Family – FMLA

PHOTOCOPY
PRESERVATION

Tom Deimer
The Cleveland Plain Dealer
call between 11-1pm
638 - 1366

FAMILY - FMLA

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Ann O'Leary
03/30/2000 10:18:29 AM

Gregg -

Record Type: Record

To: Sarah E. Gegenheimer/WHO/EOP@EOP
cc: anna richter/opd/eop@eop
bcc: Records Management@EOP
Subject: Re: FMLA Questions

Thanks, Sarah. Just as an FYI -- this reporter has already spoken with DOL and Dodd's office.

Here is some info. that I think we should highlight:

FMLA was a bi-partisan bill passed in 93 -- just celebrated the 7th anniversary in February.

20 million out of the 92 million workers covered by the legislation have taken advantage of it. (This number was extrapolated from the DOL employment service records -- ES202 data). This fall the DOL will come out with a comprehensive survey of how FMLA is working and how many workers have taken advantage of it.

We will continue to push for our legislative agenda: (1) more access for more workers -- covering an additional 12 million workers by expanding the scope of the FMLA to businesses that employee 25 or more employees (currently covers businesses with 50 or more) (2) more coverage for family obligations -- allowing FMLA eligible workers to take up to 24 hours of additional leave for activities such as parent-teacher conferences, accompanying a child or elderly relative to a doctor's appointment, etc. This agenda is a hard one -- it is still the President's priority, but this Congress is extremely partisan with some in Congress wanting to peel back FMLA rather than expand it. The bipartisan spirit that passed FMLA and voted for the working family is no longer in Congress.

Other ways to push FMLA agenda -- the most significant reason cited by workers that are eligible, but don't take leave is that they cannot afford it. The President announced a proposed regulation to allow States to use their unemployment insurance to provide paid leave for new parents. He also has requested in his FY2001 budget, $20 million in planning grants for states to explore options to make parental and family leave more affordable.

Let me know if you have additional questions.

Thanks.

Sarah E. Gegenheimer

TIME FOR FAMILY
HELP BALANCE

Sarah E. Gegenheimer 03/30/2000 09:56:28 AM

Record Type: Record

PRESIDENT CLINTON ANNOUNCES NEW FUNDS ENABLING STATES TO PROVIDE PAID LEAVE TO AMERICA'S WORKING PARENTS

February 12, 2000

Today, in his weekly radio address, President Clinton will announce a new initiative enabling states to offer paid leave options to working parents. The $20 million proposal will make it more affordable for more parents to take time from work to care for loved ones. President Clinton today will also call on Congress to expand the scope of the Family and Medical Leave Act, and allow an additional 10 million workers to benefit from this law. Today's budget initiative is part of the President's agenda to help America's families balance responsibilities at work and at home, and builds on the Administration's longstanding efforts to make parental leave more widely available.

MAKING PARENTAL LEAVE MORE AFFORDABLE. A 1996 study by the Commission on Family and Medical Leave found that the most significant reason why parents did not take advantage of unpaid leave after the birth or adoption of a child was the expected loss of income. To help address that problem, the President today will announce that his FY 2001 budget includes $20 million in competitive planning grants for states or regions to make parental and family leave more available and affordable for those who need it. Under the President's proposal, states will be able to 1) identify workers who face the greatest financial barriers to taking family leave, and 2) use Unemployment Insurance, Temporary Disability Insurance, or other mechanisms to offer these workers paid leave. Today's proposal builds on a November announcement by the President and Labor Secretary Herman of a new proposed regulation allowing states to use their Unemployment Insurance systems to provide paid leave for new parents.

Jody
Mary
Malgorzata

WORKING TO EXPAND THE FAMILY AND MEDICAL LEAVE ACT. Since the President signed the Family and Medical Leave Act in 1993, more than 20 million Americans have been able to take up to 12 weeks of job-protected, unpaid leave to care for a newborn or adopted child, attend to their own serious health needs, or care for a seriously ill parent, child, or spouse. Today, the President will also urge Congress to cover an additional 10 million workers by expanding the scope of the FMLA to businesses that employ 25 or more employees. (Currently the law covers only businesses with over 50 employees). The President will also call on Congress again to allow FMLA-eligible workers to take up to 24 hours of additional leave each year to meet certain family obligations – specifically, to 1) participate in school activities, such as parent-teacher conferences; 2) accompany one's child to routine dental or medical appointments; and 3) accompany an elderly relative to routine medical appointments or other professional services.

BUILDING ON A STRONG RECORD OF FAMILY AND MEDICAL LEAVE. In addition to signing the Family and Medical Leave Act and proposing new rules to allow states to offer paid leave options, President Clinton has also worked to ensure that the federal government leads by example. At the President's direction, the federal government now allows employees to use up to 12 weeks of accrued sick leave each year to care for a family member with a serious health condition. Federal employees can also take up to 24 hours of unpaid leave for routine family responsibilities such as parent-teacher conferences and doctor's visits, and can donate annual leave to other employees. The President's FY 2001 budget will help give all Americans more tools to meet their responsibilities at home and at work – by doubling funding for after-school programs, investing an additional $1 billion in Head Start, providing expanded tax credits and more subsidies for child care, and tripling the proposed tax credit for long-term care costs.

RADIO ADDRESS ON FMLA AND PAID LEAVE
Q&A
February 12, 2000

Q: **When do you expect the U.S. Department of Labor come out with their final regulation on allowing states to use their unemployment insurance to provide compensation for new parents after the birth or adoption of their child?**

A: Just three months ago, the President and Secretary Herman announced the proposed regulation that would allow states to use their Unemployment Insurance system to provide partial wage replacement for workers when they take leave after the birth or adoption of a child. The comment period on this proposed regulation just closed on February 2nd and the Department of Labor is now sifting through over 3,000 comments, but they hope to be able to finalize the regulation by late Spring.

Q: **Won't the use of UI for birth and adoption leave mean that money will not be available for unemployment payments during a recession? After all, about 20 years ago most States were borrowing from the Federal government to cover UI payments.**

A: We believe States will closely examine the status of their unemployment funds before deciding whether to pay Birth and Adoption UI. They will make responsible decisions about the level of benefit payments and contributions needed to keep their funds in good shape for any future recession.

Q: **Given that states have to first pass state legislation before allowing UI to be used for this purpose, how many states do you expect to take advantage of it this year? Which ones?** VT

A: There are several states that have considered or are considering legislation to use their unemployment insurance system to provide paid leave for new parents, including Massachusetts, Maryland, Indiana, Vermont and Washington. The number of states that will be able to take advantage of the UI regulation will depend on when the regulation is released and the movement of the state legislatures.

Q: **Although payment for family leave may be a good idea, is the unemployment system the best way to do it?**

A: Our proposed $20 million paid leave initiative will help states to answer just this question. We believe that the unemployment insurance system is an appropriate vehicle, but states can determine whether it is appropriate for them or whether they wish to use some other mechanism. For example, those States with temporary disability systems may use those systems instead.

Q: Other than using Unemployment Insurance, what other ways do states have to offer paid parental or family leave?

A: Currently, there are approximately twelve states that are exploring options for offering paid parental or family leave. Some states would like to use the unemployment insurance system, others are using Temporary Disability Insurance, while others are developing and evaluating new creative options for offering paid leave such as establishing paid leave funds or providing subsidies. For a complete review of these states, please see attached information on State Family Leave Income Initiatives prepared by the National Partnership for Women & Families.

Q: How many states do you hope will take advantage of this $20 million initiative to explore paid leave options?

A: We are estimating the grants to range from approximately $250,000 to $2 million and we hope to be able to support 15 competitive grants. We know that 12 states are already exploring options for paid leave and we expect this funding to help them to move along.

Q: What type of activities do you expect states to develop and evaluate paid leave options?

A: We expect states to evaluate how to make family leave more affordable and accessible to more workers by evaluating the workers affected, as well as exploring the policy options for rectifying this problem. Again, these options could include using UI or TOI funds, or providing subsidies. We leave that for the states who win planning grants to decide.

Work & Family

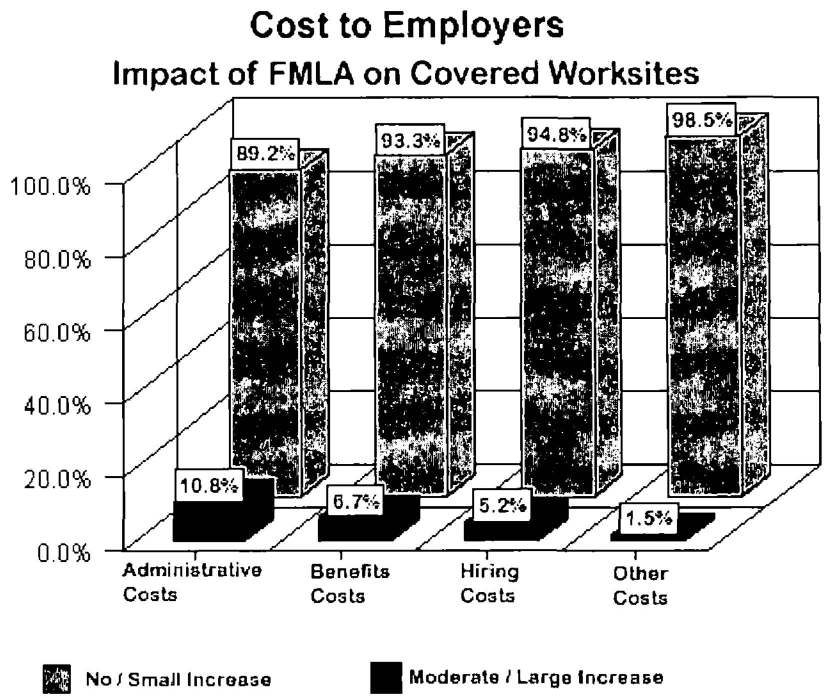
National Partnership for Women & Families

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

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

Employees Need and Use the FMLA

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



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

The FMLA Has Had a Positive Impact on Employer Leave Practices

- Two-thirds of covered worksites changed some aspect of their policies to comply with the FMLA -- most commonly, to increase the reasons for which employees can take leave.

- Worksites covered by the FMLA offer significantly different family and medical leave policies than do non-covered worksites. Among non-covered worksites, only one-third offer parental leave, and less than half (41.7%) offer leave to care for a seriously ill child, spouse, or parent.

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National Partnership

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What The Family And Medical Leave Act Means To You

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

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

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

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

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

Am I covered by FMLA?

You are covered if:

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

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

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

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

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

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

Do I need any information from a doctor?

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

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

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

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

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

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

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

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