unequal access to FMLA leave benefits by gender, age, education, earnings, ethnicity, occupation, and industry, the FMLA in its current form does not provide the broad and equitably distributed support for families envisioned by its proponents. While lowering the hours-worked requirement to 1,000 would provide equal access for men and women in the labor force, it would do little to remedy differential access among other employee groups. Nor would it appreciably increase the proportion of workers covered by the Act. Even eliminating the hours-worked and tenure requirements entirely would not expand coverage to a majority of the wage and salaried labor force, and would not eliminate differential access to leave benefits among various subgroups in the U.S. labor force.

[4] The difference in access to leave benefits between workers with and without elder care or adult dependent care responsibilities is largely a function of age. Older workers are far more likely to have such responsibilities. On average, older workers also have worked more hours during the preceding year and are employed at larger establishments than younger workers.

By far the most important determinant of the proportion of workers covered under the FMLA (and of equal access) is the establishment size threshold for the employer exemption. Lowering the threshold from 50 to 20 employees increases coverage by about 12 percentage points — from 45 to 57 percent. Dropping the threshold further to 15, adds another 3 percentage points, bringing coverage to 60 percent. Although a number of state laws have lower exemption thresholds than the FMLA and although lower thresholds were originally proposed in federal legislation, large segments of the business and policy communities believe that lowering the employer size threshold would be devastating to small business in this country.

One study of the impact of parental leave laws (not family and medical leave as defined by the FMLA) in four states (Bond, Galinsky, Lord, Staines, and Brown, 1991) addressed the issue through a natural experiment in which two states exempted employers with fewer than 50 employees (the FMLA threshold), one exempted employers with fewer than 25 employees, and the fourth drew its exemption line at fewer than 21 employees. In that study, company size was not related to reported difficulty implementing the parental leave benefits required by law or reported costs of implementation. The study also found that prior to the enactment of state parental leave statutes, employers of different sizes (under 10, 10 - 20, 21 - 49, and 50 or more employees) were equally likely to offer job-guaranteed maternity leaves, with no difference in the length of leaves allowed. The main difference among employers of different sizes was that larger employers were more likely to have encoded leave benefits in formal written policies as entitlements, while smaller employers simply embraced certain practices with respect to leaves.

Although these findings suggest that the FMLA employer size exemption might be lowered somewhat without serious negative consequences for small business, it is important to note that the leave statutes in those states with exemption thresholds below 50 employees covered leaves for births and adoptions, but not the other purposes covered by the FMLA. Thus, further research would be desirable to guide any future changes in federal leave laws. In this regard, research currently underway with funding and guidance from the Commission on Leave may be particularly relevant to evaluating current regulations and future options.

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Family and Medical Leave

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

Set #5

- 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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Family and Medical Leave

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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Family and Medical Leave

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]

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[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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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.

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

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

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

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

[5]New York Victim Services Agency Report, 1987.

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Family and Medical Leave

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

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[1]CCH, Human Resources Management, 1996.

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

[3]Greater 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]

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

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

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

Family and Medical Leave

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

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[1]Unless 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.

- <u>TDI systems could be created or expanded to cover periods of FMLA-protected absences</u>.

  - 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]

- <u>Unemployment insurance (UI) could also be used to cover periods of FMLA-covered absences</u>.

  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.

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[3]Kirsten Wever, <u>Assessing Temporary Wage Replacement for Family and Medical Leave</u>, 1995.

[4]<u>Research in Brief: What is Temporary Disability Insurance?</u>, Institute for Women's Policy Research, 1995.

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A Workable Balance:

Report to Congress on Family and Medical Leave Policies

Commission on Leave

Executive Summary

Families and Employers in a Changing Economy

In 1993, Congress passed the Family and Medical Leave Act (FMLA or the Act) to provide a national policy that supports families in their efforts to strike a workable balance between the competing demands of the workplace and the home. These demands have intensified over the last 25 years, as the nation has experienced dramatic social and economic changes affecting businesses, employees and families alike. American businesses have confronted a changing world economy marked by increasing competition, technological innovation and instability. Many more women have entered the labor force. Many families' caregiving needs are now being met by family members who also are holding down jobs. This, in turn, has fueled the rising need among employees for workplace policies that enable them to meet the often competing demands of job and home.

In almost every family a time comes when some family member has a serious medical problem or a caregiving need that requires time off from work. Without the availability of job-protected family and medical leave, employees often face the difficult choice of returning to work prematurely, of giving up their jobs or of not providing their families the care and support they need.

Prior to the Family and Medical Leave Act, employees had access to family and medical leave in two ways: 1) voluntary or collectively bargained employer policies; and 2) policies required by state leave statutes. A quarter to a third of formal employer policies matched FMLA requirements in the protections they offered. Many voluntary policies did not provide leave for all the reasons offered by FMLA - especially to care for a seriously ill parent, child or spouse, or to care for a newborn, newly-adopted or foster child. Leave was often handled on a case-by-case basis, for a shorter duration, and health insurance and other benefits were not necessarily maintained. In addition, the discretionary nature of many leave policies meant that leave-taking employees often did so at some risk to their job security.

State statutes, enacted in 34 states, Puerto Rico and Washington, D.C., expanded unpaid, job-guaranteed leave options for some employees, especially in the area of maternity leave, but very few were as comprehensive as the FMLA. The amount of job-guaranteed leave that a worker could take varied widely in state law - from 16 hours to one year. Eligibility requirements also varied, and many of the laws applied only to state employees. Most of the laws exempted certain small businesses. Five states and Puerto Rico also have Temporary Disability Insurance laws (TDI) which pre-date FMLA and provide partial wage replacement during maternity-disability leave as well as other temporary disabilities.

Today, many more employers are providing family and medical leave policies through their compliance with the new law, which requires employers with 50 employees or more to provide up to 12 weeks of unpaid, job-protected leave a year to eligible employees to care for a newborn, newly-adopted or foster child, a child, spouse or parent with a serious health condition, or for the serious health condition of the employee, including maternity-related disability. Employees are eligible to take leave if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees working for their employer within a 75-mile radius of their worksite.

This report provides an initial assessment of family and medical leave policies in general, and of FMLA in particular: are we approaching the workable balance envisioned by this nation's lawmakers?

How the Commission Went About its Work

The Commission on Leave, which commenced in November 1993, was composed of members who possessed the expertise and practical experience needed to evaluate family and medical leave issues. They included Congressional leaders, representatives of women and families, labor and the business community, including small businesses and ex-officio Cabinet members from Federal agencies with direct interest in family and medical leave issues. Following its formation, the Commission set about to meet a broad and ambitious legislative mandate by coordinating a variety of research and information gathering efforts that together help to provide comprehensive answers to all the questions posed by Congress.

The FMLA charges the Commission to study the following points: existing and proposed mandatory and voluntary family and medical leave policies of both covered and non-covered employers; their costs, benefits and impact on productivity; the possible differences to employers in costs, benefits and impact on productivity, job creation and business growth based on size; the impact of family and medical leave policies on the availability of benefits provided by covered and non-covered employers; state enforcement of the FMLA with regard to special provisions pertaining to teachers; methods used by employers to reduce administrative costs of policies; the ability of employers to recover health insurance costs from employees who do not return to work; and the impact on employers and employees of temporary wage replacement policies.

The Commission, placing a high priority on hearing directly from businesses, employees and their families, held three public hearings in different sites across the country. A broad cross-section of people testified and provided important insights on a wide variety of topics related to family and medical leave.

In FY '95, the Commission, through the Bureau of Labor Statistics, contracted with two research organizations, Westat, Inc. and the Institute for Social Research, Survey Research Center at the University of Michigan, to conduct two major studies - an Employer Survey and an Employee Survey. The Employer Survey, a national, random sample survey, provides the first post-FMLA statistically valid data on private-sector employers of diverse sizes assessing their experience with the Family and Medical Leave Act, as well as with family and medical leave policies in general. The Employee Survey is the first ever national, random sample survey on employee leave-taking. The data, collected in 1995 and based on an 18-month period commencing in January, 1994, provide important national estimates on the need for and occurrence of taking leave from work for family and medical reasons. In addition, the Commission requested several smaller studies to assist in answering the questions posed by Congress (see Chapter II).

Major Research Findings

The following data are based on results of the two nationally representative, random sample surveys described above.

A. Family and Medical Leave Policies Today

1. Coverage under FMLA

Approximately two-thirds (66.1 percent) of the U.S. labor force, including private and public-sector employees, work for employers covered by the FMLA. Slightly more than half (54.9 percent) of U.S. workers (and 46.5 percent of private-sector workers) also meet the FMLA's length of service and hours-related eligibility requirements.

Only one-tenth (10.8 percent) of private-sector U.S. worksites are covered by the FMLA, but this relatively small proportion actually employs over half (59.5 percent) of the nation's private-sector employees. Industries with the largest worksites, such as manufacturing, also have a large number of eligible employees working in a relatively small percentage of worksites. All public-sector employers are covered by the FMLA without regard to the number of employees at a given worksite.

2. Overview of Employer Leave Practices

The FMLA has had a significant impact on covered employers' leave practices and especially on formal leave policies. Two-thirds of covered worksites have changed some aspect of their policies in order to comply with the Act. The most common change was to increase the reasons for which employees can take leave. For example, 69.3 percent of covered worksites changed their policies to provide leave for fathers to care for seriously ill or newborn children.

There is a significant difference between the family and medical leave policies provided by worksites that are and are not covered by the FMLA. Over 90 percent of covered worksites now provide up to 12 weeks of leave for family and medical reasons, whereas among non-covered worksites only 32.3 percent offer parental leave and only 41.7 percent offer leave to care for a seriously ill child, spouse or parent. Between 95 and 99 percent of covered worksites provide the different types of leave provided by the FMLA with a job guarantee, while 84 to 87 percent of non-covered worksites which offer leave provide a job guarantee with family and medical leave.

3. Knowledge of the FMLA

The great majority of covered employers (86.5 percent) know they are covered by the FMLA. However, only 58.2 percent of employees working at covered worksites have heard of the Act. Some groups of employees - salaried, union members and those with higher educations - are more likely to know about the FMLA than are others. Employees from all demographic groups are most likely to hear about the FMLA through the media, but those in higher-paying jobs are comparatively more likely to learn about the Act from their employers.

B. Employer Impact: Costs and Benefits of the FMLA

1. Ease of Administration

Most covered employers find it relatively easy to administer the FMLA. The vast majority of worksites (over 90 percent) find it "very" or "somewhat easy" to determine whether the Act applies to them and to determine employee eligibility. A significant majority also find other administrative responsibilities - additional recordkeeping, coordination with state and federal leave laws and other federal laws - to be no trouble. Larger worksites find it somewhat more difficult to administer the FMLA than do smaller covered worksites. Unlike other administrative activities, management of intermittent leave presents an administrative difficulty for a significant minority of worksites (39.2 percent), but it represents a small proportion of leave-taking overall (11.5 percent).

2. Costs and Cost-savings

For the great majority of worksites, compliance with the FMLA entails no costs or only small costs. Between 89.2 and 98.5 percent of covered worksites report no costs or small costs in each of four broad areas: general administrative costs; the cost of continuing health benefits; costs associated with hiring and training replacements for leave-taking employees; and "other" costs. Again, larger employers are most likely to experience an increase in costs. This, in part, is due to the fact that they are more likely to have leave-takers and to have larger numbers of leave-takers. One large employer cited increased costs as the "unintended adverse consequences" resulting from implementation of the Act. However, only 1.3 percent of employers report that they reduced benefits to offset costs associated with the FMLA, giving further evidence that costs overall are minimal.

Very few covered worksites report cost savings resulting from the FMLA (2.5 percent). Interestingly though, the larger worksites (250 employees or more) that are more likely to incur costs from the Act, also report slightly more cost savings (7.5 percent) than covered worksites as a whole. Some employers who testified at the Commission's public hearings report cost savings, particularly from reduced employee turnover. They also paint an overall picture of enhanced employee productivity, goodwill and willingness to "go the extra mile" resulting from employees' ability to take leave.

3.The FMLA's Effects on Business and Employee Performance

Most worksites report that the FMLA has no noticeable effect on business performance. Between 86.4 and 95.8 percent report no noticeable effect on productivity, profitability and growth. To the extent that employers do report an effect, it is as likely to be positive as negative on business productivity and growth, and more likely to be negative regarding profitability.

Most employers also find that the FMLA has no noticeable effect on employee performance. There are significant positive effects in the areas of employee career advancement and employee productivity. And it is noteworthy, in light of the Act's goals, that a third of employers note a positive effect on employees' ability to care for family members, and this number doubles for larger worksites.

4. Expectations of the Non-Covered

Small covered worksites[1] have relatively benign experiences with the FMLA, reporting low costs and minimal effects on business and employee performance. Their positive experiences contrast sharply with the negative expectations voiced by many small non-covered sites. For example, between 8.2 percent and 15 percent of non-covered sites expect negative effects on employees' ability to care for family members, career advancement and turnover, while less than one percent of covered sites experience negative effects in these areas. The expectations of non-covered employers are far more pessimistic than the experiences of covered sites in general, and of the small covered sites in particular.

[1] These worksites have fewer than 50 employees, but are considered "covered" because of the 75-mile radius rule.

C. The Employee Experience

1. Employees' Need for Leave and Utilization of the FMLA

About one-fifth of U.S. workers have a need for some form of leave covered under the FMLA. The Employee Survey found that 16.8 percent of employees took leave for a reason covered by the FMLA, and 3.4 percent of employees needed but did not take leave. In addition, about 40 percent of all employees think they will need to take leave for an FMLA reason at some time within the next five years. The reason most frequently cited for future leave is care of a seriously ill parent. More than two-thirds (70.9 percent) of employees 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."

Thus far, the rate of leave use designated by employees as FMLA leave is fairly low. As reported in the Employee Survey, among the 16.8 percent of employees who have taken some type of family and medical leave, about seven percent of that group designate their leave as "FMLA leave" (about 1.2 percent of all employees). Given that 55 of every 100 employed persons both work at a covered worksite and are eligible to take leave under the Act, the FMLA utilization rate among these employees is about two percent.[2] The Employer Survey of private-sector covered worksites found a slightly higher estimate of FMLA utilization (3.6 percent). Given the statistical variability in these two estimates, the number of employees who took FMLA leave in the period of both surveys ranges between one-and-a-half million to just over three million.

A significant minority of employees (3.4 percent) - "leave-needers" - have expressed a need for leave that as yet remains unmet. Among employees who need but do not take leave, fully 63.9 percent cannot afford the accompanying loss of wages, underscoring the importance of wage replacement. Hourly workers, African Americans and employees with some college education are most likely to be among those employees who need, but do not take leave.

[2] This is a conservative estimate. See discussion in Chapter IV.

2. Employees' Experiences with Leave

Employees described in this section include all leave-takers, both those working at covered and non-covered worksites, who take leave for a reason covered under the FMLA. Only a portion of these employees (seven percent) designated the leave that they took as "FMLA leave."

a. The leave-takers

Leave-takers are as diverse as the American workforce. The demographic profile of leave-takers generally resembles that of the overall employee population, with some noteworthy distinctions. Employees aged 25 to 34 years are proportionately more likely than younger or older employees to take leave. Employees between 35 and 49 years of age (the "sandwich generation"), are numerically the largest group of leave-takers. Employees with one or more children, hourly employees and employees with family incomes of $20,000 to $30,000 per year are more likely to take leave than are employees with higher family incomes.

b. Employees' reasons for leave

Family leave to care for a seriously ill child, spouse or parent and medical leave for one's own health together account for almost 80 percent of all leave. About 59 percent of employees of all ages take leave because of their own serious health problems (exclusive of women who take maternity-disability leave). About a quarter of leave is taken by relatively young parents to care for their children at birth, adoption or during a serious illness. A further ten percent of leave is taken by somewhat older employees to care for ill parents or spouses.

In general, men take more leave for their own serious health condition. Women (who alone take maternity leave) are somewhat more likely than men to need leave, to take leave and to take longer periods of leave. Men, however, take comparable amounts of parental leave and are slightly more likely to take leave to care for an ill spouse than women (some of this may be taking care of wives before or after childbirth).

c. Lengths of leave

Most periods of leave are short. The great majority of all leave (almost 90 percent) falls within the 12-week limit established by the FMLA. While the length of leave tends to vary depending on the reason for the leave, the median length of leave for all leave-takers is ten days.

d. Methods used to cover the work of leave-taking employees

By far the most prevalent method that employers use to cover work is to assign it temporarily to other co-workers (67.5 percent). Employers are least likely, however, to use work reassignment to cover work among highly-educated, higher-income employees - often the hardest to replace. Employers are most likely to find permanent replacements to cover the work of the youngest leave-takers and those with the lowest family income. Many employers also hire temporary replacement workers to help cover the job duties of leave-takers.

e. Benefits, wage replacement and covering lost income during leave

The FMLA requires employers to continue health benefits during leave. Over 95 percent of covered employers report that they continue health benefits during FMLA leave, and three percent of leave-takers at covered and non-covered worksites report losing health benefits during leave. Although wage replacement is not required by the FMLA, a significant proportion of leave-takers receive full wage replacement (46.7 percent) or partial wage replacement (19.6 percent) during their leave period. This is most likely to be sick pay, vacation pay or pay from a disability insurance plan, benefits which pre-dated the FMLA. Wage replacement is more likely to be available to employees who work at covered worksites. Salaried employees, more highly educated employees, unionized employees, men and those with higher levels of household income are most likely to receive wage replacement; the employees least likely to receive wage replacement are the youngest and oldest employees, non-salaried workers and non-union workers. Also, employees who have never been married, those in the lowest income and education groups and Latino employees are most likely to be unpaid during leave.

Not surprisingly, then, employees who fare best in covering for lost income during leave-taking are employees with high family incomes, salaried employees, union members, highly educated employees and white employees. These employees are less likely than other leave-takers to borrow money, cut leave short or to go on public assistance. Women and employees with annual family incomes of less than $20,000 per year are more likely to need public assistance in order to deal with lost income. Nine percent of leave-takers overall use public assistance to supplement income during periods of leave, and 11.6 percent of women leave-takers use public assistance for this reason.

f. Returning to work

The vast majority of leave-takers (84 percent) return to their same employer while six percent do not, and ten percent remain on leave. Employees in low-wage jobs, including jobs with no wage replacement, are least likely to return to their same employer. Employees from households with incomes of less than $20,000 are far less likely to return to work; women and employees from non-covered worksites are also less likely to do so. Employees with high family income levels, unionized workers and salaried employees are more likely to return to their same employer.

3. Employees' assessment of their leave-taking experiences

Overall, employees' experiences with family and medical leave policies, including the FMLA, have been positive. The majority of employees who take family or medical leave find it relatively easy to arrange, have few concerns about the job-related consequences of taking leave and are relatively satisfied with the amount of leave they take.

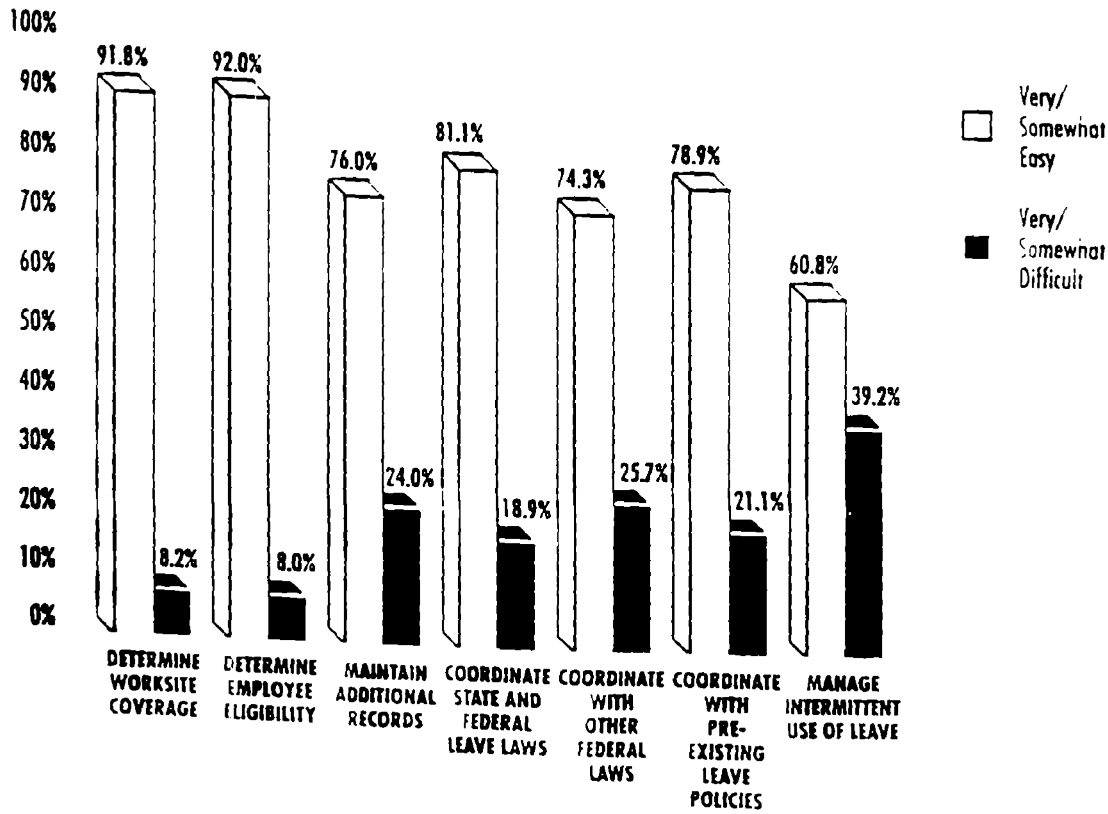
To the extent that employees do have trouble arranging to take leave, express job-related concerns about taking leave or are dissatisfied with the amount of leave they take, they are more likely to work in non-covered worksites. Women, non-whites and non-salaried employees are particularly likely to report negative experiences on at least one of these measures. This finding is probably related to differences in wages and benefits among employees that existed in the labor market prior to FMLA, and which the FMLA, by expanding minimum levels of protection to all eligible employees, has helped to mitigate. Nonetheless, the majority of employees in all demographic groups report positive leave-taking experiences.

Overall Impact of the FMLA

The Family and Medical Leave Act 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. Most periods of leave are short, most employees return to work and reduced turnover seems to be a tangible positive effect. The FMLA, with its signature features of guaranteed job protection and maintenance of health benefits, begins to emerge, even now, as a significant step in helping a larger cross-section of working Americans meet their medical and family caregiving needs while still maintaining their jobs and their economic security - achieving the workable balance intended by Congress.

FIGURE 6.1

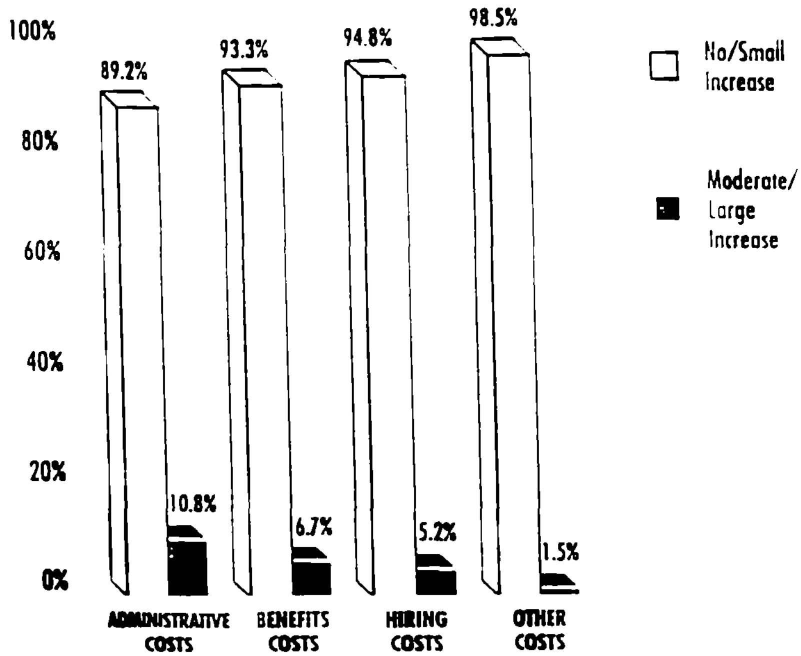
Ease of Performing FMLA Administrative Activities: The Impact of FMLA on Covered Worksites



SOURCE: AGUIRRE INTERNATIONAL TABULATIONS OF DATA FROM WESTAT INC SURVEY OF EMPLOYERS, 1995.

FIGURE 6.3

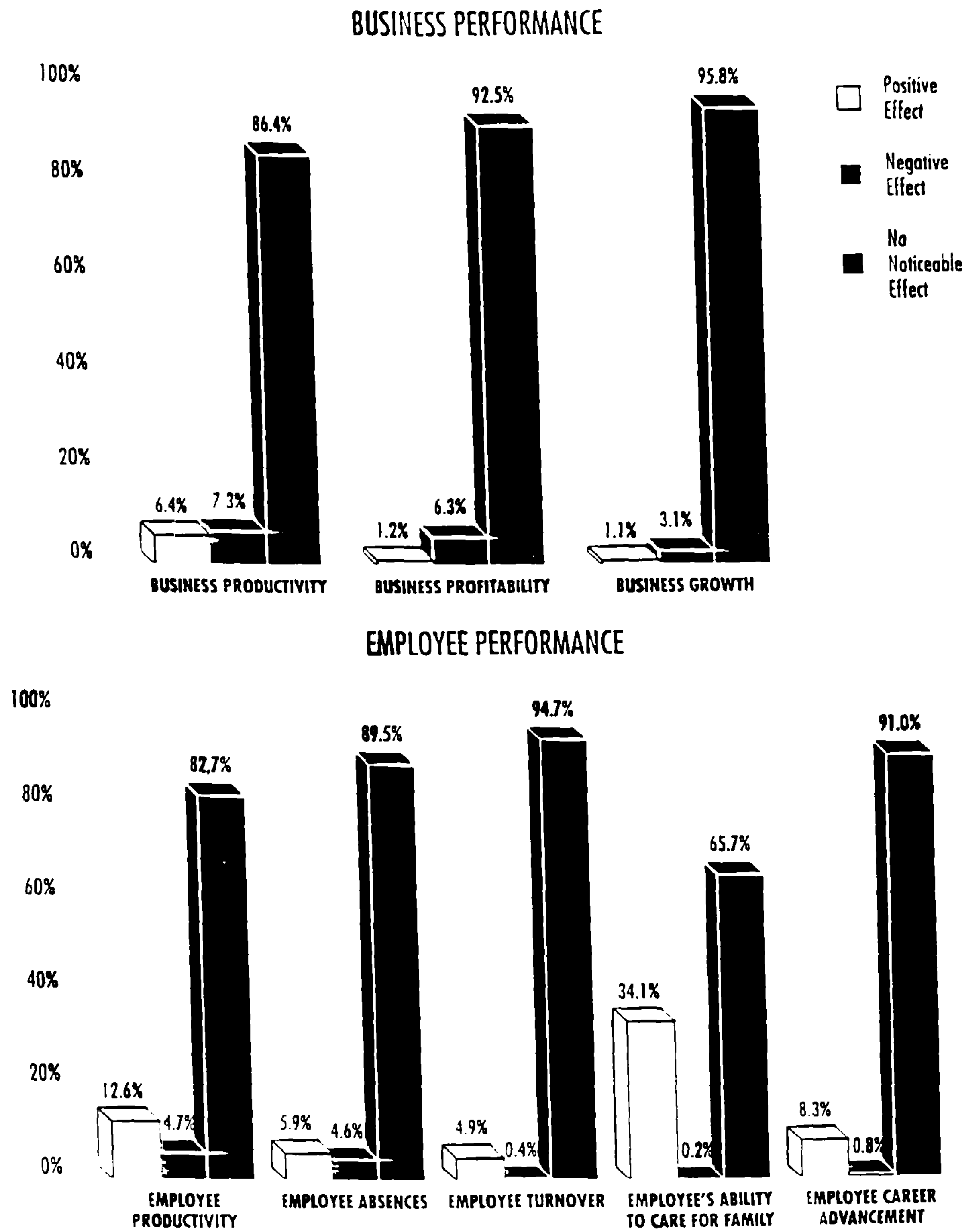
Cost to Employers: Impact of FMLA on Covered Worksites



SOURCE: AGUIRRE INTERNATIONAL TABULATIONS OF DATA FROM WESTAT INC., SURVEY OF EMPLOYERS, 1995.

FIGURE 6.4

Business and Employee Performance: Effects of FMLA on Covered Worksites



SOURCE: AGUIRRE INTERNATIONAL TABULATIONS OF DATA FROM WESTAT INC., SURVEY OF EMPLOYERS, 1995.

Note: Percentages do not sum to 100% because a small percentage of employers did not know or did not respond.

TABLE 5.H

Reasons for Not Taking Leave Among All Leave-Needers by Reason for Needing Leave

(NUMBER AND PERCENTAGE OF EMPLOYEES)

REASONS	All	Might Lose Job	Might Hurt Job Advancement	Might Lose Seniority	Not Eligible	Employer Denied Request	Couldn't Afford	Wanted to Save Leave Time	Work Too Important
ALL RESPONDENTS	4,129,261	29.2%	22.0%	14.1%	13.9%	9.9%	63.9%	27.5%	39.4%
Own health	100.0%	37.5%	22.7%	15.3%	13.6%	10.8%	64.8%	15.9%	43.8%
Maternity-Disability	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%
Care for Newborn, Adopted or Foster Child	100.0%	23.5%	29.4%	23.5%	5.9%	11.8%	64.7%	26.5%	44.1%
Care for Ill Child	100.0%	34.8%	33.3%	15.9%	18.8%	15.9%	72.5%	40.6%	34.8%
Care for Ill Spouse	100.0%	13.5%	35.1%	24.3%	24.3%	0.0%	64.9%	54.1%	59.5%
Care for Ill Parent	100.0%	17.6%	10.8%	5.4%	9.5%	10.8%	60.8%	35.1%	31.1%

SOURCE: AGUIRRE INTERNATIONAL TABULATION OF DATA FROM INSTITUTE FOR SOCIAL RESEARCH, SURVEY RESEARCH CENTER, UNIVERSITY OF MICHIGAN. SURVEY OF EMPLOYEES, 1995.

Note: Percentages do not sum to 100% because respondents could choose more than one category.

Women's Legal Defense Fund

WLDF

ABOUT THE WOMEN'S LEGAL DEFENSE FUND

WLDF's Mission

The Women's Legal Defense Fund's mission is to improve the economic status and health of women and their families, and to eliminate discrimination in all its forms. WLDF develops and fights for policies that help women meet the dual demands of work and family, achieve economic security, and gain access to affordable, quality health care for themselves and their families. WLDF works with all branches of government, the private sector, and the grassroots for equal opportunity for every American. For more than 25 years, WLDF has been a powerful and effective voice on the issues that make a difference in the lives of women and their families.

WLDF and the FMLA

In 1985, WLDF wrote the first draft of what was to become the Family and Medical Leave Act (FMLA). WLDF then established and led the national Family Leave Coalition -- a broad coalition of more than 250 groups representing women, children, seniors, parents, the disabled, health professionals, unions, and religious and community leaders from across the nation that fought to enact the FMLA. On February 5, 1993, after two presidential vetoes, the FMLA became the first bill President Clinton signed into law.

In the four years since the FMLA was enacted, WLDF has worked to ensure that it is properly implemented and that working families understand how it can help protect their jobs and health benefits. WLDF is now committed to building on the law's success by expanding it to cover more working Americans and more family needs.

WLDF's General Counsel, Donna Lenhoff, served as Vice Chair of the bi-partisan Family Leave Commission, which researched the effects of the FMLA on employees and employers. WLDF serves as a resource for information about the FMLA, from detailed analyses to easy-to-read consumer information and stories of families who have benefited from the law.

For information about the FMLA, please call WLDF at 202/986-2600.

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The Women's Legal Defense Fund's

GUIDE TO THE *family* & Medical Leave Act

Questions and Answers

THIRD EDITION (1996)

WLDF *News*

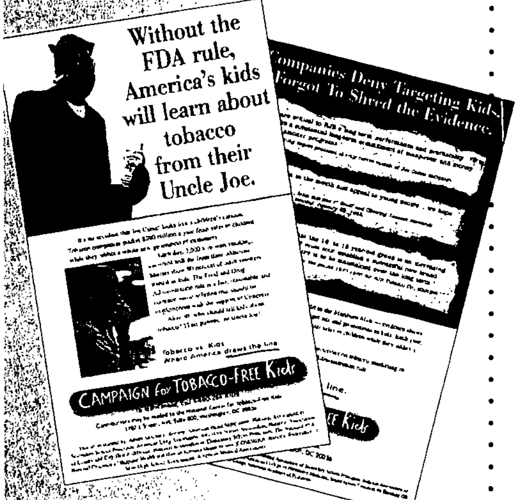
A PUBLICATION OF THE WOMEN'S LEGAL DEFENSE FUND

WINTER 1996/1997

TAKING ON TOBACCO:

WLDF Joins Coalition for Tobacco–Free Kids

▶ WLDF is working to bring women's organizations into the battle against childhood smoking. In November, we organized a meeting of women leaders with the National Center for Tobacco- Free Kids. As a result, WLDF and other women's groups are expanding the coalition working to end the advertising and marketing of tobacco products to children.



WLDF got involved because tobacco is so y an issue for women and families:

- **Tobacco is now the primary cause of preventable diseases and death among women in the United States.**

Continued on page 2.

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FROM THE PRESIDENT

Looking Forward to 1997

Women sent a powerful message on election day 1996, generating a gender gap of historic proportions and sweeping back into office a president who has fought for issues that matter deeply to women and their families. When the dust settled, 54 percent of women had voted to re-elect President Bill Clinton, compared to just 38 percent of men. The gender gap was evident in every state and demonstrated that women clearly saw their own values reflected in the President's strong record on family leave, equal opportunity, the minimum wage, health care, reproductive health, and other critical issues.

Judith L. Lichtman
President

President Clinton has made women's issues a central part of his campaign and his presidency — but the same election that returned him to office also sent Washington a 105th Congress that may be just as extreme as the 104th. This situation creates both challenges and opportunities for those of us who care about improving life for women and their families, and WLDF is already working to minimize the risks and maximize the gains.

Presidential Appointments

Our first challenge is to protect women's interests in the appointments process. In his first term, President Clinton set a record for appointing women and people of color to executive and judicial positions. His second administration has a chance to improve its record. In addition, up to three Supreme Court justices are likely to retire in the next four years. Because the Court is now closely divided on essential issues, such as the right to choose, whomever the President appoints will profoundly affect women's lives well into the next century.

WLDF wants to see women in top positions not just to create role models for future generations, but because women's talents, experiences, and concerns need to be represented at every level for our government to better serve all Americans. It took women's influence and influential women, both inside and outside the White House, to finally bring basic work and family issues like the FMLA to the top of the political agenda. And women and the nation both scored a victory when the President announced that Madeleine K. Albright would be our nation's first female Secretary of State. The former U.S. Ambassador to the United Nations is eminently qualified and is likely to be confirmed quickly by the Senate.

It was a woman speech writer, Carolyn Curiel, who wrote President Clinton's debate-altering speech on affirmative action, in which he urged Americans to "mend it, not end it" and to recognize the discrimination that persists in our society. It was a woman, Bonnie Campbell, who ran the Violence Against Women Office at the Department of Justice as our nation took historic steps to stem the tide of domestic violence and rape. It was women, Laura D'Andrea Tyson and Alice Rivlin, who ran the National Economic Council and the Office of Management and Budget as our nation moved toward economic recovery.

WLDF will remain vigilant and active in the effort to ensure that qualified women receive the appointments they deserve at every level.

WLDF'S Agenda

The next four years provide an opportunity to move forward on the issues that matter most to women and their families.

- We will fight to protect the *family and medical leave* law now on the books and to extend it so that more Americans have access to this critical protection.

Continued on page 6.