

**PAID LEAVE FOR WORKING FAMILIES:  
EXAMINING ACCESS, OPTIONS, AND IMPACTS**

---

**HEARING**  
OF THE  
**COMMITTEE ON HEALTH, EDUCATION,  
LABOR, AND PENSIONS**  
**UNITED STATES SENATE**  
**ONE HUNDRED SEVENTEENTH CONGRESS**  
FIRST SESSION  
ON  
EXAMINING PAID LEAVE FOR WORKING FAMILIES, FOCUSING ON  
EXAMINING ACCESS, OPTIONS, AND IMPACTS

---

May 18, 2021

---

Printed for the use of the Committee on Health, Education, Labor, and Pensions



Available via the World Wide Web: <http://www.govinfo.gov>

---

U.S. GOVERNMENT PUBLISHING OFFICE

46-767 PDF

WASHINGTON : 2022

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

PATTY MURRAY, Washington, *Chair*

BERNIE SANDERS (I), Vermont	RICHARD BURR, North Carolina, <i>Ranking</i>
ROBERT P. CASEY, JR., Pennsylvania	<i>Member</i>
TAMMY BALDWIN, Wisconsin	RAND PAUL, M.D., Kentucky
CHRISTOPHER S. MURPHY, Connecticut	SUSAN M. COLLINS, Maine
TIM KAINE, Virginia	BILL CASSIDY, M.D., Louisiana
MAGGIE HASSAN, New Hampshire	LISA MURKOWSKI, Alaska
TINA SMITH, Minnesota	MIKE BRAUN, Indiana
JACKY ROSEN, Nevada	ROGER MARSHALL, M.D., Kansas
BEN RAY LUJAN, New Mexico	TIM SCOTT, South Carolina
JOHN HICKENLOOPER, Colorado	MITT ROMNEY, Utah
	TOMMY TUBERVILLE, Alabama
	JERRY MORAN, Kansas

EVAN T. SCHATZ, *Staff Director*

DAVID P. CLEARY, *Republican Staff Director*

JOHN RIGHTER, *Deputy Staff Director*



# C O N T E N T S

## STATEMENTS

TUESDAY, MAY 18, 2021

Page

### COMMITTEE MEMBERS

Murray, Hon. Patty, Chair, Committee on Health, Education, Labor, and Pensions, Opening statement .....	1
Burr, Hon. Richard, Ranking Member, a U.S. Senator from the State of North Carolina, Opening statement .....	3

### WITNESSES

Shabo, Vicki, Senior Fellow, Paid Leave Policy and Strategy, Better Life Lab at New America, Washington, DC .....	5
Prepared statement .....	9
Summary statement .....	38
St. Hilaire-Finn, Marcia, Founder/CEO of Bright Start Early Care and Pre-school, Washington, DC .....	38
Prepared statement .....	40
McManus, Marianne, Vice President, Health & Benefits, IBM, on behalf of the American Benefits Council, Westchester, NY .....	45
Prepared statement .....	46
Milito, Elizabeth, Senior Executive Counsel, National Federation of Independent Business, Washington, DC .....	51
Prepared statement .....	52

### ADDITIONAL MATERIAL

Statements, articles, publications, letters, etc.	
Casey, Hon. Robert:	
100 Days Letter .....	83
ACP Letter .....	89
CLASP Letter .....	93
MCH Letter .....	98
Kaine, Hon. Tim:	
Management Professionals Letter .....	100
Interfaith Paid Leave Statement .....	127
Network Lobby Letter .....	129
Hassan, Hon. Maggie:	
AAUW Letter .....	131
NARAL Letter .....	134
NCJW Letter .....	137
Murray, Hon. Patty:	
MomsRising Letter .....	139
NPWF Letter .....	143
NWLCLetter .....	153
PLUS Statement for the Record .....	163
Testimony from A Better Place .....	178

#### IV

#### QUESTIONS AND ANSWERS

Page

Response by Vicki Shabo to questions of:	
Senator Casey .....	182
Response by Marcia St. Hilaire-Finn to questions of:	
Senator Lujan .....	182
Senator Murkowski .....	184
Response by Marianne McManus to questions of:	
Senator Murkowski .....	184
Response by Marcia St. Hilaire-Finn to questions of:	
Senator Murkowski .....	185
Response by Elizabeth Milito to questions of:	
Senator Murkowski .....	185

## **PAID LEAVE FOR WORKING FAMILIES: EXAMINING ACCESS, OPTIONS, AND IMPACTS**

---

**Tuesday, May 18, 2021**

U.S. SENATE,  
COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS,  
*Washington, DC.*

The Committee met, pursuant to notice, at 10 a.m., in room 106, Dirksen Senate Office Building, Hon. Patty Murray, Chair of the Committee, presiding.

Present: Senators Murray [presiding], Casey, Kaine, Hassan, Smith, Rosen, Lujan, Hickenlooper, Burr, Cassidy, Braun, Romney, and Tuberville.

### **OPENING STATEMENT OF SENATOR MURRAY**

The CHAIR. Good morning. The Senate Health, Education, Labor, and Pensions Committee will please come to order. Today, we are having a hearing on paid family sick and medical leave and what having paid leave options would mean for workers and families across the Country.

I would like to thank Ranking Member Burr for working with me to hold this bipartisan hearing. Senator Burr and I will each have an opening statement, and then I will introduce our witnesses. And after they give their testimony, Senators will each have 5 minutes for a round of questions.

Before we begin, I do want to walk through the COVID-19 safety protocols in place. And I, again, want to thank all of our Clerks and all our staff who have worked really hard to get this set up and to help us all stay safe and healthy.

We will be conducting this hearing following the same COVID protocols we have used in the past. Committee Members are seated at least 6 feet apart. Some Senators are participating by video-conference. And while we are unable to have the hearing fully open to the public or media for in-person attendance, live video is available on our Committee website at *help.senate.gov*.

Given the new guidance from the Centers for Disease Control and Prevention and the Office of Attending Physician, I will be working with Senator Burr, our Committee Members, and staff going forward to follow the new guidance. Over the next few days, we will discuss with member offices, the Senate Rules Committee, and the Sergeant at Arms staff the best way to now operate our hearings going forward for Senators and staff.

For those in need of accommodations, including closed captioning, you can reach out to the Committee or the Office of Congressional Accessibility Services.

Paid leave is an issue that I have been focused on since I first got into politics. When I came to the Senate in 1993, the first bill we worked on was the Family and Medical Leave Act, which provided job-protected, unpaid leave to workers across the Country. It was a hard-fought victory for families. But, even then, it was clear that bill was a first step, and we have been fighting since then to take the next one.

Today, we are the only developed Country in the world that does not guarantee paid leave. Nearly one in four mothers return to work within 2 weeks of giving birth. One in five retirees are forced to leave the workforce earlier than planned to care for an ill family member, and four of five private sector workers have no access to paid leave.

The numbers are even worse for workers who are paid the lowest wages, workers who are disproportionately women and people of color. Nineteen out of 20 of these workers have no paid family leave. And studies show that while workers with disabilities may be more likely to need paid leave in order to care for their own health, they are less likely to have it since they are disproportionately part-time or low-wage workers.

When this pandemic struck, we saw just how costly this has been for workers, businesses, families, and our Country. Millions of workers were forced to choose between the well-being of themselves, their coworkers, and their families, or their paycheck. Millions were infected. Millions more, especially women and workers of color, were forced out of their jobs in large part due to lacking paid leave or quality affordable childcare options. That is a tragedy that we cannot afford, we cannot repeat, and we know we need to address.

Last year, at the dawn of this pandemic, Congress included an expansion of paid leave in the COVID relief legislation. Now, that language was not permanent and it was not nearly as comprehensive as it needed to be, but it was impactful. One estimate shows it cut infections by 15,000 a day in April of last year.

As we look to learn all the lessons of this pandemic and make sure we are better prepared for future public health emergencies, one lesson is crystal clear: our Country needs a comprehensive national paid sick, family, and medical leave policy.

We cannot rebuild a stronger and fairer economy if workers are forced to choose between their and their families' health, or their paycheck. That is why I have joined Senator Gillibrand, who has long been a champion on this issue, in reintroducing the Family Act to provide paid family and medical leave to all workers.

It is why I reintroduced my Healthy Families Act with Congresswoman DeLauro, so workers across the Country can earn paid sick days and put their health first.

It is why I am going to do everything I can to get the paid leave policy President Biden proposed in the American Families Plan across the finish line.

President Biden's proposal would create a national, comprehensive paid family and medical leave program so workers can take

paid time off to bond with a new child; care for a loved one who is aging, ill, or has a disability; deal with a loved one's military deployment; find safety from sexual assault, stalking, or domestic violence; heal from their own serious illness; or take time to deal with the death of a loved one.

Providing paid leave is not radical. It is commonsense. It is basic decency, and it is a public health necessity. Several states, including my home State of Washington, have already taken action to guarantee access to paid leave. It is well past time we make the same guarantee to all families in our Country.

When I spoke on the Senate floor back in 1993 about the need to pass the Family and Medical Leave Act, I shared the story of a friend of mine. Her employer told her she could spend time with her son, who was diagnosed with leukemia, or she could keep her job, but not both. That is an impossible decision no one should ever have to make.

While providing unpaid leave was a step forward, the fact that in our Country today, amid a pandemic no less, people are still forced to choose between a paycheck they need to make ends meet and taking time to care for themselves or their families, welcome a new child, or even grieve a lost one.

It is unconscionable, and it is unacceptable. It is bad for families, as any working mom or dad or anyone who cares for a family member with a disability knows all too well. And, it is bad for our economy as a lack of paid leave means employees lose wages; businesses lose workers.

Studies have shown providing paid leave improves employee recruitment, retention, productivity, and morale, overall business performance and profitability, and can reduce pay inequity for women and workers of color, which is why, exactly, it is far past time to make progress, and it is far past time we make paid leave a right for all, not a privilege for some.

I look forward to hearing from our witnesses today about how important this is, and I hope to work with my colleagues on both sides of the aisle to finally make it happen.

With that, I will turn it over to Ranking Member Senator Burr for his opening remarks.

#### OPENING STATEMENT OF SENATOR BURR

Senator BURR. Good morning, Madam Chair, and thank you for scheduling this hearing. Welcome to our witnesses. It is also my hope that, as the COVID guidance continues to evolve, that we will soon return to hearings that have witnesses and Members here in person, and I pledge to work with the Chair to accomplish that.

As a father, a husband, a grandfather, and a son, I understand the need to balance family life with the workplace. I support, and I believe most people support, being able to take time off of work when they are sick, their family member is sick, or after the birth or adoption of a child.

I also support and encourage the idea of paid leave for workers. During my time in Congress, I have cosponsored bills to help Americans earn more paid leave, such as the Working Families Flexibility Act, which would allow private sector employers to offer

all employees who work overtime to choose between monetary compensation or comp time, just like the Federal Government allows.

There are great benefits to providing paid leave. It helps attract talent, improve retention, increase employees' health and wellness, and it increases employee engagement.

However, there are big questions of disagreements surrounding paid leave. Is it mandated? Who pays for it? Who gets it and for what reason? Many of my colleagues are lawyers or have never had a job outside of government. It shows in some of the policy proposals they pursue. It is easy to come up with good ideas and tell someone else to pay for it. As my friend, John Boehner, used to say, everyone wants to be Santa Claus.

As we look at paid leave proposals, no matter how well intentioned, we cannot just say to the private sector, now you need to pay for our extremely generous, brilliant ideas. Some large businesses currently provide paid leave and are not looking for a new Federal mandate, but instead want a commonsense approach to help them deal with the varying requirements across different states.

However, there are others that endorse a Federal mandate. I am skeptical this is a selfless act and worry that this is a form of corporate rent-seeking where they are trying to impose costs on their smaller competitors to drive them out of business. Most small businesses already offer some form of paid leave because most people agree if someone is sick, they should not be at work.

But, a costly new mandate imposing a one-size-fits-all policy of paid leave on small business cannot be easily absorbed and could force business to cut jobs, not add jobs. If Washington wants to come up with the idea, Washington needs to pay for it with tax credits, subsidies, grants, at least for small business.

The Family and Medical Leave Act of 1993 provides eligible workers 12 weeks of leave, but it does not have to be paid for.

In 2017, thanks to Senator Fischer of Nebraska, Congress provided tax credits to encourage eligible employers to provide paid leave. I supported Senator Fischer's employer credit as part of the Tax Cuts and Jobs Act. This tax credit has now been extended through 2025. It provides a credit for eligible employers ranging from 12.5 to 25 percent of wages paid to employees for up to 12 weeks of family and medical leave. Employers must provide at least 50 percent of the wages. Senator Fischer deserves a tremendous amount of credit for pressing us to include that into the law.

Also, the Families First Coronavirus Response Act, bipartisan legislation, supported by both sides of the aisle, provided businesses with fewer than 500 employees payroll tax credits for paid leave related to COVID-19 pandemic. These tax credits have been extended through September 2021.

Let's talk about the private sector leave programs. Job creators want talented workers and want to provide benefits for those workers. The private sector has many creative ideas to provide paid leave, such as paid time off purchase plans that allow workers who want more leave to purchase additional paid time off either through employer flex credits or salary reductions with pre-tax dollars.

Others are providing short-term disability insurance to provide employees income security due to time off for injury, illness, or even pregnancy.

Flexibility for the employer and the worker makes it work for all involved.

State governments are coming up with paid leave plans of their own. For example, Senator Murray noted, Washington State provides a family and medical leave program funded through premiums paid by the worker and the employer with the worker paying the larger share of the premium. Small businesses with fewer than 50 workers are not required to pay the employer premium.

There is a lot of bipartisan interest in the Senate surrounding paid leave, including expanding the Fischer tax credits I have already mentioned. But, we need to remember that we are really not good at running businesses from Congress. The one-size-fits-all approach does not work on issues, especially paid leave. So, instead of pushing our brilliant ideas with arbitrary decisions made by Congress or bureaucrats in Washington, we should make sure we give business the flexibility to help employers make paid leave work. This is an important issue.

Madam Chairman, I thank you for holding this hearing. I look forward to what our witnesses have to say.

The CHAIR. Thank you very much.

I will now introduce today's witnesses.

Vicki Shabo is a Senior Fellow for Paid Leave Policy and Strategy at New America's Better Life Lab, where she works closely with policymakers, advocates, researchers, and business leaders on policy design and strategies to advance paid family, medical, and sick leave for workers and families.

Welcome. Thank you for joining us today.

Next, I would like to introduce Marcia St. Hilaire-Finn, who is the Founder and Owner of Bright Start Early Care and Preschool in Northeast Washington, DC, which has been in operation since 2002.

Welcome. Thank you for being here.

Next, Marianne McManus is the Vice President of Health and Benefits at IBM and recently served as Chair of the American Benefits Council Board of Directors.

We are glad to have you here today.

Finally, I would like to introduce Elizabeth Milito. She is the Senior Executive Counsel to the National Federation of Independent Business and has served in her role since March 2004.

Thank you for joining us today.

We will begin with Ms. Shabo for your opening statement.

**STATEMENT OF VICKI SHABO, SENIOR FELLOW, PAID LEAVE POLICY AND STRATEGY, BETTER LIFE LAB AT NEW AMERICA, WASHINGTON, DC**

Ms. SHABO. Thank you so much, Senator Murray, and thank you for your tireless leadership on paid leave well before the pandemic and for this last very difficult year. And thank you so much, Senator Burr, for having me here today, as well.

The pandemic has shown us nothing if not that we must address holistically how we care for ourselves and one another. I want to

touch briefly on paid sick days, paid family and medical leave, and FMLA.

First, paid sick days. In March 2020, just 25 percent of workers in private firms and nearly 70 percent of low-wage workers did not have a single paid sick day at their jobs. These are disproportionately workers in food service, retail, janitorial services, many of the same workers who were on the frontlines of this pandemic as essential workers.

For these and others, just 2 to 3 days away from work jeopardizes their ability to buy groceries for a month, pay gas, pay utilities. Seven and a half days risks a month's mortgage or rent.

For many, multiple sources of structural racism and economic inequality create health disparities that layer on top of layer—less access to paid sick days, creating multiple barriers to closing health and even educational equity gaps.

Fortunately, when COVID hit, as you mentioned, you and your colleagues created the first ever paid sick time standard, committing public funds to preventing the spread of the virus. COVID emergency paid sick leave is estimated to have prevented more than 15,000 cases per day nationwide. But, that emergency paid leave requirement for some businesses and some workers expired at the end of 2020, and now we have reverted to no guaranteed paid leave, even as the virus continues to ravage us in some parts of the world, and also in spikes here, and as people need access to vaccines.

Access to paid sick days is associated with better preventive health, lower rates of community disease spread, fewer workplace injuries, and more efficient use of healthcare resources. And, as I prepared for this hearing today, I marveled at the amount of research that has been amassed over the past several years as more and more experience with paid sick days has been had in states and cities.

Access to paid sick days correspondingly is not associated with negative job consequences, business consequences, job loss, price increases, or reduced employee benefits.

The Healthy Families Act, which would allow workers to earn up to seven paid sick days each year, is a key solution and would replicate the paid sick time that Federal contractors have been obligated to provide since 2017.

Notably, since the pandemic hit, three new states have adopted paid sick days laws, joining nearly a dozen others in two dozen localities in creating baseline earned paid sick day standards. Yet, everyone else is left behind. It is time to change that and guarantee paid sick days to all working people.

On paid family and medical leave, COVID also brought home workers and families' precarious situations when babies and children need care or a serious personal or family illness strikes.

In March 2020, just as the pandemic hit, one in five private sector workers, just one in five, had access to paid family leave through their jobs, and there are huge disparities.

Thirty-eight percent of higher-wage workers had paid family leave, but just 5 percent of low-wage workers did.



Just two in five had access to employer-provided temporary disability insurance for a personal medical leave lasting weeks or months. And, again, we see the disparities replicated.

Overall, these numbers mask dramatic and growing inequalities. Over the past 10 years, paid family leave access for high-wage workers climbed by 20 percentage points. For low-wage workers, just two. That is unacceptable.

The Country's failure to address paid leave has macroeconomic consequences in terms of reduced GDP and lower labor force participation.

It costs families an estimated \$22.5 billion annually in income, or more than \$9,000 for a typical family who needs 3 months of leave, which means less money circulating in local economies and communities, as well as hardships within individual households.

Lack of paid leave reduces mothers' earnings and means hundreds of thousands of dollars lost in older workers' income and retirement savings.

It means more public dollars spent through Medicaid for nursing homes and more resources for SNAP and other public assistance programs.

Too often, critics asks, how can we afford a national paid leave program? But, the truth is that we are bearing enormous unaffordable and unsustainable consequences of the status quo. The comprehensive paid family and medical leave proposal in the American Families Plan, the Family Act, and Chairman Neal's Building an Economy for Families Act all present workable paths forward. They reflect models from 10 states, including Washington and Washington, DC, and would make a public investment in paid leave for all working people, no matter where they live, where they work, their job, or their serious personal family and medical need.

Finally, the FMLA. And I know I am running short on time, so I will try to wrap up. The Family and Medical Leave Act, which offers job protection and health benefits continuation, coverage is 56 percent of the workforce, meaning more than four in 10 workers are left out of job protection. This is disproportionately Black and Latino workers, low-wage workers, and single parents. And now, with the pandemic's effects on employment for these very same groups, coverage is likely to be even lower.

Congress must expand job protection and must do so to match any paid leave program it creates so that workers can use the paid leave that will be made available. And Congress must never create paid leave protections that merely align with today's FMLA or we will simply replicate the same inequalities and inequities and the same disparities that we have now.

I leave you with this. This hearing is titled with the words Working Families in it. Paid leave rewards work. It strengthens people's attachment to the workforce. It promotes employee retention. It allows people to care for themselves and their loved ones.

But, at the end of the day, it is really about values, like love, responsibility, and care and dignity.

It is about people, like April Kimbrough, who lost her job and her home when she had to go care for her son with kidney cancer.

People like Felix Trinidad, who died 8 years ago of stomach cancer because he did not have a sick day and then had to work

through chemo at his grocery store. He left behind a wife and two small children.

It is people like Ms. St. Hilaire-Finn, who we will hear from, and business owners, too, like Sarah Piepenburg, who fell behind on her own home and business payments in order to provide paid leave to an employee who had broken both arms.

Paid leave must be an essential element of economic recovery, and there is no time to lose.

Thank you.

[The prepared statement of Ms. Shabo follows:]



**Testimony of Vicki Shabo**  
**Senior Fellow for Paid Leave Policy and Strategy, Better Life Lab at New America**  
**U.S. Senate Committee on Health, Education, Labor, and Pensions**  
**Hearing on *Paid Leave for Working Families: Examining Access, Options, and Impacts***

**May 18, 2021**

Chair Murray, Ranking Member Burr, and members of the committee. Thank you for holding today's hearing. It's a pleasure to be here with you in person to discuss how we must apply the lessons of the COVID-19 pandemic, assess the workers' and business needs and economic trends that pre-date the pandemic and anticipate the trends and needs that we are likely to face in the future to evaluate access to paid sick time, paid family and medical leave and the Family and Medical Leave Act to ensure that – going forward – all working people can take care of themselves and their loved ones.

My name is Vicki Shabo and I am a senior fellow for paid leave policy and strategy at the Better Life Lab at New America, a think and action tank here in Washington, D.C., though the views I express here are my own. Over more than a decade, I have helped to shape federal, state and local paid sick days and paid family and medical leave policies that now provide security, stability and certainty for tens of millions of people and their loved ones.

The challenges facing women and all family caregivers did not start with COVID-19, but the pandemic has made the need for federal investments more urgent and more clear. I hope today's hearing marks the beginning of a thoughtful but expeditious legislative process that leads to the enactment of a comprehensive national paid family and medical leave program, a national paid sick days standard and much-needed updates to the Family and Medical Leave Act of 1993 (FMLA), which currently excludes more than four in 10 workers.

Several of you hail from states that have adopted paid sick days policies or paid family and medical leave programs, or both. Others of you represent states where governors have adopted paid parental or family leave for state employees. Some of you represent districts where some of the country's top employers are leading the way on implementing leave policies that go beyond the benefits offered or required by state or local laws, whether the state itself has a paid leave program or not.

Unfortunately, however, most states and employers do not guarantee paid family and medical leave to workers, and many do not provide any paid sick time to frontline or low-wage workers, which means most workers, families and businesses face great precarity. Whether a worker is faced with an impossible choice between clocking in sick and keeping their job, a son

or daughter can afford to take time away from work to hold a parent's hand through chemotherapy treatments, a parent is home to see a baby's first smile, or a person can recover from a car accident before returning to work is largely dependent on the luck of geography and employer beneficence. This uneven access to paid leave translates into unequal life opportunities and perpetuates pervasive disparities in income and wealth. Workers' lack of access to paid leave also suppresses labor force participation and, as a result, creates a drag on our economy.

In Part I of my testimony, I explain the urgency for action that the COVID-19 pandemic has exacerbated. In Part II, I discuss elements of access, evidence and policy choices related to paid sick days, paid family and medical leave and the Family and Medical Leave Act of 1993 (FMLA). I conclude in Part III with some overarching thoughts about the path forward and the direct and indirect value that adopting bold policies will have.

## **I. The Urgency of Now: COVID Illuminated and Exacerbated Workers' and Families' Health and Caregiving Challenges**

There can be little debate that when COVID-19 hit, the country as a whole was unprepared for the unprecedented work interruptions, job losses and caregiving needs that arose. As experts like the Center for American Progress' Jocelyn Frye warned early on in the pandemic, women and people of color – especially women of color – have been hit hardest, whether because they are working on the front lines as essential workers, working from home while managing caregiving for children and older or disabled adults, or quitting work in order to navigate the health and care issues that demand their attention.<sup>1</sup>

### **A. A Dire Situation for Women, People of Color and the Economy Due to Caregiving**

The National Women's Law Center estimates that 4.5 million women have lost jobs overall since the start of the pandemic, and nearly two million remain unemployed; in April, all of the job gains the country saw went to men.<sup>2</sup> Workforce participation rates for women have hit 30-year lows – and women will have lost tens of billions of dollars in wages – in part because of the tremendous caregiving needs and health concerns that the pandemic wrought. Unemployment remains a considerable challenge, especially for women of color, even as the country's job growth has improved.<sup>3</sup> A lot of attention has rightly focused on child care and school closures, but the need and the burdens run much deeper.

New national survey data from the Bipartisan Policy Center (BPC) and Morning Consult sheds light on the role that caregiving and illness played in workforce dynamics and the role that paid leave could have played in helping.<sup>4</sup> For example:

- Among people who stopped working during the pandemic, 15 percent – translating to about 10.6 million workers – cited caregiving for a child or an older or ill adult as the reason. Another 8 percent left due to a personal illness.

- 57 percent of those who said caregiving impacted their ability to work and did not have access to paid family leave said the benefit would have helped them continue to work.
- 38 percent of currently unemployed workers said they would be more likely to return to work sooner if their next employer provided paid family leave, particularly unemployed parents, nearly half of whom (47 percent) said it would help them return to work sooner.

Fears of illness and family caregiving needs were cited disproportionately by workers of color as the reason they left the workforce, according to the BPC/Morning Consult crosstab data.<sup>5</sup> More than one-fifth of Black and Latinx workers (22 percent) cited a fear of contracting COVID-19 at work as the reason they left the workforce, compared to 16 percent of white workers. More than one-fifth of Black workers (22 percent) and more than one-in-ten Latinx workers (12 percent) cited caregiving for a family member or relative as the reason they left workforce, compared to just 7 percent of white workers.

In a different national survey from near the beginning of the pandemic, voters overwhelmingly said that a national paid leave program would have helped the country navigate the pandemic more easily.<sup>6</sup> An analysis conducted by the Urban Institute of two state paid leave programs' claims data shows that they were able to accommodate an uptick in claims at the beginning of the pandemic,<sup>7</sup> suggesting that Americans' intuitions about the value of national paid leave in a crisis are likely to be true. The BPC/Morning Consult data shows that 71 percent of workers, and 87 percent of those with caregiving responsibilities and who had paid family leave at their jobs said it helped them to continue working.<sup>8</sup>

During the pandemic, paid sick time and paid family and medical leave were the top relief policy that voters in key states and congressional districts said they wanted, commanding support from 80 percent to more than 90 percent of voters.<sup>9</sup> National polling data has consistently shown paid leave as garnering intense and high levels of support, both during and before the pandemic.<sup>10</sup> And, just last week, new survey data in each of ten states, several of which members of this committee represent paid family and medical leave is both an intensely supported priority and commands more overall support than any other element of the President's American Families plan.<sup>11</sup>

And it isn't just individuals who lament the country's lack of preparation and wish for new policies going forward: as of last fall, after the first COVID surge and before the second, two-thirds of business owners with fewer than 50 employees said they supported a national paid leave program.<sup>12</sup> This is consistent with levels of small business support before the pandemic,<sup>13</sup> and reflects the value that paid leave policies have for businesses as well as for workers.

Investing in families' ability to support themselves and their loved ones by making care easier to receive and provide is essential to rebuilding from the pandemic and creating a vibrant, gender-inclusive economy. In fact, analysts at McKinsey predict that GDP that could grow by an estimated \$2.4 trillion beyond current expectations if federal action on paid leave and related

policies comes soon.<sup>14</sup> Moody's analysts likewise estimate favorable effects of investing in jobs and families, including higher GDP, more jobs and lower unemployment.<sup>15</sup>

### **B. It's Not Just About Numbers, It's About People**

But this isn't just a matter of economics. It's also about values that unite us, like love, responsibility, care and dignity – and these values too often come into conflict with the need to support one's self and one's family when care needs arise.

Congress' work on these issues is about honoring the activism of people like April Kimbrough, a home care worker who lost her job and her home when she needed to care for her adult son as he battled both kidney cancer and COVID-19, and who was compelled by this experience to help fight for the successful passage of Colorado's newly enacted paid family and medical leave program;<sup>16</sup> the hardships and loss of the widow of Felix Trinidad, a grocery store worker in New York who died of stomach cancer eight years ago and left behind two small children because he couldn't take time off work to uncover cancer as the cause of his stomach pain until he started vomiting blood and then had to work shifts at the grocery store through chemotherapy treatments;<sup>17</sup> and the struggles and sacrifices of small business owners like Marcia St. Hilaire-Finn, who is testifying today, and others, like Sarah Piepenburg, the owner of a small oil and vinegar store in Minnesota who fell behind on her own commercial lease and home mortgage in order to provide paid leave to an employee who had broken both arms.<sup>18</sup>

These stories are just the tip of the spear. During the pandemic, the consequences of workers' lack of access to paid leave became crystal clear as people began to share their experiences about leaving work or losing jobs, falling ill, struggling to make ends meet, struggling to provide or receive care, fearing exposing their loved ones to COVID-19, or being unable to be there for dying or ill loved ones.<sup>19</sup> Organizations representing workers, people with serious health issues, and small businesses have a treasure trove of these stories<sup>20</sup> – and those too represent merely a small portion of the stories that exist within virtually every household in America, including mine and very likely many of yours and your colleagues.

At least some of the harm, risk and grief that has befallen workers across the country could be mitigated by universal access to paid family and medical leave and paid sick time. It would be a national tragedy if the country were to come through the pandemic without enacting comprehensive national policies.

## **II. Disparate Access, Deep Needs and the Interventions that the U.S. Needs**

The need for a national paid leave, paid sick days and improved FMLA policies existed well before COVID and will continue well beyond. There is no doubt the market has failed to deliver the paid and unpaid leave that workers need. It is past time for national policies that reflect the needs of the U.S. workforce and their families.

## A. Paid Sick Days

### 1. *Access and Impacts of Disparate Access to Paid Sick Days*

As of March 2020, just as the pandemic hit, U.S. Labor Department data showed that one-quarter of all workers in private firms – including four-in-ten workers in administration, waste and support for professional firms, half of low-wage workers and food service workers, more than half of part-time workers and more than seven-in-ten of the lowest wage workers – did not have a single paid sick day at their jobs.<sup>21</sup> This translates into more than 30 million workers who were without a single paid sick day.<sup>22</sup>

Over the past decade, access to paid sick days has increased by about 12 percentage points (from 63-64 percent from 2010-2015 to 75 percent in 2020).<sup>23</sup> That growth – and the sharpest growth, which has been among lower-wage workers since 2016 – coincides with the enactment and implementation of state and local paid sick days laws.<sup>24</sup> Still, tens of millions of workers are left behind, many of them the very same essential workers in large companies who were on the front lines of the pandemic, as well as workers in smaller firms.

For a typical worker without paid sick days, just two to three days away from work jeopardizes their ability to buy groceries for a month, buy gas, or pay utilities, and seven-and-a-half days risks their ability to pay a month's rent or mortgage.<sup>25</sup>

Workers and families without paid sick days are also disproportionately Black and Latinx workers, for whom multiple sources of structural racism and economic inequality are associated with health disparities that layer on top of lack of access to paid sick time. This creates yet another factor that contributes to health and even educational equity gaps, and the pandemic has only exacerbated these challenges and disparities as well.<sup>26</sup>

### 2. *Evidence That Paid Sick Days Are Beneficial to All*

Workers' access to paid sick days improves individual and community health and the efficient use of health services. An enormous body of research shows that: access to paid sick days is associated with higher rates of seeking preventive health services, including flu vaccination,<sup>27</sup> cancer screenings,<sup>28</sup> parents' use of preventive health care for children,<sup>29</sup> and lower worker mortality rates.<sup>30</sup> State and local paid sick days laws have been estimated to reduce community flu transmission by 11 to 16 percent by making it more possible for workers to stay home.<sup>31</sup> Paid sick days are also associated with fewer workplace injuries.<sup>32</sup> And – at a time when policymakers are looking to use government health dollars well, paid sick days are associated with a 32 percent reduction in emergency department use;<sup>33</sup> nearly 10 years ago, the Institute for Women's Policy Research estimated that health care expenditures could be reduced by \$1.1 billion per year by eliminating 1.3 million unnecessary emergency department visits, with nearly half of the savings coming from Medicaid, Medicare and the Children's Health Insurance Program.<sup>34</sup>

Notably, access to paid sick days is not associated with negative business consequences, job loss, wage decreases or price increases that might offset some of the myriad individual and community-level benefits.<sup>35</sup> And paid sick days laws are also not associated with the “crowd out” of other forms of paid time off, including paid vacation or holidays, or the provision of health, dental or disability insurance.<sup>36</sup>

### ***3. Federal Policy Opportunities to Guarantee Access to Paid Sick Days – The Healthy Families Act***

Fortunately, when COVID hit, Congress enacted an emergency paid sick leave provision as part of the Families First Coronavirus Response Act (FFCRA). From April through December 2020, workers in businesses and non-profits with fewer than 500 employees and workers in state and local governments were able to access up to 80 hours of paid sick time to quarantine, self-isolate or seek a COVID-19 diagnosis or to care for another individual with the same needs, subject to certain exceptions their employers could invoke to deny leave.<sup>37</sup> FFCRA also included a provision that permitted private employers and nonprofits to seek tax credit reimbursement from the IRS for the paid sick leave they were required to provide.<sup>38</sup>

This emergency paid sick leave requirement is estimated to have prevented more than 400 COVID-19 cases per day, per state that did not already have an existing paid sick days law – or more than 15,000 COVID cases per day nationwide.<sup>39</sup> At a time when tens of thousands and then hundreds of thousands of cases were being diagnosed each day,<sup>40</sup> paid sick days as a prevention tool was meaningful. The impacts could have been much greater had the law applied to workers in workplaces of all sizes and included more limited or no exemptions rather than excluding between 50 and 75 percent of the workforce.<sup>41</sup> The U.S. Department of Labor could also have engaged in more robust outreach and education early on rather than ramping up these efforts only after a DOL inspector general’s report called for a greater emphasis on planning and evaluation of outreach activities and the agency’s handling of incoming requests for help.<sup>42</sup>

At the beginning of 2021 – as daily COVID-19 cases were reaching about 200,000 confirmed cases per day – federal policy reverted to its prior no-mandate status with respect to requiring employers to provide paid sick days. At the end of the December 2020, the coronavirus relief package Congress passed continued the availability of paid sick leave tax credit reimbursements for employers that voluntarily continued to make FFCRA-type emergency paid sick leave available but failed to extend the mandate.

Likewise, the American Rescue Plan (ARP) – because of the reconciliation process used to pass the law – further extended federal spending via expanded tax credits and made them available through September 2021. My understanding is that the Biden-Harris administration is working with community partners to ensure employers know these credits are available in order to expand workers’ access to paid sick time for COVID-related purposes.



The ARP improved on the previous law by including the availability of tax credits for allowing workers to take leave for vaccinations and recovery from vaccination, as well as 12 weeks of leave for COVID-19 related serious health and family caregiving issues in addition to the time previously permitted to care for children whose school or child care arrangements were closed, virtual or unavailable. It also included a provision that requires employers to offer the same level of benefits to all employees, so that lower-wage and part-time workers are not left behind.

Although I appreciate employers like Ms. St. Hilaire-Finn, who have been able to make use of those tax credits to ensure her workers have access to COVID paid sick leave when they need it, Congress' failure to extend and expand the requirement that workers be able to access paid sick leave, especially last December, was contrary to individual and public health needs.

The need for COVID paid sick leave will be with us for a while longer, and all the reasons workers needed paid sick time prior to the pandemic remain. In light of all the evidence showing the value of paid sick time and the lack of any evidence of harm when paid sick leave mandates are enacted, there is literally no fact-based reason to delay the adoption of a paid sick days standard like Senator Murray's bill, the Healthy Families Act (S. 1195), which would allow workers to earn up to seven paid sick or "safe" days each year. This is a standard we can build on in the event a new pandemic or public health emergency strikes and, for more routine needs, will provide new paid sick days access to more than 30 million workers.

Congress should not delay action. Since the pandemic hit, three new states – New York, Colorado and New Mexico – have adopted permanent paid sick days laws and interest elsewhere continues to grow. These three new states join nearly a dozen other states and two dozen localities in creating baseline earned paid sick days standards that reflect the needs of workers and their families.<sup>43</sup> The rest of the country should not be left behind. It is time for a national standard that continues to allow states and localities to do better but that, at the very least, assures baseline protections for everyone.<sup>44</sup>

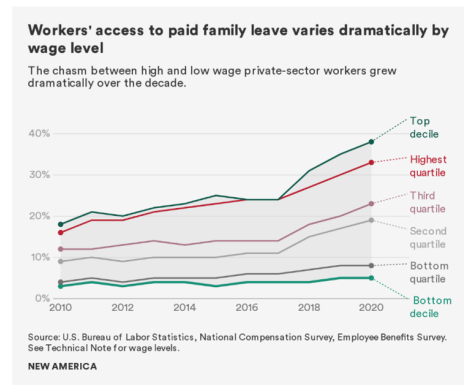
#### **B. Paid Family and Medical Leave**

The COVID-19 pandemic illuminated longstanding challenges workers face in caring for children, their own serious health issue or serious health issues of loved ones. And, as we move past the immediate COVID-19 pandemic, people across the country have pre-existing health and care needs and anticipated future needs. Declines in birth rates, the rapid aging of the population and patterns of job sector growth in industries and occupations that do not offer paid leave benefits that colleagues and I said made paid leave urgent three years ago create equal or greater urgency for action now as before.<sup>45</sup> In addition, a whole new set of workers and family caregivers will need to deal with long-lasting effects of COVID-19. This only intensifies the need for a national paid family and medical leave program so that workers and businesses have a predictable, certain means of accessing paid leave when personal and family caregiving needs arise.

### 1. *Disparate Access to Paid Family and Medical Leave and Impacts of the Status Quo*

In March of 2020, just as the pandemic hit, just one in five private sector workers (20 percent) had access to paid family leave to care for a new child or a seriously ill loved one through their employers.<sup>46</sup> Just two in five (42 percent) had access to employer-provided temporary disability insurance to provide income support during a personal medical leave lasting several weeks to a few months.<sup>47</sup>

These overall numbers mask dramatic disparities in access to paid family leave. Workers in the highest decile of earners (those earning \$49.04 per hour or more) are 7.6 times more likely to have paid family leave than those in the lowest decile (those earning less than \$11 per hour) (38 percent vs. 5 percent). And while access to paid family leave has risen by 10 percentage points (from 10 percent to 20 percent of workers from 2010 to 2020), disparities are growing. Over the past 10 years, access for high wage workers climbed 20 percentage points, while for low wage workers, it inched up by 2 points.<sup>48</sup> Importantly, disparities also exist within firms, where some or most workers are provided access to benefits, but others are excluded.<sup>49</sup>



Workers' access to employer-provided temporary disability insurance also differs dramatically by wage level (70 percent of the top decile of workers in 2020, compared to 8 percent of the workers in the lowest decile).<sup>50</sup> And the small amount of net growth in access over the past decade (3 percentage points) has been concentrated entirely among middle-and higher-wage workers, with those at the top seeing the biggest jumps (a 9-percentage point increase among the top-decile of wage earners).<sup>51</sup> In fact, access to temporary disability insurance *dropped by a net of 1 percentage point* (from 18 percent to 17 percent) among workers in the lowest quartile of earners and by a *whopping 6 points* among workers in the lowest decile (declining from 14 percent with access to just 8 percent).<sup>52</sup>

The inability to access paid family and medical leave poses yet another structural barrier for people who already face many others. As with paid sick days, the very people who are least likely to have access to paid leave are also least likely to have savings or other resources to rely on. Workers who do not have access to paid leave are disproportionately people who work in low wage jobs and who have little job security.<sup>53</sup> They are disproportionately people of color who, due to structural racism in housing, employment, and access to capital, tend to have lower levels of wealth, and experience greater challenges in the event of a job loss.<sup>54</sup> They are child care and elder care workers who cannot afford to take time away from their jobs to care for their own loved ones – and who also may not be able to afford to pay others to provide care. For women of color, the intersecting effects of the gender-based wage gap, the racial wealth gap, and employment discrimination all contribute to an increased risk of financial insecurity that is exacerbated by the intergenerational family caregiving responsibilities that disproportionately fall on them.<sup>55</sup>

This is not just a low-wage worker issue. Many middle- and even higher-wage workers must cobble together vacation, sick and personal time because they are among the 80 percent of workers without designated paid family leave, or the nearly 60 percent without temporary disability insurance. Those with temporary disability insurance must navigate the requirements of applying for benefits to supplement an unpaid FMLA leave, perhaps dealing with delays or questions from insurers and disability management administrators that take months to answer. And many face the scorn of supervisors who balk at providing the paid time off that a company touts access to on paper. National policy changes would tangibly improve their lives and change our country's culture.

In addition, the need for family caregiving leave will become more acute. Already, as of 2020, 53 million people provided unpaid care to family members, and six-in-ten family caregivers also have paying jobs.<sup>56</sup> An estimated 36 million working age adults lived with a family member with a disability, as of 2017.<sup>57</sup> The majority of military family caregivers – and more than three-quarters of caregivers for post-9/11 wounded warriors – are also in the labor force.<sup>58</sup> Caregiving leave will become increasingly important with generational shifts as the large Baby Boomer population ages, because there are fewer younger people to care for them.<sup>59</sup>

In particular, research released in November 2019 by the National Alliance for Caregiving and Caring Across Generations chronicles the challenges facing the country's 11 million "sandwich" generation caregivers, half of whom (49 percent) are millennials caring for a young child as well for an older child with special needs or an older loved one.<sup>60</sup> This study finds that, although most millennial caregivers work, they are unlikely to have workplace benefits like paid leave or flexible hours. Most report at least one work effect, such as needing to go in late or leave early, taking a leave of absence to care for a loved one, cutting back on hours, or turning down a promotion.<sup>61</sup> The care needs that most sandwich generation caregivers describe are long-term conditions (55 percent); their care recipients are most often in their 60s and are likely to require care for many years.<sup>62</sup>

Research on the difficulties caregivers may have with stress, burnout and inflexible workplaces in the absence of policy and culture changes could mean that long-term family caregivers will increasingly find it difficult to continue to work and be unable to seize opportunities for advancement, leading to substantially diminished financial security during their own retirement. For example, research from AARP and the Met Life Mature Market Institute published nearly a decade ago, shows that adults 50+ suffered an average loss in lifetime earnings and retirement security of more than \$303,000 when they left a job to care for an aging parent.<sup>63</sup> The retirement security and income effects must be even greater now. All of these trends create urgency in developing policies that support working family caregivers, and paid leave is among the most critical.

The country's failure to effectively address paid leave gaps has macro-economic consequences in terms of reduced GDP and lower labor force participation among women.<sup>64</sup> Prior to COVID-19, families lost an estimated \$22.5 billion in income each year due to inadequate or absent paid leave,<sup>65</sup> which means less money circulating in the economy.

Too often, critics ask how can we afford a national paid family and medical leave program, but the truth is that we're bearing enormous costs of the status quo, where more than 100 million workers – and the millions more who rely on them for financial and caregiving support – do not have paid family leave now.

## *2. Evidence that Paid Leave Works*

State policymakers, advocates, businesses and workers recognize the harm caused by the status quo and the value of a comprehensive, sustainable baseline paid leave program. As a result, the state paid leave landscape is changing rapidly and is creating demand to address America's paid leave failures at the national level. There are now nine states and the District of Columbia that have implemented or will soon implement paid family and medical leave programs for the workers in their states,<sup>66</sup> which collectively house an estimated one-quarter of the U.S. population. These are:

- California (2002 enactment, 2004 implementation; multiple subsequent legislatively-adopted improvements)
- New Jersey (2008 enactment, 2009 implementation, with 2019 legislative improvements implemented in 2019 and 2020)
- Rhode Island (2013 enactment, 2014 implementation)
- New York (2016 enactment, 2018-2021 phased-in implementation to ramp up benefit levels and duration)
- Washington (2017 enactment, January 2020 implementation of benefit payments)
- District of Columbia (2017 enactment, July 2020 implementation of benefit payments)
- Massachusetts (2018 enactment, 2021 implementation of benefit payments in two phases)
- Connecticut (2019 enactment, 2022 implementation of benefit payments)

- Oregon (2019 enactment, 2023 implementation of benefit payments)
- Colorado (2020 enactment by ballot initiative, 2024 implementation of benefit payments)

Notably, paid leave innovation has continued throughout the pandemic. Washington's program, which began delivering benefits in January 2020 just before Washington state became an early COVID-19 epicenter, had a successful first year.<sup>67</sup> The District of Columbia and Massachusetts each implemented their programs on time, in July 2020 and January 2021, respectively; Massachusetts' implementation will be complete this July when family caregiving benefits become available, on schedule. Connecticut and Oregon are on track to implement their programs in 2022 and 2023, respectively. And, in November of last year, Colorado became the first state to pass a paid family and medical leave program by ballot measure, with 57 percent of Colorado voters approving a new statewide paid leave program that will begin to collect revenue in 2023 and pay benefits to eligible workers with qualifying needs in 2024.<sup>68</sup> Several other states, including Delaware and Virginia, are actively considering new paid leave programs.

An important element of passing several of these laws is the cooperation among unusual allies on both policy development and passage. Tireless years of advocacy by organizations representing women and children, advocates seeking racial and economic justice, health care access, caregiver support, and stronger labor protections, and the incredible testimonies of workers who had themselves been affected by lack of access to paid leave created ripe moments for change. Small business voices were critical in helping to show the value of paid leave as a workforce benefit and as a financial stabilizer. When progress began to look inevitable in Washington, Massachusetts and Oregon, traditionally-opposed business groups were instrumental in striking agreements with broad advocacy coalitions and lawmakers on both sides of the aisle to develop bills that passed with bipartisan support.<sup>69</sup> Federal policy could follow the same path.

#### **(a) State Policy Design – and Implications for Federal Policy**

State paid family and medical programs provide a basic construct or roadmap for federal policy – the creation of a comprehensive paid family and medical leave program that is administered by a public agency, funded with tax dollars, and offers adequate wage replacement for a meaningful period of time to workers with a serious family or personal health or caregiving need. State policy experience also reveals the importance of policy elements that improve the effectiveness of policies in meeting the needs of workers across the wage spectrum such as sliding scale wage replacement and job protection. They also dispel concerns about the impact of paid family and medical leave policies on businesses and show the value of public paid leave benefits, especially for smaller enterprises.

Existing state paid leave programs cover leave to address an employee's own serious health issue, to care for a seriously ill, injured or disabled loved one, and to care for a newborn, adopted, or newly-placed foster child; some states cover leave for additional family and medical

needs, including military caregiving and qualifying exigency leaves or situations related to domestic violence, stalking and sexual assault. Each program provides wage replacement based on prior earnings up to a cap; the six newest laws do so on a sliding scale, so that lower-wage workers receive a higher share of their typical wages. Sliding scale replacement rates make these programs more accessible and affordable. Each state program also covers caregiving for family members beyond parents, spouses and children such as grandparents, while the newest laws also recognize that sometimes our closest loved ones are chosen family, siblings, and grandchildren.<sup>70</sup>

Some programs also incorporate critically-important employment protections that reach some or all of the 44 percent of workers who are not covered by FMLA job protection and health insurance continuation provisions.<sup>71</sup> These elements promote the flexibility and utility of paid leave benefits for workers across gender, race, job and income.

#### **(b) Paid Leave Policy Outcomes**

State paid leave programs, along with private sector practice, provide important insights on the policy outcomes paid leave can provide. With each new study on paid leave, we are learning more about how to most effectively design programs and outreach activities that maximize a policy's positive impacts while minimizing the possibility of unintended consequences. Equally important as program design is implementation, promotion and enforcement – and how partnerships among government, the private sector, community-based organizations and trusted intermediaries can help promote appropriate program use.<sup>72</sup>

The positive outcomes we can expect to see from a well-designed, sustainably funded and appropriately implemented national paid family and medical leave program include, but are not limited to:

1. **Improved labor force attachment and increased earnings for women.** California's paid family leave program was enacted in 2002, started paying benefits in 2004, and has been expanded multiple times since. Numerous studies of California's program suggest that women's labor force attachment, hours worked, and earnings increase when paid family leave is available for the arrival of a child<sup>73</sup> and for family caregiving.<sup>74</sup> The effects on duration of leave-taking are most pronounced for lower-wage women and women of color,<sup>75</sup> contributing to the possibility of helping to close the wage gap and promote women's workplace advancement over time. Some longer-term labor force outcomes may be skewed toward higher-income women, but these can be smoothed over time with policy updates.<sup>76</sup>

Findings on workforce attachment improvements and earnings from California are consistent with studies that find that women who took paid leave through state TDI programs or employer policies were more likely to be working and to have higher earnings in the year after their child's birth than women who did not.<sup>77</sup> Nationally, it is

estimated that policies like paid leave, which would improve women's labor force participation rates, could add \$500 billion to the United States economy.<sup>78</sup>

2. **Better health and health care utilization for children.** A recent study found that the implementation of paid family leave in California resulted in a significant reduction in late vaccinations among children, particularly among children from low-income families.<sup>79</sup> This adds to a body of research about the effects of paid leave on health outcomes. Other studies have found a relationship between California's paid leave implementation and reduced risk of head trauma for infants (likely due to reduced parental stress)<sup>80</sup> as well as the role generally of paid leave in reducing the length of hospital stays for critically ill older children.<sup>81</sup> Parents who take paid leave are also more attuned to their child's cues, which improves children's neurological development and behavior over time.<sup>82</sup> But in order to make the most of the bonding time that a paid leave law makes available, or to make the use of paid leave for family care more accessible for working parents, programs must offer wage replacement that allows workers to meet their basic expenses and job protections so that the use of benefits from a public paid leave fund does not come at the expense of losing a job.
3. **More engagement from men in the lives of their children and families.** California's paid family leave program, now in its 17<sup>th</sup> year, shows how policy and culture change can reinforce one another. When California's program was first implemented, men comprised less than one-sixth of parental leave claimants. By 2016, they comprised 37.5 percent of paid leave users in the state. In Rhode Island, too, men are just over one-third of paid parental leave users (36.7 percent).<sup>83</sup> It will be interesting to see how the pandemic affects the gendered patterns of leave taking going forward.

Policy changes help drive cultural changes, according to experts. As state laws have created paid leave benefits for people of all genders, some employers' practices in other jurisdictions have followed suit. A national standard would continue this trend, with benefits for men and their children, a more gender-equal division of household duties, diminished workplace stereotypes, and improvements in women's earnings and opportunities.<sup>84</sup> Public opinion studies shows that men want and expect to need to be able to care for their children and older loved ones to the same extent as women do, but that financial constraints, fears about work-related backlash and societal perceptions often hold them back.<sup>85</sup> A well-designed national paid family and medical leave law could help to remove those barriers.

4. **Better outcomes and reduced health care costs for ill, injured or disabled loved ones and more economic security for their caregivers.** California's paid family leave program has been shown to reduce nursing home utilization by 11 percent, in part because family caregivers are more available to provide care.<sup>86</sup> Access to paid leave in California also shows labor force participation benefits for caregivers.<sup>87</sup> For workers themselves, access to paid medical leave may hasten a return to work, depending on the

individual's condition, especially when paid leave benefits are supplemented by assistance in return to work strategies.<sup>88</sup>

5. **Savings to other programs funded through general revenues.** Too often, critics of new spending focus on what paid family and medical leave will cost, rather than on the costs already borne by workers and society as a result of the status quo. Among the potential for direct savings to other programs, paid leave can reduce nursing home costs as noted above, which are often paid for by Medicaid. Research also shows a relationship between access to paid family and medical leave and reduced use of SNAP and other forms of public assistance.<sup>89</sup> Promoting financial independence for workers and families, using government resources efficiently and reducing direct and indirect costs to taxpayers are all essential reasons to invest in paid leave.
6. **Benefits for businesses, especially small businesses.** In California, New Jersey, and Rhode Island, the three states with the longest-standing paid family leave programs, researchers have consistently found that the concerns business representatives expressed prior to the laws' passage were unfounded. When the U.S. Department of Labor issued a Request for Information (RFI) on paid family and medical leave in 2020, the submissions from businesses and business interests were overwhelmingly positive.<sup>90</sup>

Research shows that employers have not been unduly challenged or harmed by the policies adopted in states. In fact, small businesses are generally supportive of those states' laws. In California, researchers found that the vast majority of employers have seen a positive effect or no effect on employee productivity, profitability and performance – and smaller businesses see even more positive or neutral effects of the law than larger businesses.<sup>91</sup> Many businesses reported cost-savings, likely by coordinating their benefits with the state plan.<sup>92</sup>

Even the Society for Human Resource Management (SHRM), a chief opponent of paid family leave before it was passed in California, issued a report finding that employers' concerns about the program had "not been realized" and that the law created "relatively few" new burdens for employers.<sup>93</sup> A report prepared on behalf of the New Jersey Business and Industry Association also found that the majority of both small and large New Jersey businesses adjusted easily to the state's law and experienced no effects on business profitability, performance or employee productivity.<sup>94</sup> This is consistent with additional qualitative research conducted among a cross-section of New Jersey employers.<sup>95</sup>

In Rhode Island, where business supporters were important allies in passing the paid leave law, research shows that businesses in key industries have adjusted easily. A study of small- and medium-sized food service and manufacturing employers in Rhode Island by researchers at Columbia Business School found no negative effects on employee



workflow, productivity or attendance, and that 61 percent of employers surveyed supported the law.<sup>96</sup>

In New York, a new study on businesses with fewer than 100 employees shows that the state's paid leave program boosted leave-taking among both women and men, enabled businesses to better able to handle longer employee absences, is supported by a majority of employers, and did not have any negative effects on employee quits, unscheduled absences, productivity, cooperation, commitment or teamwork.<sup>97</sup>

7. **Importance of clear communications, outreach and engagement.** Newer research is demonstrating not just the importance of policy design, but also the importance of how government communicates with workers and employers about the programs that exist. Washington State's program was implemented over a swift 18-month period from scratch. The state first prioritized communications with employers about their obligations under the program and the benefits it might provide to them, and then shifted its attention to workers. The program began paying benefits less than two months before Washington state became the first epicenter of the coronavirus pandemic. The Washington State Employment Security Department's report to the state legislature on the program's first year identified key insights regarding outreach and communications to both businesses and workers; the report concluded that "it is clear from the immediate and high demand for the program that our goals to raise awareness about the program statewide and provide an accessible benefit had a significant impact," as the program served workers across the state across gender, age, occupation, wage level and region.<sup>98</sup> States with older programs are also looking closely at how well their programs serve populations most in need. A study of New Jersey's paid family leave program conducted by my colleagues at New America revealed important lessons about needed improvements in benefits delivery, program application processes, consumer and business outreach and customer service, as well as aspects of program design like wage replacement and job protection.<sup>99</sup>

### 3. *Federal Policy Opportunity – Enacting a National Program to Make Paid Leave Accessible for All*

Congressional action now to create a national paid leave program would ensure that the country never again faces a major national emergency like a pandemic without a paid leave standard in place, and that families do not face routine emergencies and serious personal and family care needs without paid family and medical leave. Hundreds of businesses,<sup>100</sup> business experts,<sup>101</sup> and organizations<sup>102</sup> are calling on Congress to act swiftly.

Congress has taken greater steps toward paid leave over the last few years than ever before. As of 2020, federal workers have 12 weeks of paid parental leave to use when a child is born or adopted. This was a central bipartisan victory in the 2019 National Defense Authorization Act.

In addition, the 2017 tax reform law sought to incentivize companies to provide paid leave to their middle- and lower-wage workers. Unfortunately, as the trends in paid family leave access show, that attempt appears to have been ineffective. While access did increase for workers across all wage levels between 2018 and 2020, increases in access for workers in each wage quartile is linear, with the greatest increases in access at the top of the wage ladder. There was a 7 percentage point jump in access for workers in the top decile of earners, whose employers could not have received a tax credit for providing paid leave. Conversely, there was only a 1 percentage point increase for the lowest wage workers. Congress should take the funds allocated to the paid leave tax credit, which was recently reauthorized through 2025, and dedicate them to a much bigger and bolder program that will guarantee paid family and medical leave for all.

The comprehensive paid family and medical leave proposal in the President's American Families Plan and other legislative proposals like the FAMILY Act and House Chairman Richard Neal's new proposal all present a path forward that builds on models and lessons from 10 states, including D.C. The country must make a permanent commitment to invest in paid family and medical leave for all working people, no matter where they live or work, their job, or their serious personal or family care need.

A well-designed paid family and medical leave program can help to build a workforce characterized by greater gender, economic, and racial justice; a country where children are healthier and have greater opportunities for success; a culture where workplaces honor workers' commitments to their families without adverse effects on labor force participation, wages or opportunities for advancement; communities where older and ill people and people with disabilities receive the care they need; and a business environment where businesses of all sizes can thrive. A well-designed paid leave program can also help catalyze a more vibrant and competitive national economy in which traditional work, entrepreneurship, gig work, and unpaid care work are equally valued. To meet the promise of the policy and deliver security to working people, a national paid leave program must include:

- **Eligibility that rewards work, but also recognizes that workers may endure hardships that lead to work interruptions.** Eligibility for paid leave should depend on one's work history and attachment to the workforce, while providing flexibility for workers who may have recently lost a job just as a caregiving need became acute or imminent as well as for younger workers whose work history may be short. A tenure or hours-worked requirement with a particular employer should not be an eligibility condition to ensure that workers affected by recessions, hours cuts or part-time work are eligible.
- **Comprehensive 12-week paid family and medical leave.** Congress should replicate state models by creating a universal national program that guarantees paid leave for at least 12 weeks to all working people and covers at least the full range of reasons included in the Family and Medical Leave Act (FMLA), so that serious personal and family health and care needs as well as leave to care for new children and wounded

servicemembers are included. The president has proposed an approach to phase in benefits over a 10-year period, and his proposal includes two other uses for paid leave as well (“safe leave” and a few days of bereavement leave). Other proposals, such as the FAMILY Act (S. 248) and a draft proposal from House Ways & Means committee chairman, Richard Neal, would get to 12 weeks for all reasons in the first year of a program. Duration hinges on the level of public investment Congress deems it appropriate to make and acting swiftly to get to 12 weeks would be helpful in creating certainty for workers and businesses alike – but not at the cost of eliminating or paring back other program features.

- **Meaningful wage replacement.** The wage replacement provided to low- and middle-wage workers receive should be as close to their usual earnings as possible. This is a central lesson of state programs, a finding from forthcoming research among service sector workers in Washington state, and a key finding of new research based on national modeling with an eye toward racial equity.<sup>103</sup> It is also an anecdotal finding from the country’s experiment with the FFCRA emergency paid sick and family leave, which provided two-thirds of a worker’s typical wages for COVID-related family care during quarantine or isolation and for child care leave. With respect to FFCRA leave, Dreema James, a fast food worker from Georgia, recently said she was grateful for the FFCRA child care leave, but that it was hard to get by on two-thirds of pay.<sup>104</sup> A mother interviewed for a recent feature story noted that, with only two-thirds of her husband’s pay coming in when both she and her husband took leave to care for their two special-needs children as they navigated virtual school, the family had to budget “even harder” and needed food stamps and food assistance to get through the winter.<sup>105</sup> Both the President’s plan and the Neal plan would provide 80 and 85 percent of a low-wage worker’s typical wages, up to a cap of \$4,000 per month and this should be incorporated into any federal proposal.
- **Inclusive range of family members.** The range of family members for whom one can provide care should be broader than FMLA’s designation of parents, spouses and children to include extended and chosen family. This reflects state practice as well, disproportionately, as the needs of communities of color, people with disabilities, older people and LGBTQ communities. Congress could also consider whether to allow a second adult to provide care for a newly born or adopted child in circumstances where a second parent is unavailable to provide care.
- **Employment protections.** Employment protections must accompany wage replacement to help ensure that workers who are excluded from the FMLA are not dissuaded from using paid leave for fear of losing their jobs or facing retaliation. I discuss the FMLA’s needed updates in the next section of this testimony.
- **Worker and employer outreach and education, and the efficient delivery of benefits.** A paid leave benefit will only be useful if workers know about the program and

employers encourage workers to use it. In addition, the program will be most useful, especially to low-wage workers, if application processes are clear and claims and benefits are processed in a timely way. A program must be resourced well enough to ensure these elements of the program are achieved.

**C. Updating and Expanding the Family and Medical Leave Act (FMLA) – and Never Implementing a Paid Leave Benefit that Parallels the FMLA’s Current Parameters**

As noted above, the right to return to one’s job and continue to receive health benefits is an important corollary to paid leave. Job protection provides workers the security to use the paid leave benefits they need.

*1. Access to FMLA and Exclusions*

The Family and Medical Leave Act was the country’s first law to recognize the intersection of worker’s professional and personal lives. Since its implementation in 1993, it has been used an estimated 300 million times by workers across the country to confer job security and the continuation of health benefits during a family or medical leave.<sup>106</sup> The FMLA established the idea that workers need leave from work for a variety of serious reasons and, in fact, most people who use the FMLA do so for their own serious health issue (51 percent), followed by those caring for a new child (25 percent) and caring for a loved one, including a military-service caregiving need (19 percent).<sup>107</sup>

Unfortunately, the promise of the FMLA does not extend to all working people. With respect to private companies and non-profit organizations, the FMLA only applies to establishments with 50 or more employees within a 75-mile radius, and this coverage rule means that about one-third of the workforce is not covered by the FMLA; in addition, eligibility requires a worker to have at least one year of job tenure with their employer and to have worked 1,250 hours within the past year. The range of family members for whom one can care is limited to only parents, spouses, minor children and adult children incapable of self-care.<sup>108</sup>

As of 2018, the Family and Medical Leave Act’s job protection and health insurance continuation protections covered just 56 percent of the workforce (down from 59 percent in 2012 and 62 percent in 2000), according to survey data commissioned by the U.S. Department of Labor.<sup>109</sup> Black and Latinx workers, lower-wage workers and single parents are disproportionately excluded because they are concentrated in smaller establishments, did not meet the employee tenure or hours requirement, or both.<sup>110</sup> Some estimates of FMLA eligibility, based on the 2012 surveys, find that an even smaller share of the workforce is eligible for unpaid FMLA leave (as low as 46 percent, compared to the 59 percent identified in a DOL-commissioned 2012 survey).<sup>111</sup> In light of the unprecedented work interruptions the pandemic has wrought, coverage now and for some time to come will be even more limited for these same constituencies and women.

## *2. Evidence Shows the Need to Expand FMLA and Make It Consistent with Paid Leave Benefits*

State experience shows that the gap between access to pay and access to employment protections has reduced paid leave take-up among lower-wage workers. Based on this finding, states like Rhode Island, New York and Massachusetts have job protection built into their paid family leave programs as will Connecticut, Oregon and Colorado, when their programs begin to provide benefits; other states have expanded their state version of the FMLA to be more inclusive.<sup>112</sup> There is no evidence of harm to small businesses from these expansions, including in Rhode Island and New York, which have now been in operation for several years and, in fact as noted in above, small businesses in these states have generally favorable impressions of the state paid leave programs.<sup>113</sup>

In addition, the limited definition of family in the FMLA means some workers are unable to provide care to a loved one. Fourteen percent of workers who needed but did not take a leave in 2018 said their intended care recipient was not covered; similarly 14 percent of employers at FMLA-covered worksites said they denied a claim for the same reason.<sup>114</sup> In some states, paid leave programs have been expanded to cover more family members but separate and parallel job protection laws have not, leaving workers vulnerable to job loss if they decide to use paid leave benefits.<sup>115</sup>

## *3. Federal Policy Recommendations – Expand Coverage and Do Not Replicate Inequities*

Because of the inequitable application of the FMLA and because of the link between utility of paid leave benefits and the job protections offered by FMLA, Congress must expand job protection to match paid leave benefits so that workers can use the paid leave that will be made available. It can do so either within a paid leave program itself or, alternatively, by updating the FMLA to parallel the eligibility, coverage and uses of the paid leave program.

Moreover, some business interests are urging Congress to use FMLA eligibility and coverage criteria to craft a paid leave benefit. To do so would perpetuate inequities in access and coverage and would leave behind tens of millions of workers who need both paid and unpaid, job protected leave.

In addition, Congress should dedicate more resources to FMLA outreach and enforcement. Even workers who are covered by the FMLA fear negative employment consequences and either forgo leave or take a leave that is shorter than they need. This is especially true for low-wage workers surveyed for the DOL survey, as well as by service workers who were included in a large national survey for a forthcoming report by researchers from Harvard and the University of California.<sup>116</sup>

National data on employer leave practices have also shown consistently that employers often do not offer all the leave the FMLA requires; up to 25 percent of covered employers may be

non-compliant.<sup>117</sup> DOL should do more employer engagement and more enforcement, and Congress should be wary of leave benefits that are tied directly to employers without federal oversight.

### III. Concluding Thoughts

As Congress evaluates priorities to build a more robust, inclusive and vibrant economy, it must act to expand access to paid sick time and to make job-protected paid family and medical leave accessible to all working people, no matter where they live, work, their job or their serious care or health need.

We saw three things over the past year:

One, workers and families across the country in every community, no matter their circumstances are struggling in one or more ways with work, family and care. The consequences of these challenges have exacerbated existing disparities by gender, race, job type and wage level.

Two, the care and health needs people face have implications that reach far beyond the four walls of one's home, to include community- and country-wide effects on health and the economy. The individual solutions we have patched together for too long are insufficient.

And three, Congress – like policymakers in early-adopter paid leave states – has the capacity to make public investments in policies and systems that support the financial security of workers and businesses, and to do so in ways that make a tangible, meaningful difference in people's lives.

I urge you to carry these lessons forward, to be bold and responsive, and to examine the costs of the status quo and the benefits of taking action on the paid leave policies that working families have needed for decades.

I urge you not to enact half-measures or to constrain policy interventions in ways that exacerbate inequality and diminish public trust. Strong and comprehensive policies that are implemented effectively will show your constituents, especially those who are among the 100 million workers without paid family leave now and the loved ones who rely on them, that federal policies can touch and improve their lives in very direct and personal ways.

I look forward to providing any technical expertise or assistance you or your staff need during this critical period of recovery and rebuilding.

Thank you.

---

<sup>1</sup> Jocelyn Frye, *On the Frontlines at Work and at Home: The Disproportionate Economic Effects of the Coronavirus Pandemic on Women of Color*, Center for American Progress. April 23, 2020. <https://www.americanprogress.org/issues/women/reports/2020/04/23/483846/frontlines-work-home/>

<sup>2</sup> Claire Ewing-Nelson and Jasmine Tucker, *Women Need 28 Months of Job Gains at April's Level to Recover Their Pandemic Losses*. National Women's Law Center Fact Sheet. May 2021. <https://nwlcl.org/resources/women-need-28-months-of-job-gains-at-aprils-level-to-recover-their-pandemic-losses/>

<sup>3</sup> Julie Kashen, Sarah Jane Glynn and Amanda Novello, *How COVID-19 Sent Women's Workforce Progress Backward: Congress' \$64.5 Billion Mistake*. The Century Foundation and the Center for American Progress. Oct. 29, 2020. [https://production-tcf.imgix.net/app/uploads/2020/10/05120307/womens-workforce\\_FinalPDF.pdf](https://production-tcf.imgix.net/app/uploads/2020/10/05120307/womens-workforce_FinalPDF.pdf); Nate Rattner and Thomas Franck, *Black and Hispanic women aren't sharing in the job market recovery*. CNBC. March 5, 2021. <https://www.cnbc.com/2021/03/05/black-and-hispanic-women-arent-sharing-in-the-job-market-recovery.html>

<sup>4</sup> Ben Gitis, *Bipartisan Policy Center – Morning Consult Poll: Caregiving Led Adults Out of the Workforce During COVID-19 and Paid Family Leave Can Help Bring Them Back*. Bipartisan Policy Center, May 5, 2021. <https://bipartisanpolicy.org/blog/caregiving-covid-factsheet/>

<sup>5</sup> Morning Consult, *National Tracking Poll #210434, Crosstab Results*. April 6-14, 2021. [https://bipartisanpolicy.org/wp-content/uploads/2021/05/210434\\_crosstabs\\_BIPARTISAN\\_POLICY\\_CENTER\\_Adults\\_v1\\_PL.pdf](https://bipartisanpolicy.org/wp-content/uploads/2021/05/210434_crosstabs_BIPARTISAN_POLICY_CENTER_Adults_v1_PL.pdf)

<sup>6</sup> Paid Leave for All survey conducted by Lake Research and Chesapeake Beach Strategies, *Findings from a National Survey on Paid Family and Medical Leave*. June 2020. <https://irp-cdn.multiscreensite.com/167e816a/files/uploaded/report.f.rev4.2020.06.26.pdf>

<sup>7</sup> Chantel Boyens, *State Paid Family and Medical Leave Programs Helped a Surge of Workers Affected by the COVID-19 Pandemic*. Urban Institute Brief. June 2, 2020. <https://www.urban.org/research/publication/state-paid-family-and-medical-leave-programs-helped-surge-workers-affected-covid-19-pandemic>

<sup>8</sup> See Gitis, note 4.

<sup>9</sup> Memo to interested parties from Global Strategy Group, May 15, 2020. <https://www.globalstrategygroup.com/wp-content/uploads/2020/05/PLFA-Battleground-Memo-F05.15.20.pdf>

<sup>10</sup> Ethan Winter and Evangel Penumaka, *Voters Support Investments in the Care Economy*. Data for Progress Blog (discussing recent survey findings). April 7, 2021. <https://www.dataforprogress.org/blog/2021/4/7/voters-support-investing-in-the-care-economy?rq=paid%20family%20leave>; Perry Udem and Bellwether Strategies for the National Partnership for Women and Families, *Voters Views of Paid Family + Medical Leave*. Oct. 2018. [www.nationalpartnership.org/2018poll](http://www.nationalpartnership.org/2018poll); Lake Research Partners and MomsRising.org, *Interested Parties Memo on Key Findings from Recent Qualitative Research*. Feb. 2018. [https://s3.amazonaws.com/s3.momsrising.org/images/MomsRising\\_LPR\\_Interested\\_Parties\\_memo\\_on\\_paid\\_leave.pdf](https://s3.amazonaws.com/s3.momsrising.org/images/MomsRising_LPR_Interested_Parties_memo_on_paid_leave.pdf); Lake Research Partners and the Tarrance Group, *Polling commissioned by the National Partnership for Women & Families*. Nov. 2016. <http://www.nationalpartnership.org/research-library/work-family/lake-research-partners-2016-election-eve-omnibus-toplines-for-national-partnership-for-women-andfamilies.pdf>

---

<sup>11</sup> Ethan Winter and Morgan Sperry, *Memo: Voters in Key States Support the Build Back Better Agenda*. Data for Progress. May 13, 2021. <https://www.dataforprogress.org/memos/build-back-better-agenda> (aggregate numbers and memos for each of ten states: Arizona, Colorado, Georgia, Michigan, North Carolina, New Hampshire, Montana, Pennsylvania, Wisconsin and West Virginia).

<sup>12</sup> Lake Research Partners, *Memo to Interested Parties on small business owners' attitudes toward paid family and medical leave*. Oct. 2, 2020. <https://irp-cdn.multiscreensite.com/167e816a/files/uploaded/Paid%20Leave%20for%20All.small%20business.pdf?emci=4dc34eed-b40d-eb11-96f5-00155d03affc&emdi=ea000000-0000-0000-0000-000000000001&ceid=>

<sup>13</sup> Small Business Majority, *Small Businesses Support Paid Family and Medical Leave Programs*. March 30, 2017. <https://smallbusinessmajority.org/our-research/workforce/small-businesses-support-paid-family-leave-programs>

<sup>14</sup> Anu Madgavkar, Olivia White, Mekala Krishnan, Deepa Mahajan, and Xavier Azcue, *COVID-19 and gender equality: Countering the regressive effects*. McKinsey & Company. July 15, 2020. <https://www.mckinsey.com/featured-insights/future-of-work/covid-19-and-gender-equality-countering-the-regressive-effects> (author's calculation based on U.S. data presented in Exhibit 4)

<sup>15</sup> Mark Zandi and Bernard Yaros Jr., *The Macroeconomic Consequences of the American Families Plan and the Build Back Better Agenda*. Moody's Analytics. May 3, 2021. <https://www.moodyanalytics.com/-/media/article/2021/american-families-plan-build-back-better-agenda.pdf>

<sup>16</sup> Gabrielle Franklin, *Paid family and medical leave on the ballot for Colorado voters*. Fox 31 Denver, KDVR. Oct. 6, 2020. <https://kdvr.com/news/politics/election/paid-family-and-medical-leave-on-the-ballot-for-colorado-voters/>

<sup>17</sup> Lore Croghan, *Golden Farm worker Felix Trinidad, who campaigned to unionize Kensington grocer, is mourned*. New York Daily News. July 24, 2012. <https://www.nydailynews.com/new-york/brooklyn/golden-farm-worker-felix-trinidad-campaigned-unionize-kensington-grocer-mourned-article-1.1120868>

<sup>18</sup> Sarah Piepenburg, *The cost of inaction on paid family and medical leave*. Minn. Post. April 26, 2019. <https://www.minnpost.com/community-voices/2019/04/the-cost-of-inaction-on-paid-family-and-medical-leave/>

<sup>19</sup> For a series of stories about the effects of the pandemic on workers across gender, race and job, see the podcast series, *Crisis Conversations*, hosted by New America's Brigid Schulte, which ran nearly weekly from March through December 2020, available at <https://podcasts.apple.com/us/podcast/better-life-lab/id1386944144>.

<sup>20</sup> See, e.g., Family Values @ Work, Storybank, <https://familyvaluesatwork.org/storybank/>; MomsRising, Stories About Paid Leave, <https://www.momsrising.org/campaigns/paid-family-medical-leave/stories>; Paid Leave for All, Our Stories. <https://paidleaveforall.org/story/>; Advancing Paid Leave for All, Business Supporters, <http://www.advancingpaidleave.org/business-supporters/>; Small Businesses for Paid Leave, <https://www.smallbusinessforpaidleave.org/>

<sup>21</sup> National Compensation Survey, *Employee Benefits in the United States*, Table 31, Leave Benefits: Access, private industry workers, March 2020. Bureau of Labor Statistics. <https://www.bls.gov/ncs/ebs/benefits/2020/employee-benefits-in-the-united-states-march-2020.pdf>

<sup>22</sup> *Ibid.* (Table 31 data multiplied by private sector workforce representation in Appendix table 2)



- 
- <sup>23</sup> U.S. Bureau of Labor Statistics, Employee Benefits Survey, *Paid sick leave: What is available to workers?* Jan. 12, 2021. <https://www.bls.gov/ncs/ebs/factsheet/paid-sick-leave.htm> (note that the figures reported here are higher by 2-3 percentage points for the years 2010-2015 than are reported in each individual year's report)
- <sup>24</sup> National Partnership for Women & Families, *Current Paid Sick Days Laws*. March 2021. <https://www.nationalpartnership.org/psdlaws>
- <sup>25</sup> Elise Gould and Jessica Schieder, *Work sick or lose pay? The high cost of being sick when you don't get paid sick days*. Economic Policy Institute. June 28, 2017. <https://www.epi.org/publication/work-sick-or-lose-pay-the-high-cost-of-being-sick-when-you-dont-get-paid-sick-days/>
- <sup>26</sup> Ruqaiyah Yearby and Seema Mohapatra, *Law, structural racism, and the COVID-19 pandemic*. J Law Biosci. 2020 Jan-Jun; 7(1). <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7313873/>; LeaAnne DeRigne, Patricia Stoddard-Dare, and Linda Quinn, *Workers Without Paid Sick Leave Less Likely To Take Time Off For Illness Or Injury Compared To Those With Paid Sick Leave*. Health Affairs. March 2016. <https://www.healthaffairs.org/doi/10.1377/hlthaff.2015.0965>; Patricia Stoddard-Dare, LeaAnne DeRigne, Christopher Mallett and Linda Quinn, *How does paid sick leave relate to health care affordability and poverty among US workers?* Social Work in Health Care 57:5, 376-392. March 2018. doi: 10.1080/00981389.2018.1447532
- <sup>27</sup> Fernando A. Wilson, Yang Wang, Jim P. Stimpson, *Universal paid leave increases influenza vaccinations among employees in the U.S.* Vaccine. 2014; 32:2441-2445. doi: 10.1016/j.vaccine.2014.02.084.
- <sup>28</sup> LeaAnne DeRigne, Patricia Stoddard-Dare, Cyleste Collins, Linda Quinn, *Paid sick leave and preventive health care service use among U.S. working adults*. Prev. Med. 2017; 99:58-62. doi: 10.1016/j.ypmed.2017.01.020
- <sup>29</sup> Abay Afsaw and Maria Colopy, *Association between Parental Access to Paid Sick Leave and Children's Access to and Use of Healthcare Services* (Table II). American Journal of Industrial Medicine 60(3), 276-284. March 2017. doi: 10.1002/ajim.22692; Megan Shepherd-Banigan, Janice Bell, Anirban Basu, Cathryn Booth-LaForce, Jeffrey R. Harris, *Mothers' Employment Attributes and Use of Preventive Child Health Services*. Medical Care Research and Review, 74(2), 208-226. Feb. 2016. doi: 10.1177/1077558716634555
- <sup>30</sup> Daniel Kim, *Paid Sick Leave and Risks of All-Cause and Cause-Specific Mortality among Adult Workers in the USA*. Int J Environ Res Public Health. 2017 Oct; 14(10): 1247. doi: 10.3390/ijerph14101247
- <sup>31</sup> Stefan Pitchler, Nicholas R. Ziebarth and Katherine Wen, *Positive Health Externalities of Mandating Paid Sick Leave*. Journal of Policy Analysis and Management. Sept. 2020. doi: 10.1002/pam.22284 (finding 11 percent decrease in flu or flu-like transmissions in the year after a statewide paid sick leave law takes effect); Stefan Pitchler, Nicholas R. Ziebarth. *The Pros and Cons of Sick Pay Schemes: Testing for Contagious Presenteeism and Noncontagious Absenteeism Behavior*. Journal of Public Economics, 156, 14-33. Dec. 2017 doi: 10.1016/j.jpubeco.2017.07.003 (finding a 16 percent decrease in flu- or flu-like transmissions in the year after a local paid sick leave law takes effect);
- <sup>32</sup> Abay Asfaw, Regina Pana-Cryan and Roger Rosa, *Paid Sick Leave and Nonfatal Occupational Injuries*. American Journal of Public Health. 102(9):e59-e64. Sept. 2012. doi: 10.2105/AJPH.2011.300482
- <sup>33</sup> Soumitra S. Bhuyan, Yang Wang, Jay Bhatt, Edward Dismuke, Erik L. Carlton, Dan Gentry, Chad LaGrange, Cyril F. Chang, *Paid sick leave is associated with fewer ED visits among US private sector working adults*. American Journal of Emergency Medicine, 34(5), 784-789. doi: 10.1016/j.ajem.2015.12.089

<sup>34</sup> Kevin Miller, Claudia Williams and Youngmin Yi, *Paid Sick Days and Health: Cost Savings from Reduced Emergency Department Visits*. Institute for Women's Policy Research. Nov. 2011. <https://reference.wpr.wpengine.com/publications/paid-sick-days-and-health-cost-savings-from-reduced-emergency-department-visits/>

<sup>35</sup> Stefan Pichler and Nicolas R. Ziebarth, *Labor Market Effects of U.S. Sick Pay Mandates*. *Journal of Human Resources*. 0117-8514R2. Oct. 2018. <http://jhr.uwpress.org/content/early/2018/10/11/jhr.55.3.0117-8514R2>; see also sources on individual cities cited in National Partnership for Women & Families, *Paid Sick Days are Good for Business*. Fact Sheet. Oct. 2020. <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/paid-sick-days-good-for-business-and-workers.pdf>

<sup>36</sup> Johanna Catherine Maclean, Stefan Pichler, Nicolas R. Ziebarth, *Mandated Sick Pay: Coverage, Utilization, and Welfare Effects*. NBER Working Paper 26832. March 2020. [https://www.nber.org/system/files/working\\_papers/w26832/w26832.pdf](https://www.nber.org/system/files/working_papers/w26832/w26832.pdf)

<sup>37</sup> U.S. Department of Labor, *Families First Coronavirus Response Act: Employee Paid Leave Rights*. Last accessed May 15, 2021. <https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>

<sup>38</sup> Internal Revenue Service, *COVID-19-Related Tax Credits for Required Paid Leave Provided by Small and Midsize Businesses FAQs*. Last accessed May 15, 2021. <https://www.irs.gov/newsroom/covid-19-related-tax-credits-for-required-paid-leave-provided-by-small-and-midsize-businesses-faqs>

<sup>39</sup> Stephan Pichler, Katherine Wen and Nicolas Ziebarth, *COVID-19 Emergency Sick Leave Has Helped Flatten the Curve in the United States*. *Health Affairs*. Oct. 2020. <https://www.healthaffairs.org/doi/10.1377/hlthaff.2020.00863>

<sup>40</sup> Centers for Disease Control and Prevention, *COVID Data Tracker* (last accessed May 15, 2021). [https://covid.cdc.gov/covid-data-tracker/#trends\\_dailytrendscases](https://covid.cdc.gov/covid-data-tracker/#trends_dailytrendscases)

<sup>41</sup> Sarah Jane Glynn, *Coronavirus Paid Leave Exemptions Exclude Millions of Workers from Coverage*. Center for American Progress. April 2020. <https://www.americanprogress.org/issues/economy/news/2020/04/17/483287/coronavirus-paid-leave-exemptions-exclude-millions-workers-coverage/>

<sup>42</sup> U.S. Department of Labor Office of the Inspector General – Office of Audit, *COVID-19: WHD Needs to Closely Monitor the Pandemic Impact on its Operations*. Report to the Wage and Hour Division (Report 19-20-009-15-001). Aug. 7, 2020. <https://www.oig.dol.gov/public/reports/oa/viewpdf.php?r=19-20-009-15-001&y=2020>

<sup>43</sup> See National Partnership for Women & Families, note 24.

<sup>44</sup> Some multi-state businesses and corporations argue that any federal paid sick days law should be preemptive of state and local laws. I would urge Congress to look at precedent for minimum wage and other labor standards; these are not preemptive and there is no reason that state and local paid sick time laws should be preempted either. For multi-state companies that say they struggle with different requirements across states, the solution is to set a national corporate policy that meets or exceeds the most generous state or local standard the company is required to meet as several companies have already done; the answer cannot be to deprive workers in first-mover jurisdictions to lose the benefits that their local elected officials or voters have decided are appropriate for that jurisdiction.

<sup>45</sup> Sarah Jane Glynn, Katherine Eyster and Vicki Shabo, *An Unmet, Growing Need: The Case for Comprehensive Paid Family and Medical Leave in the United States*. National Partnership for Women & Families White Paper. July 2018. <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-leave/an-unmet-growing-need-the-case-for-comprehensive-paid-leave-united-states.pdf>

---

<sup>46</sup> See National Compensation Survey, note 21, Table 31 (private industry workers)

<sup>47</sup> Ibid, Table 16 (private industry workers)

<sup>48</sup> Vicki Shabo, *Paid Leave 2100: A Slogan that Should be Chanted by No One Ever*. Medium Start It Up. Sept. 29, 2020. <https://medium.com/swlh/paid-leave-2100-a-slogan-that-should-be-chanted-by-no-one-ever-6355907044a3>

<sup>49</sup> Scott Brown, Jane Herr, Radha Roy and Jacob Alex Klerman, *Employee and Worksite Perspectives of the Family and Medical Leave Act: Results from the 2018 Surveys* [hereinafter “Survey Report”]. Abt Associates. July 2020. [https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/WHID\\_FMLA2018SurveyResults\\_FinalReport\\_Aug2020.pdf](https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/WHID_FMLA2018SurveyResults_FinalReport_Aug2020.pdf)

<sup>50</sup> See note 47.

<sup>51</sup> Compare 2020 data cited at note 47, to Bureau of Labor Statistics Compensation Survey data from 2010 at <https://www.bls.gov/ncs/ebs/benefits/2010/ownership/private/table12a.htm>

<sup>52</sup> Ibid.

<sup>53</sup> Pronita Gupta, Tanya Goldman, Eduardo Hernandez and Michelle Rose, *Paid Family and Medical Leave is Critical for Low-wage Workers and Their Families*. CLASP. Dec. 2018. [https://www.clasp.org/sites/default/files/publications/2018/12/2018\\_pfmliscriticalfor\\_0.pdf](https://www.clasp.org/sites/default/files/publications/2018/12/2018_pfmliscriticalfor_0.pdf)

<sup>54</sup> Jessica Mason and Paula Molina Acosta, *Called to Care: A Racially Just Recovery Demands Paid Family and Medical Leave*. National Partnership for Women & Families. March 2021. <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-leave/called-to-care-a-racially-just-recovery-demands-paid-family-and-medical-leave.pdf>; National Partnership for Women & Families.

<sup>55</sup> Kali Grant, Cara Brumfield, Sophie Khan, Funke Aderonmu and Indivar Dutta-Gupta, *The Paid Family and Medical Leave Opportunity: What Research Tells Us About Designing a Paid Leave Program that Works for All*. Georgetown Center on Poverty & Inequality. 2019. [http://www.georgetownpoverty.org/wp-content/uploads/2019/08/Georgetown\\_PLUS-PaidFamilyMedicalLeaveOpportunity-20190804.pdf](http://www.georgetownpoverty.org/wp-content/uploads/2019/08/Georgetown_PLUS-PaidFamilyMedicalLeaveOpportunity-20190804.pdf)

<sup>56</sup> AARP and National Alliance for Caregiving, *Caregiving in the United States*. May 2020. <https://www.aarp.org/content/dam/aarp/ppi/2020/05/full-report-caregiving-in-the-united-states.doi.10.26419-2Fppi.00103.001.pdf>

<sup>57</sup> Kali Grant, T.J. Sutcliffe, Indivar Dutta-Gupta, and Casey Goldvale, *Security & Stability: Paid Family and Medical Leave and its Importance to People with Disabilities and their Families*. Georgetown Center on Poverty and Inequality. Oct. 2017. [http://www.georgetownpoverty.org/wp-content/uploads/2017/10/Georgetown\\_PFML-report-hi-res.pdf](http://www.georgetownpoverty.org/wp-content/uploads/2017/10/Georgetown_PFML-report-hi-res.pdf)

<sup>58</sup> Rajeev Ramchand, Terri Tanielian, Michael P. Fisher, Christine Anne Vaughan, Thomas E. Trail, Caroline Batka, Phoenix Voorhies, Michael W. Robbins, Eric Robinson, Bonnie Ghosh-Dastidar, *Hidden Heroes: America’s Military Caregivers* (see Figure 3.8). RAND Corporation. 2014. <http://www.rand.org/health/projects/military-caregivers.html>

<sup>59</sup> Donald Redfoot, Lynn Feinberg and Ari Houser, A. *The Aging of the Baby Boom and the Growing Care Gap: A Look at Future Declines in the Availability of Family Caregivers*. AARP Public Policy Institute. August 2013. [http://www.aarp.org/content/dam/aarp/research/public\\_policy\\_institute/lrc/2013/baby-boom-and-the-growing-care-gap-insight-AARP-ppi-lrc.pdf](http://www.aarp.org/content/dam/aarp/research/public_policy_institute/lrc/2013/baby-boom-and-the-growing-care-gap-insight-AARP-ppi-lrc.pdf)

---

<sup>60</sup> National Alliance for Caregiving and Caring Across Generations. *Burning the Candle at Both Ends: Sandwich Generation Caregiving in the U.S.* Nov. 2019. [https://www.caregiving.org/wp-content/uploads/2019/11/NAC-CAG\\_SandwichCaregiving\\_Report\\_Digital-Nov-26-2019.pdf](https://www.caregiving.org/wp-content/uploads/2019/11/NAC-CAG_SandwichCaregiving_Report_Digital-Nov-26-2019.pdf)

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

<sup>63</sup> MetLife Mature Market Institute. *The MetLife Study of Caregiving Costs to Working Caregivers: Double Jeopardy for Baby Boomers Caring for Their Parents.* June 2011. <https://www.caregiving.org/wp-content/uploads/2011/06/mmi-caregiving-costs-working-caregivers.pdf>

<sup>64</sup> See Madgavkar et al, note 14

<sup>65</sup> Sarah Jane Glynn, *The Rising Cost of Inaction on Work-Family Policies.* Center for American Progress. Jan. 2020. <https://www.americanprogress.org/issues/women/news/2020/01/21/479555/rising-cost-inaction-work-family-policies/>

<sup>66</sup> Vicki Shabo, *Explainer: Paid and Unpaid Leave Policies in the U.S.* New America. Dec. 2020. <https://www.newamerica.org/better-life-lab/articles/explainer-paid-and-unpaid-leave-policies-us/>

<sup>67</sup> Washington Employment Security Department, *Paid Family and Medical Leave Annual Report to the Legislature.* Dec. 2020. <https://esdorchardstorage.blob.core.windows.net/esdwa/Default/ESDWAGOV/newsroom/Legislative-resources/2020Paid-Leave-Program-Report.pdf>

<sup>68</sup> Faith Miller, *Colorado passed Prop 118. Here's when and how workers can take paid family and medical leave.* Colorado Newsline. Nov. 5, 2020. <https://coloradonewsline.com/2020/11/05/colorado-passed-prop-118-heres-when-and-how-workers-can-take-paid-family-and-medical-leave/>

<sup>69</sup> Washington Hospitality Association, *Businesses support bipartisan law creating statewide paid family and medical leave.* June 2017. <https://wahospitality.org/blog/businesses-support-bipartisan-law-creating-statewide-paid-family-and-medical-leave/>; Shirley Leung, *How progressives and businesses made an unlikely deal on family leave.* The Boston Globe. June 28, 2018. [https://www.bostonglobe.com/business/other/2018/06/28/how-progressives-and-businesses-made-unlikely-deal-family-leave/7fRz5Pv0VCy8WDbcG32VeP/story.html?event=event25?event=event25;MarkMiller,Familyleavebillinchesthroughthellegislature.MailTribune\(Oregon\).June14,2019.https://mailtribune.com/news/state-news/family-leave-bill-inches-through-legislature](https://www.bostonglobe.com/business/other/2018/06/28/how-progressives-and-businesses-made-unlikely-deal-family-leave/7fRz5Pv0VCy8WDbcG32VeP/story.html?event=event25?event=event25;MarkMiller,Familyleavebillinchesthroughthellegislature.MailTribune(Oregon).June14,2019.https://mailtribune.com/news/state-news/family-leave-bill-inches-through-legislature)

<sup>70</sup> See Shabo, note 66; Vicki Shabo, *Explainer: Paid Leave Benefits and Funding in the U.S.* New America. Dec. 2020. <https://www.newamerica.org/better-life-lab/articles/explainer-paid-leave-benefits-and-funding-us/>

<sup>71</sup> A Better Balance, *Comparative Chart of Paid Family and Medical Leave Laws in the United States.* Feb. 2021. <https://www.abetterbalance.org/resources/paid-family-leave-laws-chart/> (page 8)

<sup>72</sup> Jessica Mason, *Meeting the Promise of Paid Leave: Best Practices in State Paid Leave Implementation.* National Partnership for Women & Families. 2019. <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-leave/meeting-the-promise-of-paid-leave.pdf>

<sup>73</sup> Maya Rossin-Slater, Chris Ruhm and Jane Waldfogel, *The Effects of California's Paid Family Leave Program on Mothers' Leave-Taking and Subsequent Labor Market Outcomes.* J. Policy Anal Manage, 32(2): 224-245. 2013. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3701456/>

<sup>74</sup> Joelle Saad-Lessler and Kate Bahn, *The Importance of Paid Leave for Caregivers: Labor Force Participation Effects of California's Comprehensive Paid Family and Medical Leave.* Center for American Progress. Sept.

2017. <https://www.americanprogress.org/issues/women/reports/2017/09/27/439684/importance-paid-leave-caregivers/>

<sup>75</sup> See Rossin-Slater et al., note 73; Saad-Lessler et al., note 74.

<sup>76</sup> Kelly M. Jones. *Paid Family Leave Increases Mother's Labor Market Attachment*. Institute for Women's Policy Research. Jan. 2020. <https://iwpr.org/wp-content/uploads/2020/01/B383-Paid-Leave-Fact-Sheet.pdf>

<sup>77</sup> Linda Houser and Thomas P. Vartanian, *Pay Matters: The Positive Impacts of Paid Family Leave for Families, Businesses and the Public*. Rutgers, the State University of New Jersey Center for Women and Work Publication. Jan. 2012. <https://www.nationalpartnership.org/our-work/resources/economic-justice/other/pay-matters.pdf>; Linda Houser and Thomas P. Vartanian. *Policy Matters: Public Policy, Paid Leave for New Parents, and Economic Security for U.S. Workers*. Rutgers, the State University of New Jersey Center for Women and Work Publication. April 2012. [http://go.nationalpartnership.org/site/DocServer/RutgersCWW\\_Policy\\_Matters\\_April2012.pdf](http://go.nationalpartnership.org/site/DocServer/RutgersCWW_Policy_Matters_April2012.pdf)

<sup>78</sup> U.S. Department of Labor, *The Cost of Doing Nothing: The Price We All Pay Without Paid Leave Policies to Support America's 21st Century Working Families*. Sept. 2015. <https://ecommons.cornell.edu/handle/1813/78447>

<sup>79</sup> Angrita R. Choudhury and Solomon Polachek, *The Impact of Paid Family Leave on the Timing of Infant Vaccinations*. IZA Institute of Labor Economics. July 2019. <http://ftp.iza.org/dp12483.pdf>

<sup>80</sup> Joanne Klevens, Feijun Luo, Likang Xu, Cora Peterson and Natasha E. Latzman, *Paid family leave's effect on hospital admissions for pediatric abusive head trauma*. *Injury Prevention* 22:442-445. Dec. 2016. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4981551/>

<sup>81</sup> Jody Heymann, *The Widening Gap: Why America's Working Families Are in Jeopardy—and What Can Be Done About It*. New York, NY: Basic Books. 2015.

<sup>82</sup> Zero to Three, *Paid Family Leave Talking Points*. <https://www.zerotothree.org/resources/2157-paid-family-leave-talking-points>

<sup>83</sup> See Mason, note 72

<sup>84</sup> Ann Bartel, Maya Rossin-Slater, Christopher Ruhm, Jenna Stearns, and Jane Waldfogel, *Paid Family Leave, Fathers' Leave-Taking, and Leave-Sharing in Dual-Earner Households*. May 2016. <https://www.dol.gov/agencies/oaspevaluation/WorkerLeaveStudy/WL-Father-Leave-Taking-and-Leave-Sharing-in-Dual-Earner-Households>; Sarah Jane Glynn. *An Unequal Division of Labor: How Equitable Workplace Policies Would Benefit Working Mothers*. Center for American Progress. May 2018. <https://www.americanprogress.org/issues/women/reports/2018/05/18/450972/unequal-division-labor/>.

<sup>85</sup> Amanda Lenhart, Haley Swenson and Brigid Schulte. *Lifting the Barriers to Paid Family and Medical Leave for Men in the United States*. New America. Dec. 2019. <https://www.newamerica.org/better-life-lab/reports/lifting-barriers-paid-family-and-medical-leave-men-united-states/>

<sup>86</sup> Kanika Arora and Douglas A. Wolf, *Does Paid Family Leave Reduce Nursing Home Use? The California Experience*. *Journal of Policy Analysis and Management*, 37(1), 38-62. Nov. 2017. <http://onlinelibrary.wiley.com/doi/10.1002/pam.22038/full>

<sup>87</sup> See Saad-Lessler and Bahn, note 74.

<sup>88</sup> Jack Smalligan and Chantel Boyens, *Paid Medical Leave Research*. Washington Center for Equitable Growth. April 2020. <https://equitablegrowth.org/research-paper/paid-medical-leave-research/>

<sup>89</sup> See *Policy Matters*, note 77; *Policy Matters*, note 77; Juliana Menasce Horowitz, Kim Parker and Nikki Graf, *Americans Widely Support Paid Family and Medical Leave, but Differ Over Specific Policies*. Pew Research Center Publication. March 2017 <http://www.pewsocialtrends.org/2017/03/23/americans-widely-support-paid-family-and-medical-leave-but-differ-over-specific-policies/> (unpublished calculation).

<sup>90</sup> Author's analysis of business interests' comments filed with DOL in reference to RIN 1290-ZA03.

<sup>91</sup> Ruth Milkman and Eileen Appelbaum, *Unfinished Business: Paid Family Leave in California and the Future of U.S. Work-Family Policy* (pp. 67-68). Ithaca, NY: Cornell University Press. 2013; Ann Bartel, Charles Baum, Maya Rossin-Slater, Christopher Ruhm, Jane Waldfogel, J., *California's Paid Family Leave Law: Lessons from the First Decade*. U.S. Department of Labor Publication. June 2014. <http://www.dol.gov/asp/evaluation/reports/paidleavedeliverable.pdf>

<sup>92</sup> See Milkman and Appelbaum, note 91.

<sup>93</sup> Jennifer Redmond and Evgenia Fkias, *Legal Report: California's Paid Family Leave Act Is Less Onerous than Predicted*. Society for Human Resource Management. Jan. 2010. [https://www.sheppardmullin.com/media/article/809\\_CA%20Paid%20Family%20Leave%20Act%20Is%20Less%20Onerous%20Than%20Predicted.pdf](https://www.sheppardmullin.com/media/article/809_CA%20Paid%20Family%20Leave%20Act%20Is%20Less%20Onerous%20Than%20Predicted.pdf)

<sup>94</sup> Miriam Ramirez, *The Impact of Paid Family Leave on New Jersey Businesses*. New Jersey Business and Industry Association and Rutgers University, The State University of New Jersey Presentation. 2012. <http://bloustein.rutgers.edu/wp-content/uploads/2012/03/Ramirez.pdf>

<sup>95</sup> Sharon Lerner and Eileen Appelbaum, *Business As Usual: New Jersey Employers' Experiences with Family Leave Insurance*. Center for Economic and Policy Research. June 2014. <http://www.demos.org/sites/default/files/publications/nj-fli-2014-06.pdf>

<sup>96</sup> Ann Bartel, Maya Rossin-Slater, Christopher Ruhm and Jane Waldfogel, *Assessing Rhode Island's Temporary Caregiver Insurance Act: Insights from a Survey of Employers*. U.S. Department of Labor. Jan. 2016. [http://www.dol.gov/asp/evaluation/completed-studies/AssessingRhodeIslandTemporaryCaregiverInsuranceAct\\_InsightsFromSurveyOfEmployers.pdf](http://www.dol.gov/asp/evaluation/completed-studies/AssessingRhodeIslandTemporaryCaregiverInsuranceAct_InsightsFromSurveyOfEmployers.pdf)

<sup>97</sup> Ann Bartel, Maya Rossin-Slater, Christopher Ruhm, Meredith Slopen and Jane Waldfogel, *The Impact of Paid Family Leave on Employers: Evidence from New York*. National Bureau of Economic Research, April 2, 2021, [https://www.nber.org/papers/w28672?utm\\_campaign=ntwh&utm\\_medium=email&utm\\_source=ntwg1](https://www.nber.org/papers/w28672?utm_campaign=ntwh&utm_medium=email&utm_source=ntwg1)

<sup>98</sup> Washington Employment Security Department, *Paid Family and Medical Leave Annual Report to the Legislature*. Dec. 2020. <https://esdorchardstorage.blob.core.windows.net/esdwa/Default/ESDWAGOV/newsroom/Legislative-resources/2020Paid-Leave-Program-Report.pdf>

<sup>99</sup> Gabriel Zucker, *Implementing Paid Family and Sick Leave in New Jersey*. New America New Practice Lab and Better Life Lab. Mar. 31, 2021. <https://www.newamerica.org/better-life-lab/reports/implementing-paid-family-and-medical-leave/>

<sup>100</sup> Businesses Call on Congress to Act on Paid Leave in the Biden-Harris Recovery Package, <https://paidleave.us/biz-for-paid-leave>

<sup>101</sup> Letter from 307 Business and Management School Professors to Congress and the Biden-Harris Administration (last updated May 14, 2021), <http://worklife.wharton.upenn.edu/wp-content/uploads/2021/03/Business-School-Faculty-Letter-in-Support-of-Paid-Leave-10-March-2021.pdf>

<sup>102</sup> Sarah Mucha, *Groups call for paid leave in infrastructure bill*. Axios. March 29, 2021. <https://www.axios.com/paid-family-leave-infrastructure-bill-903f453e-3c61-4e07-817f-fb326d9c5be2.html>

- 
- <sup>103</sup> Pamela Joshi, Maura Baldiga, Alison Earle, Rebecca Huber, Theresa Osypuk and Dolores Acevedo-Garcia, *How much would family and medical leave cost workers in the US? Racial/ethnic variation in economic hardship under unpaid and paid policies*, Community, Work & Family. 2019.doi: 10.1080/13668803.2019.1704398
- <sup>104</sup> *An Unprecedented Crisis of Care* (event video). Better Life Lab at New America and A Better Balance. April 1, 2021, <https://www.newamerica.org/better-life-lab/events/an-unprecedented-crisis-of-care/>
- <sup>105</sup> Bryce Covert, *Americans Got a Taste of Paid Leave. Will They Get It for Real?* The Nation. April 20, 2021. <https://www.thenation.com/article/economy/paid-leave-pandemic-family/>
- <sup>106</sup> National Partnership for Women & Families, *Key Facts: The Family and Medical Leave Act*. Jan. 2021. <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-leave/key-facts-the-family-and-medical-leave-act.pdf>
- <sup>107</sup> See, Brown, Survey Report, note 49
- <sup>108</sup> The Family and Medical Leave Act of 1993, 29 U.S.C. 2601 et seq. <https://www.law.cornell.edu/uscode/text/29/chapter-28>
- <sup>109</sup> Brown, Survey Report, note 49.
- <sup>110</sup> Ibid; see also Scott Brown, Radha Roy and Jacob Alex Klerman, *Leave Experiences of Low-Wage Workers*. [hereinafter “Low-Wage Worker Issue Brief”]. Abt Associates. Nov. 2020. [https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/WHDFMLA\\_LowWageWorkers\\_January2021.pdf](https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/WHDFMLA_LowWageWorkers_January2021.pdf)
- <sup>111</sup> Pamela Joshi, Maura Baldiga, Rebecca Huber, Dolores Acevedo-Garcia, *The Family and Medical Leave Act Policy Equity Assessment*. datadiversitykids.org. Jan. 2020. [http://diversitydata.org/sites/default/files/2020-01/ddk\\_policyequityassessment\\_fmla\\_2020\\_2\\_0.pdf](http://diversitydata.org/sites/default/files/2020-01/ddk_policyequityassessment_fmla_2020_2_0.pdf)
- <sup>112</sup> A Better Balance, note 71.
- <sup>113</sup> See sources cited at notes 90-97.
- <sup>114</sup> Brown, Survey Report, note 49.
- <sup>115</sup> A Better Balance, note 71.
- <sup>116</sup> See Brown, Low Wage Worker Issue Brief, note 110; Daniel Schneider and Kristen Harknett, *Paid Family & Medical Leave in the U.S. Service Sector*. Harvard Kennedy School Malcolm Weiner Center for Social Policy and the University of California at San Francisco (publication forthcoming).
- <sup>117</sup> See Brown, note 49, Exhibit 3-1; Jacob A. Klerman, Kelly Daley and Alyssa Pozniak. *Family and Medical Leave in 2012: Technical Report*. Abt Associates. Sept. 2012. <http://www.dol.gov/asp/evaluation/fmla/fmla2012.htm>; Kenneth Matos, Ellen Galinsky and James T. Bond, *National Study of Employers*. Society for Human Resource Management. 2017. <https://www.shrm.org/hr-today/trends-and-forecasting/research-and-surveys/Documents/National%20Study%20of%20Employers.pdf>; Erin L. Kelly, *Failure to Update: An Institutional Perspective on Non-Compliance with the Family and Medical Leave Act*. Law and Society Review 44:1. 2010. <https://www.jstor.org/stable/40783638?seq=1>

[SUMMARY STATEMENT VICKI SHABO]

**Introduction**

- Paid leave policies like those adopted in states and cities are needed at the national level; the costs of inaction and lost potential are high. Broader access to paid leave would have helped during the pandemic and will help as people re-enter the workforce.
- Paid leave policies are tremendously popular in representative surveys of individuals and small businesses.

**Part I: Urgency Exacerbated by COVID-19**

- Women, low-wage workers and people of color have been disproportionately harmed by COVID, and are those least likely to have access to paid sick time and paid family and medical leave—many also have caregiving responsibilities. Personal stories of working people and small business owners illustrate the harm of the status quo and the need for expanded access to paid leave

**Part II: Disparate Access, Deep Needs and the Interventions That the U.S. Needs**

- **Paid Sick Days:** Access to paid sick days is disparate, has increased due to state and local policies and yet 30 million people are still left behind. FFCRA paid sick days prevented COVID spread, which is just the most recent evidence on the multiple positive individual and community-wide effects of paid leave for health, economic security, and the use of health resources. There is no evidence paid sick days laws cause harm or negative job or economic consequences. Congress should enact a paid leave standard like the Healthy Families Act.
- **Paid Family and Medical Leave:** Access to paid family leave and short term disability insurance is too low and vastly unequal, with significant consequences for individuals, families, businesses and the economy. State paid family and medical leave programs show the elements of paid leave that are needed and that will result in positive outcomes. Congress should enact a comprehensive national paid family and medical leave program.
- **FMLA:** The FMLA excludes more than four-in-ten workers by conservative estimates, and that was before the pandemic likely circumscribed coverage even more. Job protection and the continuation of health benefits need to track the paid leave benefits Congress enacts and Congress must not enact a paid leave policy that replicates the inequities of FMLA and should expand job protection to parallel paid leave benefits. Congress should also allocate greater resources to outreach and enforcement.

**Part III: Concluding Thoughts**

- Work, family and care challenges are ubiquitous and affect more than just the individuals who are struggling. Congress should act boldly to enact new policies that will directly touch people's lives in multiple ways.

---

The CHAIR. Thank you very much.  
We will turn to Ms. St. Hilaire-Finn.

**STATEMENT OF MARCIA ST. HILAIRE-FINN, FOUNDER/CEO OF BRIGHT START EARLY CARE AND PRESCHOOL, WASHINGTON, DC**

Ms. ST. HILAIRE-FINN. Chair Murray, Ranking Member Burr, and Members of the Committee, thank you for the opportunity to testify today. My name is Marcia St. Hilaire-Finn. I am the founder and owner of Bright Start Early Care and Preschool in Washington, DC. and a member of the Main Street Alliance, a national network of more than 30,000 small business owners.



Launched with just two employees, my business had three locations and three employees by the end of the summer. Thirty years ago, I came to the U.S. from the eastern Caribbean island of Dominica for a career in nursing. I started Bright Start in 2002 after seeing there was no nearby childcare center to fit my unique schedule and provide quality care for our daughter.

Early on, to attract the best employees and despite the cost, we provided 1 week paid sick time and 2 weeks paid vacation. I have since added partial health insurance and more paid and unpaid leave and vacation time. As a result, we have extremely low turnover and our children benefit from being with the same staff.

But, even with a business model that relies on private pay and higher fees, I cannot meet my employees' full needs. Many other small businesses are from industries and places where it is even harder. Small employers generally do not have the capital to provide paid leave on their own. That is why most small business owners support a national paid family and medical leave program and commonsense national standards for sick days. As a registered nurse and childcare provider, I know firsthand the benefits of paid sick days that let employees stay home and out of the workplace where they may spread disease.

DC was the second city in the Country to pass a paid sick day law. We had no trouble with the new policy, which is the typical business experience. Studies of cities with sick paid policies found that most business owners have few difficulties and support the program once it is in place.

When sick days are not enough, I have had employees who needed more time off—several to welcome a new baby, and two for cancer treatment. I held their jobs for them and cobbled together what I could. After they exhausted their 4 weeks of paid time off, I provided unlimited unpaid leave. When needed, I arranged for partial advances on their salaries. These employees said they recovered more quickly just knowing they could take care of themselves with a job to come back to. They returned even more energized. But, I have also had several staff members who took less time than needed because they could not afford unpaid leave.

Our paid leave policy was the right decision, but not an easy one. While these employees were out on leave, I paid for their leave and additional staff. That is why I strongly support a paid family and medical leave program in the District. We now have access to a public insurance option with small, predictable costs and up to 8 weeks paid leave. If an employee needs to take leave, the program pays their wages so I can use that money for overtime for an existing employee or new, temporary hire.

The DC program also provides an expanded family definition, which better meets the needs of today's families, and the public administration of the program takes that task off small business. Overall, this helps level the playing field for small businesses with larger companies.

Then came COVID. Last fall, I had to close one center for 10 days to quarantine our staff when we had an exposure. Families First was a lifeline. I could have kept paying for staff while they were out all at once because of our public health measures. I could not have afforded this on my own.

While Families First was essential, it has challenges and should not be the model for a permanent paid leave solution. Tax credit programs rely on businesses applying for and administering the program. For willing, well-connected business owners with payroll and H.R. services, this can work. But, a typical small business, like mine, does not have these support systems. Public programs are easier for both employees and small employers and should be the model for national paid leave.

This past year has been one of the most difficult ever for my business and for most small businesses, particularly childcare centers across the Country. We have been given a wake-up call. We need bold investments in our care infrastructure to get on the path not just to recovery, but resilience.

Thank you for the time and attention. I look forward to answering your questions.

[The prepared statement of Ms. St. Hilaire-Finn follows:]

PREPARED STATEMENT OF MARCIA ST. HILAIRE FINN

Chair Murray, Ranking Member Burr, and Members of the Committee:

Thank you for the opportunity to testify today and share my frontline experience on the urgent public investments needed for paid sick, family and medical leave. And thank you in particular to Chair Murray for your strong leadership and commitment to expanding our Nation's care infrastructure.

My name is Marcia St. Hilaire-Finn, and I am the founder and owner of Bright Start Early Care and Preschool in Washington, DC. I am also speaking today as a member of Main Street Alliance, a national network of more than 30,000 small business owners who, like me, are eager to share their perspectives on critical public policy issues, especially as we try to transition from relief to recovery amidst the most challenging public health crisis of our lifetime.

I have grown my business from a home-based day care with five employees to a successful business on track to have 3 locations and 36 employees by the end of June. From the start, I have been very intentional about the choices I have made for my employees' compensation and benefits. With my business based in the District of Columbia, I have experienced firsthand the roll out of the District's sick days and paid leave legislation. So I can share clear before-and-after pictures of these paid leave programs from a small business perspective. During this pandemic, we experienced several COVID exposures, needed to temporarily shut down, and made use of the *Families First Coronavirus Response Act* (FFCRA) to help us through that time.

#### **Why I Started My Business . . . and Offer Good Benefits to Staff**

Thirty years ago, I came to the United States from the eastern Island of Dominica to pursue a career in nursing. Several years later, as the mother of a young daughter, I searched for a child care center in my neighborhood that would fit my unique schedule and provide quality care, but couldn't find one. So, in 2002, I decided to start my own small business in my basement, launching Bright Start Early Care and Preschool.

I opened Bright Start with the idea that to provide the care our children deserve, the caretakers should be fairly compensated, which includes access to paid time off. During the early days of Bright Start, we provided 1 week paid sick time, and 2 weeks paid vacation time—well above industry standards at the time. This was an intentional and conscious choice on my part to attract the best and brightest employees, despite the additional cost burden. Providing good, competitive benefits has created a virtuous cycle. We experience exceptionally low turnover, which saves us in recruitment and training costs. But just as importantly, our children benefit from the continuity and know-how of our staff.

As all parents can appreciate, caring for children is truly a labor of love—but it's also grueling work! That is why it's so important that my employees are able to take care of themselves and their families.

As I have grown my business, I have been able to add additional benefits—and now provide partial health insurance coverage, another week of paid leave in addi-

tion to sick and vacation time and unpaid leave. My business model, which relies on a large portion of fully private pay parents and higher fees, makes my employee compensation choices possible. Yet even with this model, I have not been able to meet the full needs of my employees. And many other small businesses operate in industries and locations where a high-road business model is less feasible. Small employers generally don't have the capital and scale to provide paid family and medical leave on their own.

That's why I, along with a strong majority of small business owners, support a national paid family and medical leave program and common sense national standards for earned sick days.

### **The Case for Paid Sick Days**

As a registered nurse and child care center owner, the benefits of paid sick days are clear. Paid sick days help ensure employees stay home to take care of themselves or their family when they're sick and out of the workplace so that other employees and our customers can stay healthy. Without access to paid sick days, employees who handle food, provide childcare or care for the elderly are posing serious risks of spreading illness to others. The costs to our employees, families, and economies are huge. Paid sick days are a common-sense solution.

In 2008, Washington, DC, was the second city in the country to pass an ordinance mandating businesses to provide a minimum number of paid sick days based on the size of their business. We were already providing above the mandated rate and had no trouble implementing the new law—which is in fact the typical business experience. Like all new programs, some businesses need help with initial planning and implementation. But studies of cities with sick day policies find that most business owners experience few difficulties and have high levels of support for the programs after they are in place.

Small business owners also support a national program. A 2017 Main Street Alliance survey of nearly 1,800 small business owners in 17 states found that 64 percent of respondents supported a nationwide paid sick days minimum standard like the *Healthy Families Act*.

This increased to 73 percent when just looking at women small business owners and business owners of color.

### **Paid Family and Medical Leave Coverage**

But sick days are not enough. Over the past two decades, I have had numerous employees who needed to take additional time off to care for themselves or a loved one. Several employees had the joy of welcoming a new baby into their families. And two employees have had to deal with the shock of cancer diagnosis and take time for surgery, treatment, and recovery.

In the interest of their health and well-being, the onus was on me to offer family and medical leave through whatever means possible. I committed to hold their jobs open for them and cobbled together what I could. After they exhausted their 4 weeks of paid time off, I provided unlimited unpaid leave, and when it's been needed, I've arranged for partial advances on their salaries so they can at least pay some bills.

They have since told me that they believe they recovered more quickly just knowing they could take care of themselves and having that peace of mind that they had a job to come back to. They truly felt valued and came back to work even more grateful and energized. By the same token, I am also well aware that I've had several staff members who took less time off than they needed because they couldn't afford unpaid leave. If they had more paid time available, they and their families would have benefited from not rushing back to work.

Our four-week paid leave policy was the right decision for me as a small business owner—but certainly not an easy one. While these employees were out on leave for those 4 weeks, I was paying for their leave *and* additional staff to cover their positions.

### **DC Paid Family Leave Program a Stepping Stone**

That is why I was an early and strong supporter of the District of Columbia Paid Family and Medical Leave program. Instead of unpredictable spikes in payroll costs that fall on us as the employer, we now have access to a public insurance option with small, predictable costs I can plan for. Should an employee now need to go out on leave, the program will pay their wages so that I can use what I would have

spent on their wages to pay for overtime for an existing employee or hire a temporary employee.

Last July, DC launched its Paid Family Leave (PFL) program, which offers up to 8 weeks of paid parental leave to bond with a new child (“parental leave”); up to 6 weeks of paid family leave to care for a covered family member (“family leave”); and up to 2 weeks of paid medical leave to care for the employee’s own “serious health condition (“medical leave”).

Between this and our existing leave policy, we have the security of knowing that we can access up to 12 weeks of paid leave should we need it. Before implementation of this program, we could only offer 4 weeks at Bright Start and had to limit family leave to immediate family members.

The DC program provides an expanded family definition, which better meets the needs of today’s families. In addition, the public administration of the program takes that task off small business, which makes it easier for us as well. Overall, this helps level the playing field for small businesses with larger companies.

### **Emergency Paid Leave to Help Battle COVID**

Then came COVID. Last September, I had to close one of our centers when we had a coronavirus exposure. We shut down for 10 days to quarantine our full center staff as a recommended precaution.

Thankfully, the FFCRA program was a lifeline for my business and my employees just when I needed it. Having access to this emergency paid leave through FFCRA meant I could continue to pay my entire staff—18 people at the time—even though they couldn’t work because of the public health measures we took. My employees could continue to collect their checks and I could feel confident that making the right decision to protect others would mean my employees wouldn’t miss rent or food on the table.

We’ve been fortunate to have only one instance where we needed to close down our center, but it’s reassuring to know FFCRA will be there if and when it happens again. I certainly would not have been able to pick up the full cost of my staff going out on sick leave all at once. It has also been great to be able to offer the added incentive of paid days off through FFCRA for my employees to get and recover from vaccinations without them having to draw down their own paid sick days. For us as a business with a payroll service, applying for the FFCRA tax credits was easy and went smoothly.

As we managed our way through COVID exposure, like countless other small businesses have, I kept thinking to myself, “Why are we one of the only countries without a national paid leave program? If there is a silver lining to this crisis, it should be that we’ve been given a wake-up call to pass a robust and permanent national paid leave program.” And here we are, with that very question before us. It just doesn’t make practical or moral sense to me why we wouldn’t!

While FFCRA was an essential program, it was put together hastily in the midst of a crisis. As a result, the program had its challenges and should not be the model for a permanent paid leave solution.

One major issue small businesses had with FFCRA was simply finding out about it. Tax credit programs rely on businesses to apply for and administer the program. For willing business owners, who are well connected and monitor program availability and supported with H.R. and payroll services to administer the programs, this can work. However, a typical small business does not come equipped with these support systems. Public programs like Unemployment Insurance are easier for both employees and small employers to access and administer benefits and should be the model for any national paid leave program.

The vast majority of small business owners agree. As part of the same Main Street Alliance survey, small businesses that were not able to provide family and medical leave to their employees overwhelmingly identified a social insurance program as what they most needed to be able to provide this benefit (79 percent selected this option, while only 8 percent identified a tax credit).

### **For My Small Business, Care IS Infrastructure**

This past year has been one of the most difficult ever for my business. The same can be said for the majority of small businesses—particularly child care centers—across the country. It was challenging not just because of COVID-19, but also the hidden longstanding crises that COVID exposed—the total lack of care infrastructure that allows people the freedom to work and take care of their families.

As a child care provider I've known this crisis intimately for many years. Not only as a small business owner with employees myself, but in talking to our parents about how hard it is to balance the accessibility and affordability of child care, and needing to take time off to heal or care for elderly parents without losing their paychecks.

During the course of the pandemic we did what we could to keep our doors open, while operating safely, because we knew how critical providing child care was in this crisis—for the essential workers, and parents across the country who were struggling to work full time in their day jobs and also substitute as full-time teachers for their kids at home. As early learning professionals, we've always understood child care was essential; now the rest of the country does, too.

In the same way that the recently enacted *American Rescue Plan* addressed the immediate crisis of the pandemic for small business, our employees, and our customers, we now need bold investment in our care infrastructure—from paid leave to child care to elder care and everything in between—if we are to set ourselves on the path not just to recovery, but resilience. We've ignored and underinvested in these critical supports for far too long. In the same way I need good roads and bridges to get to and from work, my employees and I need a care infrastructure that provides time to heal for employees when they need it, as well as affordable and accessible child care. We can't "build back better" if we don't address these long-standing gaps that have been holding our economy back and prolonging the pandemic-induced recession.

#### **Promising Paths Forward on Comprehensive, Permanent Paid Leave**

That is why we at Main Street Alliance are encouraged by the scale and broad focus of the Biden-Harris administration's proposed *American Families Plan* as well as House Ways and Committee Chair Richard Neal's *Building an Economy for Families Act*. Both build on the bicameral Family and Medical Insurance Leave Act (*FAMILY Act*), sponsored by Sen. Kirsten Gillibrand and Rep. Rosa DeLauro, which had stood alone as the only comprehensive, universal paid leave program offered at the Federal level.

As incredulous as it may seem, until now no American president has ever proposed a national, permanent comprehensive paid family and medical leave program. The United States remains one of the few countries in the world that doesn't guarantee paid leave. As a provider myself, I am heartened to see both proposals call for investments in affordable, quality child care along with tax policies that support working families. Moreover, COVID has underscored the need for a national paid sick leave policy to help workers and their loved ones quickly recover from short-term illness and prevent the spread of disease.

#### **Care Can't Wait**

While Bright Start has grown to currently a team of 24 employees serving 76 children (with a dozen more staff set to join this summer), over the years it took a patchwork of ad hoc workarounds to manage sick, family, and medical leave for my staff—sometimes with government support, mostly without. And businesses smaller than my own, with thinner operating margins, could not have resorted to absorbing the cost burdens of providing leave the way I did on multiple occasions to protect the health and well-being of my workers.

With the ongoing pandemic and Main Street still on the path to recovery, paid leave is not an "extra"—it's an essential must-have to the survival of our country's 30 million small businesses and the health of small business owners, employees, and customers alike.

Small businesses like mine have been calling for these investments for years. Recently organizations representing thousands of small businesses *sent a letter* to Congress calling for urgent action on paid leave and investments in our care economy. Small business owners overwhelmingly support national paid leave—even before the pandemic made it abundantly clear—for numerous reasons:

- **More than ever, small businesses and their employees need a program that allows owners and workers to take time from work for health reasons**—whether to care for themselves and/or their loved ones or to quarantine or isolate and avoid spreading COVID-19. Multiple studies point to the public health benefits of paid sick time protections when it comes to combating contagious diseases.
- **Small businesses can't afford paid leave on their own like many larger businesses can.** Small businesses generally lack the capital and

the scale to provide paid leave, even when owners want to provide that benefit. Moreover, private insurers generally do not offer affordable, adequate paid leave policies to small businesses. As a result, as of 2019 *only 14 percent of workers in firms with 99 or fewer employees had access to employer-provided paid family leave, compared to 29 percent of workers in firms with 500 or more employees.*

- **Our businesses benefit when employees can take time to care for their families and return ready to work.** Paid leave helps reduce turnover and boost employee morale and loyalty, increasing productivity and cost savings for our small businesses. Paid leave makes good business sense.
- **Paid Leave is a matter of racial and gender equity.** The racial wealth gap means employees and business owners of color like myself have less of a financial cushion for taking time off, but they also have more limited access to paid leave. And, with most caregiving still *falling to women*, paid leave is an important gender equity measure for business owners and employees alike. These facts have been further heightened during the pandemic. With higher rates of COVID-related illnesses, death, and business closures, the need for paid leave is higher than ever in Black and brown communities. A robust, permanent paid family and medical leave program is essential for supporting Black- and brown-owned businesses, their employees, and the communities they serve.
- **Addressing workforce shortages.** Over the past year women have left the workforce in droves—and the lack of paid leave and *child care* was a major contributing factor. Closing these care infrastructure gaps will be a major factor in addressing our current labor shortage. We can't afford not to use every tool in our toolbox to support a rebounding and growing economy.
- **Economic Recovery on Main Street.** For small businesses and Main Street economies to recover, we need more customers spending on Main Street and the safe return of our labor force. Comprehensive paid family and medical leave programs have been shown to significantly increase *mothers' attachment to the workforce* and caregivers' participation in the labor both *short and long-term*. Paid leave dollars go back into the local economy, boosting consumer demand at small businesses, as working people spend their leave to cover basics.
- **Business owners support paid leave.** A *national survey of 600 small business owners* found that two-thirds supported the U.S. having a national policy for paid family and medical leave. Support for paid leave by the owners is also not a partisan issue, with 80 percent of Democrats, 55 percent of Republicans, and 53 percent of Independent owners in favor of a national policy for paid family and medical leave. Over 1,600 small business owners have *added their names* to state and Federal campaigns calling for comprehensive paid leave.

The time has come for Federal lawmakers to put in place a robust permanent paid family and medical leave program. From our experience with existing state programs we have learned that policy details matter to small businesses and our employees. We need a program that:

- Covers all businesses, families and individuals, including freelancers and the self-employed and business owners themselves;
- Increases financial security by providing wage replacement to enable employees to take time off and meet their expenses;
- Is sustainably and responsibly funded to make the program affordable for businesses of all sizes, and affordable to use by workers of all incomes;
- Provides leave to care for parents, children, spouses, domestic partners, and other family;
- Is publicly administered to ensure ease of administration by small business; and
- Includes extensive outreach to ensure small business owners and our employees can learn about and access the program.

In order to successfully overcome the COVID-19 crisis and thrive in the future, small businesses need a comprehensive, sustainable, and affordable paid leave and care foundation now more than ever. As Congress considers a long-term economic infrastructure and recovery package, a national, permanent paid leave policy and

program and investment in our care economy must be a priority. Care infrastructure is not just what small business employees and owners deserve, it is vital to keeping our entire communities safe and our economy resilient.

Paid leave is an essential component to ensuring more small businesses are able to make it back to profitability and to leveling the playing field for small businesses in the long run. We must never be unprepared for a crisis like this again.

Thank you for your time and attention. I look forward to answering any questions you may have.

---

The CHAIR. Thank you very much.  
We will turn to Ms. McManus.

**STATEMENT OF MARIANNE MCMANUS, VICE PRESIDENT,  
HEALTH & BENEFITS, IBM, ON BEHALF OF THE AMERICAN  
BENEFITS COUNCIL, WESTCHESTER, NY**

Ms. MCMANUS. Good morning, Chair Murray, Ranking Member Burr, and esteemed Members of the Committee. I am Marianne McManus, Vice President of Health & Benefits at IBM. I am responsible for overseeing global benefits design, strategy, and delivery, along with corporate health and safety guidance across IBM, globally.

Today, I am here on behalf of the American Benefits Council to communicate our support for Federal paid leave legislation so that all workers in the United States have access to robust, paid family, sick, and medical leave benefits.

At IBM, we have long recognized the vital role these benefits have in the lives of our employees and continue to believe that paid family, sick, and medical leave are essential. This past year, the COVID-19 pandemic underscored just how critical paid leave policies are for our workforce's health and well-being, particularly as it becomes increasingly mobile and remote.

Our challenge is not in providing paid time off benefits to our employees. Instead, the challenge is created by the patchwork of inconsistent state and local laws, the speed at which new regulations are changed and introduced, and the volume of requirements applicable to nationwide operations around the Country.

IBM and our fellow council member companies all agree that we are most successful in recruiting and retaining top talent when our employees do not have to choose between their careers and caring for their health and their families. But, due to varying state and local mandates, we inevitably have different processes that employees must follow and different benefits depending on where they work.

Today's policy model does not allow for consistent and uniform benefits for all employees. This is not just a matter of the unnecessary costs and administrative burden for employers. It is a matter of fundamental fairness and equity for employees. It can be overwhelming and confusing for employees to determine which laws apply and what benefits they are already entitled to.

Here is a concrete example of the challenge. Prior to the pandemic, an IBM employee in San Francisco could be covered by as many as four laws simultaneously addressing the duration and amount of paid leave available to them for their illness or the illness of a covered family member: The state paid sick leave law, the city's paid sick leave ordinance, the state paid family leave law, and

the Federal Executive Order on paid sick leave. During the height of COVID-19, that employee was covered by two additional laws: both the state's and the city's public health emergency paid sick leave law.

The challenge posed by having to navigate six, or even four, different applicable laws simultaneously is significant for employers and employees alike. We recognize that not all workers have access to generous paid leave benefits and that there are challenges for many small businesses or certain types of employers in providing these benefits.

The Federal Government's essential role in filling the gaps nationwide for organizations of all types and sizes can be done while building on effective employer benefit programs.

In our view, a Federal legislative solution that provides employers a single set of standards nationwide would advance employee equity while eliminating confusion for employees and cumbersome compliance burdens for employers. A Federal solution should offer all employees consistent benefits regardless of where they live or work.

At IBM, we believe this era of technology and innovation is powered by our employees' hard work and creativity. We strive to provide our workforce with the flexibility and benefits they need to do their best work.

The best outcome for the American workforce would be a balanced solution as I have described today—one that allows employers to offer innovative and competitive benefits that are valued by their employees in a consistent, equitable manner, nationwide.

We applaud the Committee for focusing on this challenge, and I thank you again for the opportunity to testify. I look forward to answering your questions.

[The prepared statement of Ms. McManus follows:]

PREPARED STATEMENT OF MARIANNE MCMANUS

Good morning Chair Murray, Ranking Member Burr, and esteemed Members of the Committee. I am Marianne McManus, Vice President of Health and Benefits at IBM Corporation. I am responsible for overseeing global benefits design, strategy, and delivery, along with Corporate Health & Safety across IBM globally. I am here today on behalf of the American Benefits Council ("the Council").

The Council is a Washington, DC.-based employee benefits public policy organization. It advocates for employers dedicated to best-in-class solutions that protect and encourage the health and financial well-being of their workers, retirees, and families. Council members include over 220 of the world's largest corporations. Collectively, Council members either directly sponsor or administer health and retirement benefits for virtually all Americans covered by employer-sponsored plans. IBM has been a longtime member of the Council and, most recently, I served as the chair of the Executive Board of Directors.

Specifically, I am here to communicate our strong and enthusiastic support for a Federal paid leave program that builds on private-sector solutions. Council member companies agree that we are most successful recruiting and retaining top talent when our employees are confident in their ability to take paid time off when they need it. Furthermore, paid leave is good for business. According to an E&Y study entitled "Viewpoints on paid family and medical leave: Findings from a survey of US employers and employees, March 2017," showed that employers offering paid leave benefits overwhelmingly saw a positive effect when it came to operating outcomes.

We recognize the important role paid leave benefits have in the lives of our employees and agree that paid family and medical leave, in addition to sick leave, are essential. This past year, the COVID-19 pandemic underscored the vital role paid leave policies serve for the health and well-being of our workforce. Let me say it



unequivocally on the record that IBM and the Council believe that all workers in United States deserve access to paid leave benefits.

We recognize that not every U.S. employer has the ability to offer the same level of paid leave that IBM provides to our workforce. At IBM, we have a long history of providing flexible time off to employees as part of a generous and competitive benefits package. As a large, multi-national employer with employees in all 50 states and operations in over 170 countries worldwide, we understand the value of a comprehensive and uniform paid leave policy. Our benefit programs are generous and expansive: Our regular full time and part time U.S. employees receive a minimum of 15 days of paid vacation; up to 26 weeks of short term disability benefits; specifically, all eligible employees can receive up to 13 weeks of short-term disability benefits at 100 percent pay and another 13 weeks at a minimum of two-thirds of their pay; up to 12 weeks for all new parents at full pay; paid care leave at full pay for family care, marriage, or bereavement ranging from 3 days to 4 weeks depending on the use; in addition to a minimum of 56 hours of paid sick leave annually. We also offer long-term disability benefits for eligible employees.

In response to the COVID-19 pandemic, we quickly pivoted and rolled out enhanced paid time off offerings, which include additional paid sick leave for illness or the need to quarantine; paid leave to care for an ill family member; and up to 4 weeks of emergency paid care leave for parents and caregivers for emergency family back-up care. These benefits were renewed for 2021. IBM also offers employees paid time off and flexibility to get vaccinated, should they choose to do so.

#### **Administrative and Complex Compliance Challenges**

It is important for this Committee to be aware of the significant challenges facing nationwide companies who support paid leave but are required to navigate a maze of increasingly complex, inconsistent, administratively burdensome, and overlapping paid leave mandates across the country. Meeting compliance and reporting obligations is inherently time consuming and can be confusing for even the most knowledgeable benefits professionals. Council member companies typically have nationwide operations in numerous states and localities, making it increasingly difficult to offer and administer consistent and uniform paid leave benefits to employees wherever they work. Variations among state and local paid leave laws, such as employee eligibility rules, qualifying absences, benefit duration and amount, and ability to coordinate statutory and company benefits make the administration and compliance burden overwhelming for nationwide employers. One of the most widely used and valuable resources the Council offers its members is a National Paid Leave Atlas, which identifies detailed requirements imposed by the various state and local paid leave laws. This type of summary is an essential tool for nationwide employers to keep track of requirements and ensure compliance. This is not just a matter of administrative cost and burden for employers. It is also a matter of fundamental fairness and equity for employees, particularly in light of increasingly mobile and remote workforces.

#### **Impact on Employees**

The numerous state and local leave laws have a significant adverse effect on employees and their families. Employees who previously received benefits at no additional cost from their employers in some cases must now pay an employee contribution, imposed by some state programs, for those same benefits. Employees who previously enjoyed a user-friendly experience in going directly to their employer to request benefits in some cases must now go to the state agency administering the applicable Paid Family and Medical Leave Program in addition to their employer. That places an unnecessary burden on employees who are already facing a challenging situation dealing with personal and family obligations. Furthermore, when the required time off is related to a medical condition, the employee may also incur additional cost if the treating health provider charges for copies of records or completion of additional forms. This often results in pay cycles being out of sync (e.g., the employer benefit is approved in a week; but state benefits may take several weeks to be approved) and causes unnecessary stress for the employee. To simplify this process for employees, IBM has, at added cost to the company, implemented private plans in most jurisdictions.

We want the Committee to understand that our challenge is not in providing paid time off benefits to our employees. Instead, the growing challenge is created by the patchwork of inconsistent and increasing number of state and local laws, the speed at which new laws and changes to existing laws take effect, and the sheer number of requirements applicable to IBM's operations around the country. Moreover,

compounding these challenges is the need to coordinate IBM benefits, which are frequently more generous, with these state and local mandates.

The burden of compliance and the range of different requirements mean that the resources designated for such programs are applied to navigating administrative complexities rather than program design and execution, which add value and enhance employee engagement. By contrast, standardizing inconsistent and competing requirements could encourage more companies to *voluntarily* provide paid sick leave and/or paid family and medical leave benefits to employees regardless of whether they are required. One-size-fits all mandates are not the right solution for employers that already offer rich, generous benefit programs.

Rather than referencing general challenges posed by the various requirements across the country, let me be specific. Because IBM is a Federal contractor, we comply with the Federal Executive Order establishing paid sick leave, as well as all state and local laws on paid sick, family, and medical leave. As noted in the Council's National Paid Leave Atlas, as of July 1, 2021, there will be 16 states, the District of Columbia, and roughly 21 counties or municipalities with paid sick leave requirements, and the list is growing each year. Two other states have paid time off requirements, which allow the paid time off to be used for sick leave or for any other reason. These laws also vary in requirements, including eligibility criteria, differences in waiting periods, rate of accrual, accrual and use caps, qualifying uses, covered family members, ability to frontload (provide all time off up front), and notification requirements—making it nearly impossible for an employer to craft a uniform and consistent policy for its national workforce.

In the wake of COVID-19, at least three states and 12 counties or municipalities passed public health emergency paid sick leave laws to supplement their regular paid sick leave laws and address employee needs due to the public health emergency. Likewise, IBM created its own paid time off program in response to the pandemic while also complying with all other applicable requirements imposed by the varying state and local laws.

There are also six states, plus the District of Columbia, that have paid family and medical leave laws, with three more states that have passed such laws to take effect in the near future.

Before COVID-19, an IBM employee could be covered by *as many as four different laws* simultaneously addressing the duration and amount of paid leave available to them for an illness or the illness of a covered family member (not to mention the Federal Family and Medical Leave Act, which covers unpaid leave in similar circumstances).

For example, an employee working on a Federal contract in San Francisco would be covered by (1) Executive Order 13706, (2) the California Healthy Workplace, Healthy Family Act, (3) the San Francisco Paid Sick Leave Ordinance, and (4) the California Paid Family Leave Law, all of which may have different eligibility, time off qualifying reasons, duration, covered family members, reporting and record keeping requirements. During the height of the COVID-19 pandemic, that same employee also would have been eligible for leave under two other leave laws: San Francisco's Public Health Emergency Leave and California Supplemental Paid Sick Leave. While all of the laws provide that the most generous provisions apply, it requires significant time and resources to identify the most generous entitlement and ensure compliance with all applicable requirements. For employees, it can be overwhelming and confusing to determine which laws apply and to which leaves they may be entitled.

IBM's workforce is not alone in this predicament. For employees at similar companies, navigating the complexities and rules across these differing programs is deflating and stressful. For nationwide employers, the burden of administering the numerous state and local paid leave mandates is significant. According to a survey conducted by Mercer<sup>1</sup> of nationwide employers, associated administrative expenses will typically range from 8 percent–20 percent of total leave costs. Employers need to have sufficient staffing to administer all the nuances of the varying paid leave requirements and may need to spend substantial resources to gain access to a more robust administration assistance system. In fact, the Mercer study also shows that 66 percent of employers experienced an increase in resources in the last 5 years to handle state and local paid leave mandates.

We would speculate that, given our own challenges—despite our significant resources and sophisticated H.R. systems—it must be far more burdensome and costly for smaller companies or companies with fewer resources. This labyrinth of leave

<sup>1</sup> All data from: Mercer, Survey of Absence and Disability Management, 2021

requirements can overwhelm employers, leading to non-compliance. Significantly, the new normal of multiple applicable leave mandates and processes is transforming the traditional role of employers as the single point of contact for employee benefit programs and can negatively impact the employee experience.

### **Key Features of a Paid Leave Program**

Predictability and flexibility are important in a paid leave program for both employees and employers. It is important for employees to understand available benefits in advance as well as how to seamlessly apply for those benefits. Employees should not be required to contribute a portion of their paycheck to fund paid family medical leave benefits if they already receive those benefits at no additional cost. Employers should be permitted to efficiently administer a uniform benefits program that matches the specific needs of its workforce. The current model is not ideal for a national employer who wants to offer consistent and uniform benefits that employees may access in a user-friendly way.

Both before and during COVID-19, IBM has continually sought feedback from our employees about how they are doing and to determine their needs. We design our benefit programs accordingly and customize leave benefits to address employee priorities. For example, in response to employee feedback, we added paid care leave to support IBMers and their families through personal and family situations. Paid care leave can be used to care for a family member, celebrate a marriage, or for bereavement. Family care, one aspect of paid care leave, is typically covered by paid family and medical leave laws, yet marriage and bereavement leave are not. Our focus continues to be addressing the particular needs of our employees whether or not a particular leave type is required by law.

We recognize that not all workers have access to generous paid leave benefits, and gaps remain that need to be filled. All workers in our country should have access to robust paid leave benefits. The Federal Government plays an essential role in filling the gaps in leave benefits nationwide and can do that while preserving effective employer plans at the same time.

### **The Need for Uniform Federal Standards**

In our view, the dual concerns of enabling employee equity with respect to paid leave benefits and eliminating administrative and compliance burdens created by inconsistencies in the various state and local leave laws should be addressed through a Federal legislative solution. We believe that any Federal solution should consider as a starting point the Council's Statement of Principles on Paid Leave [see Appendix 1.] These principles outline a common-sense approach for building on the generous leave programs already provided by the Council's national employer members. Those companies are at the forefront of innovative benefit solutions for their employees. The goal of ensuring access to paid leave programs for all workers on an equitable basis cannot be realized without leveraging private sector solutions.

As such, IBM strongly supports a Federal legislative solution that would provide employers the flexibility to offer a paid leave program that meets a single set of standards for employees nationwide. If this can be established, employers could offer paid leave programs that meet uniform criteria while satisfying compliance requirements throughout the country. This would also offer employees nationwide consistent benefits regardless of where they work or live. This approach would not be new or novel. Congress has made possible both flexibility within certain parameters for different employers and workforces as well as Federal uniformity for employers who operate in more than one state, in the design and operation of their health and retirement plans.

This proposed national approach to paid leave provides the kind of flexibility required for employers to ensure their paid leave policies address employees' specific needs and priorities, while also reducing costs and eliminating administrative complexity.

### **Outlook**

We remain optimistic about the prospects for a Federal legislative solution that can achieve two important goals: create an environment where all American workers gain access to paid leave benefits and enable nationwide employers to provide uniform and consistent benefits to their employees while relieving the administrative and compliance burdens imposed by inconsistent state and local laws. Most recently, President Biden's American Families Plan and the Building an Economy for Families Act released by U.S. House of Representatives Ways and Means Com-

mittee Chairman Richard Neal, are important steps forward in this dialog. The acknowledgement of a need for a Federal solution is significant, and we are encouraged that Chairman Neal's discussion draft recognizes the important role of employer plans.

We similarly applaud the bipartisan commitment of the leaders of the HELP Committee to thoughtfully gather information and perspectives from a range of stakeholders in order to craft a Federal solution that meets the Nation's needs. IBM and The American Benefits Council stand ready and eager to support you in this important effort.

Thank you again for the opportunity to testify today. We are committed to working closely with Congress and the Biden administration to find a balanced solution that allows large employers to continue providing innovative and competitive benefits to their employees. I look forward to answering any questions you may have.

## **Appendix I**

### **AMERICAN BENEFITS COUNCIL**

#### **STATEMENT OF PRINCIPLES ON PAID LEAVE**

- American Benefits Council member companies recognize the importance of paid family and medical leave and paid sick leave benefits and they provide generous paid leave to their workforces.
- Paid family and medical leave programs are important for workers so they can meet the needs of parenting, care for a member of their family who is ill or address their own illness.
- Paid sick leave is an important public health and safety measure because it helps ensure that individuals who are ill do not feel compelled to come to the workplace, where they might infect co-workers and members of the public.
- The American Benefits Council supports Federal legislation to expand access to paid family and medical leave and paid sick leave consistent with the following principles:
  - Employers must have the ability to treat workers equitably. Similarly situated workers for the same employer should expect their eligibility to receive paid leave, and the benefits and administration of the leave program, to be consistent wherever in the United States they live or work.
  - Federal standards for paid leave programs must ensure that employers operating in more than one jurisdiction are not subject to the cost and administrative burden of complying with various state or local paid leave requirements that may be inconsistent or even contradictory.
  - The Federal standards for national employers must be reasonable, affordable and administrable.
  - To simplify the administration of paid family and medical leave benefits, the Federal Family and Medical Leave Act definitions and standards should apply.
  - Employers that adopt and comply with Federal paid leave standards must be deemed to be in compliance with all state or local paid leave requirements.
  - Employers should have flexibility to design and administer innovative paid leave benefits since what is best suited for one company's workforce or industry may not be best suited for another.
  - Federal paid family and medical leave legislation should protect and build on private sector solutions that would allow employers to provide coverage either through self-funding and/or private insurance.
  - Paid family and medical leave programs should be designed, operated and funded by the private sector for maximum efficiency and to ensure that payroll taxes needed to fund existing government programs are not diluted in order to finance new governmental programs.
  - Federal, state and local governments should address gaps in access to paid leave benefits for workers not covered by private sector employer plans to ensure that workers are protected from the hazards to health, family and income that may result from a lack of paid leave.

- To minimize disruptions in union workplaces, Federal, state or local paid leave legislative changes should defer to the collective bargaining process and not require any party to a collective bargaining agreement to reopen negotiations of the agreement or to apply until the existing agreement is renegotiated by the parties or expires.

The CHAIR. Thank you very much.  
We will turn to Ms. Milito.

**STATEMENT OF ELIZABETH MILITO, SENIOR EXECUTIVE  
COUNSEL, NATIONAL FEDERATION OF INDEPENDENT BUSI-  
NESS, WASHINGTON, DC**

Ms. MILITO. Thank you, Chair Murray and Ranking Member Burr for inviting me to speak today. I also thank the other Committee Members and staff who are in attendance.

My name is Beth Milito, and I am an attorney in the National Federation of Independent Business Small Business Legal Center. NFIB is a member-driven organization that represents about 300,000 small and independent businesses across the Country.

Small businesses employ nearly half the Country's private sector workforce, and when small businesses succeed, communities and local economies succeed. Consider the very type of small businesses you frequent—pizza parlor, auto shop, dry cleaner, hair salon. Some have employees that are strictly full time; others, strictly part time or hourly. Some have both.

These are the typical NFIB members who employ five to ten individuals. Only about 12 percent have a human resources professional. The business owner or spouse is often the H.R. point person. Over 50 percent of NFIB members still do payroll in-house.

I describe our membership to illustrate one of the key points of my testimony: there is no such thing as a one-size-fits-all policy that works for every business or every industry.

I understand the good intentions behind various proposals to mandate leave. But, NFIB and its members have long opposed leave requirements for two reasons: inflexibility and cost.

First, innovation and flexibility are critical to small business survival. The COVID-19 pandemic showcased small firms that thrive by innovating, pivoting, and adapting to their new circumstances. Small firms depend on flexibility not only to boost sales and manage business operations, but to establish employee benefits, which includes paid time off.

The majority of small businesses provide flexible, mutually beneficial arrangements that allow employees time off when necessary in a fiscally responsible way. Small business owners recognize the value of providing paid leave to employees since, after all, small businesses need to bid for and retain talent just like all other firms. And, to the extent that they can, small businesses provide paid leave voluntarily to remain competitive and attract talent.

Currently, finding qualified workers is the No. 1 cited problem for small business owners, surpassing taxes and regulations. And one of the primary ways in which small business attract and retain workers is by providing flexible leave policies that fit the needs of their employees and the businesses.

To the extent that small firms do not offer paid leave, this reflects the reality that some small firms simply cannot financially

afford to offer this benefit. If you can only afford to give your workers 10 days of paid time off and the government mandates 5 days of paid sick leave, then your employees have only 5 days left for vacation.

This leads me to my second concern with leave mandates. Leave, paid or unpaid, is not a free benefit for employees. The unanswered question with a leave mandate is, who is going to pay? There is a cost with these proposals and not all business owners can absorb the cost.

In a small business with a finite amount of resources, this means less money available for wage increases, health insurance, and hiring additional employees. It also means more time and money devoted to complying with workplace laws.

I mentioned earlier that small business owners typically have few administrative staff and little human resources experience. Nearly all leave proposals, paid or unpaid, would impose record-keeping requirements, including leave tracking, accrual, notification, documentation, and reporting.

When one state considered and adopted a paid leave proposal a few years ago, the legislative record was replete with opposition from small businesses. And consider this submission from a small business owner.

Quote, we compete in a world market and everything the state or Federal Government does burdens us with more and more unfettered mandates that make us less competitive in world markets. So, now I have fewer employees. And since there is not enough income after all of my employment costs are met, I end up not getting paid anything for my family for all the work that I do.

I could go on and on, but the bottom line is that we farmers do not make enough to subsidize all the wonderful benefits that you would like to see employees entitled to. I have workers asking for work, and there is plenty for them to do. But, at the high costs that the state requires me to pay, I have to limit the number that I can hire.

It may seem great to mandate more benefits to employees, but the hidden costs are fewer jobs.

Small businesses generate 40 percent of U.S. economic activity. So, the fundamental truth is, we need small businesses to stay alive in order to maintain a healthy economy.

Fourteen months after the outbreak of the pandemic, the small business economy remains fragile, and mandated leave laws represent a significant challenge for small businesses. Mandates are generally not flexible, nor affordable.

On behalf of the small business owners of NFIB, thank you again for inviting me to appear before the Committee.

[The prepared statement of Ms. Milito follows:]

PREPARED STATEMENT OF ELIZABETH MILITO

Thank you to Chair Murray and Ranking Member Burr for holding this hearing and inviting me to speak today. I also want to thank the Committee Members and staff who are attending today.

### **Introduction**

My name is Elizabeth Milito, and I work in the National Federation of Independent Business's Small Business Legal Center. NFIB is a member-driven organi-

zation that represents about 300,000 small and independent businesses. NFIB members define our neighborhoods, fill our communities with character, create local jobs, and homegrown economic opportunity for small businesses owners and their employees alike: local hardware stores, independent restaurants, florists and barbers, plumbers, paper companies, roofers, landscapers and mechanics, fitness and retail boutiques. These are NFIB members.

Small businesses employ nearly half the country's private sector workforce.<sup>1</sup> When small businesses succeed, communities succeed. A strong, vibrant small business eco-system supports local tax bases, governments, and schools. It is estimated that 67 cents of every dollar spent at a local small business is reinvested into the community.<sup>2</sup> I trust you all recognize and value the importance of small businesses in your states.

I describe our membership and the importance small business has on our economy to illustrate one of the key points of my testimony and what I think often gets lost in the public policy discussions in Washington, DC, when it comes to labor and business issues: there is no such thing as a "one-size-fits-all" policy that works for every business or every industry.

Consider the varied types of small businesses you frequent—pizza parlor, auto shop, drycleaner, hair salon—some have employees that are strictly full-time, others strictly part-time or hourly. Some have a combination of both. Perhaps others are seasonal employers. Small businesses face complex issues that are unique to them, and when solutions to perceived problems are put in place by government, policymakers too often paint business with a broad brush and fail to consider the unique structure of Main Street employers.

I am mindful of the well-meaning sentiments behind leave mandates and sympathetic to those who have suffered the hardships that might lead to proposing leave mandates. NFIB believes, however, that inflexible and costly leave mandates inadvertently affect the livelihood of many and should be considered in the context of the impact on this country's economic environment and the flexibility many employees receive from their employers in difficult situations.

Small business owners can and do offer support to employees in their lives away from work, whether it is for their own care or to care for a parent, child, or other family member, or to incentivize an employee to get vaccinated, but they must have flexibility in creating a policy that works for both the employees and the business. Time-off for sick and family issues is currently worked out in small businesses across the country every day without government intervention. Mandates, whether paid or unpaid, drive up costs and force businesses to cut jobs.

NFIB has long opposed inflexible or mandated leave requirements for a variety of reasons. But today, I would like to focus on three concerns of NFIB and its members: (1) small businesses' fight to survive during the COVID-19 pandemic highlighted problems with well-intentioned mandates; (2) flexibility, not mandates, is the key to making small businesses employers of choice in our communities; (3) leave proposals generally impose inordinate complexity and costs on small businesses.

## **Small Business Concerns About Mandated Leave Policies**

### **1. Small Businesses Fight for Survival During COVID-19: Problems with Well-Intentioned Mandates**

In February 2020, employment rates were at historic highs and the coronavirus was still novel. Within 4 months, COVID-19 had economically devastated our country. It hit hardest the small businesses that are both critical to our economy's growth and vulnerable to disasters.

Whether it was a winery in Oregon, a theater in San Diego, a coffee shop in Boston, a restaurant in Michigan, a summer camp in Virginia or a hotel in New Jersey, coronavirus was devastating. According to a Harvard Business Review study, the vast majority of small businesses had less than two months of cash on hand to deal with the pandemic's economic shocks. The median business with monthly expenses over \$10,000 generally did not even have enough cash to cover 2 weeks of their

<sup>1</sup> *Frequently Asked Questions*, Office of Advocacy, U.S. Small Business Administration (October 2020), available at *Frequently Asked Questions About Small Business, 2020* ([sba.gov](https://www.sba.gov)).

<sup>2</sup> SCORE (November 2019), available at *Infographic: How Do Americans Support Small Businesses?* SCORE.

spending. As a result, the outbreak left few, if any, small businesses unscathed.<sup>3</sup> Furthermore, the policy responses did not always work out as planned. As of September 2020, Yelp had estimated that 66,000 small businesses will never reopen, and in the food-service industry alone, 110,000 businesses,<sup>4</sup> or 17 of all U.S. restaurants, have closed, according to a survey from the National Restaurant Association.<sup>5</sup> The Federal Reserve more recently reported that the pandemic resulted in a business closure rate about one-quarter to one-third above normal with “130,000 excess firm exits.”<sup>6</sup> In short, the small business half of the economy was significantly damaged by the COVID-19 pandemic.

The NFIB Research Center has conducted a series of surveys over the last 14 months assessing the impact the pandemic has had on small business owners. These surveys have shown that many small businesses are still struggling to survive as economic conditions and business restrictions remain serious since the national emergency declaration concerning the COVID-19 outbreak.<sup>7</sup> Owners continue to adjust business operations with 12 percent of small business owners reporting that they will have to close their doors if current economic conditions do not improve over the next 6 months. As the small business half of the economy emerges from the public health crisis, it is critically important that small firms have a solid foundation from which to operate and invest in their business. Relief efforts by the Administration and Congress have allowed many to remain afloat, but there is still work ahead.

The best path for small businesses to recover is to get as many Americans vaccinated as possible, and quickly, so Main Street can fully reopen. In the meantime, some small businesses may continue to need economic assistance in the form of grants, such as the recently opened Restaurant Revitalization Fund, or tax incentives, such as the Employee Retention Tax Credit, to survive. The Paycheck Protection Program (PPP) was extremely popular with small business owners with 73 percent of NFIB members receiving a PPP loan in 2020.<sup>8</sup> Outside of some initial implementation and funding concerns, the PPP was very effective in helping small employers maintain payroll as well paying for other eligible expenses that were critical in business operations.

But there have also been COVID-19 related programs that have made life more difficult for small business owners. The paid sick and family leave mandate enacted within the Families First Coronavirus Response Act, and specifically targeted at small business owners, was challenging for many small business owners. Nearly half of small employers have had employees take COVID-19 related sick leave or family leave, however, only 41 percent of those have claimed the available tax credit to reimburse those expenses.<sup>9</sup> The terms and conditions of the mandate are complicated, and the credit is difficult to claim for many small employers who have to navigate both programs themselves. Moreover, the IRS continues to experience delays in processing employer reimbursement for FFCRA leave.<sup>10</sup>

The effects of the COVID-19 pandemic are ongoing. While some businesses have largely recovered from the initial decline, others continue to lag.<sup>11</sup> Whether business closures become permanent, will depend in part on policy responses. At a time when small businesses are confronted with the worst pandemic in more than 100

<sup>3</sup> *A Way Forward for Small Businesses*, Harvard Business Review (April 13, 2020), *A Way Forward for Small Businesses* (hbr.org).

<sup>4</sup> *Yelp Economic Impact Report* (September 2020), available at *Yelp: Local Economic Impact Report* (yelpconomicaverage.com).

<sup>5</sup> National Restaurant Association press release *Restaurant Industry in Free Fall; 10,000 Close in Three Months*, National Restaurant Association (December 2020).

<sup>6</sup> *Business Exit During the COVID-19 Pandemic: Non-Traditional Measures in Historical Context*, The Federal Reserve (April 2021) (“Taken together along with some prudent guesswork, our sector-level results suggest economywide excess establishment exit—that is, exit above and beyond pre-pandemic rates—was likely below 200,000 establishments during the first year of the pandemic, implying an exit rate about one-quarter to one-third above normal.”), available at *Business Exit During the COVID-19 Pandemic: Non-Traditional Measures in Historical Context* (Federalreserve.gov).

<sup>7</sup> *NFIB Covid Small Business Survey 17* (April 23–28, 2021), available at *Covid-19-17-Questionnaire.pdf* (nfib.com).

<sup>8</sup> *Covid-19-17-Questionnaire.pdf* (nfib.com).

<sup>9</sup> *NFIB Covid Small Business Survey 17* (April 23–28, 2021), available at *Covid-19-17-Questionnaire.pdf* (nfib.com).

<sup>10</sup> *IRS Statement about Form 7200 Payments*, Internal Revenue Service.

<sup>11</sup> *The Effects of COVID-19 Pandemic on Small Businesses*, U.S. Small Business Administration (March 2021), available at *The Effects of the COVID-19 Pandemic on Small Businesses* (sba.gov).



years, Congress should not saddle them with a costly new mandate that will further damage the fragile economic recovery.

## **2. Small Businesses and Employee Benefits: Flexibility Makes Small Businesses Employers of Choice in Our Communities**

The term employer of choice is often associated with big corporations that have access to Cadillac employee benefit programs and seemingly endless resources to throw around, but the reality is that it does not have to be that complex or challenging. Small businesses have demonstrated time and again that being an “employer of choice” means becoming an employer that potential and existing employees want to work for. Small businesses do this by offering competitive compensation and investing in employees and their communities.

Unfortunately, however, mandated leave proposals often envision a one-size-fits-all mandate that would handicap businesses’ ability to attract workers at a critical time. Across the Nation, small business owners are seeing a growth in sales but are stunted by not having enough workers. Finding qualified employees remains the biggest challenge for small businesses and is slowing economic growth. Owners are raising compensation, offering bonuses and benefits to attract the right employees.

The *NFIB Small Business Optimism Index* rose to 99.8 in April, an increase of 1.6 points from March.<sup>12</sup> The Optimism Index has increased 4.8 points over the past 3 months since January but a record 44 percent of owners reported job openings they could not be filled.<sup>13</sup> Finding qualified workers is the number-one-cited problem for small business owners, surpassing taxes and regulations.<sup>14</sup>

One of the primary ways in which small businesses attract and retain talented workers is by providing innovative benefits like flexible leave policies, designed specifically to fit the needs of their employees and their businesses. The majority of small business owners already include paid leave in their compensation package. According to an NFIB national small business poll, a majority of small business owners indicated that they already provide flexible leave. Most small employers (73 percent) offer paid time off (PTO) to the majority of their full-time employees, and 67 percent of them offer 2 weeks or more of leave.<sup>15</sup> The number of days offered is dependent on an employee’s length of service in 76 percent of small businesses offering the benefit.<sup>16</sup>

Most small business owners work hard to ensure compliance with employment and labor laws in a workplace that treats employees fairly, but their informal and unstructured nature and more limited financial resources require greater flexibility in creating policies and solutions. Indeed, small businesses are leaders in flexible working arrangements, a key benefit for many of their employees.

Studies have shown that small businesses are more likely to allow employees to change starting and quitting times, work some regular paid hours at home occasionally, have control over when to take breaks, return to work gradually after childbirth or adoption, and take time off during the workday to attend to caregiving or other family or personal needs without loss of pay.<sup>17</sup> Flexible work arrangements like these directly correlate with increased employee satisfaction.<sup>18</sup>

During times of emergencies like now, flexibility is even more important than ever before. NFIB is monitoring the current situation and working to support our members.<sup>19</sup> We have been providing them with the Center for Disease Control and Prevention’s (CDC’s) guidance to prevent workplace exposure, which includes the recommendation that employers maintain flexible policies to allow employees to stay home to care for themselves or a sick family member.<sup>20</sup> Employers must be pre-

<sup>12</sup> *Small Business Economics Trends*. NFIB (April 2021).

<sup>13</sup> *Jobs Report and Jobs Data from the NFIB Small Business Research Center*, NFIB (April 2021).

<sup>14</sup> *SBET-Apr-2021.pdf* (nfib.com) (April 2021).

<sup>15</sup> NFIB National Small Business Poll, *Employee Compensation and Small Business* (2016), available at <http://www.411sfacts.com/files/NFIB-SBP-Emp-Compensation2017-v2.pdf>.

<sup>16</sup> *Id.*

<sup>17</sup> *Workplace Flexibility: Information and Options for Small Business*, U.S. Department of Labor Women’s Bureau (2015), available at <https://www.dol.gov/wb/WorkplaceFlexibility-508-FINAL.pdf>.

<sup>18</sup> *Workplace Flexibility Survey—Strategic Use of Flexible Work Arrangements*, Society for Human Resource Management (2014), available at [https://www.shrm.org/hr-today/trends-and-forecasting/research-and-surveys/pages/2014-workplace-flexibility-survey-strategic-use-of-flexible-work-arrangements-\(fwas\).aspx](https://www.shrm.org/hr-today/trends-and-forecasting/research-and-surveys/pages/2014-workplace-flexibility-survey-strategic-use-of-flexible-work-arrangements-(fwas).aspx).

<sup>19</sup> <https://www.nfib.com/content/legal-compliance/healthcare/how-small-business-can-prepare-for-coronavirus/>.

<sup>20</sup> <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>.

pared for emergencies, as CDC advises, but employers cannot be saddled with more mandates and costs. A better solution is to reduce regulations and lower taxes so that employers can weather storms and adopt flexible policies.

In summary, expanding leave mandates has two results that impact flexibility in the workplace. Mandating uniform leave policies for all employers cuts off an avenue through which small business owners can shine through unique programs that benefit their businesses, their customers, their employees, and ultimately their communities. In addition, leave mandates increase costs for small employers, which almost always limits the flexibility of small businesses to provide benefits that many employees already enjoy.

### **3. Small Businesses and Mandated Leave: The Complexity of Compliance and Unforeseen, Unintended, and Hidden Costs**

Small businesses depend on predictability to stay competitive. Mandated leave policies, however, further complicate compliance with workforce laws for employers and raise costs on businesses. Mandated leave is not a free benefit for employees; mandated leave comes with a cost that businesses will have to shoulder and will eventually be absorbed by the employer, employees, and customers. In a small business with a finite number of resources, this translates into less money available for wage increases, health insurance, and hiring additional employees.

Small businesses, which are the backbone of our economy, are especially vulnerable to the impact of labor mandates. Small firms typically have few administrative staff members and little human resources experience or regular access to legal counsel. Only about 12 percent of small businesses have a human resources professional or dedicated employee who handles personnel matters.<sup>21</sup> In the vast majority of small businesses, all “HR” matters are handled by the business owner or an employee who handles back office and administrative tasks. This means that the recordkeeping and reporting requirements mandated by leave proposals will fall more times than not on the business owner. About 50 percent do payroll in-house.<sup>22</sup> Adding a Federal leave mandate to existing state and local labor and employment law requirements would complicate an already difficult legal and regulatory environment for small businesses and would expose these businesses to legal challenges.

Understanding and complying with the complexity of a new mandate is expensive, both in terms of time and money. According to the Small Business Administration, workplace compliance costs small businesses 36 percent more per employee than it costs large businesses.<sup>23</sup> Some will argue or propose that the solution would be to exempt businesses with x number of employees as an attempt to protect small employers. There are a few problems here as well. One would be that it could discourage growth, hiring, and economic expansion, which is not an outcome our country can afford.

Additionally, whether an employer is subject to the paid leave mandate or subject to the unpaid leave mandate, leave laws often impose onerous recordkeeping requirements with which small businesses would need to comply, including new leave tracking, notification, documentation, and reporting requirements. Records would need to be maintained to demonstrate compliance. *The Family and Medical Leave Act of 1993* (FMLA) exempts small employers, those who employ fewer than 50 employees located within 75 miles of a worksite. We encourage you to consider the impact any mandated leave proposals may have on small businesses, just as Congress did in 1993 when it chose to exclude the smallest employers from the FMLA.

NFIB is a member-driven organization. Through NFIB’s ballot process, members dictate NFIB’s positions on Federal and state policy matters. And NFIB members have consistently opposed Federal and state leave mandates for good reason. The leave mandates impose new costs on U.S. employers that would lead to reduced profitability, lost sales and production, and lost jobs. In 2015, NFIB’s Research Center conducted a study to determine the economic impact of the *Healthy Families Act*. Assuming passage and implementation of then-H.R. 932 in 2016, the BSIM forecast that the sick leave mandate could result in 430,000 jobs lost over a ten-year pe-

<sup>21</sup> NFIB National Small Business Poll Business Structure (2004), available at [http://www.411sbfacts.com/files/bizstructurepoll\[1\].pdf](http://www.411sbfacts.com/files/bizstructurepoll[1].pdf).

<sup>22</sup> NFIB National Small Business Poll Tax Complexity and the IRS (2017), available at NFIB: *The Voice of Small Business—National Small Business Poll* (411sbfacts.com).

<sup>23</sup> *The Impact of Regulatory Costs on Small Firms*, SBA Office of Advocacy (2010), available at [https://www.sba.gov/sites/default/files/The%20Impact%20of%20Regulatory%20Costs%20on%20Small%20Firms%20\(Full\).pdf](https://www.sba.gov/sites/default/files/The%20Impact%20of%20Regulatory%20Costs%20on%20Small%20Firms%20(Full).pdf).

riod.<sup>24</sup> The cumulative real output lost during this period was estimated to be \$652 billion.<sup>25</sup> Job losses at small firms would have accounted for 58 percent of all jobs lost, and small firms would bear 50 percent of lost output.<sup>26</sup>

Ultimately companies and employees should be the ones negotiating their leave plans. Many small businesses pride themselves in their benefits and position themselves accordingly as “family friendly.” In a competitive labor market, flexible leave policies are often a benefit that small businesses use to stand out and attract workers. But leave mandates curtail flexibility in two ways. First, mandating uniform leave policies for all employers cuts off an avenue through which small business owners can shine through unique programs that benefit their businesses, their customers, and their employees. In addition, as discussed above, leave mandates increase costs for small employers, which almost always limits the flexibility of small businesses to provide benefits that many employees already enjoy.

A Federal mandated leave program will further complicate the patchwork quilt of labor laws that are problematic and confusing for employers. In recent years, leave laws have passed in a number of states. Some of these state initiatives were funded via payroll deductions, only to later be modified to be strictly employer funded. Many enacted paid leave mandates additionally incorporate private right of action language, which opens small employers up to an increased threat of litigation. Nearly all require some form of recordkeeping and notice provisions. All leave mandates—paid or unpaid—impose new responsibilities on already overburdened small business owners.

Consider these comments from current NFIB members facing new state leave mandates: *“With liability and workers compensation costs going up every year . . . we cannot take another mandate that raises the cost of doing business. My liability rates went up 22 percent!”* or *“This increase in payroll costs would force us to raise our prices, decrease existing benefits, or reduce raises. This will hurt our employees; the very workers a paid leave mandate would seek to protect.”*

As the economy recovers from COVID-19’s economic fallout, NFIB recommends that Congress adopt the principle of “do no harm.” Proposals such as those to more than double the Federal minimum wage to \$15 per hour, impose paid leave mandates, and create new Federal enforcement actions on small businesses will make it even harder for Main Street to recover. Making it more expensive to operate a business will only serve to hamper the ability of small firms to survive the pandemic.

### Conclusion

Small business owners get the changing dynamics in the workplace—they are parents and caregivers, too—and they want to do all they can to attract and retain the best employees. But when it comes to benefits, flexibility is key for small businesses. Mandated leave laws represent a significant challenge for small business owners since mandates are generally anything but flexible, simple to comply with, and affordable.

Unlike larger businesses, small firms do not have cash reserves or profit margins to absorb the increase in labor costs. Now is not the time to saddle small businesses with a costly new mandate that will further damage the fragile economic recovery.

On behalf of all the small-business owners of the NFIB, thank you for focusing on this important issue and inviting me to appear before the committee. I would be happy to answer questions.

---

The CHAIR. Thank you.

We will now begin a round of 5-minute questions of our witnesses, and I, again, ask my colleagues to keep track of your clock and stay within those 5 minutes.

Ms. Shabo, let me start with you. The pandemic has disproportionately harmed essential workers, and in particular, essential workers who are women, people of color, people who are paid low wages, and they face higher rates of illness because they cannot

<sup>24</sup> *The Economic Impact of H.R. 932 and Mandatory Paid Sick Leave on U.S. Small Businesses*, NFIB Research Foundation (2016), available at <https://www.remi.com/wp-content/uploads/2017/10/320-NFIB-Mandatory-Paid-Sick-Leave.pdf>.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

work from home. And many, especially in our low-wage sectors, do not have access to paid sick days and paid family leave and medical leave.

Based on your expertise, how would have a national policy ensuring access to paid sick days and paid family and medical leave impacted workers and the economy during this pandemic?

Ms. SHABO. Thank you for that question. I think the evidence and the answer is clear that there would have been multiple effects.

First of all, for all of us, COVID would have been reduced. We already know that the Families First Act reduced coronavirus by 15,000 cases per day, and that is even with a law that only applied to somewhere between 25 and 50 percent of the workforce. So, imagine—

The CHAIR. Because people stayed home and did not impact—

Ms. SHABO. Exactly. Then, survey after survey from the Kaiser Family Foundation and the Bipartisan Policy Center has shown the number, the share, of workers—and it was significant, it was around 30 percent—who lost a job or left a job because they were scared of getting sick in their workplace. So, some of that obviously had to do with PPE, but some of it had to do with lack of access to paid sick time if they got sick.

We know that women, in particular, took paid sick—unpaid sick time—sorry, excuse me—unpaid sick time, disproportionately, both to care for children who were out of school and to deal with the care of a loved one. And that has translated, of course, in part, into two million women who left the workforce and have not yet gone back.

We know that especially pregnant women during this time faced really terrible choices between being able to continue to work and caring for themselves and the health of their pregnancy, and, then, what did they do with the newborn when childcares were closed. So, myriad problems that could have been solved by having a national paid sick days and national paid family and medical leave program in place.

Workers knew that; voters knew that. Asked whether a national paid leave program would have helped them through the pandemic, an overwhelming majority said yes, and there were no divides, really, across party lines because everybody was affected by this pandemic and has been affected for years before. And, that is why we have seen high levels of support for both of these policies, 70 to 80 percent, with very little partisan division over the last decade, really.

The CHAIR. Thank you. I agree with that.

Ms. St. Hilaire-Finn, you have run a successful childcare and preschool business here in Washington, DC for over 17 years. Over the course of that time here, Washington, DC put in place citywide paid sick days and paid family and medical leave programs.

Based on your experience with the city's paid leave policies, tell us how you believe a national paid sick, family, and medical leave policy affects childcare providers and other small businesses.

Ms. ST. HILAIRE-FINN. Thank you, Chair Murray, for the question. I think a national program would level the playing field for

small businesses; that businesses will not have to charge a premium for them to afford a national paid leave.

Also, I think that paid leave would ensure that workers stay home when they are sick. As a healthcare professional, we see people come to work sick, and many times I have to encourage them to stay home. With a national paid leave, they would know that they could stay home, concentrate on being well, and receive paid—they will not have to choose between their health and a paycheck.

Also, this would—it also helps us to value employees. It helps us to retain the best and the brightest. Like has been said, most people today are looking for a place where they can call home; that they know that when they come in, that they can do their best; and when they have to—when they are sick, they can stay home and take care of their health.

The fact that women also bore the most caregiving, paid leave would make it easier for women to take care of their needs and return to work when they are much better.

Both programs, paid family leave and paid sick leave, would also help boost the economy because a parent staying home when they are sick can return and be functional at full capacity, providing the best to the economy.

Thank you.

The CHAIR. Thank you very much for that.

Senator Burr.

Senator BURR. Thank you, Madam Chair.

This is fascinating because nobody is opposed to family leave. All of our witnesses speak in favor of it. And I heard a couple references to the COVID example, and it makes me think about the innovators who really responded to something that did not exist just a year and 2 months ago. Those small incubator companies that came up with diagnostic tests. They came up with therapeutic responses. I am not talking about the Pfizers and Modernas, big companies, but I am talking about the small ones that had the flexibility to work with technology. And, I wonder, if they had this series of regulatory mandates, would they have even existed then? Would they have been able to respond to this?

In many cases, their employees are made up of employees that have chosen to work overtime because they are trying to make a company succeed. And, in some cases, they have sacrificed pay for some type of stock benefits. Those employees with that company have made certain decisions about their finances because they want the company to be successful. That is their livelihood.

Marcia, your business is a great model. You serve a very special clientele. My grandchildren potentially could be there. But, I also remember that downstream from you are the parents of these children that are working for a small business that may have been represented by NFIB, and that your success is reliant on their job and their employment. And if, in fact, their employers cannot stay in business, then who is going to pay you for the childcare? They are probably going to miss out on the educational experience of early childhood learning.

I have a question to Ms. McManus and Ms. Milito. It has been stated today that a national plan is the answer. However, national

plans do not seem to ever be all they intend to be. They do not run so well. Look at Social Security as an example.

A national solution does not necessarily mean new national mandates or new Federal entitlement programs. A national plan could mean we make it easier for the private sector to do their job, such as providing tax credits for COVID-19 relief. A 2017 survey showed great support for family leave, but most of those surveyed think the employers should provide it, not the government.

My question is this. What could the Federal Government do to reduce red tape or provide incentives to make it easier for employers to provide paid leave benefits? Let me go to——

Ms. MCMANUS. Well, thank——

Senator BURR [continuing]. Ms. McManus first.

Ms. MCMANUS. Thank you, Senator, for the question. I think, as I said in my oral testimony, our view is that what is needed is a Federal solution that would provide a sort of level playing field for employers and all American workers to have access to paid family and medical leave benefits.

But, we do think that there is lots of room for many components to that solution. We believe allowing employers the flexibility to leverage private sector solutions and keep doing what they have been doing. I think you mentioned incubators, right, creative incubators. Allowing employers to continue to do that is great.

We see that there is lots of activity at the state level, and that may have a role, as well, to play because we recognize that not all employers are IBM, or not all employers are members of the American Benefits Council. It may take incentives. That may be another tool in the toolbox to help employers be able to build the types of leave programs that would meet a Federal standard.

We are in complete agreement. We think it is needed. We think all American workers need these types of benefits. And we think that building upon what is working today, which is, private sector solutions, but having a Federal standard in place really would be the most practical way to get at the issue.

Senator BURR. I want to get to Ms. Milito before my time runs out. Not all states are California, too, Ms. McManus.

Ms. MCMANUS. Okay.

Senator BURR. Ms. Milito.

Ms. MILITO. Thank you very much, Senator Burr.

Small business owners get the change in dynamics in the workplace. They are parents and caregivers, too, and the flexibility is key. So, in considering leave proposals, we would certainly ask that you consider the impact that a proposal would have on small businesses, just as Congress did in 1993 when it exempted small employers from the mandate of the Family Medical Leave Act, too. And as Congress did last March in the Families First Coronavirus Response Act regarding expanding the Family Medical Leave Act, that same 50 employee exemption.

Senator Burr, just real quickly, too, you outlined some, possibilities in your opening statement, too, which I thought, Senator Fischer's tax credits were helpful, too, and there were other flexibility arrangements. Expanding comp time, those sort of things, that would also be helpful in allowing employees the time away from work that they need.

Senator BURR. I thank you.

Thank you, Madam Chair.

The CHAIR. Thank you.

We will turn to Senator Casey.

Senator CASEY. Thank you, Chair Murray. I wanted to start by asking consent. Madam Chair, I would like to ask unanimous consent to include in the hearing record four letters, and these letters are from—one is the 100 Day Statement. The second is the Center for Law and Social Policy statement; American College of Physician statement; and fourth, Maternal and Child Health Organization statement. These are four statements from roughly 120 experts, organizations, and advocacy groups supporting the need for comprehensive national paid leave policies.

The CHAIR. Without objection.

[The following information can be found on page 83]

Senator CASEY. Thank you, Chair Murray.

I wanted to start with a question of access. I will direct one or two questions to Ms. Shabo. The access question, I was struck by one number. There are so many numbers to contemplate here in terms of where we are as a Nation, but one number just kind of leaped off the page when I was reading a memo preparing for the hearing. It is 20. There is obviously many numbers we can talk about, but 20, 20 percent. Twenty percent is the percent of private sector workers that have access to paid family leave.

Now, I know we are not only talking about family leave. We are talking about leave generally, paid leave generally. But, just in that one category of paid leave, family leave, 20 percent of private sector workers. That is where we are today. I do not think anyone can be and is satisfied with that.

Ms. Shabo, I wanted to start with this question about gaps in access that are obviously driven by distinctions between what happens to a worker in a low-income—a low-income worker and a higher-income worker. We also know that workforces that currently lack access to leave are disproportionately women and people of color as you and others have testified to. And, as we work to create a national approach to these challenges, it is critical that these programs reach the people that we hoped they would reach and are structured in a way that would allow workers to fully take advantage of them.

In your testimony, you discussed how important it is for programs to be designed to encourage take-up and how important outreach to workers and families to expand awareness of the program. So, if you can talk about that. No. 1, how to design paid leave programs; and second, how to conduct public outreach to best ensure that workers who need the most will fully utilize them.

Ms. SHABO. Absolutely. Thank you for the question, Senator Casey. And I, too, remain very compelled and disturbed by that 20 percent figure, and in particular by the 5 percent figure for low-wage workers, which has only gone up by 2 percentage points in the last decade.

To your question, we know from the state programs, and there are now 10, seven of them are in operation. We know that there are better and worse ways to design these programs.

High wage replacement for low-wage workers. The newer programs, Washington State, the District of Columbia, Massachusetts, and others all have higher wage replacement for low-wage workers so that they can afford to take the leave that is needed.

Employment protections. We have talked a lot today about the 50 employee carve-out in the FMLA, but what that does is disproportionately carve out low-wage workers, workers of color, single parents. Particularly in light of the pandemic, that will be the case.

The Families First Act, which included the ability for small employers to deny leave to their workers, their parents, who needed leave. That, according to the Health and Human Services Department disproportionately excluded single parents and low-wage parents, as well.

We need to make sure that job protection is in place.

We need to make sure that wages are high enough, wage replacement is high enough.

We need to make sure that leave taking is available on a gender-equal basis. We know that men are more likely to take leave when paid leave programs are in place, particularly when benefits replace a substantial share of income.

On the outreach and education question, we have learned a lot about the design of forms, to make sure that application processes are clear. So, my colleagues at New America did a whole project on that, and others have, as well.

We need to make sure that there are resources available. Outreach to both employers, to help them understand why these programs are beneficial to their workers and to them, as well as outreach to workers through community-based organizations, health centers, and others.

With the state paid leave programs, what we have seen actually is not that there is overuse of these programs, but that there is underuse, and it is often because the very workers who could benefit most do not know that these programs exist.

Last, just on this point of business that has come up, study after study from California, New Jersey, Rhode Island, and now New York show that actually businesses, small businesses, those under 50, those under 100, are overwhelmingly supportive, that they have benefited. They say it is easier to navigate the long leaves that their employees might need when they need them.

We know a lot, and there is a lot of work to do to help those 80 percent of workers that do not have access to paid family leave now.

Senator CASEY. Well, thanks very much. I will submit a question for the record, and it will focus on the benefits to children, to older workers, as well as people with disabilities.

Chair Murray, thank you for the time.

The CHAIR. Thank you.

Senator Cassidy.

Senator CASSIDY. Yes. Thank you all.

Ms. Shabo—and again, I have been monitoring two other committee hearings, so if I am asking something that someone else has asked, I apologize.



But, I gather that you had financed your paid leave with a payroll tax. Now, what we have seen in some states is that, say, Google in California is providing a benefit, and when California comes and the state provides a benefit, all Google does is pull back upon their contribution and allows the state to pick up that which formerly Google paid for.

On net, the patient—excuse me, the patient. I'm sorry. I am a doctor, so I always think this way. The beneficiary does not get any more money. It is just that which was formerly paid by a Fortune 10 company is now being paid by taxpayers. Any thoughts about that?

Ms. SHABO. Yes. I am so glad you asked the question, Senator Cassidy. I know this has been a concern for you. I think the evidence overwhelmingly shows that in states that have adopted paid leave programs, we have not seen the benefits be reduced. In fact, Google, Facebook, the tech giants that have led on paid leave benefits, have not reduced their offerings. Some—

Senator CASSIDY. Excuse me. On net. Just on net. Does the beneficiary get the state plus what they were formerly getting from the business, or is it that—

Ms. SHABO. No. I believe—

Senator CASSIDY [continuing]. It is reduced?

Ms. SHABO [continuing]. Google and Facebook—right. I think they self-insure, actually, so they do not draw on the state program at all. I—it was—

Senator CASSIDY. What would I be told by others in another committee hearing is that there is a reduction in the amount that the company puts up, subtracted by the amount that the employee would receive from the state program. Are you saying that is not true or that you are not sure about that?

Ms. SHABO. Well, we should look into that and I can get back to you on it.

Senator CASSIDY. There was testimony in a Senate Finance Committee hearing last year which established that for—and we can reference that. I say that because, again, the payroll tax that you are suggesting would be highly regressive.

But, also, I am thinking a lot about how do we bail out Social Security and Medicare? If you need to expand payroll tax to bail out those two programs, in a sense, you have cannibalized the capacity to do so by already raising it for a new mandatory benefit. What thoughts do you have about that?

Ms. SHABO. Well, it is true that the state programs are financed through payroll taxes. That is one model that is possible for Congress, as well. There is other revenue sources that are on the table right now. But, I think, the state experience has shown that the very small payroll taxes that are levied on employers, employees, or both come back in spades to benefit both workers and employers. And—

Senator CASSIDY. Let me just ask, because right now, the payroll tax on the employee for Medicare is, like, 7.25, and equal amount upon the employer. I gather what you are suggesting, though, would be an increase of that amount. So, it has been very hard to raise 7.25 to 8.5, for example, with a total, twice that if you include the employer's contribution. How much do you imagine we would

have to increase payroll tax if payroll tax was the funding mechanism for a plan such as yours?

Ms. SHABO. I am glad you asked that question. So, the Social Security actuaries last year looked at the Gillibrand DeLauro bill and estimated that it would be a .62 percent payroll tax increase, so less than 1 percent.

Senator CASSIDY. That would be .62 on the employee and then—

Ms. SHABO. No, total.

Senator CASSIDY [continuing]. .62 percent on the employer?

Ms. SHABO. Social Security actuaries said it would be total .62 percent, which is very consistent with where the states are in terms of their payroll taxes. And that includes having the Social Security cap be the wage base. So—

Senator CASSIDY. The Social Security cap being what? I am sorry.

Ms. SHABO. The wage base for that .62. So, you could bring it down even further by using the Medicare cap instead of the Social Security cap.

Senator CASSIDY. Now, and to my question of whether or not we are cannibalizing our ability to address the shortfall in the Medicare and Social Security funds, which are going bankrupt within 5 or 6 years or 10 years, depending on which fund you are talking about. And, so, this is a clear and present danger, if you will. Do you feel as if—I am just asking—that the amount that we are putting up to this new mandatory benefit would not impede the ability to perhaps further raise payroll taxes to bail out these two programs?

Ms. SHABO. I do not think so, because we are going to be looking at people who have higher wages, higher workforce participation, more revenues coming into Social Security Trust Fund and Medicare as a result of higher wages and more people working. So, I think we—

Senator CASSIDY. In a sense, you are dynamically scoring this, imagining that there would be—despite raising taxes, there would be even more employment, even though typically when you raise taxes, you have a fall—you have less employment because employers seek increases in productivity to offset the increase in taxes?

Ms. SHABO. Well, yes, and here we are replacing the income of people who are working and getting them back into the workforce. We are enabling jobs for people who might have to leave work otherwise.

I think this is a different case, and I think the question is, how can we afford not to do this. If we were to finance through payroll taxes, it would be a small cost for a big value, especially for those 80 percent of workers that do not have paid family leave right now.

Senator CASSIDY. I will finish with this because I am out of time—thank you, Madam Chair—just by saying it does concern me that if Google and other big companies are currently providing this benefit, and if all—if by increasing or adding a mandatory Federal benefit, that would just allow them to offload their obligation upon the Federal taxpayers. That is a subsidy of the less-well-off for those who are much better well off, not the least of which would be a huge company.

With that, I yield back. Thank you.

The CHAIR. Senator Kaine.

Senator Kaine. Thank you, Chair Murray and Ranking Member Burr, and thank you to all of the witnesses. This is a really important topic.

Chair Murray, to begin, I have three letters for the record that I would like to introduce. The first one is a letter from 307 business and management school faculty from 139 universities. The second is a letter from the NETWORK Lobby for Catholic Social Justice, and the third is a letter from the Interreligious Working Group on Domestic Human Needs.

[The information referred to above can be found on page 100]

Senator Kaine. When we were prepping for the hearing, I just asked my staff, hey, just find what we are hearing from Virginians about this; just who is right again, and I just want to offer up some thoughts from them.

Kelly, in Chesterfield County, which is in suburban Richmond, she was off work for 6 years to take time out of the workforce to care for her two young children, and then she started back to work after 6 years.

“Our youngest child kept getting sick because she had never been in a daycare setting before then.”

Kelly tried to negotiate with her employer, flex schedule, work from home. She was denied. She was forced to use up her limited personal time off, which quickly went—which went very quickly because of her children’s various illnesses, including a stay at a local emergency center. As her personal dwindled and the prospect rose of having to take unpaid leave, she was laid off from her job.

Shamila, in Fredericksburg, she became paralyzed due to an underlying health condition right before COVID hit. She was employed full time. She was able to go out on short-term disability, but she ended up being hospitalized for over 7 months and was in a wheelchair. When the short-term disability ran out, her job was not able to accommodate her, so she applied for unemployment but was deemed ineligible.

Her husband became her primary caretaker. In the absence of paid leave, he used up his paid time off, and then all the extra unpaid leave to get her to all her doctor appointments. Now they are behind on mortgage payments, son had to drop out of college, depleted most of their savings.

Shamila has been lucky enough to get a new job that allows her to work from home, and she is now able to walk, but she still faces serious underlying health issues.

Kind of a different take on this. Amanda, in Norfolk, for the most part, she did not need paid sick leave for herself. She needed it for other people because she worked in restaurants and bars. In those years, she worked with fevers, coughs, cold, bronchitis, strep throat, and really just any of the other unnamed infections because she did not have health insurance during some of those years, so she did not go to the doctor unless there was imminent threat to her life.

At her job, Amanda preps food, makes tea, coffee, folds napkins, rolls silverware, serves food, pours drinks, made desserts. This is

her word. "If it's going into your mouth or across your face, I had my hands on or near it."

Working while she was sick was less detrimental to her than it was unpleasant, uncomfortable, even dangerous for the people that she served.

Finally, Lee and his husband Randy from Alexandria were on vacation in 2018 when they noticed—when Lee noticed lower back pain, went to see an orthopedic surgeon.

At first, the surgeon recommended physical therapy, but they needed an MRI that showed a tumor. It kicked off a flurry of hospital visits, scans, and appointments with specialists, time in the hospital. In the aftermath of this, he had a heart attack due to a blood clot.

But, the good news is both Lee and Randy had paid family leave at their employers, and, so, they were able to take care of their health without worrying about losing their jobs.

These are just four of the many stories that I hear. Three—two are about the lack of paid health leave causing somebody to lose their savings, lose their job; one is the lack of paid health leave causing somebody to go to work sick and potentially endanger others; and then the fourth is a good news story about what paid family or paid sick leave can do.

My understanding—Ms. Shabo, I will direct this to you. The U.S. is the only country in the OACD that does not have national paid leave.

According to a 2014 international labor organization report, out of 185 countries and territories with available information, only in Papua, New Guinea and the U.S. did not have national policies providing paid maternity leave.

Unpaid sick leave, the U.S. is the only country with a high living standard, based on the U.N. calculation of what that means, without a national policy guaranteeing workers paid sick days.

What does this say about our values when we are so out of step with nations around the world who think it is good for workers and also good for the people they serve to not have to come to work when they are sick?

Ms. SHABO. Yes. I mean, this is a question of values. It is a question of economics. It is also a question of values. We talk a lot about how we care for ourselves. We have just come through an unprecedented pandemic where the need to care for oneself and one's loved one could not be clearer, and yet 80 percent of workers do not have paid family leave; 70 percent of low-wage workers do not have a single paid sick day. And, we are an outlier, as you have said, on paid maternity leave, paid parental leave, paid family care leave, and paid sick leave.

Senator KAINE. Thank you, Ms. Shabo. I am over time. I yield back, Chair Murray.

The CHAIR. Senator Romney.

Senator ROMNEY. Thank you, Madam Chair.

A number of Republicans said—Senator Rubio and myself and others have introduced legislation that would provide for paid maternity leave, but do so without imposing new costs on taxpayers or employers. In our case, we allow people to draw from the Social Security fund and then to ultimately pay that back through lower

benefits down the road at a time when they are less in need of the funding.

You note that this is not a big increase, .6 percent, but for a family earning 40—or \$60,000 a year, it is \$400, and that is a big increase for that family earning \$600,000 a year. And, I mean, it seems like a small percent because when government thinks about raising taxes, it is always a small percent for us, but it is a very substantial change in the living standards of our citizens.

Why not consider measures that would allow us to provide paid maternity leave that do not place additional tax burden on employers and employees?

Ms. SHABO. I assume that question is for me.

Senator ROMNEY. Yes.

Ms. SHABO. Well, thank you for the question, and thank you for your interest in the issue. I have looked at your proposal and appreciate the contribution to the dialog.

A couple of concerns that I have. First, your proposal would cover just leave for new parents, which is only 25 percent of people who need access to paid leave in a year. Most people use it for their own serious health issue. Another 25 percent or so need it to care for a family member who is sick.

On the merits itself of the policy, while I appreciate the intent, what will happen is that those workers who choose to take paid leave when a child is born will then have to work longer, and they will take a lifetime benefit cut. So, the amount that we are talking about, the small contribution that you would make under the Family Act model, would help those families who would otherwise lose an average of \$9,000 when they need to take a paid family or medical leave. They would have access to a family leave benefit that would allow them to take leave for multiple number of purposes.

Two, these are the very same people, women in particular, low-wage workers, who have lower lifetime Social Security, lower earnings, which means lower Social Security benefits. So, these are the very people who cannot afford a lower Social Security benefit when they get to retirement. And, they may be in very physically taxing jobs so that they are not actually able to delay taking their Social Security benefits when they get to retirement.

Again, I appreciate the intent, but I worry that the very same people who are going to need paid leave when they have a new child are also the people who need more robust retirement security when they get to that part of their lives. And I do not think we need to ask those people to tradeoff against themselves. I think we can create——

Senator ROMNEY. Excuse me.

Ms. SHABO [continuing]. A program——

Senator ROMNEY. There is also provision for people to add to their working life as opposed to retirement at the same age, but a little longer period of time.

The challenge, of course, is that if every problem we deal with is simply by raising taxes, why, we end up burdening the American taxpayer. We violate the President's pledge not to raise taxes on people earning under \$400,000 a year, and we depress the economic growth, which allows people to have good jobs and rising wages.

With regards to childcare and the need for kids to have childcare, the—broadly speaking, looking at the Democratic proposals with regards to childcare, there seems to be a very significant bias toward providing childcare and pre-K education and so forth, which encourage, if you will, women and men going into the workforce as opposed to saying, hey, if one of you wants to stay and raise the child, that is acceptable, too. It does seem like the Administration strongly prefers getting kids out of the home and getting both parents into the workforce.

I understand there is an economic reality to that, or advantage to that, and yet, I also think there is a developmental advantage to a child—if a parent, if parents, want to have one or both remain home to raise a child, that there is a childrearing advantage to that, as well.

Are you concerned—and I guess I am going to direct this to the member of this panel that is responsible for childcare. Are you concerned that too much focus on Federal mandates actually may be detrimental to the effects on children who might otherwise be raised with the intensive involvement and investment on the part of the parent, or one of the parents, for that child?

Ms. ST. HILAIRE-FINN. Thank you, Senator, for that question. Yes, I think two things here. For one thing, children develop better in an environment where they can engage with others besides their family members. Allowing a child to be in a setting where they can develop their cognitive and their social/emotional skills will allow the parents to go to work and not have to worry about their child falling behind by the time they are ready for kindergarten.

Senator ROMNEY. Let me just interrupt here. Your first point was that—make sure I understand—you believe it is—

Ms. ST. HILAIRE-FINN. Sure.

Senator ROMNEY [continuing]. Better for a child to be—not be in the home, in their neighborhood, with parents—let's say a 3-year old or a 4-year old child. They are better being in a professional childcare center, approved by the government, than being in their home and in their neighborhood?

Ms. ST. HILAIRE-FINN. Well, it is more beneficial for the child. Children learn better in a setting outside the—with Families First, always the family is the child's best teacher.

Senator ROMNEY. I did not—

Ms. ST. HILAIRE-FINN. But, in terms of the child's—

Senator ROMNEY. I did not realize I was at a disadvantage because I was raised by my mom, who stayed home.

I guess what you describe is a perspective on the part of the Administration, which I find contrary to personal experience and contrary to the perspective of many parents. I would think that, as we think about the policies that we want to have with regards to childrearing, that we would give authority to the parents to make that decision as opposed to an administration to make it for them.

Ms. ST. HILAIRE-FINN. Sir, yes. Senator, again, parents are the first teachers and the child's preference is to be with the family. But, if the family cannot allow to do that, it is greatly beneficial for a child to be in a setting where they can get the support to develop their social, emotional, and cognitive skills. We have—studies have shown that our children outside of the family who are in set—

in group care setting do much better socially, emotionally, and cognitively.

Senator ROMNEY. Thank you.

Ms. ST. HILAIRE-FINN. I know we do not want to defer for the Nation to take care of a parent's responsibility, but it is a partnership and it helps foster the child's development better than just being with the parent.

The CHAIR. Senator Hassan.

Senator HASSAN. Thank you, Madam Chair and Ranking Member Burr. Thank you to our witnesses, all of you, for being here today to discuss a really important issue.

Expanding access to paid leave would help families across Country balance needs at home and at work.

Madam Chair, before I start my questions, I would like unanimous consent to enter into the record letters from three advocacy groups supporting paid leave.

The CHAIR. Without objection.

[The following information can be found on page 131]

Senator HASSAN. Ms. Shabo, according to a report by AARP and the National Alliance for Caregiving, more than 21 percent of adults reported caring for an adult or a child in the previous 12 months. The majority of adults who have both a job and caregiving responsibilities reported making at least one change in their employment, such as cutting back work hours, taking a leave of absence, or leaving their job entirely to care for a loved one. The demand for caregiving is likely to only grow as our population is aging.

How do you believe that access to paid caregiving leave will benefit workers, their families, and our entire economy?

Ms. SHABO. Thank you so much for the question, Senator Hassan. It is interesting that you ask this question. There was a study that came out just yesterday in the National Bureau of Economic Research showing that when caregivers have access to paid family leave, when a spouse has an injury and cannot be working anymore, the paid family leave is correlated with more workforce retention for caregivers. And that is consistent with research from California, as well, which shows labor force impact for working family caregivers who have access to paid leave, both in the short term and the long term.

If you think about it this way, you are in a family, there is a serious health condition, your child might have a disability, your child might get sick, might have cancer, you need to be able to be there with them in the hospital. The child will recover faster. The child or the person with special needs will get the care that they need. The person who is ill will get better faster. There are fewer medical complications. And the caregiver can either get back to work, or if long-term care is needed, they can help find a paid caregiver, and that is another piece of the care economy we need to pay attention to—paid caregiver to help.

These are families, these are people who are working middle-class jobs, low-wage jobs. They are doing everything they can to put food on the table, to keep paying the rent. Paid leave is a support that helps that. It helps people be financially independent. It helps them continue to work. It helps them to have higher earnings over

time. And, it is beneficial to caregivers, care recipients, businesses who do not have to bear the costs of turnover, who do not have to look for new workers, and the economy overall.

Senator HASSAN. Well, thank you.

I want to follow-up a little. As we have discussed today, caregiving obligations disproportionately fall to women and can impact the number of women in the workforce. This has been exacerbated by the pandemic with nearly two million women who left work in the last year, still out of the labor force. In New Hampshire, an estimated 15,000 workers remained out of work in March because of caregiving responsibilities.

Ms. Shabo, can you discuss how access to paid leave can help ensure that more women are able to participate in the workforce?

Ms. SHABO. Absolutely. And this is an issue we saw long before COVID. It will be an issue that is with us past COVID. Women, in particular, bear disproportionate caregiving responsibilities for children and for older adults.

What I am really concerned about and looking at is we have now had this period of time where the gender norms of caregiving have now been reinforced by the pandemic. The wage gap, cultural norms, expectations, dynamics within families, have led to women doing disproportionate caregiving during COVID.

Both women and men actually have provided care, and there is really interesting survey data that has come out recently on that. But, women are the ones who have disproportionately left the workforce or cut down on their hours.

I am really actually concerned about the biases that then get reinforced as employers are then thinking about hiring, reinvigorating their workforces. What does that mean for their hiring decisions? What are the biases that they then bring as a result of this pandemic?

Access to paid leave that is gender equal will help to mitigate some of that. It will help to mitigate the cost that employers might fear. But, I think we have to look really carefully at this. Retail, hospitality, these sectors that are bringing workers back on are bringing women back on in lower proportion to their share of the industry workforce.

Senator HASSAN. That is helpful. Thank you.

One more question for you. With COVID-19 vaccines widely available to adults, some workers have cited their lack of access to paid time off as the reason for not yet getting the vaccine. So, that is why Congress included employer tax credits to help cover the costs of providing this leave time in the American Rescue Plan.

Can you explain the importance of employees' access to paid leave in order to get the COVID-19 vaccine and how the recent tax credits can expand this access to more employees?

Ms. SHABO. Absolutely. And it was so good to see the Rescue Plan expand the purposes for which tax credits can be used. It has been good to see the Administration doing outreach to small businesses to make sure that they know that those tax credits are there for them.

But, if a worker does not have a paid sick day—and 70 percent of low-wage workers do not, 25 percent of overall workers do not—they might not have time to go get a vaccine, and they certainly



might not have time to deal with the side effects that we hear the second dose especially provides. And, if you are fearful about getting that vaccine, that means you are—continue to be exposed in your workplace. You might continue to put others at risk.

This is a public health imperative that businesses that are eligible for that tax credit use it and that other businesses give workers paid sick days for the vaccination.

Senator HASSAN. Thank you, and thank you, Madam Chair.

The CHAIR. Senator Tuberville.

Senator TUBERVILLE. Thank you, Madam Chair.

As we come out of this pandemic, our small businesses are in worse shape than they have ever been, and a lot of them are just hanging on by a thread and they need every bit of help they can get, from the Federal level.

Ms. Milito, why is now the time to add on another Federal mandate to small businesses who are already struggling?

Ms. MILITO. Thank you, Senator, for the question.

I would say that small businesses have done all they can to keep their employees safe, their customers safe, and their communities safe, because it was about protecting the small business owner him or herself, too. I would say they played a critical role in helping get the coronavirus under control. They shut down their businesses, a lot of them. And offering leave, whether mandated or not, was the best way to protect their employees and their communities there. And they are now, once again, being called upon, as Ms. Shabo just talked about, to play a role in encouraging their employees to get the COVID vaccine.

At NFIB, we are doing all we can to educate our employees about that. But, it is a huge challenge. Senator Cassidy—or Casey, sorry. Senator Casey, it was, talked about the public outreach, and the employer outreach is so important. I mean, our survey shows that claiming those tax credits—I mean, this all sounds very easy and very nice, but the reality is it is very not. Seventy percent of small business owners did offer their employees COVID leave under the Families First, but only 43 percent have claimed the tax credit out of those 70 percent, and the reason is it is too complicated. It is a hassle. And, the IRS is now woefully behind in issuing reimbursement.

These were small businesses that were promised money, and now, almost a year later, some of them still have not received the reimbursement there.

Again, it sounds easy, it sounds noble, but it is incredibly difficult. But, again, that said, small businesses by and large offer flexible paid leave benefits because it is the right thing to do, and they continue to do that throughout the pandemic.

Senator TUBERVILLE. Yes. A national paid leave program is another huge step, though. Why can't states decide on a paid leave program for that works for them, Ms. Milito?

Ms. MILITO. That is a great question, too. Because, for larger employers, I can understand the enticement in having—in supporting a national paid leave policy that gives an advantage and all that.

But, Ms. Shabo talked about, the benefits of employers and I think, states that have paid sick leave—New York, Rhode Island, Connecticut. I mean, those are just three states, they are blue

states, and replicating what those states are doing on a national level is just unworkable. I mean, saddling our Country right now with another national, Federal entitlement program is just something that we cannot afford to do, and something—we have asked our members—they would not support.

Yes, there is overwhelming support for, paid leave programs. On paper, it sounds good. But, when you ask how you are going to pay for it, support drops dramatically. And a Cato study from 2018 showed just how much it drops when you ask about, the tradeoffs, higher payroll taxes. People do not want that. Giving up raises. People do not want that.

Senator TUBERVILLE. Thank you.

Ms. McManus, we certainly appreciate your insight and experience dealing with this position from a large company like IBM. How would these same policies play out in a small business versus a large corporation?

Ms. McMANUS. Thank you, Senator, for the question. Yes, I think the—the issue for the large employer, as I tried to articulate, is that we are in multiple states, and so it is enormously difficult for us to—us, IBM, a technology company, to keep up with the rapid pace of legislation that is happening at the state and local level. And, frankly, we want to provide a benefit that is uniform to all of our employees. It should not matter what state you work in from an IBM perspective and from the Market Benefits Council perspective. These employers want to be equitable and fair to all employees.

Frankly, it is really challenging for employees. They, as I articulated in my oral testimony, may be covered by many, many different laws, and that leads to a suboptimization in terms of how they are using their benefits, which nobody wants. They have very generous benefits available to them because they work for these large, multi-state companies, but they may not be using their benefits to the best of their ability because, frankly, it is just too confusing for them.

We recognize that small business has a different set of challenges. But, we actually go back to the fundamental need of all American workers to have a level of protection for their own medical issues, taking care of their family when that is needed to happen, and we think that a Federal standard leveraging on what is working now in the private sector is really the way to go.

Senator TUBERVILLE. Thank you. We keep going back to talking about Social Security a little bit, about leaning on it and another small tax compared to that. You have to remember, now, Social Security is almost broke. We have overspent it and we have not been very diligent with it. So, I hope that we really consider taxing the American people and taxing, our small businesses at a very tough time, especially during this pandemic.

Thank you very much.

The CHAIR. Senator Smith.

Senator SMITH. Thank you, Chair Murray and Ranking Member Burr. And thanks to everybody on our panel today. It is such an important topic, and I am just really grateful for the chance to hear what you all are saying.

I am going to direct my questions to Ms. Shabo, and this is what I want to talk about. So, earlier this year, I had a really interesting conversation with Secretary Yellen about how we grow our economy looking forward and what impact workforce participation has on our competitiveness. And, one of the things that we talked about was the challenges that women have faced in employment in the current economic environment.

She pointed out something really interesting, which is that women's workforce participation, the rate of workforce participation for women in the United States, has typically been higher than in Europe until recently when we began to fall behind. And one of the major reasons that we are falling behind in women's workforce participation is because of the lack of a national family—paid family leave policy in the United States. So, as we discussed this, this is really, as we were talking about it, an issue of international competitiveness.

Ms. Shabo, could you just talk a little bit about this? Do you agree that a national—lack of a national paid leave policy is contributing to lower workforce participation rates and has an impact on our overall competitiveness?

Ms. SHABO. Absolutely. There is many, many studies out there, many analyses, that show reduced labor force participation among women and among caregivers when paid leave is unavailable. There is quantification—a loss of \$500 billion, to the U.S. economy that predated COVID.

Conversely, if we had a national paid leave program and other policies that promote women's labor force participation, McKinsey estimates that we could grow our GDP by \$2.4 trillion by 2030 if we put policies in place now.

AARP just did an analysis showing that we could add \$1.7 trillion to GDP if we supported family caregivers.

Obviously, there is some overlap in those two modeling—models to show that. But, the bottom line is, yes, our labor force participation had been dropping prior to COVID. Our women's labor force participation is now at nearly a 40-year low with women's labor force at levels not seen since the 1980's.

Obviously, some of this will be alleviated as the pandemic ends, but we have to solve this problem if we want to have the kind of competitive economy in the global marketplace.

Senator SMITH. This question is about an abstract question all across Minnesota where I talked to business owners across the spectrum who were telling me—regardless of what industry sector they are in, they are telling me about the significant challenges that they are having to find workers to fill the jobs that they want to create. This could be in the ag sector, in the service sector, in the healthcare sector. This is a story across the board.

We have had—I have heard some of our panelists and some of my colleagues suggest that this, a paid family leave policy, perhaps, like what we would propose in the Healthy Families Act or the Family Act, that we just cannot afford it, that it is too expensive.

How do you square that argument with this competitiveness issue that we are talking about, Ms. Shabo?

Ms. SHABO. Well, I just think there is no data to bear out any of these arguments. Paid sick days and paid family leave operate a little bit differently.

But, with respect to paid family leave, we know that the certainty that is created by workers having access to paid leave benefits both workers and especially small employers.

We know that in states that have a contributory payroll contribution model, this creates the predictability and certainty for employers so that they can mitigate their costs so that they can hire replacement workers if they need to.

With respect to paid sick days where there is a direct cost to providing the earned benefit to workers, a few days a year for sick time, there is no evidence from any state or city that this has contributed to job loss or wage declines or inflation or the reduction of other benefits. So, I understand the theoretical concerns, but these are not borne out by the data, and we now have, a decade or more of experience with these policies.

The sort of idea that blue states are somehow different, it does not really pan out when you are looking at states that have large and diverse economies as the states that have paid leave do.

Senator SMITH. I was once the owner of a small business myself, and I can appreciate that small businesses are different than large businesses. But, I also can appreciate that it is almost impossible for a small business to try to solve this kind of a problem on their own if they want to offer paid family and medical leave, and that is why I think solutions like the Family Act or the Healthy Family Act are the right solutions. And especially, when you think about the significant, dramatic inequity with less than one in three low-wage workers having access to a single paid sick day, while high-wage workers in this Country in the private sector, 94 percent of them have access to paid family and medical leave. I think it really demonstrates the inequity here, also.

Senator SMITH. Thank you, Madam Chair.

The CHAIR. Thank you.

Senator Braun.

Senator BRAUN. Thank you, Madam Chair.

Interesting discussion, because running a small business for so many years and the idea of paid family leave makes sense. And I think it is another thing that if we could just afford to do it, it would be nice to have it, and I can see the proposal currently out here does not sound like a lot.

Currently, I think employers and employees split the burden of Social Security and Medicare, 7.65 percent each, 15.3. This adds a small percentage.

But, I think my question, since the merits of paid family leave is not, in my mind, that debatable, it would be nice if we could have it if we could afford it. It does beg the question that in the drivers currently of payroll taxes, Social Security and Medicare, I think we have 5.5 years before the Medicare Trust Fund is depleted. We have been paying into that since the 60's. And the Social Security Trust Fund I think has got 12 to 13 years. But, to me, you probably would not even need to put any more burden on employers and employees if you could just bring those two programs into some type of fiscal order.

Healthcare, for instance, is to where we can gain the most dividends if we would just embrace competition, transparency, get rid of the barriers to entry, get an engaged healthcare consumer. You could bring that trust fund probably back into solvency quickly.

Social Security, we know the variables there, too. You are going to need to probably raise the age at which you are going to be eligible for it, means tested. I do not think you are going to get very many people wanting to put heavier burdens on employers and employees.

My question is for Ms. Milito. What do you think, through the eyes of the NFIB, not on the subject matter of paid family leave, what do we do with the two big issues in the room? Where is the NFIB on addressing Social Security and Medicare costs? Because it is going to make all the rest of this a moot point soon.

Ms. MILITO. Thank you, Senator, for that question. And certainly the unfunded liability with regards to Social Security is something that our members have expressed concern about, and that is why they are very concerned about any additional taxes or burdening the Social Security system any more with what I, said would be essentially, depending on the proposal, a new Federal mandate.

I mean, again, we all want to be Santa Claus. It is nice to come up with these great, robust benefits, as, I think one of the witnesses called them there.

But, the reality is that not all businesses can afford to offer the same plethora of benefits. And it sounds nice, but they just cannot do it. But, most of them do it because it is the right thing to do, and that is how they retain and attract the best talent out there. They are competing with IBM, and it is hard to do it, but they are managing to do it.

Again, a big part of our economy is small businesses, so we need to consider small businesses and the imposition that a new mandate would have on small businesses, both the employers and the employees.

What is it that these small businesses can afford to offer, and what is it their employees want? I was talking to a business owner last week. He is an HVAC operator, desperately trying to hire new employees.

He is—his candidates are looking for money. That is what he said. It is about money. It is about cash. I do not think he has candidates necessarily that are coming in asking for paid family leave or paternity leave. Not that those are not good benefits, but right now, he has, candidates that are asking for top dollar. That is what they want, cash in hand. What is your bonus at the end of the year? Maybe they are asking about vacation time, but they are not asking necessarily—

Senator BRAUN. Real quickly before we run out of time. I know that the NFIB is behind transparency ideas on healthcare. When it comes to Social Security in terms of means testing, raising the age, some of the more difficult questions, and we got more time for that, does the NFIB have any position on what to do with it?

Ms. MILITO. We would be happy to study any proposals, Senator, and we would get back to you on that.

Senator BRAUN. If we cannot grapple with that discussion, to me, it is a moot point on any of the rest. It would be good ideas that

would be ignoring, what is going to occur with those two trust funds being in big difficulty soon.

Thank you.

The CHAIR. Thank you.

Senator Rosen.

Senator ROSEN. Thank you, Chair Murray. I appreciate this hearing. Thank you for everyone for being here today. I really appreciate you.

I really want to talk about making paid leave work for small business owners because that is really the crux of what we have to do. That is what all these conversations boil down to.

Ms. St. Hilaire-Finn, I am pleased you could join us today, really, to offer your views as the owner of your own small business, and also, I understand, as a member of the Main Street Alliance, an organization of more than 30,000 small businesses.

Myself, I am a member of the HELP Committee, but also the Senate Small Business and Entrepreneurship Committee, and I represent Nevada where small businesses make up over 99 percent of businesses in my state. And, so, I think it is critical that we bring workers and small business together to find these pragmatic solutions that provide real relief for working families, particularly as Senator Smith talked about, the women's labor force, that decline. It is really concerning that we lose women's talent in the marketplace.

You have noted your support for the Healthy Families Act, Chair Murray's paid sick leave legislation. I am proud to be a cosponsor of that. So, as a small business owner and member of the small business advocacy group, can you tell us why you think the approach in this specific bill will work well for small businesses?

Ms. ST. HILAIRE-FINN. Thank you, Senator Rosen. As a nurse and as a childcare owner, it is clear that we need a commonsense paid sick day standard like the Healthy Families Act to ensure that all employees have access to paid sick time without losing wages or their job.

Also, without sick days, workers show up to work sick, costing us all more in the long term. Or, they stay at home and risk losing their jobs, which costs the economy, as well.

Paid sick time is a basic, minimum work standard like workplace safety or the minimum wage. We all do our part, and we will all benefit.

Also, studies of cities with paid sick day policies have been implemented show that small businesses can adapt and support the program.

Senator ROSEN. Well, thank you. I really believe that all of our communities, what is the backbone for everything in this Country? It is our families and how we care for them, so it is really important.

What do you think the Federal Government, how can we provide any more useful resources to small businesses about offering these paid leave policies, maybe through the SBA or Department of Labor?

Ms. ST. HILAIRE-FINN. Thank you again, Senator, for the question. Most small businesses need extra help finding out more about these programs. The typical small business has no H.R. depart-

ment and limited resources, so we need an intensive outreach and education effort to reach small businesses way in advance of programs being launched. Okay?

I found out a lot about Families First from Main Street Alliance. Engaging small business organizations should be part of this effort. This will also help small business compliance, and also help ensure that more employees find out about and can apply for the program.

Senator ROSEN. Thank you. I appreciate that answer.

I would really like to turn to some of the benefits of paid leave to business. So, Ms. McManus, I am going to direct this question to you.

Again, Senator Smith said we could grow our GDP maybe by over \$2 trillion if women re-enter the workplace, so I know this is going to be important.

Ms. McManus, I am pleased to see the American Benefits Council, that you have a statement on the principles of paid leave and that many of your members, of course, do provide paid leave to their employees. And I really recognize and appreciate the number of employees in this Country that are really doing their best to keep their workers, their families, their communities safe and healthy. I am really glad you brought this perspective here today.

Can you tell us about the benefits that your members have seen from voluntarily offering paid leave benefits, especially during the pandemic?

Ms. MCMANUS. Absolutely. Thank you, Senator, for the question.

IBM has had a long history of commitment to developing programs to help employees better manage their work, their family, and their personal responsibilities. And, frankly, we think that is key to having an engaged and productive workforce. And I think that is a shared sort of vision for the Council companies, as well.

Our programs will offer solutions around, dependent care, medical care, care to take care of a family member or—and, I would point out, as you did, the pandemic. We had to really quickly sort of enhance our package in recognition of the public health emergency to provide for backup care, for example, for folks who are caring for children, schools were closed; or, elderly or other relatives who needed care and the caregiver could not be available.

What we saw, which was quite dramatic—we measure engagement all the time at IBM, and what we found was our engagement score actually went up by 3 percentage points in 1 year, and that was the year when everyone was traumatized with the public health emergency. Why? Because our employees felt supported. And when they feel supported and they are more engaged, they are better at their jobs, and that is good for American business.

Senator ROSEN. Well, thank you. I see my time is expired. That is a great note to leave it on. Our workers have families, too. Thank you.

The CHAIR. Thank you.

Senator LUJAN.

Senator LUJAN. Thank you, Chair Murray and Ranking Member Burr for holding this hearing to discuss the importance of expanding access to paid leave to support families. And thank you to our witnesses today for making yourselves available and for making a difference.

Ms. Shabo, Latinos are typically paid just 55 cents, and Native American women just 60 cents for every dollar paid to White, non-Hispanic men. This wage gap illustrates the high cost women pay for our Nation's leave policy failures, especially for unpaid time spent out of the workforce. The United States offers little support for working caregivers, especially paid family and medical and sick leave. We need a national policy now not only to close the wage gap, but to boost our economy and recover from this pandemic.

Ms. Shabo, would enacting a Federal paid leave policy help to close the wage gap for women?

Ms. SHABO. Yes, sir. Great question, Senator. And these issues are so inextricably connected. So, women are more likely to take leave if they are in a two-parent family or if they are part of a larger family with, male siblings and female siblings because of the wage gap. That means that they have lower earnings over their lifetime. That means they have more work interruptions.

There is an inextricable link, and it would help to close the wage gap if we had paid family and medical leave, particularly for Latinas.

Senator LUJAN. You stated in your testimony that critics of new spending focus on what paid family and medical leave will cost rather than on costs already borne by society. Ms. Shabo, how many women have lost jobs since the start of this pandemic?

Ms. SHABO. Four point five million women have lost jobs overall, and two million have still not returned to the workforce.

Senator LUJAN. You also state that paid leave would strengthen our economy. And according to the National Partnership for Women and Families, how many jobs could the United States add to its labor force by enacting a national paid leave program along with affordable childcare?

Ms. SHABO. Yes. I believe we could add, or what the National Partnership estimates, we could add five million jobs. Paid leave and childcare are both job creating, job enabling, and job enhancing, and that translates into GDP increases for the whole Country, as well as greater economic security and retirement security for families.

Senator LUJAN. Now, you mention GDP. Nationally, how much GDP could we add to our economy if a national paid leave policy were in place?

Ms. SHABO. Pre-pandemic, DOL estimated \$500 billion, along with other interventions to help close the gender gap in occupation and work. McKinsey estimates \$2.4 trillion. So, we are leaving a lot of money on the table by our unwillingness to enact these policies.

Senator LUJAN. I appreciate that. Thank you so much for your responses.

A national paid sick days and family and medical leave law would enable millions of working families, including Latinos and Native Americans and African Americans, to not have to choose between their health and a paycheck.

I am a proud cosponsor of the Family Act and the Healthy Families Act, which together create a national paid leave program by providing workers with up to 12 weeks of paid leave and seven paid sick days a year.



However, without these laws, we see huge disparities in workers' access to paid leave. Latinos have the highest labor force participation rate and are the fastest growing segment of the workforce, yet they are the least likely to have access to paid sick leave. Fifty percent of Latinos report having no access to paid time off, compared to 34 percent of White workers. And Native American workers are 100 percent less likely to take leave when needed according to the National Partnership for Women and Families.

Ms. Shabo, yes or no. Are workers without paid sick days and family medical leave disproportionately African American, Hispanic, and Native American?

Ms. SHABO. Yes, they are.

Senator LUJAN. Ms. McManus, your company provides generous paid sick, family, and medical leave benefits. Why did your company choose to provide these benefits? And how has it impacted your business and workers, especially workers of color?

Ms. MCMANUS. Thanks for the question, Senator. Well, IBM, like many employers, decided to offer these benefits because, one, we recognize that there is a fundamental need for that, people do need time off to take care of themselves and their family members.

Second, we are in a competitive talent market and we know that we need to offer an attractive package in order to attract the best and brightest to come and work for IBM and the companies that I am representing today in the American Benefits Council. So, that is another reason.

I think, I referenced earlier that, we see a huge uptick in our engagement, which is really tied to productivity, and also to retention, right, to keeping our employees on the job and happy, doing their job, doing their best job, by offering these types of programs. If we are there when they need us, then they really want to stay and they want to do their best job for us, so it is really good for the business, as well.

Senator LUJAN. Thank you. And Chair Murray, my time has expired. I do have a question for Ms. St. Hilaire-Finn, but I will submit the question to just learn more about what this would mean to her business employees with the national paid leave policy.

I apologize I could not get to it, but I will make sure I submit the question. I look forward to learning from you, as well.

The CHAIR. Thank you so much.

Senator Hickenlooper.

Senator HICKENLOOPER. Thank you, Madam Chair. And I want to thank each of the panelists for the time taken not just to be here today, but for all the preparation and for all the work they have been doing.

Let me start. Ms. Shabo, last year, in the midst of this coronavirus pandemic, Colorado voters—so this is a state-wide voter initiative—overwhelmingly chose to create a state-wide paid family and medical leave program. I think, to my knowledge, the first state in the Country to do this by ballot initiative.

I thought what was really unusual about this was that the support was high all across the state, across all demographics, in, highly Republican El Paso County, in highly Democratic Denver County, but also with voters in urban and rural areas. And I thought I would like to—

If you could, just speak a little bit more about the benefits of paid leave and paid sick days for people who live in rural areas, like the eastern plains of Colorado or some of the mountain towns of Colorado.

Ms. SHABO. Certainly. And yes, the Colorado victory is a huge testament to the bipartisan appeal of this policy. It has been true in polls nationwide and in every state, but Colorado was the first test of that at the ballot, and it was wonderful to see that happen.

Colorado also adopted a paid sick days law in the middle of the pandemic through the legislature. So, congratulations to your state for being a leader, Senator.

I am glad that you bring up this question of access in rural areas. We know that paid sick days—workers are less likely to have paid sick days in rural areas. They are less likely to have paid family and medical leave. And, yet, the distances that rural people need to travel to get to healthcare, to visit a loved one, to seek a specialist's attention or input, the distances are higher, access to care is harder to get. And for parents, access to infant care is more difficult because of childcare deserts.

There is a huge need in rural areas and, that really speaks to why a paid family and medical leave program is important not just for people, in cities, but, really, across the Country.

Senator HICKENLOOPER. Thank you, and I could not agree more. And I do—when you see a voter initiative like this do so well across all demographics on a bipartisan level, you do begin to get a sense that this is an issue that is ready for a national solution.

Ms. St Hilaire-Finn—and I am also a former small business owner, and certainly I always—like almost every small business owner, I wanted to do right by my employees, but I was always cognizant and being aware of the costs of those efforts. Last year's COVID relief package, which included tax credits for small business owners, middle size business owners who provided paid leave, how did that impact your small business costs and what lessons to policymakers—what did you learn about how to design a national paid leave policy based on your experience over this past year?

Ms. ST. HILAIRE-FINN. Thank you, Senator, for the question. Well, what COVID taught me and I think other small businesses is it calls for paid national family leave. We had to cobble together different funding to allow families, our employees, to take time off, to feel comfortable coming to work and being exposed to a virus.

As a small business, what I learned is that having the Family First CARES Act, really helped. It was pretty much a lifeline for us, as I alluded to, because without that, I do not know how I could reassure my employees that they could take time off when we were exposed to the pandemic, that they would be—they would have gotten paid, to continue to provide meals and shelter for themselves and their families.

I think what this has taught me is that we need this on a national level. We cannot afford to continue to charge high fees just because only some can afford it. But, also, on a national level, that all business would have access to provide paid sick and family leave. So, this is what it taught me more so we had been exposed.

This patchwork of emergency just because of a crisis, we should have this on a permanent and everyday level where workers, espe-

cially low-paid workers, can feel security in their jobs and the work that they perform.

Senator HICKENLOOPER. Well, we agree on that. I appreciate that.

Again, I want to thank everybody for putting in the time on this panel.

I yield my time back to the chair.

The CHAIR. Thank you.

Senator Burr.

Senator BURR. Thank you, Madam Chair. Just one last question. I will direct it to all of our witnesses, and it is really a yes or no answer.

Federal Government allows its employees to use comp time or flex time. In other words, comp time for Federal employees is one paid hour off for each 1 hour of irregular or occasional overtime that has been worked. For example, if you work on a Saturday, which is an irregular time, for every hour you routinely would have an hour off, then you may be compensated for that time.

Here is my question. If the benefit is good enough for Federal, state and local workers, wouldn't it be fair to allow private sector workers to get the same generous comp time benefit?

Ms. Shabo, yes or no?

Ms. SHABO. No. People should not be required to tradeoff time and money. They need both.

Senator BURR. Marcia.

Ms. ST. HILAIRE-FINN. I concur. They need both.

Senator BURR. Ms. McManus.

Ms. MCMANUS. Could be part of a solution, not necessarily the only solution. I know that was not a yes or a no, Senator.

Senator BURR. Ms. Milito.

Ms. MILITO. Yes, NFIB supports that flexibility.

Senator BURR. Well, we are beginning to build a bank of solutions. I thank each of our witnesses. I thank the chair.

The CHAIR. Thank you, Senator Burr.

Ms. Shabo, I just had one other question. You alluded several times to the millions of women who have left the workforce during this pandemic and have not yet returned. Oftentimes, that is women of color, women in low-wage occupations, as you talked about. Clearly, our economy is not going to fully recover from this pandemic unless working women recover. To me, that means better childcare and national paid leave policies. Can you comment on that?

Ms. SHABO. I 100 percent agree with you. I think we have heard too often, failed to invest in a care infrastructure or a care economy that recognizes that people have personal lives and people have work lives and they are inextricably connected.

We cannot go back. We have to go forward, and that involves investments in paid leave, investments in childcare, investments in home-and community-based care. Just like roads and bridges, this is essential for people to get to work, stay at work, and be successful.

The CHAIR. Thank you.

I ask unanimous consent to put in the record five letters in support of national paid family, medical, and sick leave policies from

individuals and groups including advocacy groups for workers, women, and families, stories from workers around the Country.

Without objection.

[The information referred to can be found on page 139]

That will end our hearing for today, and I really want to thank all of my colleagues for the thoughtful discussion.

I want to thank all of our witnesses—Ms. Shabo, Ms. St. Hilaire-Finn, Ms. McManus, Ms. Milito—for sharing your time and your insights today.

For any Senators who wish to ask additional questions, questions for the record will be due in 10 business days, on Wednesday, June 2, at 5 p.m. The hearing record will also remain open until then for Members who wish to submit additional materials for the record.

This Committee will next meet in executive session May 25 at 10 a.m. to consider several bipartisan bills.

With that, the Committee stands adjourned.

## ADDITIONAL MATERIAL

**Chair Patty Murray**  
**Ranking Member Richard Burr**  
 U.S. Senate Committee on Health Education Labor and Pensions  
 428 Senate Dirksen Office Building  
 Washington, DC 20510

May 17th, 2021

Dear Chairwoman Murray and Ranking Member Burr,

We are a [careforce](#) of working parents, business and nonprofit leaders, caregivers, economists, researchers, and gender equity advocates, and we are reaching out to express our strong support for the inclusion and full funding of the complete care agenda in the **American Families Plan**. *Care infrastructure is key to our recovery and just as essential to a large share of the workforce as roads and bridges.*

We want to thank you for your leadership and for the work you've already done to cut child poverty through the Child Tax Credit, and for stabilizing the child care sector through the **American Rescue Plan**. We also want to emphasize the transformational opportunity you have through further investment in the care economy to lift tens of millions more people, particularly women, out of poverty or prevent them from falling into it in the first place.

The **critical** economic policies of paid family and medical leave, affordable high-quality childcare for all, and fully-funded care infrastructure across the board, including better wages and benefits for the care workers who provide these services, are essential to an [equitable economic recovery](#). This powerful combination of policies would ensure financial stability for women and families, create millions of jobs and spur job growth in other sectors.

**Should Congress pass the American Families Plan, the investments in child care and Pre-K would mean [10.2M](#) jobs nationally.**

Pre-pandemic, the broad economic trends were looking up for women. Women held the majority of all jobs ([50.04%](#)) and had earned their place as the [most educated](#) cohort in the labor force. Yet, unaddressed and devastating vulnerabilities were hiding under the surface, especially for women of color. It took a global pandemic to expose them. At the time COVID-19 hit, women already made up [62%](#) of all minimum wage workers and held a shocking [70%](#) of our nation's lowest-paid jobs.

These cracks of inequity impact not only women, but they also impact the 28 million U.S. children who rely on a breadwinner mom for their well-being. In fact, [research](#) spearheaded by gender economist Katika Roy found that breadwinner moms have the largest gender pay gap of any cohort in the workforce: they earn just 66 cents on the breadwinner dad's dollar. And Black breadwinner moms have the largest gender pay gap of any cohort of women in the workforce: 44 cents on the breadwinner dad's dollar.

More disgracefully, even before the pandemic, women and children made up 70% of our nation's poor, and women were [twice as likely](#) to live in poverty in retirement as men, and that was before the pandemic wreaked havoc on working parents -- including the 5.4 million women who have lost jobs in the past year, many due to childcare demands, and the more than 2 million who have left the workforce entirely. It is essential to [note](#) that Native women, Black women, and Latinas experience the highest rates of poverty of any race or gender.

*We must get women back to work, and do it equitably.*

The **critical** economic infrastructure policies of paid family and medical leave, affordable high-quality childcare for all, and home and community-based services for the aging and disabled, including better wages and benefits for care workers who provide these services, are essential to an [equitable economic recovery](#). This powerful combination of policies would ensure financial stability for women and families, create millions of jobs and spur job growth in other sectors.

**The COVID-19 pandemic has clearly laid bare the economic, gender, and racial injustices in our country. Our collective failure to invest in policies that support caregivers, ensure working people can both care for themselves and their loved ones, and guarantee women are at long last paid equitably at work, has unraveled decades of progress in the labor market and threatens to hold back the economy for decades to come.**

We urge you in the strongest possible terms to prioritize full funding and robust implementation, as included in the **American Families Plan**, of the following policies:

1. **Emergency and Permanent Paid Family and Medical Leave:** One of the most cost-effective solutions we have for our public health and economic crisis. We should not be forcing workers - especially women, who are most likely to be caregivers to children and sick loved ones - to choose between their families and their paychecks and we should ensure that every new parent, every worker with a serious personal or family health issue and every military family who needs it has access to paid family & medical leave through the creation of an affordable, sustainable, comprehensive and inclusive national program.
2. **Establishing High-Quality, Affordable Childcare for All:** Quality childcare is the whole game for working families. We need to invest in a system that goes beyond stabilization - to ensure that families can access high-quality affordable care in the recovery and beyond, and those working in the sector can count on fair compensation and good jobs and providers can sustain their programs. These goals are inextricably intertwined.
3. **Invest in broader care workforce [infrastructure](#) to support the care workers and family caregivers who are caring for older people, people with disabilities and others needing long-term care, and do so with dignity and respect:** Congress must make it possible for older adults and people with disabilities to live, thrive, and receive care in their homes and communities while also supporting the care workforce and family caregivers doing that work. We need a new, holistic system of long-term care, expanding on Medicaid and Medicare and filling in gaps in those programs to provide sustainable supports and services and guarantee the respect, dignity, and recognition that care workers and personal attendants deserve. This must center investments in home and community-based services (HCBS) to right-size the current bias toward institutional care in Medicaid and support the family caregivers supporting their loved ones.

*These are important measures to mitigate poverty, get kids and families back to school and work, stimulate the workforce and create necessary and good paying jobs now and for the future.*

We also know that women's labor participation needs to be valued and that women deserve to be paid fairly and equally. We encourage Congress to support and pass policies of equal pay and increased minimum wage. This relief is desperately needed and will pay dividends for years to come.

Prior to the pandemic, lack of affordable childcare and adequate paid family and medical leave meant \$31.9 billion in lost wages to families. And without implementation of those policies, an estimated \$64.5 billion in lost wages and economic activity is at stake from the reduction in mothers' work hours and labor force participation due to COVID-19. Furthermore, according to [a report from the Time's Up Foundation](#) on the fiscal impact of investing in care policies, investing \$77.5 billion annually in the care economy would:

- Support over **2 million new jobs** at an average cost of **\$34,496** per supported job;
- Create **22.5 million new jobs** over 10 years;
- Translate into **\$220 billion** in new economic activity annually; and
- Create or support over **81,000 jobs** in food services and **45,000** in retail -- industries predominantly made up of women of color and low-paid workers who lost over **500,000 jobs** in December 2020.

And if that isn't convincing enough, a shocking 90% of registered voters agree that providing support and services for people with children and aging, ill, or disabled family members will provide economic stability for millions of people, and eight in 10 voters say unsupported caregiving is a huge burden for families, according to [this recent poll](#) commissioned by TIME'S UP Foundation, Caring Across Generations, and Paid Leave for All Action.

We thank you for your leadership and for your support of these policies. It's critical that Congress pass the **American Families Plan**. Ignoring these policies will be detrimental to our economy, our labor market, and our workforce for decades to come.

**We urge you to meet this moment with everything it deserves.**

#### **SIGNED:**

**Ai-jen Poo**  
[Caring Across Generations, National Domestic Workers Alliance](#)

**Alejandra Gomez**  
[LUCHA](#)

**Alexis Ohanian**  
Seven Seven Six

**Amanda Sears**  
[Director, Campaign for a Family Friendly Economy](#)

<b>Amy Baer</b> <a href="#">Gidden Media and Board President, Women in Film</a> <a href="#">LA Women's Collective PAC</a>	<b>Darlene Hopkins</b> <a href="#">Oprah Winfrey Network</a>
<b>Anne-Marie Slaughter</b> <a href="#">CEO, New America</a>	<b>Dawn Huckelbridge</b> <a href="#">Paid Leave for All</a>
<b>Anne-Marie Keane</b> <a href="#">Vail Women Elect</a>	<b>Dr. Gail Schoettler</b> <a href="#">Former Lt. Governor of Colorado</a> <a href="#">Electing Women's Alliance Denver</a>
<b>Avni Patel Thompson</b> <a href="#">Founder/CEO Milo</a> <a href="#">Founder, CareForce</a>	<b>Elaine Nonneman</b> <a href="#">Channel Foundation</a> Women's Donors Network
<b>Brencia Berry*</b> <a href="#">Paid Leave for the United States</a>	<b>Elissa Strauss</b> <a href="#">CNN.com, author "Why We Should Care"</a>
<b>Barbara Grasseschi</b> Puma Springs Vineyards <a href="#">Voices for Progress</a>	<b>Ellen Goldsmith-Vein</b> <a href="#">The Gotham Group</a>
<b>Betty Cotton</b> Voices for Progress	<b>Ellen Gustafson</b> <a href="#">Military Family Building Coalition</a>
<b>C. Nicole Mason</b> <a href="#">Institute for Women's Policy Research</a>	<b>Eve Rodsky*</b> <a href="#">Fair Play</a>
<b>Chevenee Reavis</b> <a href="#">The Anne Wojcicki Foundation</a>	<b>Eva Grove</b> Grove Foundation <a href="#">Voices for Progress</a>
<b>Caitlin Berni</b> <a href="#">Louisiana Families First</a>	<b>Fatima Goss Graves</b> <a href="#">National Women's Law Center</a>
<b>Chrisette Hudlin</b> <a href="#">Hudlin Entertainment</a> <a href="#">LA Women's Collective PAC</a>	<b>Fran Rodgers</b> <a href="#">Democracy Alliance</a>
<b>Claire Wasserman</b> <a href="#">Ladies Get Paid</a>	<b>Hannah Linkenhoker*</b> <a href="#">Founder, LA Women's Collective PAC</a> <a href="#">ICM Partners</a>
<b>Courtney Nichols Gould</b> <a href="#">Smarty Pants</a> LA Women's Collective PAC	<b>Hannah Minghella</b> <a href="#">Bad Robot</a> <a href="#">LA Women's Collective PAC</a>
<b>Darby Saxbe</b> <a href="#">Associate Professor, University of Southern California</a> <a href="#">Director, USC Center for the Changing Family</a>	<b>Heather Lurie</b> <a href="#">Lawyer and Consultant</a> <a href="#">Electing Women's Alliance Denver</a>



**Heidi Lindelof**  
[Center for Reproductive Rights, Board Member](#)  
[LA Women's Collective PAC](#)

**Ilyse Hogue**  
[NARAL Pro-Choice America](#)

**Jamie Kantrowitz\***  
[Founder, LA Women's Collective PAC](#)

**Janine N'jie David**  
[The Global Lab for Research in Action at UCLA](#)

**Jeff Berman**  
[Magnet Companies](#)

**Joan Williams**  
[Distinguished Professor and Hastings Foundation Chair,](#)  
[University of California Hastings Law](#)

**Jordan Brooks**  
[United State of Women](#)

**Judith B. Wagner**  
 Founder, [Electing Women's Alliance](#) Denver

**Julie Kashen\***  
[The Century Foundation](#)

**Kate Washington**  
[Author of Already Toast: Caregiving and Burnout in America](#)

**Katelin Holloway**  
 Seven Seven Six

**Kathleen Barry**  
 Women Donors Network

**Leslie Forde\***  
[Mom's Hierarchy of Needs, LLC](#)

**Meiko Takayama**  
[Advancing Women Executives](#)

**Miranda Kaiser**  
[Rockefeller Family Fund](#)

**Katica Roy\***  
[Pipeline Equity, Inc.](#)

**Karen F. Grove**  
[Voices for Progress](#)

**Katie Bethell**  
[Founder & Executive Director, Paid Leave US](#)

**Keri Putnam**  
 Sundance Institute  
 LA Women's Collective PAC

Kimberly Hoover  
 Red MultiFamily  
[Voices for Progress](#)

**Kim Rohrer\***  
[TendLab](#)

**Kristin Rowe-Finkbeiner**  
[MomsRising](#)

**Lakeila Stemmons**  
[Higher Heights](#)

**Lauren Turner**  
[LA Women's Collective PAC](#)

**Lisa Guide**  
[Rockefeller Family Fund](#)

**Mary Beth Ferrante**  
[CEO, WRK/360](#)

**Nadia Allaudin**  
[Merrill Lynch](#)  
[nstitute for Women's Policy Research](#)

**Reshma Saujani**  
[Girls Who Code](#)

Samantha Ettus  
[Park Place Payments](#)  
[LA Women's Collective PAC](#)

Sarah Bernard  
[LA Women's Collective PAC](#)

Shana Weiss  
[Women Effect Action Fund](#)

Stacy Mason  
[Founder Electing Women Bay Area](#)  
[WomenCount](#)

Susan McPherson  
[McPherson Strategies](#)

Susan Pritzker  
[Women's Foundation of California](#)  
[Voices for Progress](#)

Suzanne Lerner  
[Michael Stars](#)  
[LA Women's Collective](#)

Tina Tchen  
[TIME'S UP Now](#)

Vicki Shabo\*  
[New America](#)

\* Indicates letter author

**100 Days for Care Organizers Contact Information:**

Hannah Linkenhoker  
[Hannah@lawomenscollective.com](mailto:Hannah@lawomenscollective.com)  
 415. 652.6909

Jamie Kantrowitz  
[Jamie@lawomenscollective.com](mailto:Jamie@lawomenscollective.com)  
 917.239.9567

Los Angeles Women's Collective  
[www.lawomenscollective.com](http://www.lawomenscollective.com)




---

**100 Days for Care**  
<http://100daysforcare.com>



**Statement for the Record**  
**American College of Physicians**  
**To the United States Senate Committee on Health, Education, Labor and Pensions**  
**On**  
**“Paid Leave for Working Families: Examining Access, Options, and Impacts”**  
**May 18, 2021**

The American College of Physicians (ACP) is pleased to submit this statement and offer our views regarding paid family leave for American workers, including physicians, residents, and medical students, an issue that has become more pressing due to the public health emergency (PHE) caused by the Coronavirus (COVID-19). We greatly appreciate that Chair Murray, Ranking Member Burr, and the Health, Education, Labor and Pensions (HELP) Committee have convened this hearing, “Paid Leave for Working Families: Examining Access, Options, and Impacts,” held on May 18, 2021. ACP would like to share its input and recommendations surrounding paid family leave, including the need for at least six weeks paid leave for families and updating the Family and Medical Leave Act (FLMA) to expand flexibility in paid leave policies to care for various family members, including parents in-law and grandparents.

The American College of Physicians is the largest medical specialty organization and the second-largest physician membership society in the United States. ACP members include 163,000 internal medicine physicians (internists), related subspecialists, and medical students. Internal medicine physicians are specialists who apply scientific knowledge and clinical expertise to the diagnosis, treatment, and compassionate care of adults across the spectrum from health to complex illness. Internal medicine specialists treat many of the patients at greatest risk from COVID-19, including the elderly and patients with pre-existing conditions like diabetes, heart disease and asthma.

**The Need for Paid Family Leave in the U.S.**

The United States is currently the only developed country that does not have some form of federal paid maternity leave. In 2016, only 13 percent of private sector workers had access to any kind of paid family leave, which includes parental leave or leave to care for a sick family member. The rate of new mothers’ access to maternity leave is stagnant, with no discernable increase among women who took maternity between 1994 and 2015. Less than half of the women who did take maternity leave in 2015—47.5 percent—were compensated. Caregivers—up to 75 percent—are women and those who care for a close relative are at higher risk for health issues because of the physical and emotional toll of caregiving. The 1993 Family and Medical Leave Act (FLMA) made certain employees eligible for up to 12 weeks of unpaid leave but did not require a paid leave standard. Workers employed at public agencies and companies with 50 or more employees can use FMLA unpaid leave, but only for a newborn child, adoption, foster care, care of a sick immediate family member or a serious health

condition. The FMLA defines “immediate family member” as a spouse, child, or parent but excludes grandparents and family members through marriage or domestic partnership.<sup>1</sup>

#### **The Public Health Emergency (PHE) Caused by the COVID-19 Pandemic**

The public health emergency (PHE) caused by the COVID-19 had deep impacts among the workforce, especially lower wage workers. In response, Congress passed the Families First Coronavirus Response Act (FFCRA), H.R. 6201, in March 2020 which permitted some workers to take up to 10 paid sick days and up to 10 weeks of paid family and medical leave due to COVID-19 related sicknesses either for the worker or within their family. The FFCRA was notable because it was the first time that Congress mandated paid leave for workers in the private sector, but these provisions expired at the end of 2020. The provisions then became voluntary for employers with tax credits offered through March 31, 2021. The American Rescue Plan Act (ARPA), H.R. 1319, unfortunately did not include any expansion of required paid leave but did extend the tax credits available to employers that voluntarily offered FFCRA leave through September 30, 2021. While FFCRA paid leave was an important and a needed first step, moving forward, workers need more robust paid family and medical leave protections that are also permanent.

#### **Congress Should Enact Paid Family and Medical Leave**

ACP strongly supports paid family and medical leave at the federal level. Accordingly in, [Women's Health Policy in the United States: An American College of Physicians Position Paper](#), ACP stated that it supports the goal of universal access to family and medical leave policies that provide a minimum period of six weeks' paid leave and calls for legislative or regulatory action at the federal, state, or local level to advance this goal. For example, paid leave policies can improve health outcomes for women and their families after the birth of a child which can have significant physical and emotional effects. The birthing process is physically taxing, and women continue to have physical and hormonal changes for weeks or months afterward. An analysis of mothers at various periods after childbirth showed a relationship between leave duration and decreases in depressive symptoms until six months postpartum. Paid maternity leave is associated with increased likelihood of breastfeeding initiation and continuation at six months compared with no paid leave. In addition, paid parental leave for men can reduce stress on families and encourage father–child bonding.<sup>2</sup>

**Paid leave policies should include minimum standards for paid leave and dedicated funding to help employers provide such leave.** Guaranteeing at least six weeks' paid leave for both men and women allows employees already experiencing major life changes to focus on their physical health and the health of their families without added stress. Analyses of states with paid leave policies show an overall positive effect. A study of California's policy showed that access to the benefits increased new mothers' leave by three weeks, positively affected children and mothers, and did not cause problems for most employers (around 90 percent reported positive effects). Paid leave makes economic sense for employers as well as employees. Employers who offer paid leave are more likely to retain employees and are more attractive to job seekers. In New Jersey, approximately 76 percent of workers view the law favorably, and businesses claim they have adjusted well.<sup>3</sup>

**Paid leave policies should ensure increased flexibility for caregivers to care for family members, including children (biological or adopted), spouses, partners, parents, parents-in-law, or**

**grandparents. Policymakers should also consider revising FMLA to reflect the current workforce and more flexible family structures that may include grandparents or in-laws.** Despite the availability of FMLA to about 60 percent of the American workforce, some caregivers still cannot afford to take unpaid time off, and existing public policies do not sufficiently support women or their families in a way that does not risk economic stability or position in the workforce. Reforms should be structured to minimize disruption for employers while providing the same standard of job protection for employees and consideration of the financial hardships and stress experienced by caregivers and their families.<sup>4</sup>

**Legislation to expand paid leave should consider potential burdens on employers while upholding the intent of the programs through dedicated funding, necessary accommodation, and assistance to help small businesses transition to a minimum of 6 weeks of paid leave.** ACP recognizes that universal access to at least six weeks of paid family leave may bring unique challenges for smaller employers, including private physician practices and nonprofit organizations.<sup>5</sup>

**Additional studies are needed to determine the optimal amount of paid time off to maximize the associated health benefits for employees including:** discouraging the “motherhood penalty,” in which women face bias and wage gaps resulting from their potential or actual taking of leave; examining whether paid leave policies should be integrated into or administered by unemployment insurance programs; balance the economic benefit for employers against costs; determining an appropriate level of imbursement during leave; and researching additional mechanisms that may help finance paid leave, such as payroll taxes or reforms of existing programs (for example, Social Security).<sup>6</sup>

ACP believes that Congress should enact comprehensive paid leave legislation and that the PHE caused by the COVID-19 pandemic has only highlighted the urgency of the need for paid family and medical leave for workers and their families. ACP is supportive of two proposals, one legislative proposal already introduced in the House and the Senate, and the other a proposal from the Biden administration as part of the American Families Plan (AFP), that would require paid family leave at the federal level:

- **The Family and Medical Insurance Leave (FAMILY) Act (H.R. 804/S. 248)** The Family and Medical Insurance Leave (FAMILY) Act would provide up to 12 weeks of partial income to workers who need leave from their job for a serious personal health issue or care for a family member such as a child, parent, spouse or domestic partner, care for a newborn or newly adopted child, or for care associated with a military deployment or serious injury; would be funded through payroll contributions from employers and employees of two-tenths of one percent each (two cents per \$10 in wages), split between employers and employees; would guarantee that the coverage is portable; would provide 66 percent of wage replacement, up to \$4,000 per month; and would cover workers in all companies, no matter how many employees. ACP would recommend that the FAMILY Act could be improved by updating the FMLA’s existing definition of eligible caregiving. As referenced above, ACP policy calls for increased flexibility in paid leave policies to care for various family members, including parents in-law and grandparents; however, parents in-law and grandparents are omitted from existing FMLA regulations.

- **National Paid Family and Medical Leave in the American Families Plan (AFP) Proposal**

The AFP proposed by the Biden administration would eventually guarantee 12 weeks of paid parental, family, and personal illness/safe leave. The pay would be equal to two-thirds of the worker's average weekly wages, up to \$4,000 per month. Workers in the lowest wage cohort would have 80 percent of their average weekly wages replaced. The proposal would allow workers to bond with a new child, care for a seriously ill loved one, adjust to a military deployment, find safety from sexual assault, stalking or domestic violence, cope with their own serious illness or grieve the death of a loved one. It will also require employers to allow workers to accrue seven days of paid time off to seek preventive medical care for themselves or their family. As referenced above, ACP policy is for Congress to pass legislation that provides universal access to family and medical leave for a minimum period of six weeks of paid leave that should be mandated and funded, with flexibility that allows for the caring of family members. ACP recommends that AFP paid family and medical leave should be flexible enough to accommodate care for a diverse array of family structures, including updating the FMLA to include grandparents or in-laws. Paid leave benefits are especially needed after the devastating effects caused on families, the loss of their jobs and health following the COVID-19 pandemic.

#### Conclusion

We commend you and your colleagues for working in a bipartisan fashion to examine paid leave for working families at the federal level. We wish to assist in the HELP Committee's efforts in this area by offering our input and suggestions about ways that Congress can implement paid family leave for all Americans. Thank you for consideration of our recommendations that are offered in the spirit of providing the necessary support to physicians, patients, and their families going forward. Please contact Jared Frost, Senior Associate, Legislative Affairs, by phone at (202) 261-4526 or via email at [jfrost@acponline.org](mailto:jfrost@acponline.org) with any further questions or if you need additional information.

---

<sup>1</sup> Daniel H, Erickson SM, Bornstein SS. Women's Health Policy in the United States: An American College of Physicians Position Paper. *Ann Intern Med.* 2018; 168:874-875. doi:10.7326/M17-3344.

<sup>2</sup> Daniel H, Erickson SM, Bornstein SS. Women's Health Policy in the United States: An American College of Physicians Position Paper. *Ann Intern Med.* 2018; 168:874-875. doi:10.7326/M17-3344.

<sup>3</sup> Daniel H, Erickson SM, Bornstein SS. Women's Health Policy in the United States: An American College of Physicians Position Paper. *Ann Intern Med.* 2018; 168:874-875. doi:10.7326/M17-3344.

<sup>4</sup> Daniel H, Erickson SM, Bornstein SS. Women's Health Policy in the United States: An American College of Physicians Position Paper. *Ann Intern Med.* 2018; 168:874-875. doi:10.7326/M17-3344.

<sup>5</sup> Daniel H, Erickson SM, Bornstein SS. Women's Health Policy in the United States: An American College of Physicians Position Paper. *Ann Intern Med.* 2018; 168:874-875. doi:10.7326/M17-3344.

<sup>6</sup> Daniel H, Erickson SM, Bornstein SS. Women's Health Policy in the United States: An American College of Physicians Position Paper. *Ann Intern Med.* 2018; 168:874-875. doi:10.7326/M17-3344.



**Statement for the Record**  
**Senate Committee on Health, Education, Labor and Pensions Hearing**  
**Paid Leave for Working Families: Examining Access, Options, and Impacts**  
**May 17, 2021**

Thank you for convening a hearing on this crucial topic. The Center for Law and Social Policy (CLASP) is grateful for the opportunity to submit this statement for the record of this hearing. CLASP is a national, non-partisan, anti-poverty organization that has advocated for policy solutions that support the needs of people with low incomes for over 50 years. We develop practical yet visionary strategies for reducing poverty, promoting economic opportunity, and addressing barriers faced by people of color. We work at the federal, state, and local levels to fight poverty and promote racial equity. CLASP has deep expertise on and paid family and medical leave policies, including those that most effectively support women in households with low incomes.

The COVID-19 pandemic has made it clear that everyone will face sickness, or the sickness of a loved one, at some point in their life. Despite the clear evidence for this need, only 19 percent of workers in the United States have access to paid family leave, and over 32 million workers lack *any* paid sick days.<sup>1</sup> Without access to paid leave or paid sick days, workers are forced to choose between caring for themselves or loved ones and putting food on the table or making rent. This impossible choice often leads to work and income instability, or worse: one in seven low-paid workers, and one in five low-paid working mothers report losing a job because of illness or the need to care for a family member.<sup>2</sup> And if a worker does take leave, it is usually unpaid leave, which leaves them facing the loss of necessary income during an already stressful time for their families. Families lose an estimated \$22.5 billion dollars per year due to inadequate paid leave, and the economy loses trillions in GDP when women's labor force participation is reduced.<sup>3</sup> Without access to paid leave, workers either go to work sick and risk worsening their illness or spreading it to coworkers; or, they take unpaid time off and cannot afford to allocate their savings to health care, leading to compounding health and financial costs later.

**Access to Paid Leave and Paid Sick Days Leads to Positive Economic, Health, and Equity Outcomes**

Evidence from states with paid leave program shows us that access to comprehensive paid leave is essential to maintaining economic stability for families in the midst of health crises and life changes. Numerous studies have found that women who took paid leave following the birth of a child had better outcomes on several measures of work, income, and economic security than those who didn't. In California, the existence of paid leave has increased labor force attachment and long-term wages for households with lower incomes.<sup>4</sup> The health benefits of paid leave for children begin in infancy but continue throughout their childhood. For mothers who give birth, access to paid leave means they can recover from childbirth, are less likely to experience symptoms of postpartum depression, and more likely to breastfeed longer, which benefits the mother and infant.<sup>5</sup> When more paid leave is available, rates of infant mortality and hospitalizations fall.<sup>6</sup> Fathers also benefit, as those who take longer leaves are more likely to be involved in child care later in their child's life.<sup>7</sup> Children's health also benefits from care in the years following birth or adoption: For a seriously ill child, the presence of a parent shortens their hospital stay by 31 percent.<sup>8</sup> Despite these benefits, a quarter of U.S. mothers return to work within less than two weeks of giving birth. Paid family and medical leave programs help.

Additionally, employers *want* to provide paid leave to their employees. Replacing workers can be costly for employers, averaging 20 percent of a worker's annual wages.<sup>9</sup> Employer surveys in California, New Jersey, and

Rhode Island—states with their own paid leave programs—show that two-thirds of employers were supportive of paid leave laws, and up to 20 percent were neutral.<sup>10</sup> A recent report to the Washington state legislature demonstrated that most employers anticipated positive outcomes of turnover, productivity, and morale.<sup>11</sup> Furthermore, 83 percent of workers in lower-quality jobs who used paid family leave returned to the same employer compared to 74 percent of those who did not use paid family leave.<sup>12</sup>

Paid family and medical leave also levels the playing field for small businesses. Many larger businesses already provide paid leave because they can afford it and know it's good for workers and good for the bottom line. Small businesses that can't afford to offer paid leave would be able to offer it should our country create and put in place a funding mechanism for a national program. This would enable these employers to compete with larger businesses to hire and retain the best employees by offering a highly valued workplace policy without having to shoulder the entire cost.<sup>13</sup> Paid leave reduces turnover and increases long-term employee retention, increases worker productivity and morale, and allows small businesses to compete with larger companies by being able to offer competitive benefits.<sup>14</sup>

While a national paid leave program would allow workers and their families time off for major life events such as serious illness or welcoming a new family member, workers still need to be able to take time off when unexpected short-term illness occurs. Even a day of lost wages can prevent a worker from making ends meet. Any amount of lost wages can exacerbate poverty. Nationally, one in four adults report having lost a job, or being worried they would face retaliation for taking time off due to illness; with the well-documented practice of racial hiring discrimination, this is not a risk that workers of color can afford to take.<sup>15</sup> When a worker has to make that difficult choice, they will often be forced to resort to “presenteeism” — going to work despite being sick or needing medical attention. This not only presents a public health risk but is an economic risk for families: the longer treatment is put off, the more likely it will become a more serious—and more costly—health issue.<sup>16</sup>

Workers with access to paid sick days report less severe and shortened periods of illness, which means that they are not coming in to work sick and are also receiving the preventative care they need that can save a family thousands of dollars down the line.<sup>17</sup> Additionally, states that have implemented paid sick leave laws had an 11% decrease of cases of flu-like illness in their first year after enactment.<sup>18</sup> Access to two weeks of paid sick days during COVID-19 has been shown to have “flattened the curve” of illness rates, preventing an estimated 400 cases per day, per state, in states that did not have leave policies prior to the enactment of the Families First Coronavirus Act (FFCRA).<sup>19</sup>

#### **Why We Need a National Paid Leave Social Insurance Program**

While individual state programs offer us evidence of their success, the COVID-19 pandemic has made it clear that all workers, in every state, need access to comprehensive paid leave. The recession caused by the COVID-19 pandemic has worsened the racial wealth gap. The recession has also increased the prevalence of worker misclassification, independent contracting, and the “fissuring of the workplace,” which has led to low-paying and low-quality jobs with shifting work schedules, no workplace protections, and few benefits.<sup>20</sup>

Currently nine state programs, as well as the District of Columbia, have paid leave program, all of which are funded through small payroll contributions from employees and/or employers.<sup>21</sup> This model is sustainable, equitable, inexpensive and inclusive. Paid leave programs in California, New Jersey, and Rhode Island were added to existing temporary disability insurance programs and are funded through employee-paid payroll deductions. All three states have solvent programs, which sometimes even experience surplus.<sup>22</sup>

#### **What a Federal Paid Leave Program Needs to Look Like**

A federal program can also look to the states for lessons on what needs to be included in an equitable program. We need policies that workers are aware of and can access. And when workers do access them, they should not

[www.clasp.org](http://www.clasp.org)



face penalties or retaliation, which could cause them to fall deeper into poverty. Paid leave policy must include robust worker protections. Protecting workers means ensuring that *all* workers—regardless of income, industry, employer, family make-up, immigration status, and more—can easily and safely take the leave they need. A national paid leave program must include the following:

1. ***A federal paid leave program must be available to all workers.*** A recent survey of the Family Medical Leave Act (FMLA) of 1993 shows that over 60 percent of workers earning low wages weren't eligible or could not access FMLA due to eligibility requirements like worksite size, employee status, tenure, and more.<sup>23</sup> Many states offer opt-in leave programs for self-employed workers and have more inclusive eligibility requirements to allow all workers to be able to access the program.
2. ***A federal paid leave program must be comprehensive.*** A federal program must be one that all workers can use for the variety of medical and caregiving needs they may experience throughout their lives. A comprehensive policy would support the one in four households who care for someone with a disability, assist with the growing elderly population, need time for bereavement, and have long-term and intermittent illness. Such a policy would provide a critical lifeline to the 43.5 million people who currently provide unpaid care to family members while maintaining full-time jobs.<sup>24</sup>
3. ***A federal paid leave program must be inclusive of all families.*** Paid leave programs must reflect the diversity of families in the United States. Eight out of 10 families no longer fit the model of the nuclear family. Some 85 million people, predominantly people of color, live in multigenerational or non-traditional households. National paid leave policies must work for families as they exist today.<sup>25</sup> An inclusive family definition can make paid leave more accessible to communities that have been historically marginalized.
4. ***A federal paid leave program must include progressive wage replacement.*** Unaffordability is the number one reason workers don't take leave.<sup>26</sup> Workers in the lowest paid jobs are the least likely to be able to afford to take leave if it requires taking a pay cut. Progressive wage replacement ensures that workers in jobs paying low wages receive the highest rates of wage replacement. A paid leave program must be one that workers can actually afford. Six states have progressive wage replacement. This sliding-scale approach to benefit payments offers higher wage replacement to workers earning lower wages and scales down the more you make. This helps to make leave more affordable and accessible to those who need it most.
5. ***A federal paid leave program must include job protection.*** Workers should be able to use paid leave to meet their basic needs. A 2012 U.S. Department of Labor survey found that among employees needing leave but not taking it, the fear of job loss was the second most commonly cited reason (17 percent), behind unaffordability.<sup>27</sup> Without job protection, workers fear for their jobs when they take leave or simply don't take the leave they're offered. Evidence from New Jersey, which strengthened its paid leave program in 2018, adding increased job protection, show that two-thirds of claims are made by workers with incomes of less than \$50,000, demonstrating that job protection increases uptake among workers earning low wages.<sup>28</sup>
6. ***A federal paid leave program must include funded education and outreach.*** Employers must be educated on their responsibilities, and employees must be made aware of what their benefits actually are. Lack of policy awareness is one of the most significant barriers to accessing leave. Built-in funding and direct implementation directives for businesses and local administrators can help ensure that outreach efforts reach all communities, including language minority communities.

#### **Why We Need a National Paid Sick Days Law**

More and more states and cities are recognizing how critical paid sick days are to worker and business health.

[www.clasp.org](http://www.clasp.org)

Currently, 12 states, including D.C., and 22 cities and counties have enacted paid sick laws. All of the programs have proven to be beneficial to workers at no cost to employers. San Francisco, the first locality to pass paid sick days in 2007, saw that their program stimulated economic growth; in Seattle, job growth continued after sick day implementation.<sup>29</sup> New York City's paid sick day law saw a rise in wages for hourly workers coupled with a decrease in the number of average weekly absences, as well as the lowest unemployment rate in the city in six years.<sup>30</sup>

State and local sick time laws have proven themselves critical for working families—and now it is time for *all* workers to receive this benefit. A jurisdiction-by-jurisdiction strategy leaves out millions of workers, often those who need these policies the most. In order to build on the knowledge gained from successful state programs, policymakers need to standardize paid sick days, as envisioned by the Healthy Families Act, which would guarantee employees job protected short-term sick time without losing wages or their job.

Thank you for the opportunity to submit a statement for the Record providing analysis on the need for a universal paid leave program. If members of the Committee have questions about our comments or if CLASP can be of assistance, please do not hesitate to contact Tralonne Shorter, Director, Legislative Affairs at [tshorter@clasp.org](mailto:tshorter@clasp.org) or (202) 744-8455.

Sincerely,



Hannah Matthews, Deputy Executive Director for Policy

<sup>1</sup> U.S. Bureau of Labor Statistics, National Compensation Survey, "Employee Benefits Survey, Table 31. Leave benefits: Access, civilian workers, March 2019," available at <https://www.bls.gov/nscs/ebs/benefits/2019/ownership/civilian/table31a.pdf>; U.S. Bureau of Labor Statistics, National Compensation Survey: Employee Benefits in the United States – March 2020, (Table 6. "Selected paid leave benefits: Access, March 2020," using private industry data), <https://www.bls.gov/news.release/pdf/ebs2.pdf>.

<sup>2</sup> Wage and Hour Division at U.S. DOL, Family and Medical Leave Act, U.S. Department of Labor, <https://www.dol.gov/general/topic/workhours/fmla>.

<sup>3</sup> Sarah Jane Glynn, "The Rising Cost of Inaction on Work-Family Policies," The Center for American Progress, January 2020.

<https://www.americanprogress.org/issues/women/news/2020/01/21/479555/rising-cost-inaction-work-family-policies/>

<sup>4</sup> Ann Bartel, Charles Baum, Maya Rossin-Slater, Christopher Ruhm, and Jane Waldfogel, "California's Paid Family Leave Law: Lessons from the First Decade," U.S. Department of Labor, 2016, <https://www.dol.gov/asp/evaluation/WorkerLeaveStudy/WL-California-Paid-Family-Leave-Law.html>.

<sup>5</sup> Ann P. Bartel, Elizabeth Doran, Christopher J. Ruhm, and Jane Waldfogel (2019) "California's Paid Family Leave Law Improves Maternal Psychological Health." Paper presented at the Population Association of American Annual Meeting, Austin, TX, April 2019. Ann P. Bartel, Jessica Pac, Christopher J. Ruhm, and Jane Waldfogel (2019). "The Effects of California's Paid Family Leave Law on Breastfeeding." Paper presented at the Work and Family Researchers Network Conference, Washington DC, June 2018

<sup>6</sup> Amy Raub, et al., "Paid Parental Leave: A Detailed Look at Approaches Across OECD Countries," WORLD Policy Analysis Center, 2018, [https://www.worldpolicycenter.org/sites/default/files/WORLD Report - Parental Leave OECD Country Approaches\\_0.pdf](https://www.worldpolicycenter.org/sites/default/files/WORLD%20Report%20-%20Parental%20Leave%20OECD%20Country%20Approaches_0.pdf); Ariel Marek Phil and Gaetano Basso (2019). "Did California Paid Family Leave Impact Infant Health?" Journal of Policy Analysis and Management 38(1): 155-180. Maya Rossin (2011). "The Effects of Maternity Leave on Children's Birth and Infant Health Outcomes in the United States," Journal of Health Economics 30(2): 221-239. Christopher J. Ruhm (2000). "Parental Leave and Child Health," Journal of Health Economics 19(6): 931-960.

<sup>7</sup> Maria Carmen Huerta, William Adema, Janeen Baxter, Wen-Jui Han, Metta Lausten, RaeHyuck Lee, and Jane Waldfogel (2014). "Fathers' Leave and Fathers' Involvement: Evidence from Four OECD Countries." European Journal of Social Security 16(4):308-347. Lenna Nepomnyaschy and Jane Waldfogel (2007). "Paternity Leave and Fathers' Involvement with Their Young Children: Evidence from the ECLS-B." Community, Work, and Family 10(4): 425-451. Sakiko Tanaka and Jane Waldfogel (2007). "Effects of Parental Leave and Working Hours on Fathers' Involvement with Their Babies: Evidence from the UK Millennium Cohort Study." Community, Work, and Family 10(4): 407-424.

- <sup>8</sup> Heymann, J. (2001, October 15). *The Widening Gap: Why America's Working Families Are in Jeopardy— and What Can Be Done About It*. New York, NY: Basic Books.
- <sup>9</sup> Heather Boushey and Sarah Jane Glynn, *There Are Significant Business Costs to Replacing Employees*, Center for American Progress, 2012, <https://cdn.americanprogress.org/wp-content/uploads/2012/11/CostofTurnover.pdf>.
- <sup>10</sup> Eileen Appelbaum and Ruth Milkman, "Leaves That Pay: Employer and Worker Experiences with Paid Family Leave in California," Center for Economic and Policy Research, 2011.
- <sup>11</sup> Washington Paid Family and Medical Leave, *Paid Family and Medical Leave Program Report to Legislature*, December 2020.
- <sup>12</sup> Ibid.
- <sup>13</sup> See, e.g., Trish Stroman, Wendy Woods, Gabrielle Fitzgerald, Shalini Unnikrishnan, and Liz Bird, *Why Paid Family Leave is Good Business*, Boston Consulting Group, 2017, <https://www.bcg.com/enus/publications/2017/human-resources-people-organization-why-paid-family-leave-is-goodbusiness.aspx>.
- <sup>14</sup> Small Business Majority and Center for American Progress. (2017, March 30). Small Businesses Support Paid Family Leave Programs. Retrieved 3 July 2019, <http://www.smallbusinessmajority.org/our-research/workforce/small-businesses-supportpaid-family-leave-programs>
- <sup>15</sup> NAACP, National Partnership for Women and Families. "African Americans and Their Families Need Paid Sick Days," January 2017. <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/african-american-workers-need-paid-sick-days.pdf>
- <sup>16</sup> Kevin Miller et al., "Paid Sick Days and Health: Cost Savings from Reduced Emergency Department Visits", Institute for Women's Policy Research, November 2011. <http://www.iwpr.org/publications/pubs/paid-sick-days-and-health-cost-savings-from-reduced-emergency-department-visits>.
- <sup>17</sup> Human Impact Partners and San Francisco Department of Public Health. A Health Impact Assessment of the Healthy Families Act of 2009. June 2009, available at [http://go.nationalpartnership.org/site/DocServer/WF\\_PSD\\_HFA\\_HealthImpactAssessment\\_HIA\\_090611.pdf?docID=5101](http://go.nationalpartnership.org/site/DocServer/WF_PSD_HFA_HealthImpactAssessment_HIA_090611.pdf?docID=5101)
- <sup>18</sup> Stefan Pichler, et al., Positive Health Externalities of Mandating Paid Sick Leave, IZA Institute of Labor Economics 17, 32 (July 2020), <http://ftp.iza.org/dp13530.pdf>
- <sup>19</sup> Stefan Pichler, Katherine Wen, and Nicolas R. Ziebarth, "COVID-19 Emergency Sick Leave Has Helped Flatten The Curve In The United States," *Health Affairs* 39 (12) (2020), available at <https://www.healthaffairs.org/doi/10.1377/hlthaff.2020.00863>.
- <sup>20</sup> David Weil, Enforcing Labour Standards in Fissured Workplaces: The US Experience, *Econ. & Lab. Rel. Rev.*, 22:2 (2011) at 37; Weil, David. *The Fissured Workplace: Why Work Became So Bad for So Many and What Can Be Done to Improve It*. Cambridge, MA: Harvard University Press.
- <sup>21</sup> Diana Boesch, "Rhetoric Vs. Reality: Not All Paid Leave Proposals Are Equal," *Center for American Progress*. <https://www.americanprogress.org/issues/women/reports/2019/10/10/475625/rhetoric-vs-reality-not-paid-leave-proposals-equal/#fn-475625-3>
- <sup>22</sup> National Partnership, *First Impressions: Comparing State Paid Family Leave Programs in Their First Years Rhode Island's First Year of Paid Leave in Perspective*, February 2015
- <sup>23</sup> Adewale Maye and Nat Baldino, *New Data Confirm U.S. Needs a Comprehensive Paid Leave Policy*, CLASP, 2021, <https://www.clasp.org/publications/fact-sheet/new-fmla-data-need-paid-leave>.
- <sup>24</sup> *Caregiving in the U.S.: 2015 Report*, National Alliance for Caregiving and AARP Public Policy Institute, 2015, <http://www.aarp.org/content/dam/aarp/ppi/2015/caregiving-in-the-united-states-2015-report-revised.pdf>.
- <sup>25</sup> Moira Bowman et al, *Making Paid Leave Work for Every Family*, Center for American Progress, Family Values @ Work, Forward Together, and A Better Balance, 2016.
- <sup>26</sup> Maye, Baldino, *New Data Confirm U.S. Needs a Comprehensive Paid Leave Policy*.
- <sup>27</sup> Wage and Hour Division at U.S. DOL, Family and Medical Leave Act, U.S. Department of Labor, <https://www.dol.gov/general/topic/workhours/fmla>.
- <sup>28</sup> Mason, J. (2019, August), *Meeting the Promise of Paid Leave: Best Practices in State Paid Leave Implementation*, Retrieved 26 September 2019, from <http://www.nationalpartnership.org/our-work/resources/economic-justice/paid-leave/meeting-the-promise-of-paid-leave.pdf>.
- <sup>29</sup> Vicky Lovell & Kevin Miller, *Job Growth Strong With Paid Sick Days*, Institute for Women's Policy Research, Oct. 2008. <https://iwpr.org/iwprgeneral/job-growth-strong-with-paid-sick-days/>
- <sup>30</sup> Eileen Appelbaum & Ruth Milkman, No Big Deal: The Impact of New York City's Paid Sick Days Law on Employers, Ctr. for Econ. & Pol'y Res. 21, 23 (Sept. 2016), <https://cepr.net/images/stories/reports/nyc-paid-sick-days-2016-09.pdf>.

May 18, 2021

Senate Committee on Health, Education, Labor, and Pensions  
428 Senate Dirksen Office Building  
Washington, DC 20510

Re: Committee hearing on "Paid Leave for Working Families: Examining Access, Options, and Impacts

Chair Murray, Ranking Member Burr, Members of the Committee,

We, the undersigned maternal and child health organizations and their partners, would like to thank the Senate Committee on Health, Education, Labor, and Pensions for holding this hearing on paid leave. We strongly urge Congress to support a comprehensive paid family and medical leave policy to support optimal child development, improve maternal health, reduce disparities and enable future generations to live healthier lives.

Unlike in most other countries, in the U.S. workers are often unable to take time off from work to care for a new child, critically ill loved-one, or tend to their own medical needs without sacrificing the income they need to support their families. This has profound and lasting impacts on maternal and child health in the United States. Because pregnancy, childbirth and the transition to parenthood can be physically and psychologically demanding, people need time to care for themselves and their health. Paid leave is a critical tool to support healthier pregnancies, better birth outcomes, more successful breastfeeding and both physical and mental health in the postpartum period. Additionally, inclusive and comprehensive policies can reduce the inequities in access to paid leave, helping to bridge the racial and ethnic disparities in overall maternal and child health outcomes.

Beyond allowing for physical recovery after childbirth, paid time off from work is essential to providing a strong foundation for mom, baby and their family to thrive. Science tells us that babies' brains are nourished by time spent with parents and caregivers. Policies that enable parents to spend time nurturing and caring for their babies—particularly in the early weeks after birth and for babies that are born pre-term, low birth weight or with illness—are critical to the healthy cognitive, social and emotional development of children.

The need for a comprehensive, equitable paid leave policy has taken on new salience in the past year, as many workers struggled to take time away from work to recover from COVID-19 or care for a sick loved one without risking their paycheck and their livelihood. The pandemic has drawn attention to and expanded preexisting disparities, creating both a health crisis and an economic crisis that has disproportionately impacted women, low-income families, and families of color. Now more than ever, it is clear: paid leave is a public health imperative.

It is time for Congress to act, and to provide all families with the comprehensive paid family and medical leave policy they need. We are grateful to Chair Murray and the Committee for holding this important hearing and we look forward to working with you to advance a comprehensive, national paid leave policy to meet the needs of American families.

Sincerely,

1,000 Days  
 2020 Mom  
 American Academy of Pediatrics  
 American Association of University Women (AAUW)  
 Association of Maternal & Child Health Programs  
 Better Life Lab at New America  
 Center for Law and Social Policy (CLASP)  
 Center for Public Justice  
 Center for Reproductive Rights  
 Child Care Aware of America  
 Colorado Organization for Latina Opportunity & Reproductive Rights (COLOR)  
 DC Dorothy Day Catholic Worker  
 Every Mother Counts  
 The HOPE Registry  
 Jennifer Bush-Lawson Foundation  
 Kansas Breastfeeding Coalition  
 Maine Women's Lobby  
 March for Moms  
 March of Dimes  
 Mom Congress  
 MomsRising  
 NARAL Pro-Choice America  
 National Association of Nurse Practitioners in Women's Health  
 National Birth Equity Collaborative  
 National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE)  
 National Council of Jewish Women  
 National Council of Jewish Women Los Angeles  
 National Partnership for Women and Families  
 National WIC Association  
 NETWORK Lobby for Catholic Social Justice  
 Nurse-Family Partnership  
 Ohio Women's Public Policy Network  
 Paid Leave for All  
 Palladium  
 Perinatal Health Equity Foundation  
 Physicians for Reproductive Health  
 PL+US: Paid Leave for the United States  
 Poder Latinx  
 Shriver Center on Poverty Law  
 SisterSong: National Women of Color Reproductive Justice Collective  
 SPAN Parent Advocacy Network (SPAN)  
 RESULTS  
 Union for Reform Judaism  
 US Breastfeeding Committee  
 Women of Reform Judaism  
 Women's Law Project  
 The Womxn Project  
 YWCA USA

May 14, 2021

Chair Patty Murray  
 Ranking Member Richard Burr  
 U.S. Senate Committee on Health Education Labor and Pensions  
 428 Senate Dirksen Office Building  
 Washington, DC 20510

By email: Tiffany\_Haas@help.senate.gov

Dear Chair Murray, Ranking Member Burr and Members of the Committee:

**We, the undersigned 307 business and management school faculty members from 139 institutions in 41 states plus the District of Columbia, write to urge you to establish a national paid family and medical leave program as one of America's top economic recovery priorities.** National paid family and medical leave was a missing piece of America's care, workforce, and economic infrastructure prior to the pandemic – and the swift enactment of a national paid leave program is an imperative for economic recovery.

**The need for paid leave as a workforce, business, and economic policy is not new – but it is more urgent than ever.** Indeed, many of us and our colleagues wrote to members of Congress in 2015 to urge that “sound business practices, data from other countries, our own research with employers, employees and organizations, and our experiences teaching the business leaders of tomorrow compel the conclusion that the United States must adopt a national paid family and medical leave policy.”<sup>1</sup> The devastating effects of the pandemic on our students, the workforce, and businesses of all sizes and in all sectors compel the conclusion that there is now greater urgency than ever in enacting a national paid leave standard for the United States.

In our 2015 letter, we set out in detail the business case for paid leave, including the fear felt by many of our business school students that, without paid leave, they would be forced to delay or forgo parenthood or downgrade their professional aspirations. We also shared evidence from the private sector and from state paid leave programs on the positive effects of paid leave on employee engagement, retention, and productivity. And we reviewed key findings from studies on the experiences of businesses operating in states with paid leave programs, concluding that they “show positive impacts [for businesses] and lay bare the claims of business opponents.”<sup>2</sup>

Since 2015, the business and management case for investments in paid leave has only grown. The number of state programs has multiplied from three to nine plus D.C.<sup>3</sup> The academic and business trade literature is filled with research and testimonials about the value of paid leave as an employment policy.<sup>4</sup> Large companies, small businesses, trade associations and business leaders have also entered the national policy conversation,

---

*\* Signatories to this letter are expressing their personal views and make no representations about the views of the institutions with which they are affiliated.*

explaining the benefits of their own policies and urging congressional action on national paid leave.<sup>5</sup>

**Guaranteeing workers and businesses of all sizes access to paid leave is essential for economic recovery and rebuilding.** We cannot as a country continue to operate in a piecemeal fashion, where just 20 percent of the workforce has paid family leave through their employers and only 40 percent have personal medical leave – and where those aggregate numbers mask substantial disparities by wage level, job type, and more.<sup>6</sup> The pandemic has had substantial adverse effects on the economy overall and on women's labor force participation. It has devastatingly exacerbated employment and economic inequality by gender, race, and economic level. And it has imposed hardships imposed on small businesses. All of these factors only underscore further the urgency of creating and implementing a national paid leave program, which would offer predictable coverage to all workers and all businesses, as soon as possible.

**Paid leave, along with investments in other critical components of a care infrastructure, is a pro-growth policy that can create greater equity for women and for people of color across firms and is therefore a matter of public concern, worthy of public investment.** As of January 2021, U.S. GDP dropped 3.5 percent, the first annual decline since 2009 and largest decline since 1946.<sup>7</sup> Rebuilding the economy will depend on controlling COVID-19, to be sure, but it requires more. It requires businesses to be able to hire back millions of workers – including an estimated 5.3 million women who lost jobs in the pandemic, including 2.3 million women who had entirely left the workforce as of February 2021, setting women's employment levels back by more than three decades.<sup>8</sup>

**Paid leave – provided in a gender-equitable way – helps to maintain women's employment.** Private sector companies have long noted that women are more likely to return to work after the birth of a child when paid leave is available; state paid leave program research yields similar results.<sup>9</sup> At a macro-level, by promoting women's employment, paid leave is one of a number of policies that has the potential to help the economy grow as much as 5 percent by bringing women's labor force participation rates in the United States up to levels in other countries.<sup>10</sup> McKinsey researchers recently studied the effects of women's employment on GDP and concluded that taking action before the end of the pandemic to implement policies that advance gender equality could add \$2.4 trillion to U.S. GDP, and create near gender parity in the U.S. labor force, by 2030.<sup>11</sup>

**Paid leave is also a racial equity policy that will benefit firms.** A growing body of academic and professional services firms' research has helped to demonstrate and quantify the importance of diversity and inclusion in workplaces – both in creating a positive culture and in creating more value for firms and shareholders.<sup>12</sup> Supporting women and people of color, who have higher rates of caregiving responsibilities, at all levels of work – whether in the service jobs that have been ravaged by COVID-19 or white collar management and leadership roles, which suffered from a deficit of women and people of color prior to the pandemic and are at risk of retrenchment as a result of it<sup>13</sup> – requires policies that reflect people's family and health needs. And it requires that policymakers and business leaders implement policies that help workers stay attached to the workforce when health and care needs arise, as paid family and medical leave does.

**Paid leave is an economic equity imperative.** U.S. Bureau of Labor Statistics data on the change in workers access to paid family leave shows that the private sector will not solve this problem on its own. Access to designated paid family leave provided by employers has grown by just 10 percentage points for workers overall between 2010 and 2020 (from 10 percent of the workforce in 2010 to 20 percent in 2020), and for low-wage workers, increases were just 2 to 3 percent.<sup>14</sup> And, for small businesses that have been hit hardest by the pandemic, public paid leave investments are crucial – as Congress recognized in 2020 by subsidizing small businesses temporarily required by federal law to provide emergency paid leave.<sup>15</sup>

The pandemic has shown only too clearly that our lack of a care infrastructure is disastrous for employment. This is a matter of public concern, and not something that the private sector nor workers can or should be required to solve on their own. No other high-wealth country treats paid leave as a private matter, and neither should we. Publicly-funded paid leave exists to smooth the risk to both workers and businesses in virtually all other countries<sup>16</sup>; the United States should follow suit. Indeed, we should be world leaders.

**It is time for policymakers to ensure that the entire United States workforce has access to paid family and medical leave on a permanent, sustained basis.** The nation must adopt a policy that allows the workers, families, and businesses across the country to rebuild from COVID-19 and plan for the health and care challenges that will arise in the future – whether the birth or adoption of a child, or a serious personal or family health need.

The Family and Medical Insurance Leave Act (FAMILY Act), which would create a national paid family and medical leave program ensuring all workers access to 12 weeks of paid leave to care for a new child or address a serious personal health or family caregiving issue, provides one such solution that we urge you to consider.<sup>17</sup> The FAMILY Act builds on the lessons from the growing number of state paid leave programs and international examples to create a national paid leave social insurance program that would set a basic paid leave standard for all workers, no matter where they live or work. This would remove the onus on workers whose employers do not provide paid leave to shoulder the costs of unpaid leave and the risk of job loss. It would provide a backstop to businesses that cannot afford to provide paid leave on their own but want to ensure their employees have income stability when the need for paid leave arises. And employers who want to go beyond the basic FAMILY Act benefit, would be free to do so, continuing to use a superior benefit package as a recruitment and retention tool.

**Paid leave is a matter of economic necessity for workers and their families, a workplace retention policy essential to business, and a means for stimulating the country's economic growth and competitiveness.** Legislation such as the FAMILY Act must be an economic recovery priority – and it, or a policy like it, should be part of bigger recovery, jobs and infrastructure legislation. Like roads and bridges, care infrastructure enables people to get to work, to help build successful businesses, and to thrive. For the sake of both the business leaders and professionals we teach, the workforces they will direct, and our country's prosperity in the future, it is well past time for a national paid leave policy. We urge you to take action now.

Sincerely, with academic affiliation listed for identification purposes only,



Stewart D. Friedman  
Practice Professor of Management, Emeritus  
The Wharton School  
University of Pennsylvania  
Philadelphia, PA

And the undersigned signatories listed alphabetically by state, academic institution and faculty member's last name

Maura Mills  
Associate Professor of Management  
Culverhouse College of Business  
University of Alabama  
Tuscaloosa, AL

Marie D-K. Halvorsen-Ganepola  
Teaching Professor  
Walton College of Business  
University of Arkansas  
Fayetteville, AR

Laci Lyons  
Associate Professor of Management  
College of Business  
University of Central Arkansas  
Conway, AR

Sanjeev Khagram  
CEO, Director-General and Dean  
Thunderbird School of Global  
Management  
Arizona State University  
Phoenix, AZ

Amy Ostrom  
Professor of Marketing/Interim Dean  
W. P. Carey School of Business  
Arizona State University  
Tempe, AZ

Anne Tsui  
Motorola Professor Emerita of  
International Management  
W. P. Carey School of Business  
Arizona State University  
Tempe, AZ

Edward (Ned) Wellman  
Associate Professor of Management  
and Entrepreneurship  
W. P. Carey School of Business  
Arizona State University  
Tempe, AZ

David Welsh  
Associate Professor  
W. P. Carey School of Business  
Arizona State University  
Tempe, AZ

Joseph P. Broschak  
Associate Professor of Management &  
Organizations  
Eller College of Management  
University of Arizona  
Tucson, AZ

Sarah P. Doyle  
Assistant Professor of Management  
and Organizations  
Eller College of Management  
University of Arizona  
Tucson, AZ

Allison S. Gabriel  
Associate Professor of Management  
and Organizations and Robbins Fellow  
Eller College of Management  
University of Arizona  
Tucson, AZ

Songcui Hu  
Associate Professor  
Eller College of Management  
University of Arizona  
Tucson, AZ

Elizabeth J. McClean, Ph.D.  
Assistant Professor  
Eller College of Management  
University of Arizona  
Tucson, AZ

Jerel E. Slaughter  
Eller Professor of Management  
Eller College of Management  
University of Arizona  
Tucson, AZ

Kaumudi Misra  
Assistant Professor of Management  
College of Business and Economics  
California State University, East Bay  
Hayward, CA

Stephanie R. Seitz  
Associate Professor  
College of Business & Economics  
California State University, East Bay  
Hayward, CA

Zhanna Sahatjian  
Associate Professor of Management  
Craig School of Business  
California State University, Fresno  
Fresno, CA

Darcy Fudge Kamal  
Assistant Professor  
College of Business Administration  
California State University,  
Sacramento  
Sacramento, CA

Marianne Koch  
Professor  
Agno School of Business  
Golden Gate University  
San Francisco, CA

Dana Sumpter  
Associate Professor of Organization  
Theory and Management  
Graziadio Business School  
Pepperdine University  
Malibu, CA

Bobbi Thomason  
Assistant Professor  
Graziadio Business School  
Pepperdine University  
Malibu, CA

Gretchen Vogelgesang Lester  
Associate Professor  
Lucas College and Graduate School of  
Business  
San Jose State University  
San Jose, CA

Sandy Piderit  
Lecturer  
Leavey School of Business  
Santa Clara University  
Santa Clara, CA

Jeffrey Pfeffer  
Thomas D. Dee II Professor of  
Organizational Behavior  
Graduate School of Business  
Stanford University  
Stanford, CA

Heather A. Haveman  
Professor of Sociology and  
Management  
Haas School of Business  
University of California, Berkeley  
Berkeley, CA

Trond K. Petersen  
Professor, Haas School of Business  
Executive Associate Dean, College of  
Letters & Science  
University of California-Berkeley  
Berkeley, CA

Hal Hershfield  
Associate Professor  
Anderson School of Management  
University of California, Los Angeles  
Los Angeles, CA

Olav Sorenson  
Joseph Jacobs Chair in  
Entrepreneurial Studies  
Anderson School of Management  
University of California, Los Angeles  
Los Angeles, CA

Wendy Wood  
Professor of Psychology and Business  
Marshall School of Business  
University of Southern California  
Los Angeles, CA

Christine Beckman  
Professor  
Marshall School of Business  
University of Southern California  
Los Angeles, CA

Raymond L. Hogler  
Professor of Management Emeritus  
Department of Management  
Colorado State University  
Fort Collins, CO

Cynthia Fukami  
Professor of Management  
Daniels College of Business  
University of Denver  
Denver, CO

Julia Fullick-Jagiela  
Associate Professor & Chair of  
Management  
Lender School of Business  
Quinnipiac University  
Hamden, CT

Sandra W. Morgan  
Professor Emerita of Management  
Barney School of Business  
University of Hartford  
West Hartford, CT

James Baron  
William S. Beinecke Professor of  
Management  
Yale School of Management  
Yale University  
New Haven, CT

Tristan L. Botelho  
Assistant Professor  
Yale School of Management  
Yale University  
New Haven, CT

Rodrigo Canales  
Associate Professor  
Yale School of Management  
Yale University  
New Haven, CT

Teresa Chahine  
Senior Lecturer in Social  
Entrepreneurship  
Yale School of Management  
Yale University  
New Haven, CT

Zoe Chance  
Senior Lecturer in Management  
Yale School of Management  
Yale University  
New Haven, CT

Julia DiBenigno  
Assistant Professor of Organizational  
Behavior  
Yale School of Management  
Yale University  
New Haven, CT

Ivana Katic  
Assistant Professor of Organizational  
Behavior  
Yale School of Management  
Yale University  
New Haven, CT

Professor Marissa King  
Professor of Organizational Behavior  
Yale School of Management  
Yale University  
New Haven, CT

Michael W. Kraus  
Associate Professor  
Yale School of Management  
Yale University  
New Haven, CT

Emma Seppälä  
Lecturer  
Yale School of Management  
Yale University  
New Haven, CT

Amy Wrzesniewski  
Michael H. Jordan Professor of  
Management  
Yale School of Management  
Yale University  
New Haven, CT

David Jacobs  
Adjunct Professor  
Kogod School of Business  
American University  
District of Columbia

Jennifer Oetzel  
Professor  
Kogod School of Business  
American University  
District of Columbia

Jennifer Logg  
Assistant Professor  
McDonough School of Business  
Georgetown University  
District of Columbia

Natalia Lorinkova  
Assistant Professor  
McDonough School of Business  
Georgetown University  
District of Columbia

Nicholas Lovegrove  
Professor of the Practice of  
Management  
McDonough School of Business  
Georgetown University  
District of Columbia

Michael T. McDermott  
Professor of the Practice  
McDonough School of Business  
Georgetown University  
District of Columbia

Catherine Tinsley  
Raffini Term Professor and Academic  
Director for the Executive Master's in  
Leadership (EML) Program  
McDonough School of Business  
Georgetown University  
District of Columbia

Ella Washington  
Professor of the Practice  
McDonough School of Business  
Georgetown University  
District of Columbia

Amanda Hinojosa  
Assistant Professor of Management  
Howard University School of Business  
Howard University  
District of Columbia

Kyle J. Emich  
Associate Professor of Management  
Alfred Lerner College of Business &  
Economics  
University of Delaware  
Newark, DE

Amanda Bullough  
Associate Professor, Management &  
Global Leadership, Co-Founder &  
Research Director, Women's  
Leadership Initiative  
Alfred Lerner College of Business &  
Economics  
University of Delaware  
Newark, DE

John E. Sawyer  
Professor of Management  
Alfred Lerner College of Business and  
Economics  
University of Delaware  
Newark, DE

Wendy Smith  
Professor; Faculty Director of the  
Women's Leadership Initiative  
Alfred Lerner College of Business and  
Economics  
University of Delaware  
Newark, DE

Meryl P. Gardner  
Professor of Marketing  
Lerner College of Business and  
Economics  
University of Delaware  
Newark, DE

Manuel J. Tejada  
Associate Dean & Professor of  
Management and Psychology  
Andreas School of Business  
Barry University  
Miami, FL

Terri A. Scandura  
Warren C. Johnson Professor of  
Management  
Miami Herbert Business School  
University of Miami  
Coral Gables, FL

Edward Davis  
Christine McEachern Smith Endowed  
Professor  
School of Business Administration  
Clark Atlanta University  
Atlanta, GA

Giacomo Negro  
Professor of Organization and  
Management  
Goizueta Business School  
Emory University  
Atlanta, GA

Tiffany D. Johnson  
Assistant Professor, Organizational  
Behavior  
Scheller College of Business  
Georgia Tech  
Atlanta, GA

Aberdeen Borders  
Professor  
Marketing and Sales Department  
Kennesaw State University  
Kennesaw, GA

Rosanna K. Smith  
Assistant Professor  
Terry College of Business  
University of Georgia  
Athens, GA

Kenneth G. Brown  
Ralph L. Sheets Professor of  
Management  
Tippie College of Business  
University of Iowa  
Iowa City, IA

Beth Livingston  
Assistant Professor  
Tippie College of Business  
University of Iowa  
Iowa City, IA

Alex Bolinger  
Associate Professor of Management  
College of Business  
Idaho State University  
Pocatello, ID

Jeff Street  
Associate Professor of Management,  
Director of The Center for  
Entrepreneurship and Economic  
Development  
College of Business  
Idaho State University  
Pocatello, ID

Heidi Baumann  
Associate Professor  
Foster College of Business  
Bradley University  
Peoria, IL

Alyssa Westring  
Associate Professor  
Driehaus College of Business  
DePaul University  
Chicago, IL

Brayden G. King  
Professor of Management and  
Organizations  
Kellogg School of Management  
Northwestern University  
Evanston, IL

Lauren Rivera  
Professor  
Kellogg School of Management  
Northwestern University  
Evanston, IL

Nicholas Epley  
John Templeton Keller Professor of  
Behavioral Science  
Booth School of Business  
University of Chicago  
Chicago, IL

Ayelet Fishbach  
Professor of Behavioral Science and  
Marketing  
Booth School of Business  
University of Chicago  
Chicago, IL

Alex Imas  
Assistant Professor  
Booth School of Business  
University of Chicago  
Chicago, IL

Emma Levine  
Associate Professor of Behavioral  
Science  
Booth School of Business  
University of Chicago  
Chicago, IL

Amanda Sharkey  
Associate Professor  
Booth School of Business  
University of Chicago  
Chicago, IL

George Wu  
John P. and Lillian A. Gould Professor  
of Behavioral Science  
Booth School of Business  
University of Chicago  
Chicago, IL

Melissa E. Graebner  
Professor of Business Administration  
Gies College of Business  
University of Illinois  
Urbana-Champaign, IL

Denise Daniels  
Hudson T. Harrison Chair of  
Entrepreneurship  
Department of Business and  
Economics  
Wheaton College  
Wheaton, IL

Sophie Bacq  
Associate Professor  
Kelley School of Business  
Indiana University  
Bloomington, IN

Adam R. Smith  
Associate Professor of Management  
School of Business  
Indiana University Kokomo  
Kokomo, IN

Ellen Ernst Kossek  
Basil S. Turner Professor of  
Management  
Krannert School of Management  
Purdue University  
West Lafayette, IN

Kelly S. Wilson  
Associate Professor of Management  
Krannert School of Management  
Purdue University  
West Lafayette, IN

Rachel Clapp-Smith  
Professor of Leadership  
College of Business  
Purdue University Northwest  
Hammond, IN

Clarissa Steele  
Assistant Professor of Management  
College of Business Administration  
Kansas State University  
Manhattan, KS

Monica A. Woods  
Senior Instructor  
College of Business Administration  
Kansas State University  
Manhattan, KS

Marne L. Arthaud-Day  
Associate Professor  
College of Business Administration,  
Department of Management  
Kansas State University  
Manhattan, KS

Aaron J. Barnes  
Assistant Professor of Marketing  
University of Louisville  
University of Louisville  
Louisville, KY

Adrienne Colella  
James McGarland Distinguished  
Professor of Business  
A.B. Freeman School of Business  
Tulane University  
New Orleans, LA

Nicole R. Fuller  
Assistant Professor of Management  
College of Business  
University of New Orleans  
New Orleans, LA

Angela F. Randolph  
Assistant Professor of  
Entrepreneurship  
Entrepreneurship Division  
Babson College  
Babson Park, MA

Danna Greenberg  
Walter H. Carpenter Professor of  
Organizational Behavior,  
Management Division Chair  
Management Division  
Babson College  
Babson Park, MA

Nan S. Langowitz  
Professor of Management  
Management Division  
Babson College  
Babson Park, MA

Brad Harrington  
Executive Director & Research  
Professor  
Carroll School of Management  
Boston College  
Chestnut Hill, MA

Pnina Feldman  
Associate Professor  
Questrom School of Business  
Boston University  
Boston, MA

Siobhan Omahony  
Feld Family Professor of Innovation  
and Entrepreneurship  
Questrom School of Business  
Boston University  
Boston, MA

Michel Anteby  
Associate Professor of Management &  
Organizations  
Questrom School of Business  
Boston University  
Boston, MA

Julie Battilana  
Professor  
Harvard Business School  
Harvard University  
Boston, MA

Ethan Bernstein  
Associate Professor  
Harvard Business School  
Harvard University  
Boston, MA

Amy Edmondson  
Professor  
Harvard Business School  
Harvard University  
Boston, MA

Robin Ely  
Professor  
Harvard Business School  
Harvard University  
Boston, MA

Kathleen L. McGinn  
Cahners-Rabb Professor  
Harvard Business School  
Harvard University  
Boston, MA

Lakshmi Ramarajan  
Associate Professor of Organizational  
Behavior  
Harvard Business School  
Harvard University  
Boston, MA



Ashley Whillans  
 Assistant Professor of Business  
 Administration  
 Harvard Business School  
 Harvard University  
 Boston, MA

Lotte Bailyn  
 T Wilson (1953) Professor of  
 Management, emerita  
 MIT Sloan School of Management  
 Massachusetts Institute of Technology  
 Cambridge, MA

Emilio J. Castilla  
 NTU Professor of Management  
 MIT Sloan School of Management  
 Massachusetts Institute of Technology  
 Cambridge, MA

Katherine C. Kellogg  
 Professor, Work and Organization  
 Studies  
 MIT Sloan School of Management  
 Massachusetts Institute of Technology  
 Cambridge, MA

Erin L. Kelly  
 Professor  
 MIT Sloan School of Management  
 Massachusetts Institute of Technology  
 Cambridge, MA

Thomas Kochan  
 George M. Bunker Professor of  
 Management  
 MIT Sloan School of Management  
 Massachusetts Institute of Technology  
 Cambridge, MA

Paul Osterman  
 Professor  
 MIT Sloan School of Management  
 Massachusetts Institute of Technology  
 Cambridge, MA

Hazhir Rahmandad  
 Associate Professor  
 MIT Sloan School of Management  
 Massachusetts Institute of Technology  
 Cambridge, MA

JoAnne Yates  
 Sloan Distinguished Professor of  
 Management, Emerita  
 MIT Sloan School of Management  
 Massachusetts Institute of Technology  
 Cambridge, MA

Tingting Zhang  
 Assistant Professor of Management  
 Girard School of Business  
 Merrimack College  
 North Andover, MA

Raj Echambadi  
 Professor & Dean  
 D'Amore-McKim School of Business  
 Northeastern University  
 Boston, MA

Jamie Ladge  
 Associate Professor  
 D'Amore-McKim School of Business  
 Northeastern University  
 Boston, MA

Barbara Z. Larson  
 Executive Professor of Management  
 D'Amore-McKim School of Business  
 Northeastern University  
 Boston, MA

Erin DeCurtis  
 Lecturer  
 School of Business  
 Simmons University  
 Boston, MA

Teresa Nelson  
Professor  
School of Business  
Simmons University  
Boston, MA

Mindell Nitkin  
Professor emeritus  
School of Business  
Simmons University  
Boston, MA

Ray Pfeiffer  
Associate Professor of Accounting  
School of Business  
Simmons University  
Boston, MA

Spela Trefalt  
Associate Professor  
School of Business  
Simmons University  
Boston, MA

Suzanne K. Edinger  
Assistant Professor of Management  
Leo J. Meehan School of Business  
Stonehill College  
North Easton, MA

Katerina Gonzalez  
Assistant Professor of Management  
Sawyer Business School  
Suffolk University  
Boston, MA

Emily Heaphy  
Assistant Professor of Management  
Isenberg School of Management  
University of Massachusetts Amherst  
Amherst, MA

Marc Lavine  
Associate Professor of Management  
College of Management  
University of Massachusetts Boston  
Boston, MA

Maureen A. Scully  
Professor  
College of Management  
University of Massachusetts Boston  
Boston, MA

Elana Feldman  
Assistant Professor of Management  
Manning School of Business  
University of Massachusetts Lowell  
Lowell, MA

Elizabeth Elam  
Chair and Professor of Marketing  
College of Business  
Western New England University  
Springfield, MA

Jeanie Mannheimer Forray  
Professor of Management  
College of Business  
Western New England University  
Springfield, MA

Joseph G. Gerard  
Interim Chair and Associate Professor  
College of Business  
Western New England University  
Springfield, MA

Golshan Javadian  
Assistant Professor  
Earl G. Graves School of Business and  
Management  
Morgan State University  
Baltimore, MD

Ravi S. Ramani  
Assistant Professor of Organizational  
Behavior and Human Resource  
Management  
Earl G. Graves School of Business and  
Management  
Morgan State University  
Baltimore, MD

W. Brad Johnson  
Professor  
Department of Leadership, Ethics, &  
Law  
United States Naval Academy  
Annapolis, MD

Regina Bento  
Professor of Management  
Merrick School of Business  
University of Baltimore  
Baltimore, MD

Rellie Rachel Rozin  
Associate Professor  
Robert H. Smith School of Business  
University of Maryland  
College Park, MD

Alexandra E. MacDougall  
Associate Professor  
College of Business Administration  
Central Michigan University  
Mount Pleasant, MI

Obinna Obilo  
Associate Professor  
College of Business Administration  
Central Michigan University  
Mount Pleasant, MI

Matthew Wilson  
Assistant Professor  
College of Business Administration  
Central Michigan University  
Mount Pleasant, MI

Joy E. Beatty  
Associate Professor, Academic  
Department Head  
College of Business  
Eastern Michigan University  
Ypsilanti, MI

Megan Lee Endres  
Professor of Management  
College of Business  
Eastern Michigan University  
Ypsilanti, MI

Alankrita Pandey  
Associate Professor  
College of Business  
Eastern Michigan University  
Ypsilanti, MI

Fraya Wagner-Marsh  
Professor  
College of Business  
Eastern Michigan University  
Ypsilanti, MI

David A. Victor  
Professor of Management and  
International Business  
College of Business  
Eastern Michigan University College  
of Business  
Ypsilanti, MI

Shelby Gai  
Assistant Professor, Management  
Broad College of Business  
Michigan State University  
East Lansing, MI

Quinetta Roberson Connally  
John A. Hannah Distinguished  
Professor of Management and  
Psychology  
Broad College of Business  
Michigan State University  
East Lansing, MI

Lizabeth A. Barclay  
Professor of Management  
School of Business Administration  
Oakland University  
Rochester, MI

Michelle Hammond  
Assistant Professor of Management  
School of Business Administration  
Oakland University  
Rochester, MI

Caitlin Demsky  
Assistant Professor of Management  
School of Business Administration  
Oakland University  
Rochester, MI

Kim Cameron  
Professor  
Stephen M. Ross School of Business  
University of Michigan  
Ann Arbor, MI

Julia Lee Cunningham  
Assistant Professor  
Stephen M. Ross School of Business  
University of Michigan  
Ann Arbor, MI

Gerald F. Davis  
Professor of Management  
Stephen M. Ross School of Business  
University of Michigan  
Ann Arbor, MI

Scott DeRue  
Edward J. Frey Dean and Stephen M.  
Ross Professor of Business  
Stephen M. Ross School of Business  
University of Michigan  
Ann Arbor, MI

Jane E. Dutton  
Robert L. Kahn Distinguished  
University Professor Emerita  
Stephen M. Ross School of Business  
University of Michigan  
Ann Arbor, MI

Sophia Galifianakis  
Lecturer II  
Stephen M. Ross School of Business  
University of Michigan  
Ann Arbor, MI

Margaret Levenstein  
Adjunct Professor of Business  
Economics  
Stephen M. Ross School of Business  
University of Michigan  
Ann Arbor, MI

Linda Lim  
Professor Emerita of Corporate  
Strategy and International Business  
Stephen M. Ross School of Business  
University of Michigan  
Ann Arbor, MI

Terry Nelidov  
Managing Director, Erb Institute  
Stephen M. Ross School of Business  
University of Michigan  
Ann Arbor, MI

Sara Soderstrom  
Associate Professor  
Stephen M. Ross School of Business  
University of Michigan  
Ann Arbor, MI

Janet A. Weiss  
Professor of Business and Public  
Policy  
Stephen M. Ross School of Business  
University of Michigan  
Ann Arbor, MI

Matthew Piszczek  
Assistant Professor of Management  
Mike Ilitch School of Business  
Wayne State University  
Detroit, MI

Colleen Flaherty Manchester  
Associate Professor  
Carlson School of Management  
University of Minnesota  
Minneapolis, MN

Aaron Sojourner  
Associate Professor  
Carlson School of Management  
University of Minnesota  
Minneapolis, MN

Elizabeth M. Campbell  
Assistant Professor of Work and  
Organizations  
Carlson School of Management  
University of Minnesota  
Minneapolis, MN

Jannifer Gregory David  
Associate Professor of Human  
Resource Management  
Labovitz School of Business and  
Economics  
University of Minnesota Duluth  
Duluth, MN

Jon L. Pierce  
Professor of Organization &  
Management  
Labovitz School of Business and  
Economics  
University of Minnesota Duluth  
Duluth, MN

Lin Xiu  
Associate Professor of Human  
Resource Management  
Labovitz School of Business and  
Economics  
University of Minnesota Duluth  
Duluth, MN

Christi Mattix  
Associate Professor of Accounting  
Robert W. Plaster College of Business  
Missouri Southern State University  
Joplin, MO

Michele Medina-Craven  
Assistant Professor of Management  
College of Business  
Mississippi State University  
Starkville, MS

Kregg Aytes  
Professor  
Jake Jabs College of Business &  
Entrepreneurship  
Montana State University  
Bozeman, MT

Laura J. Black  
Professor of Management  
Jake Jabs College of Business &  
Entrepreneurship  
Montana State University  
Bozeman, MT

Virginia K. Bratton  
Associate Professor of Management  
Jake Jabs College of Business &  
Entrepreneurship  
Montana State University  
Bozeman, MT

F. William Brown  
Professor of Management  
Jake Jabs College of Business &  
Entrepreneurship  
Montana State University  
Bozeman, MT

Scott Bryant  
Professor of Management  
Jake Jabs College of Business &  
Entrepreneurship  
Montana State University  
Bozeman, MT

Amber Raile  
Associate Professor  
Jake Jabs College of Business &  
Entrepreneurship  
Montana State University  
Bozeman, MT

Brent Rosso  
Associate Professor of Management  
Jake Jabs College of Business &  
Entrepreneurship  
Montana State University  
Bozeman, MT

Manuel Adelino  
Associate Professor of Finance  
Fuqua School of Business  
Duke University  
Durham, NC

Mary Frances Luce  
Robert A. Ingram Professor  
Fuqua School of Business  
Duke University  
Durham, NC

Sim B. Sitkin  
Michael W. Krzyzewski University  
Professor, Professor of Management  
and Public Policy  
Fuqua School of Business and Sanford  
School of Public Policy  
Duke University  
Durham, NC

Sekou Bermiss  
Associate Professor  
Kenan-Flagler Business School  
University of North Carolina  
Chapel Hill, NC

Arne L. Kalleberg  
Kenan Distinguished Professor of  
Sociology, Adjunct Professor of  
Business  
Kenan-Flagler Business School  
University of North Carolina  
Chapel Hill, NC

Susan Clark Muntean  
Associate Professor of Management  
Department of Management and  
Accountancy  
University of North Carolina Asheville  
Asheville, NC

Julie Holliday Wayne  
Professor  
School of Business  
Wake Forest University  
Winston Salem, NC

Konstandinos Voutsas  
Assistant Professor  
School of Business and  
Entrepreneurship  
Dickinson State University  
Dickinson, ND

Gwendolyn M. Combs  
Associate Professor  
College of Business  
University of Nebraska-Lincoln  
Lincoln, NE

Sydney Finkelstein  
Professor of Strategy and Leadership  
Tuck School of Business  
Dartmouth College  
Hanover, NH

Margaret Peteraf  
Professor  
Tuck School of Business  
Dartmouth College  
Hanover, NH

Jennifer Griffith  
Assistant Professor of Organizational  
Behavior  
Peter T. Paul College of Business and  
Economics  
University of New Hampshire  
Durham, NH

Scott Behson  
Professor of Management  
Silberman College of Business  
Fairleigh Dickinson University  
Teaneck, NJ

Kent Fairfield  
Professor of Management (retired)  
Silberman College of Business  
Fairleigh Dickinson University  
Teaneck, NJ

Helen Brown-Liburd  
Associate Professor  
Rutgers Business School  
Rutgers University  
Newark, NJ

David Dreyfus  
Assistant Professor  
Rutgers Business School  
Rutgers University  
Newark, NJ

David Dwertmann  
Assistant Professor of Management  
Rutgers Business School  
Rutgers University  
Camden, NJ

Jerome Patrick Flynn  
Assistant Professor of Professional  
Practice  
Rutgers Business School  
Rutgers University  
New Brunswick, NJ

Oscar Holmes IV  
Associate Dean & Associate Professor  
Rutgers Business School  
Rutgers University  
Camden, NJ

Lisa Kaplowitz  
Executive Director - Center for  
Women in Business and Assistant  
Professor - Finance  
Rutgers Business School  
Rutgers University  
Newark & New Brunswick, NJ

Sara Parker Lue  
Assistant Professor  
Rutgers Business School  
Rutgers University  
Newark & New Brunswick, NJ

Kristie McAlpine  
Assistant Professor of Management  
Rutgers Business School  
Rutgers University  
Camden, NJ

Rosa Oppenheim  
Professor and Vice Chair, Department  
of Supply Chain Management  
Rutgers Business School  
Rutgers University  
Newark, NJ

Arturo E. Osorio  
Associate Professor -  
Entrepreneurship  
Rutgers Business School  
Rutgers University  
Newark, NJ

Pallavi Shukla  
Assistant Professor  
Rutgers Business School  
Rutgers University  
Newark, NJ

Phyllis Siegel  
Associate Professor  
Rutgers Business School  
Rutgers University  
Newark & New Brunswick, NJ

Nancy DiTomaso  
Distinguished Professor  
Rutgers Business School--Newark and  
New Brunswick  
Rutgers University  
Newark & New Brunswick, NJ

Joo Hun Han  
Associate Professor  
School of Management and Labor  
Relations  
Rutgers University  
Piscataway, NJ

Janice Fine  
Professor and Director of Research  
and Strategy  
School of Management and Labor  
Relations/Center for Innovation in  
Worker Organization  
Rutgers University  
New Brunswick, NJ

Maria Krammer  
Professor  
School of Management & Labor  
Relations  
Rutgers University  
New Brunswick, NJ

Robyn Brouer  
Professor and Chair  
Wehle School of Business  
Canisius College  
Buffalo, NY

Modupe Akinola  
Associate Professor  
Columbia Business School  
Columbia University  
New York, NY

Ann P. Bartel  
Merrill Lynch Professor of Workforce  
Transformation  
Columbia Business School  
Columbia University  
New York, NY

Adam Galinsky  
Professor  
Columbia Business School  
Columbia University  
New York, NY

Gita V. Johar  
Meyer Feldberg Professor of Business  
Columbia Business School  
Columbia University  
New York, NY



Vicki Morwitz  
Professor  
Columbia Business School  
Columbia University  
New York, NY

Damon J. Phillips  
Lambert Family Professor of Social  
Enterprise  
Columbia Business School  
Columbia University  
New York, NY

Dan Wang  
Associate Professor of Business  
Columbia Business School  
Columbia University  
New York, NY

Soumitra Dutta  
Professor of Management  
Cornell SC Johnson College of  
Business  
Cornell University  
Ithaca, NY

Manoj Thomas  
Professor of Marketing  
Cornell SC Johnson College of  
Business  
Cornell University  
Ithaca, NY

Noemi Nagy  
Adjunct Professor  
Gabelli School of Business  
Fordham University  
New York, NY

Sophia Town  
Assistant Professor  
Gabelli School of Business  
Fordham University  
New York, NY

Angela R. Grotto  
Associate Management of  
Management  
The O'Malley School of Business  
Manhattan College  
Riverdale, NY

Adam Alter  
Professor of Marketing  
Stern School of Business  
New York University  
New York, NY

Beth Bechky  
Seymour Milstein Professor of Ethics  
and Corporate Governance and  
Strategy  
Stern School of Business  
New York University  
New York, NY

Dolly Chugh  
Jacob B. Melnick Term Professor  
Stern School of Business  
New York University  
New York, NY

Halina Frydman  
Professor  
Stern School of Business  
New York University  
New York, NY

Lisa M. Leslie  
Professor of Management &  
Organizations  
Stern School of Business  
New York University  
New York, NY

Natalia Levina  
New York University  
Stern School of Business  
New York University  
New York, NY

Joe Magee  
Professor  
Stern School of Business  
New York University  
New York, NY

Priya Raghurir  
Dean Abraham L. Gitlow Professor of  
Business  
Stern School of Business  
New York University  
New York, NY

Quang N. Bui  
Assistant Professor  
Saunders College of Business  
Rochester Institute of Technology  
Rochester, NY

Clyde Eiríkur Hull  
Professor  
Saunders College of Business  
Rochester Institute of Technology  
Rochester, NY

Jennifer Matic  
Assistant Professor  
Saunders College of Business  
Rochester Institute of Technology  
Rochester, NY

dt ogilvie  
Professor  
Saunders College of Business  
Rochester Institute of Technology  
Rochester, NY

Sandra Rothenberg  
Professor of Management/Chair of  
Public Policy  
Saunders College of Business  
Rochester Institute of Technology  
Rochester, NY

Marie Segares  
Assistant Professor/Director  
Department of Management &  
Information Technology  
St. Francis College  
Brooklyn, NY

Matthew Crayne  
Assistant Professor of Management  
School of Business  
University at Albany  
Albany, NY

Sorin Valcea  
Associate Professor  
Monte Ahuja College of Business  
Cleveland State University  
Cleveland, OH

Erin Makarius  
Associate Professor  
College of Business  
The University of Akron  
Akron, OH

Paul E. Levy  
Professor and Chair  
Department of I/O Psychology  
The University of Akron  
Akron, OH

Maria R. Hamdani  
Associate Professor  
College of Business Administration  
University of Akron  
Akron, OH

Rhett A. Brymer  
Assistant Professor  
Carl H. Lindner College of Business  
University of Cincinnati  
Cincinnati, OH

Elaine M. Hollensbe  
Professor  
Carl H. Lindner College of Business  
University of Cincinnati  
Cincinnati, OH

Suzanne S. Masterson  
Professor of Management  
Carl H. Lindner College of Business  
University of Cincinnati  
Cincinnati, OH

David Baldrige  
Professor of Management  
College of Business  
Oregon State University  
Corvallis, OR

Pauline Schilpzand  
Associate Professor of Management  
College of Business  
Oregon State University  
Corvallis, OR

Manuela N. Hoehn-Weiss  
Associate Professor of Strategy and  
Entrepreneurship  
College of Business  
Oregon State University  
Corvallis, OR

Chad Murphy  
Assistant Professor of Management  
College of Business  
Oregon State University  
Corvallis, OR

Leslie Hammer  
Professor  
Department of Psychology  
Portland State University  
Portland, OR

Ralph A. Heidl  
Associate Professor of Management  
Lundquist College of Business  
University of Oregon  
Eugene, OR

Alan D. Meyer  
Professor Emeritus  
Lundquist College of Business  
University of Oregon  
Eugene, OR

David T. Wagner  
Associate Professor of Management  
Lundquist College of Business  
University of Oregon  
Eugene, OR

Kate Zipay  
Assistant Professor of Management  
Lundquist College of Business  
University of Oregon  
Eugene, OR

Tammy Bunn Hiller  
Professor of Management  
Freeman College of Management  
Bucknell University  
Lewisburg, PA

Taya Cohen  
Associate Professor  
Tepper School of Business  
Carnegie Mellon University  
Pittsburgh, PA

Denise Rousseau  
University Professor  
Tepper School of Business  
Carnegie Mellon University  
Pittsburgh, PA

Laurie R. Weingart  
Cyert Professor of Organizational  
Behavior and Theory  
Tepper School of Business  
Carnegie Mellon University  
Pittsburgh, PA

Miguel R. Olivas-Lujan  
Professor  
College of Business Administration &  
Information Sciences  
Clarion University of Pennsylvania  
Clarion, PA

Jeffrey H. Greenhaus  
Professor of Management Emeritus  
LeBow College of Business  
Drexel University  
Philadelphia, PA

Akwasi Opoku-Dakwa  
Assistant Professor of Management  
Palumbo-Donahue School of Business  
Duquesne University  
Pittsburgh, PA

Nagaraj Sivasubramaniam  
Associate Professor of Management  
Palumbo-Donahue School of Business  
Duquesne University  
Pittsburgh, PA

Nicole C. Jones Young  
Assistant Professor  
Business, Organizations, and Society  
Department  
Franklin & Marshall College  
Lancaster, PA

Lucy R. Ford  
Associate Professor of Management;  
Director, Human Resources & People  
Management  
Haub School of Business  
Saint Joseph's University  
Philadelphia, PA

Nazli Bhatia  
Lecturer of Legal Studies and  
Business Ethics  
The Wharton School  
University of Pennsylvania  
Philadelphia, PA

Lindsey D. Cameron  
Assistant Professor of Management  
The Wharton School  
University of Pennsylvania  
Philadelphia, PA

Adam Grant  
The Saul P. Steinberg Professor of  
Management and Professor of  
Psychology  
The Wharton School  
University of Pennsylvania  
Philadelphia, PA

Samir Nurmohamed  
Assistant Professor of Management  
The Wharton School  
University of Pennsylvania  
Philadelphia, PA

Nancy Rothbard  
David Pottruck Professor of  
Management  
The Wharton School  
University of Pennsylvania  
Philadelphia, PA

R. David Lebel  
Associate Professor  
Katz School of Business  
University of Pittsburgh  
Pittsburgh, PA

Flannery Stevens  
Andrew J. Melton, Jr. '42 Assistant  
Professor  
Villanova School of Business  
Villanova University  
Villanova, PA

Kathryn Ostermeier  
Assistant Professor of Management  
College of Business  
Bryant University  
Smithfield, RI

David Smith  
Associate Professor of Sociology  
College of Leadership and Ethics  
US Naval War College  
Newport, RI

David Crockett  
Professor of Marketing & Moore  
Research Fellow  
Darla Moore School of Business  
University of South Carolina  
Columbia, SC

Amy E. Crook  
Associate Professor of Management  
Jack C. Massey College of Business  
Belmont University  
Nashville, TN

Lora Mitchell Harding  
Associate Professor of Marketing  
Jack C. Massey College of Business  
Belmont University  
Nashville, TN

Kristen P. Jones  
Assistant Professor of Management  
Fogelman College of Business &  
Economics  
The University of Memphis  
Memphis, TN

Alex Lindsey  
Assistant Professor of Management  
Fogelman College of Business &  
Economics  
The University of Memphis  
Memphis, TN

Timothy J. Vogus  
Brownlee O. Currey, Jr. Professor of  
Management  
Owen Graduate School of  
Management  
Vanderbilt University  
Nashville, TN

Dawn S. Carlson  
Professor of Management  
Hankamer School of Business  
Baylor University  
Waco, TX

Scott Sonenshein  
Henry Gardiner Symonds Professor of  
Management  
Jones Graduate School of Business  
Rice University  
Houston, TX

Steven Boivie  
Professor  
Mays Business School  
Texas A&M University  
College Station, TX

Priyanka Dwivedi  
Assistant Professor of Management  
Mays Business School  
Texas A&M University  
College Station, TX

Anthony C. Klotz  
Associate Professor of Management  
Mays Business School  
Texas A&M University  
College Station, TX

Hettie Richardson  
Professor of Management  
Neeley School of Business  
Texas Christian University  
Fort Worth, TX

Claudia C. Coglisier  
Professor of Management  
Rawls College of Business  
Texas Tech University  
Lubbock, TX

Laura Guerrero  
Assistant Professor of Management  
College of Business  
University of Houston - Clear Lake  
Houston, TX

Wendy J. Casper  
Peggy E. Swanson Endowed Chair of  
Management  
College of Business  
University of Texas at Arlington  
Arlington, TX

J. Adam Cobb  
Associate Professor  
McCombs School of Business  
University of Texas at Austin  
Austin, TX

Insiya Hussain  
Assistant Professor of Management  
McCombs School of Business  
University of Texas at Austin  
Austin, TX

Timothy Werner  
Associate Professor of Business,  
Government & Society  
McCombs School of Business  
University of Texas at Austin  
Austin, TX

Linda Matthews  
Professor of Management  
Robert C. Vackar College of Business  
& Entrepreneurship  
University of Texas Rio Grande Valley  
Edinburg, TX

Leslie Ramos Salazar  
Associate Professor of Business  
Communication and Decision  
Management  
Paul and Virginia Engler College of  
Business  
West Texas A&M University  
Canyon, TX

Arthur P. Brief  
Presidential Professor Emeritus  
David Eccles School of Business  
University of Utah  
Salt Lake City, UT

Amelia Stillwell  
Assistant Professor of Management  
David Eccles School of Business  
University of Utah  
Salt Lake City, UT

David A. Kravitz  
Emeritus Professor of Management  
School of Business  
George Mason University  
Fairfax, VA

Emily D. Campion  
Assistant Professor of Management  
Strome College of Business  
Old Dominion University  
Norfolk, VA

Luca Cian  
Associate Professor of Business  
Administration  
Darden School of Business  
University of Virginia  
Charlottesville, VA

Martin N. Davidson  
Senior Associate Dean, Johnson &  
Higgins Professor of Business  
Darden School of Business  
University of Virginia  
Charlottesville, VA

Scott C. Miller  
Lecturer of Finance  
Darden School of Business  
University of Virginia  
Charlottesville, VA

Laura Morgan Roberts  
Professor of Practice  
Darden School of Business  
University of Virginia  
Charlottesville, VA

Kisha Lashley  
Assistant Professor  
McIntire School of Commerce  
University of Virginia  
Charlottesville, VA

Holly Ferraro  
Associate Professor  
Albers School of Business and  
Economics  
Seattle University  
Seattle, WA

Christopher M. Barnes  
Professor of Organizational Behavior  
Foster School of Business  
University of Washington  
Seattle, WA

Zoe Barsness  
Associate Dean for Academic  
Programs & Student Affairs  
Milgard School of Business  
University of Washington Tacoma  
Tacoma, WA

Marion B. Eberly  
Associate Professor of Management  
Milgard School of Business  
University of Washington Tacoma  
Tacoma, WA

Tracy Thompson  
Associate Professor  
Milgard School of Management  
University of Washington Tacoma  
Tacoma, WA

Lisa DeFrank-Cole  
Professor of Leadership  
Leadership Studies Program  
West Virginia University  
Morgantown, WV

---

<sup>1</sup> Letter to Members of Congress from 203 Business and Management School Professors, Sept. 15, 2015, <http://worklife.wharton.upenn.edu/wp-content/uploads/2012/11/Final-Business-School-Professors-Letter-to-Congress-in-Support-of-the-FAMILY-Act-September-15-2015.pdf>

<sup>2</sup> *Ibid.*

<sup>3</sup> Since submission of our 2015 letter, six states and the District of Columbia have joined California, New Jersey and Rhode Island in creating statewide paid family and medical leave programs. These are New York (2016), Washington (2017), the District of Columbia (2017), Massachusetts (2018), Connecticut (2019), Oregon (2019) and Colorado (2020); in addition, California's and New Jersey's programs have been expanded to offer job protection to workers in smaller companies and to offer more equitable coverage to lower-wage workers. See Vicki Shabo, *Explainer: Paid and Unpaid Leave Policies in the U.S.*, (New America, Dec. 2020), <https://www.newamerica.org/better-life-lab/articles/explainer-paid-and-unpaid-leave-policies-us/>; Vicki Shabo, *Explainer: Paid Leave Benefits and Funding in the U.S.*, (New America, Dec. 2020), <https://www.newamerica.org/better-life-lab/articles/explainer-paid-leave-benefits-and-funding-us/>.

We also note that business groups were instrumental in striking agreements with broad advocacy coalitions and lawmakers on both sides of the aisle to develop bills that passed with bipartisan support in Washington State, Massachusetts and Oregon, and small and large employer proponents offered strong business cases for these policies. See Washington Hospitality Association, "Businesses support bipartisan law creating statewide paid family and medical leave (June 30, 2017),

- <https://wahospitality.org/blog/businesses-support-binartisan-law-creating-statewide-paid-family-and-medical-leave/>; Shirley Leung, "How progressives and businesses made an unlikely deal on family leave," (The Boston Globe, June 28, 2018), <https://www.bostonglobe.com/business/other/2018/06/28/how-progressives-and-businesses-made-unlikely-deal-family-leave/>; Mark Miller, "Family leave bill inches through the legislature," (Mail Tribune (Oregon), June 14, 2019), <https://mailtribune.com/news/state-news/family-leave-bill-inches-through-legislature>
- <sup>4</sup> See, e.g., Ann Bartel, Maya Rossin-Slater, Christopher Ruhm, Jane Waldfogel, "Assessing Rhode Island's Temporary Caregiver Insurance Act: Insights from a Survey of Employers," (U.S. Department of Labor, January 2016), <https://www.dol.gov/agencies/oasdp/evaluation/WorkerLeaveStudy/WL-Assessing-Rhode-Island-Temporary-Caregiver-Insurance-Act>; Elisabeth Jacobs, "Paid Family and Medical Leave in the United States: A Research Agenda," (Washington Center for Equitable Growth, Oct. 2018), <https://equitablegrowth.org/research-paper/paid-family-and-medical-leave-in-the-united-states>; Joan Michelson, "How Small Companies Can Offer Great Paid-Leave Programs," (Harvard Business Review, Jan. 7, 2021), <https://hbr.org/2021/01/how-small-companies-can-offer-great-paid-leave-programs>; Akayla Gardner, "Pandemic Drives Up Business Support for Paid Leave," (Bloomberg Business News, Jan. 26, 2021), <https://www.bloomberg.com/news/articles/2021-01-26/covid-19-pandemic-drives-up-support-for-u-s-national-paid-leave>
- <sup>5</sup> Businesses Advancing National Paid Leave, [www.advancingpaidleave.org](http://www.advancingpaidleave.org) (last accessed Feb. 16, 2021); Small Business for Paid Family and Medical Leave, <https://www.smallbusinessforpaidleave.org/> (last accessed Feb. 16, 2021); Business Roundtable, "Paid Family and Medical Leave Policy," <https://www.businessroundtable.org/paid-family-and-medical-leave-policy> (last accessed Feb. 16, 2021); U.S. Chamber of Commerce, "Comments to DOL on Paid Leave," (Sept. 14, 2020), <https://www.uschamber.com/comment/comments-dol-paid-leave>; Ben Penn and Jaclyn Diaz, "Business Lobby Shifts Paid Leave Stance, Sensing Action in 2021," (Bloomberg Law, Sept. 16, 2021), <https://news.bloomberglaw.com/daily-labor-report/business-lobby-shifts-paid-leave-stance-sensing-action-in-2021>
- <sup>6</sup> U.S. Bureau of Labor Statistics, "National Compensation Survey: Employee Benefits in the United States, March 2020," (Tables 16 and 31), <https://www.bls.gov/nsc/ebs/benefits/2020/employee-benefits-in-the-united-states-march-2020.pdf>
- <sup>7</sup> Associated Press, "U.S. economy shrank 3.5 percent in 2020 after growing 4 percent last quarter," (PBS Newshour, Jan. 28, 2021), <https://www.pbs.org/newshour/economy/u-s-economy-shrank-3-5-in-2020-after-growing-4-last-quarter>
- <sup>8</sup> Claire Ewing Nelson, "Another 275,000 Women Left the Labor Force in January," (National Women's Law Center, Feb. 2021), <https://nwlc.org/wp-content/uploads/2021/02/January-Jobs-Div-FS.pdf>
- <sup>9</sup> See e.g., Charles L. Baum II and Christopher J. Ruhm, "The Effects of Paid Family Leave in California on Labor Market Outcomes," (Journal of Policy Analysis and Management, Vol. 35, 2, Feb. 2016), <https://onlinelibrary.wiley.com/doi/abs/10.1002/pam.21894>; Sarah Bana, Kelly Bedard & Maya Rossin-Slater, "The Impacts of Paid Family Leave Benefits: Regression Kink Evidence from California Administrative Data," (NBER Working Paper 22438, Rev. Jan. 2019), <https://www.nber.org/papers/w24438>; Elisabeth Jacobs, "Paid Family and Medical Leave in the United States: A Research Agenda," (Washington Center for Equitable Growth, Oct. 2018), <https://equitablegrowth.org/research-paper/paid-family-and-medical-leave-in-the-united-states>
- <sup>10</sup> Beth Bovino and Jason Gold, "The Key to Unlocking Growth? Women," (S & P Global, 2017), [https://www.spglobal.com/Media/Documents/03651.00\\_Women\\_at\\_Work\\_Doc8.5x11-R4.pdf](https://www.spglobal.com/Media/Documents/03651.00_Women_at_Work_Doc8.5x11-R4.pdf)
- <sup>11</sup> Anu Madgavkar, Olivia White, Mekala Krishnan, Deepa Mahajan, and Xavier Azcue, COVID-19 and gender equality: Countering the regressive effects (McKinsey & Company, July 15, 2020), <https://www.mckinsey.com/featured-insights/future-of-work/covid-19-and-gender-equality-countering-the-regressive-effects>
- <sup>12</sup> See, e.g., Vivian Hunt, Sara Prince, Sundiatu Dixon-Fyle and Lareina Yee, "Delivering Through Diversity," (McKinsey & Company, January 2018), [https://www.mckinsey.com/-/media/mckinsey/business%20functions/organization/our%20insights/delivering%20through%20diversity/delivering-through-diversity\\_full-report\\_ashx](https://www.mckinsey.com/-/media/mckinsey/business%20functions/organization/our%20insights/delivering%20through%20diversity/delivering-through-diversity_full-report_ashx); Stewart R. Levine, "Diversity Confirmed to Boost Innovation and Financial Results," (Forbes, Jan. 15, 2020), <https://www.forbes.com/sites/forbesinsights/2020/01/15/diversity-confirmed-to-boost-innovation-and-financial-results/?sh=1f90c597c4a6>
- <sup>13</sup> McKinsey & Company and Lean In, Women in the Workplace (2020), [https://wiw-report.s3.amazonaws.com/Women\\_in\\_the\\_Workplace\\_2020.pdf](https://wiw-report.s3.amazonaws.com/Women_in_the_Workplace_2020.pdf)
- <sup>14</sup> Vicki Shabo, "Paid Leave 2100: A Slogan That Should Be Chanted by No One, Ever," (The Start Up on Medium, Sept. 29, 2020), <https://medium.com/swlh/paid-leave-2100-a-slogan-that-should-be-chaunted-by-no-one-ever-6355907044a3>
- <sup>15</sup> Families First Coronavirus Response Act, Public Law No: 116-127, Div. G, Tax Credits for Paid Sick and Family Leave, <https://www.congress.gov/bills/116/congress-house-bill/6201/text/%7B%22search%22%3A%5B%22HR+6201%22%5D%7D&r=1&s=2> (last accessed Feb. 16, 2021)
- <sup>16</sup> World Policy Analysis Center, "A Review of the Evidence on Payment and Financing of Family and Medical Leave," (Feb. 2018), [https://www.worldpolicycenter.org/sites/default/files/WORLD%20Brief%20-%20Payment%20and%20Financing%20of%20Paid%20Family%20and%20Medical%20Leave\\_0.pdf](https://www.worldpolicycenter.org/sites/default/files/WORLD%20Brief%20-%20Payment%20and%20Financing%20of%20Paid%20Family%20and%20Medical%20Leave_0.pdf)
- <sup>17</sup> The Family and Medical Insurance Leave Act, H.R. 804/S. 248 (117<sup>th</sup> Congress, 2021), <https://www.congress.gov/bills/117/congress-house-bill/804/text/?r=5&s=1>



May 17, 2021

Senate Committee on Health, Education, Labor and Pensions  
428 Dirksen Senate Office Building  
Washington D.C. 20510

Re: Committee hearing on “Paid Leave for Working Families: Examining Access, Options, and Impacts”

To Chairwoman Murray, Ranking Member Burr, and HELP Committee members:

The Interreligious Working Group on Domestic Human Needs (DHN) represents a wide variety of religious organizations and faith traditions. We work to advance federal policies that will address the root causes of poverty and create a racially just and equitable society so that all individuals can live with dignity, ensuring a secure future for themselves and their families. To achieve that aspiration, we need a national, comprehensive system of paid family and medical leave.

We believe that no person should confront the impossible choice between their own health, the wellbeing of their families, or their economic security. Currently, just over one-fifth of workers have access to paid family leave through their employers, and only 40 percent have access to paid medical leave.<sup>1</sup> Although the Family and Medical Leave Act (FMLA) was a landmark step for workplace equity, nearly half of working people cannot access its provisions because of eligibility restrictions.<sup>2</sup> Furthermore, many workers who are eligible for unpaid leave under FMLA cannot afford to take it.

Low-income workers are least likely to have access to paid leave, leaving them especially vulnerable when unexpected medical or family emergencies arise. The devastating impact of the COVID-19 pandemic—which has left 40 percent of households with children facing food or housing hardship—painfully demonstrates the economic insecurity that low-income families are facing.<sup>3</sup> Far too many Americans are just a paycheck away from slipping into poverty, hunger, or housing insecurity. Paid family and medical leave would help low-income families to weather unexpected crises.

Due to the entrenched legacy of systemic racism and ongoing racial injustices, People of Color disproportionately occupy low-wage jobs and are more vulnerable to economic hardship, yet

<sup>1</sup> <https://www.nationalpartnership.org/our-work/economic-justice/paid-leave.html#>

<sup>2</sup> [https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/WHd\\_FMLA2018SurveyResults\\_FinalReport\\_Aug2020.pdf](https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/WHd_FMLA2018SurveyResults_FinalReport_Aug2020.pdf)

<sup>3</sup> <https://www.cbpp.org/research/poverty-and-inequality/tracking-the-covid-19-recessions-effects-on-food-housing-and>

they are much less likely to have access to paid leave.<sup>4</sup> Racial discrimination and inequitable access to medical care fuel disparities in public health outcomes, such as the outsize toll of COVID-19 on People of Color. Exclusion from paid leave exacerbates racial inequities in public health and economic security, as People of Color—and especially women of Color—are more likely to face unconscionable tradeoffs between their health, their families, and their paychecks. Because of racial wage and wealth gaps, People of Color have less of a safety net when confronted with emergency expenses. Our pursuit of racial equity in public health and economic outcomes demands a comprehensive, accessible national system of paid family and medical leave.

As the pandemic exposed and exacerbated economic and racial injustices, pandemic response measures also revealed the lifesaving potential of paid leave. Emergency paid leave provisions in the Families First Coronavirus Response Act reduced COVID-19 infections by approximately 400 cases per day in states where the law gave workers new access to guaranteed sick leave.<sup>5</sup> However, these programs were only temporary, and were not enough to stem the crisis of women exiting the workforce. More than 2.3 million women have left the workforce since February 2020, underscoring the need for permanent structural reforms that enable caregivers to balance their jobs, their families, and their own health.

We are grateful to the HELP Committee for highlighting the glaring economic injustices affecting working families, and we urge Congress to pass a comprehensive paid family and medical leave system.

Sincerely,

Bread for the World  
Catholic Labor Network  
Church World Service  
DC Dorothy Day Catholic Worker  
Friends Committee on National Legislation  
Jesuit Conference Office of Justice and Ecology  
National Council of Churches  
NETWORK Lobby for Catholic Social Justice  
Union for Reform Judaism  
United Church of Christ Justice and Witness Ministries

---

<sup>4</sup><https://www.bls.gov/opub/mlr/2019/article/racial-and-ethnic-disparities-in-access-to-and-use-of-paid-family-and-medical-leave.htm>

<sup>5</sup><https://equitablegrowth.org/factsheet-new-study-shows-that-emergency-paid-sick-leave-reduced-covid-19-infections-in-the-united-states/>

Senate Health, Education, Labor, and Pensions (HELP) Committee  
 428 Senate Dirksen Office Building  
 Washington, DC 20510

**NETWORK Lobby for Catholic Social Justice Supports Comprehensive Paid Leave**

Dear Chairman Murray and Ranking Member Burr,

Our mission at NETWORK Lobby for Catholic Social Justice is to educate, organize, and advocate for economic and social transformation. For almost 50 years, we have been guided by Catholic Social Teaching, which tells us to place the needs of people at the socioeconomic margins at the center of our advocacy. Founded by women religious in the 1970s, we continue their legacy today by building a just society that ensures all people have what they need to live dignified lives. We are proud to have over 100,000 supporters across the country who share our passion for justice.

As the Senate HELP Committee discusses paid leave for working families, NETWORK Lobby strongly urges the committee's support of a national paid family and medical leave program.

The COVID-19 pandemic has heightened the urgent need for paid family and medical leave. We need protections like paid leave in place before having a baby, a family member gets sick, or a pandemic hits. Our current ad hoc system of emergency paid leave is linked to a reduction in the spread of COVID-19 by as much as 400 reported cases per day where people gained access to the program. A pre-existing comprehensive and inclusive paid leave program would have saved lives during this devastating year. Paid leave is essential to our economic recovery and long-term health.

NETWORK Lobby strongly supports a national family and medical leave program that provides comprehensive leave with progressive wage replacement, job protection for all workers, and more inclusive definitions of family. Establishing a paid family and medical leave program is a necessary part of creating a just and equitable health and economic system.

Racial disparities in access to wealth and wealth building are compounded by a lack of access to paid family and medical leave. Additional disparities in access to other economic supports make it more difficult for families of color to recover from a serious family or medical need. Families of color also have a higher need for paid leave because they have worse healthcare outcomes than their white counterparts do. Gender and racial discrimination and job segregation make it more difficult for people of color to have paid leave through their employer. Finally, women of color continually suffer the most from the burden of these racial and gender disparities.

A national paid leave program must place the needs of people and women of color at the forefront in order to have equitable outcomes. In order to achieve this, a paid family and medical leave program must include:

- **Job protection** so that workers can take paid leave without fear of job loss. Research from current state paid leave programs finds that workers of color – particularly low-income workers of color – are less likely to take paid leave if they do not have job protection.
- Strong **anti-discrimination and anti-retaliation language** and enforcement are needed to make paid leave fully accessible to all individuals.
- **Wage replacement** rates must be as close to 100 percent as possible and it should be progressive by providing greater replacement to people with lower incomes.
- **Portability** so that paid leave benefits are attached to the worker rather than the employer, which allows workers to not be penalized for changing jobs.
- The **broadest eligibility possible**, including contingent and self-employed workers. Eligibility should be based on work and earnings history, rather than employer size or other factors related to the current employer.
- At least **12 weeks** for parental, family care and medical leave. Any paid leave program that does not provide meaningful and gender-neutral leave for all purposes will not meet the full needs of communities across the country.
- An **equitable implementation plan**. Research on current state paid leave programs finds that workers of color are less likely to be aware of the programs, the benefits they provide, and how to apply. This makes dedicated funding for outreach, education and enforcement to ensure equitable program usage and treatment by employers critical.

To ensure a national paid family and medical leave program helps all workers and reflects the gains made across the country, everyone who needs leave must be able to afford to take it, take it without risking their livelihood, and use it to care for those they love no matter who makes up their family. NETWORK Lobby is proud to work in solidarity with communities and families across the country who face immeasurable obstacles and we urge the committee to hear what a paid leave program could do to benefit the lives of every day working people. Now is the time to support working women and communities of color.

Sincerely,

Gina Kelley  
NETWORK Lobby for Catholic Social Justice



May 18, 2021

Senator Patty Murray  
Chair  
Senate Committee on  
Health, Education, Labor and Pensions  
428 Senate Dirksen Office Building  
Washington, DC 20510

Senator Richard Burr  
Ranking Member  
Senate Committee on  
Health, Education, Labor and Pensions  
428 Senate Dirksen Office Building  
Washington, DC 20510

Re: Committee hearing on "Paid Leave for Working Families: Examining Access, Options, and Impacts"

Dear Chair Murray, Ranking Member Burr, and Members of the Committee,

On behalf of the 170,000 members and supporters of the American Association of University Women (AAUW), I write to thank the Senate Health, Education, Labor and Pensions Committee for holding this hearing on paid leave and urge you to take swift action in support of a comprehensive paid family and medical leave program. We must ensure that all people, but especially women, have the ability to work and take the time they need to address serious health and caregiving needs without jeopardizing their employment and economic security.

Our current system is not meeting the basic health and economic needs of workers and their families. The lack of a national paid leave program particularly affects women, undermining their ability to fully participate in the workforce. Today, only 60 percent of working women have access to some paid sick days<sup>1</sup> and working mothers without a college degree are less likely to have access to paid leave<sup>2</sup> and more likely to be let go from their job or to quit during pregnancy or shortly after childbirth.<sup>3</sup> Nearly 40 percent of mothers say they are solely responsible for staying home from work with sick children, compared with only three percent of fathers.<sup>4</sup> Women disproportionately bear the economic cost of taking children or elderly family members to the doctor.<sup>5</sup> Yet, many women delay seeking health care for themselves because they cannot take time off work, affecting their capacities as both employees and primary caregivers.<sup>6</sup> And without access to paid leave, women face the continuing economic disadvantage of lost wages estimated at \$31.9 billion each year in lost wages.<sup>7</sup> For women over 50 who leave the workforce early to care for an aging parent, there is a loss of more than \$324,000 in wages and retirement.<sup>8</sup>

Persistent racial and gender inequities in access to paid leave result in approximately 71 percent of Latino workers, 67 percent of American Indian and Alaska Native workers, 61 percent of Black workers and 54 percent of Asian American and Pacific Islander workers being ineligible for or unable to afford to take unpaid FMLA leave.<sup>9</sup> The majority of caregivers are women, and of that group, more than half are women of color.<sup>10</sup> And while women of color are very often key breadwinners for their families,<sup>11</sup> Black women and Latinas are more likely to work in jobs that provide little upward mobility, stability and lower pay.<sup>12</sup> Women of color also continue to face punishing wage gaps: Asian American women are typically paid just 85 cents for every dollar paid to white, non-Hispanic men, Black women 63 cents, Native women 60 cents and Latinas just 55 cents.<sup>13</sup> This combination of inequities, including the racial

wealth gap, means that families of color may be less able to withstand the financial hardship associated with a serious family or medical event and struggle more to recover their economic stability.<sup>14</sup>

The coronavirus pandemic highlights in stark relief just how critical it is for workers to have paid leave. In 2020, women lost more than five million jobs.<sup>15</sup> In December 2020, the U.S. workforce lost 140,000 jobs but women lost a net 156,000 jobs and women of color made up an overwhelming share of those jobs.<sup>16</sup> The April 2021 Bureau of Labor Statistics monthly jobs report revealed that 165,000 women ages 20 and over dropped out of the labor force.<sup>17</sup> As childcare centers closed and schools were forced into remote learning, hundreds of thousands of parents, especially women, have been forced to choose between caring for their children and staying in the workforce. As of July 2020, nearly one in three mothers aged 25-44 were not working due to childcare issues.<sup>18</sup> Workers in low-paid frontline and essential jobs have been disproportionately women of color<sup>19</sup> and are typically less likely to have paid leave or the ability to work remotely.<sup>20</sup>

A federal paid leave program will build stronger families and healthier workers. Paid leave contributes to improved newborn and child health by allowing both parents the time they need to help with health care decisions and responsibilities. For example, time at home with newborns and young children has been shown to, among other benefits, increase parents' ability to attend medical visits and decrease infant and post-neonatal mortality rates.<sup>21</sup> It also allows ill or injured adults time to recover and gives family members time to care for sick relatives. It enables people to help their loved ones, including older family members with health problems, to recover from illness and avoid complications, thereby reducing hospital readmissions and health costs.<sup>22</sup> However, a lack of access to paid leave forces women to make the impossible choice between caring for a family member or keeping their job, potentially hampering their short- and long-term economic security. The absence of a national paid leave policy is unacceptable and must be rectified.

AAUW stands steadfast in its commitment to improving the lives of women and their families and urges you to support comprehensive paid and family leave. Please do not hesitate to contact me at [nielsonk@aauw.org](mailto:nielsonk@aauw.org) or 202.728.7617 or Leticia Bustillos, Federal Policy Manager, at [bustillosl@aauw.org](mailto:bustillosl@aauw.org) or 202.785.7724 if you have any questions.

Sincerely,



Kate Nielson  
Senior Director of Public Policy, Research & Legal Advocacy

<sup>1</sup> Isaacs, J., Healy, O., & Peters, H.E. (2017). Paid Family Leave in the United States: Time for a New National Policy, Urban Institute. [https://www.urban.org/sites/default/files/publication/90201/paid\\_family\\_leave\\_0.pdf](https://www.urban.org/sites/default/files/publication/90201/paid_family_leave_0.pdf).

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Institute for Women's Policy Research. (2016). Paid Sick Days Access and Usage Rates Vary by Race/Ethnicity, Occupation, and Earnings. <https://iwpr.org/wp-content/uploads/2020/08/B356-paid-sick-days.pdf>.

- 
- <sup>5</sup> Kaiser Family Foundation. (2018). "Women, Work, and Family Health: Key Findings from the 2017 Kaiser Women's Health Survey." <http://files.kff.org/attachment/Issue-Brief-Women-Work-and-Family-Health-KeyFindings-from-the-2017-Kaiser-Womens-Health-Survey>.
- <sup>6</sup> Ibid.
- <sup>7</sup> Glynn, S.J. (2020, January 21). "The Rising Cost of Inaction on Work-Family Policies." Washington, DC: Center for American Progress. <https://www.americanprogress.org/issues/women/news/2020/01/21/479555/rising-cost-inaction-work-family-policies/>
- <sup>8</sup> MetLife Mature Market Institute. (2011). "The MetLife Study of Caregiving Costs to Working Caregivers: Double Jeopardy for Baby Boomers Caring for Their Parents." <https://www.caregiving.org/wp-content/uploads/2011/06/mmi-caregiving-costs-working-caregivers.pdf>
- <sup>9</sup> Joshi, P., Baldiga, M., & Huber, R. (2020). Unequal access to FMLA leave persists. Brandeis University, The Heller School, Institute for Child, Youth and Family Policy website: <https://www.diversitydatakids.org/researchlibrary/data-visualization/unequal-access-fmla-leave-persists>.
- <sup>10</sup> National Partnership for Women & Families. (2018). "The Female Face of Family Caregiving." Washington DC: National Partnership for Women & Families. <http://www.nationalpartnership.org/our-work/resources/workplace/female-face-family-caregiving.pdf>.
- <sup>11</sup> Glynn, S. J. (May 10). Breadwinning Mothers Continue To Be the U.S. Norm. Center for American Progress. <https://www.americanprogress.org/issues/women/reports/2019/05/10/469739/breadwinning-mothers-continue-u-s-norm/>
- <sup>12</sup> National Partnership for Women & Families. (2018). "Paid Family and Medical Leave: A Racial Justice Issue – and Opportunity." Washington, DC: National Partnership for Women & Families. <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-leave/paid-family-and-medical-leave-racial-justice-issue-and-opportunity.pdf>.
- <sup>13</sup> National Partnership for Women & Families. (2021). America's Women and the Wage Gap. <https://www.nationalpartnership.org/our-work/resources/economic-justice/fair-pay/americas-women-and-the-wage-gap.pdf>; National Partnership for Women & Families. (2021). Quantifying America's Gender Wage Gap by Race/Ethnicity. <https://www.nationalpartnership.org/our-work/resources/economic-justice/fair-pay/quantifying-americas-gender-wage-gap.pdf>.
- <sup>14</sup> National Partnership for Women and Families. (2018).
- <sup>15</sup> Boesch, D. (2021, February 1). "When Women Lose All the Jobs: Essential Actions for a Gender-Equitable Recovery." Washington, DC: Center for American Progress. <https://www.americanprogress.org/issues/women/reports/2021/02/01/495209/women-lose-jobs-essential-actions-gender-equitable-recovery/>.
- <sup>16</sup> Kurtz, A. (2021, January 8). "The US economy lost 140,000 jobs in December. All of them were held by women." CNN Business. <https://www.cnn.com/2021/01/08/economy/women-job-losses-pandemic/index.html>.
- <sup>17</sup> Ewing-Nelson, C., & Tucker, J. (2021, May). "Women Need 28 Months of Jobs Gains at April's Level to Recover their Pandemic Losses." Washington, DC: National Women's Law Center. <https://nwl.org/wp-content/uploads/2021/05/April-Jobs-Day-Final-2.pdf>.
- <sup>18</sup> Heggeness, M.L., & Fields, J.M. (2020, August 18). *Working Moms Bear Brunt of Home Schooling While Working During COVID-19*. U.S. Census Bureau Publication. <https://www.census.gov/library/stories/2020/08/parents-juggle-work-and-child-care-during-pandemic.html>
- <sup>19</sup> Rho, H. J., Brown, H., & Frenstad, S. (2020). "A Basic Demographic Profile of Workers in Frontline Industries." Washington, DC: Center for Economic and Policy Research. <https://cepr.net/a-basic-demographic-profile-of-workers-in-frontlineindustries/>.
- <sup>20</sup> Maye, A., & Williamson, E. (2020). "In Their Own Voices: How Workers Earning Low Wages Struggle with COVID19." Washington, DC: Center for Law and Social Policy.
- <sup>21</sup> ZERO TO THREE and National Partnership for Women & Families, "The Child Development Case for a National Paid Family and Medical Leave Program," December 2018, <http://www.nationalpartnership.org/ourwork/resources/workplace/paid-leave/the-child-development-case-for-a-national-paid-family-and-medical-leave-insuranceprogram.pdf>.
- <sup>22</sup> FAMILY Act Coalition Letter to Congress, May 2019, <http://www.nationalpartnership.org/ourwork/resources/workplace/coalition/family-act-coalition-letter.pdf> (citing Institute of Medicine, *Retooling for an Aging America: Building the Health Care Workforce* (Washington, DC: The National Academies Press, 2008), <https://doi.org/10.17226/12089>; Alicia I. Arbaje et al., "Postdischarge Environmental and Socioeconomic Factors and the Likelihood of Early Hospital Readmission among Community-Dwelling Medicare Beneficiaries," *The Gerontologist* 48, no. 4 (August 2008), <https://doi.org/10.1093/geront/48.4.495>).

## Statement of NARAL Pro-Choice America

### Senate Committee on Health, Education, Labor, and Pensions Committee Hearing Paid Leave for Working Families: Examining Access, Options, and Impacts May 18, 2021

Thank you for the opportunity to submit a statement to the Committee on this important issue. On behalf of our 2.5 million members, NARAL Pro-Choice America (NARAL) urges you to support legislation to establish a comprehensive national paid family and medical leave program.

#### I. Paid Family and Medical Leave is a Critical Component of Reproductive Freedom

Paid family and medical leave is a critical component of reproductive freedom and everybody deserves the freedom, dignity, and financial stability that it offers. Paid leave is essential for allowing individuals and families to exercise their freedom to determine if, when, and how to have a child. Without it, people do not have the time needed to heal from childbirth, families do not have time to bond with their new babies, and many working people must risk their livelihoods to care for sick or injured family members.

The American College of Obstetricians and Gynecologists has recognized the importance of paid leave and the role it plays in improving the health of the pregnant/post-partum person and the new baby, reducing infant mortality, and strengthening the parent-child bond.<sup>1</sup>

Yet, because the United States currently lacks a national paid family leave program, one in four women return to work less than 10 days after giving birth.<sup>2</sup> Furthermore, under our current system in which workers are at the mercy of employer policies or state laws, Black and Hispanic employees are less likely to be eligible for paid leave programs than white workers.<sup>3</sup> These disparities further entrench income inequality and contribute to disproportionate maternal mortality rates.

Now more than ever, as we continue to weather the COVID pandemic, all people deserve quality time to nurture their children and care for themselves and their family members without the fear of financial instability. A paid family leave program will stop employers from denying new parents precious time with their new child and will provide all families with the dignity of paid time off to care for loved ones. It is essential that any paid leave program include all of the reasons for leave currently covered for unpaid leave under the Family and Medical Leave Act (FMLA). Proposals that limit paid leave only to reasons related to a new child (including pregnancy, birth, adoption, or foster care), that offer only temporary help, or that penalize parents for taking leave simply do not meet the needs of workers across the country.<sup>4</sup>



## II. Congress Should Act Now to Establish a Comprehensive National Paid Family and Medical Leave Program

We are past due for a national paid leave program to meet the needs of new parents and people with serious personal or family health conditions. Paid leave legislation is essential for ensuring that all working people have the ability to take time off to care for their children and family members, and to address their own serious health conditions.

Under current law established by FMLA, employers are only required to provide 12-weeks of unpaid leave.<sup>5</sup> FMLA also only applies to employers with over 50 employees, leaving millions of people without any workplace leave protections.<sup>6</sup> In 2020, only 20% of private sector workers in the United States had access to paid family leave through their employers.<sup>7</sup> In addition, 93% of people with low income have no access to paid family leave.<sup>8</sup> Working people who lack paid family and medical leave face lost wages or even job loss when they miss work because of their own illness, to recover from pregnancy and childbirth, or to care for an ill child or parent.

The U.S. needs a paid leave program available to all working people that would, at a minimum, provide all workers with an adequate portion of their wages for 12 weeks per year to:

- Address their own serious health conditions or due to pregnancy and childbirth;
- Care for a new child, including an adopted child or a child in foster care;
- Care for a family member with a serious health condition; or
- Take on certain caregiving responsibilities.

The definition of family must be inclusive to reflect the diverse identities and realities of workers across the country. Furthermore, the program must be gender-inclusive in order to address persistent sex discrimination in the utilization of leave benefits and reduce the disparity between women and men regarding who takes time off from work to fulfill caregiving duties. To prevent further entrenching gender, race, and income disparities, the program should also include job protections for workers who take leave. Finally, the program needs to include individuals with low wage jobs, self-employed individuals, and others who are currently systemically denied access to paid leave.

## III. Conclusion

All people deserve the freedom to nurture their children and care for themselves and their family members without the fear of financial instability. It is time to ensure that all working families have the freedom to care for their loved ones. NARAL strongly supports the creation of a national comprehensive paid family and medical leave program and urges lawmakers to pass such a bill.

<sup>1</sup> *Paid Parental Leave Statement of Policy*, AMERICAN COLLEGE OF OBSTETRICIANS AND GYNCOLOGISTS (Aug. 2020), [https://www.acog.org/clinical-information/policy-and-position-statements/statements-of-policy/2020/paid-parental-leave?utm\\_source=redirect&utm\\_medium=web&utm\\_campaign=int](https://www.acog.org/clinical-information/policy-and-position-statements/statements-of-policy/2020/paid-parental-leave?utm_source=redirect&utm_medium=web&utm_campaign=int).

<sup>2</sup> *A Quarter of New Moms Return to Work 2 Weeks After Childbirth*, CHICAGO TRIBUNE (Aug. 20, 2015), <https://www.chicagotribune.com/business/ct-maternity-leave-two-weeks-20150820-story.html>.

<sup>3</sup> *Quick Facts on Paid Family and Medical Leave*, CENTER FOR AMERICAN PROGRESS (Feb. 5, 2021), <https://www.americanprogress.org/issues/women/news/2021/02/05/495504/quick-facts-paid-family-medical-leave>.

<sup>4</sup> *Employee and Worksite Perspectives of the Family and Medical Leave Act: Results from the 2018 Surveys*, U.S. DEP'T OF LABOR (July 2020) (noting that 51% of employees who take unpaid FMLA leave do so to address their own illness, 25% take FMLA leave for pregnancy, childbirth, adoption, or foster care, and 19% take FMLA leave to care for a parent, spouse, or child), [https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/WHF\\_FMLA2018SurveyResults\\_FinalReport\\_Aug2020.pdf](https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/WHF_FMLA2018SurveyResults_FinalReport_Aug2020.pdf).

<sup>5</sup> 29 U.S.C. §§ 2601 *et seq.*

<sup>6</sup> 29 U.S.C. § 2611(4)(A).

<sup>7</sup> *Databases, Tables and Calculators by Subject: Percent of Private Industry Workers with Access to Paid Family Leave*, U.S. DEP'T OF LABOR, BUREAU OF LABOR STATISTICS (May 3, 2021), <https://data.bls.gov/timeseries/NBU28700000000000033349>.

<sup>8</sup> Fact Sheet: *Economic Recovery Must Include Job-Protected Paid Family and Medical Leave*, THE CENTER FOR LAW AND SOCIAL POLICY (MARCH 2021), [https://www.clasp.org/sites/default/files/publications/2021/03/2021\\_Economic%20Recovery%20PFML.pdf](https://www.clasp.org/sites/default/files/publications/2021/03/2021_Economic%20Recovery%20PFML.pdf).

National Council of Jewish Women  
2055 L St NW Suite 650  
Washington, DC 20036

T: 202. 296. 2588



National Council of Jewish Women

May 13, 2021

The Honorable Patty Murray  
Chair  
Committee on Health, Education, Labor,  
and Pensions  
United States Senate

The Honorable Richard Burr  
Ranking Member  
Committee on Health, Education, Labor,  
and Pensions  
United States Senate

Dear Chairman Murray and Ranking Member Burr,

National Council of Jewish Women (NCJW) thanks the Senate Committee on Health, Education, Labor, and Pensions for holding this hearing, "Paid Leave for Working Families: Examining Access, Options, and Impacts." Since our founding in 1893, NCJW has boldly imagined a world where women, children, and families are fully valued and supported. Through education, advocacy, and community service, our network of over 180,000 members, advocates, and supporters has worked to make this vision a reality at all levels of government and in communities across the United States. During this unprecedented public health crisis, NCJW has remained true to our values and committed to advocating on behalf of the most vulnerable among us. In the words of our founder, Hannah G. Solomon, "[w]e must add our voices to those who cry out that there is a standard below which we will not allow human beings to live, and that standard is not at the freezing nor starving point... In a democracy, all are responsible."

The COVID-19 pandemic laid bare America's broken caregiving infrastructure and created a generational crisis for women, and in particular, women of color. NCJW supports a robust and comprehensive response from Congress to address this critical moment. A path forward for our nation and economy includes creating a national paid family and medical leave program, giving workers access to paid sick days, and updating the Family and Medical Leave Act.

#### **Congress must pass comprehensive paid family and medical leave**

The Biden-Harris Administration's American Families Plan includes a commitment to phasing in over ten years a comprehensive paid family and medical leave program. NCJW supports legislation implementing this plan, either as part of the broader American Jobs Plan and American Families Plan or via the Family and Medical Insurance Leave (FAMILY) Act (HR 804 / S 248). The FAMILY Act, introduced in February 2021 by Representative Rosa DeLauro and Senator Kirsten Gillibrand, would provide up to twelve weeks of paid leave for workers to take care of their children, spouses, parents, and selves for the more than 100 million people in this country who need it. Regardless of the legislative vehicle, a comprehensive paid family and medical leave plan would have a monumental impact on single parents and low wage earners — disproportionately women and people of color — who have been hardest hit by the economic effects of the COVID-19 pandemic.

#### **Congress must pass the Healthy Families Act**

More than 30 million workers do not have access to paid sick days, forcing them to choose between caring for themselves and their families and their economic security. The Healthy Families Act (HR 2465 / S 1195), introduced by Representative Rosa DeLauro and Senator

Patty Murray in April 2021, would establish a national paid sick days standard. The bill would allow workers at companies with more than 15 employees to earn up to seven paid sick days each year to use to recover from illness, take care of their families, and seek assistance after incidents of domestic violence, stalking, and sexual assault.

**Congress must pass the Family Medical Leave Modernization Act**

While the landmark Family and Medical Leave Act of 1993 (FMLA) has helped to transform workplaces in the United States, it leaves far too many people behind, in part because of its outdated and restrictive definition of who is considered a family member. The Family Medical Leave Modernization Act (HR 2589 / S 1185), introduced by Representative Carolyn Maloney and Senator Dick Durbin in April 2021, would update the FMLA's definition of family to include a domestic partner, parent-in-law, aunt, uncle, sibling, adult child, grandparent, grandchild, son- or daughter-in-law, and other significant relationships. Additionally, the bill would guarantee that parents and other family caregivers have the ability to take time off to attend a medical appointment or school function without risk of losing their job.

Thank you again for holding this hearing on paid leave. We urge the Committee and Congress to act now to create an economy that supports women and families. If you have any questions, please contact Faith Williams, Associate Director of Government Relations and Advocacy at [fwilliams@ncjw.org](mailto:fwilliams@ncjw.org).

Sincerely,



Jody Rabhan  
Chief Policy Officer  
National Council of Jewish Women





**Statement of Kristin Rowe-Finkbeiner, Executive Director and CEO, MomsRising**

**United States Senate Committee on Health, Education, Labor & Pensions**

**May 18, 2021**

**“Paid Leave for Working Families: Examining Access, Options and Impact”**

On behalf of America’s moms, MomsRising thanks HELP Committee Chair Patty Murray, Ranking Member Richard Burr, and all the members of this Committee for holding a hearing on paid leave for working families on May 18, 2021. Paid leave is an issue of paramount importance to our country’s future. It is especially important as we rebuild our economy after the devastation the pandemic has caused. Women, moms, families, businesses, and our economy have a tremendous amount riding on whether lawmakers adopt the kind of comprehensive, permanent paid leave program the country needs.

We have needed a comprehensive paid leave program in this country for generations, and the need is especially intense right now. It would be impossible to overstate how badly COVID-19 undermined and damaged the economic security of women and families, with Black, indigenous and women and moms of color experiencing the worst economic harms due to structural racism. One statistic really says it all: Women were half of America’s paid labor force at the start of the pandemic, but now our workforce participation has plummeted to 1988 levels, with women losing 1 million more jobs than men and women of color experiencing disproportionate job losses. These were jobs women and families depended on to put food on their tables and roofs over their heads.

Our failure to invest in paid leave, as well as affordable, high-quality child care and other components of a care infrastructure, is a primary reason the pandemic took such a disproportionate and devastating toll, not only on women and families but also on our economy.

The numbers are sobering. Eighty percent of working people in the United States have no paid leave through their employers. Sixty percent have no access to personal medical leave to recover from serious illness through employer-sponsored short-term disability insurance. They come to work when they shouldn’t because they fear losing wages or their jobs; or they quit their jobs to

## MomsRising TOGETHER

recover or care for a new baby or seriously ill child or family member, forcing employers to deal with turnover and cover the high cost of recruitment and training replacements.

These are working people like MomsRising members Daniella in Virginia and Lakeisha in Nevada:

*"We have three kids— 3, 5 and 9 years old. When each of my children were born, I struggled immensely without a reasonable amount of paid parental leave, having just 1-2 weeks each time. I had postpartum depression and nursing difficulties. It was a very tumultuous, difficult time trying to meet work deadlines and not sleeping at all. I don't understand why it is this way. When the pandemic hit and my children's school went remote, I was overwhelmed trying to care [for] them while working two part-time jobs, but I didn't qualify for FFCRA paid leave because my employers were too small. I had to quit one of my jobs because working full-time and taking care of the kids just wasn't sustainable. We cut corners everywhere we can but we're at the end of our ropes, beyond exhausted. I've started to have panic attacks" Daniella said.*

*"I work for a big box company in Las Vegas and we didn't have access to any paid time off unless you were diagnosed with COVID-19 or you were a high risk. So people like myself who just had to be home with my daughter due to this COVID-19 pandemic didn't get any paid time off, just unpaid time off through April 30th, 2020. After that I have to go on a personal leave of absence which is still unpaid, and I'm still unsure if I'll receive unemployment benefits during this time because I haven't heard anything from the unemployment office at all. I'm just about broke now, savings are just about gone, I don't know where my next dollar is coming from, can't get answers from anyone because you can't talk to anyone during this time. There isn't enough financial assistance while all this is going on for everyone in need. THIS situation has become overwhelmingly STRESSFUL" Lakeisha said.*

In addition, 30 million workers – a quarter of the private sector workforce – cannot earn any paid sick days to use to recover from illness. These workers can hold jobs for decades without earning a day or even an hour of paid sick time. Even more working people cannot earn paid sick days to use to care for a child or other family member who is ill.

Failure to provide basic paid leave, including paid sick days, has been a terrible problem in our country for years. Even before the pandemic, workers and their families lost a combined \$22.5 billion in wages each year due to a lack of paid family and medical leave. The lack of access to

## MomsRising TOGETHER

paid leave leads to higher costs in unemployment, hospitalizations, and health care, and compounding financial losses to businesses and families alike.

Our failure to provide paid leave has become an even worse problem during the pandemic, which has sickened millions of people and forced even more to take time off to care for relatives stricken with COVID-19. Too many people have been forced to make an impossible choice between the income they need and the families they love because they have no paid leave. Too many employers have lost valuable employees they could have retained.

The United States is the outlier in the developed world in terms of paid leave. In most countries, paid leave is a core part of a commonsense care infrastructure people take for granted. Their governments recognize that people with jobs have family responsibilities, too. To date, Congress has not.

That needs to change. A comprehensive, permanent paid family and medical leave program will contribute to the recovery of workers' jobs, families' economic security, and our entire economy. Paid leave is one of voters' top recovery priorities and key to an economy with race and gender equity. We need it now and we need it permanently.

Congress knew this when it passed the Families First Coronavirus Relief Act, which included emergency paid leave benefits. Even though it contained loopholes that left out more than 100 million working people, those emergency benefits were linked to a reduction in the spread of COVID-19 by as much as 400 reported cases per day. Congress should not have allowed the emergency paid leave benefits to expire.

We ask you now to help rectify that mistake by supporting the Biden-Harris paid leave plan, which will ensure workers receive partial wage replacement to take time to bond with a new child, care for a seriously ill loved one, deal with a loved one's military deployment, find safety from sexual assault, stalking, or domestic violence, heal from their own serious illness, or take time to deal with the death of a loved one. It will guarantee 12 weeks of paid parental, family, and personal illness/safe leave and ensure workers get three days of bereavement leave per year starting in year one. The program will provide workers up to \$4,000 a month, with a minimum of two-thirds of average weekly wages replaced, rising to 80 percent for the lowest wage workers.

## MomsRising TOGETHER

We know you recognize that it's not enough to build back to what we used to have. We need to build back better, so women, moms, families, communities of color, caretakers, and our economy can thrive. In order for our country to fully recover, leaders in Congress must quickly adopt national paid leave for all. Paid leave is key to our long-term health, stability, and prosperity. Paid leave saves jobs. Paid leave saves lives. If we want to build back better, paid leave has to be part of the care infrastructure we must build.

Everyone gets sick, and we all need the chance to get better. That was true before COVID-19, it's true during the pandemic, and it will be true afterward. If we want to recover, we must build a real care infrastructure, and that begins with universal paid leave, child care for all, and home- and community-based services for people with disabilities and the aging. It also must include a higher minimum wage, fair pay legislation, making permanent the enhancements to the Earned Income Tax Credit and the Child Tax Credit, and a pathway to citizenship for immigrant workers, who have been crucial in combating the pandemic.

We look forward to working with you to adopt a comprehensive national paid leave policy that lifts all families and our economy. Thank you.





May 17, 2021

The Honorable Patty Murray  
Chair  
Committee on Health, Education, Labor,  
and Pensions  
United States Senate

The Honorable Richard Burr  
Ranking Member  
Committee on Health, Education, Labor,  
and Pensions  
United States Senate

Dear Chairwoman Murray and Ranking Member Burr,

The National Partnership for Women & Families is a nonprofit, nonpartisan advocacy organization based in Washington, D.C. Our mission is to improve the lives of women and families by achieving equality for all women. We promote fairness in the workplace, reproductive health and rights, access to quality, affordable health care and policies that help all people meet the dual demands of their jobs and families. We work toward creating a society that is free, fair and just; where nobody has to experience discrimination, all workplaces are family friendly, and every family has access to quality, affordable health care and real economic security.

No one should have to risk their job or face financial ruin when they need to welcome a new child, care for a seriously ill or injured family member or address their own major health condition. These are needs that nearly every working person will face at some point in their lives. Yet more than 110 million workers – 79 percent of the workforce – do not have paid family leave through an employer. More than 80 million do not have access to personal medical leave through an employer's short-term disability insurance program. And one in four lack access to even a single paid sick day.<sup>1</sup> As the pandemic has driven home, when working people do not have paid leave, families' health and economic security suffers, businesses lose valued employees, economic growth is reduced and progress toward gender and racial equity stalls. A national paid family and medical leave program and a national paid sick days guarantee are essential investments in a robust recovery from the pandemic and a healthier, more prosperous future for America's families.

#### **The U.S. Economy Will Not Recover Without Investing in Caregiving Infrastructure**

The coronavirus pandemic has proven beyond a doubt that our communities, our health and our economy suffer when working people – especially women – are forced to choose between their jobs and the time they need to care for their health and their loved ones. Before the pandemic, one-quarter of private sector workers did not have any paid sick time to recover from short-term illness like the flu, to seek preventive care or to care for a family member on a short-term basis. Nearly eight in ten civilian workers had no paid family leave to welcome a child or care for a family member's serious health condition, and six in ten had no paid medical leave for serious or longer-term health conditions, such as recovering from COVID-19.<sup>2</sup> Even emergency measures enacted in March left up to 106 million workers

1875 connecticut avenue, nw ~ suite 650 ~ washington, dc 20009 ~ phone: 202.986.2600 ~ fax: 202.986.2539  
email: [info@nationalpartnership.org](mailto:info@nationalpartnership.org) ~ web: [nationalpartnership.org](http://nationalpartnership.org)

without guaranteed protections.<sup>3</sup> Access is also inequitable: about 71 percent of Latinx workers, 67 percent of American Indian and Alaska Native workers, 61 percent of Black workers and 54 percent of Asian American and Pacific Islander workers are either not eligible for or cannot afford to take unpaid leave through the Family and Medical Leave Act.<sup>4</sup> And nearly half (48 percent) of Latinx workers and more than one-third (36 percent) of Black workers reported having no paid time away from work of any kind.<sup>5</sup>

When the novel coronavirus began to spread, tens of millions of workers had little choice but to either risk their health and their families' well-being to keep a paycheck or to leave the workforce completely. And when school and child care facilities closed, tens of millions of parents – but primarily mothers – struggled to keep their jobs while caring for and teaching their children at home. In fact, mothers with children under the age of 18 provided more than 57 million hours of unpaid care in 2020 at a value of at least \$416 billion,<sup>6</sup> and far too many of them did so without adequate paid leave.

The public health and economic toll of the pandemic has been high, particularly for women of color. Increased exposure at frontline jobs, compounded by adverse social determinants of health – from lack of access to health care to medical discrimination and racism in health care to cramped living conditions caused by unaffordable housing – means many of the same communities that faced preexisting health inequities have now borne the highest caseloads and worst mortality from COVID-19.<sup>7</sup> Adjusted for age, Black people have been 2 times as likely, Latinx people 2.4 times as likely, Pacific Islanders 2.6 times and Native people 3.3 times as likely as white people to die from COVID-19.<sup>8</sup> And in addition to high risks of coronavirus exposure in frontline occupations including health care, Asian Americans are also facing a spike in hate crimes, racist harassment and scapegoating, experiences that also take a toll on mental and physical health.<sup>9</sup>

In April 2020, Latinx, Black and Asian American people made up disproportionately large shares of those who were not able to work due to coronavirus symptoms. But emergency paid sick and family leave covering up to half the workforce had just been implemented – and six in ten ill workers were receiving at least some pay.<sup>10</sup> Thanks to that emergency leave, the spread of COVID-19 was reduced by an estimated 15,000 cases per day.<sup>11</sup>

But by May 2020 – when a seriously ill worker would have used up the two weeks of emergency sick leave – the majority of ill workers reported receiving no pay for their time away from work.<sup>12</sup> Workers who were exposed to the virus but were forced to go to work due to lack of paid sick leave almost certainly contributed to greater spread of the virus at in-person workplaces, as has been documented for other infectious and airborne diseases.<sup>13</sup> To date, sick and quarantining workers lost an estimated \$21 billion in income from the combination of lack of paid medical leave and low rates of income replacement in typical disability insurance.<sup>14</sup> Early evidence also indicates that workers with COVID-19 who were not able to fully rest for at least two weeks were more likely to develop complex long-term symptoms, which may have consequences for their health and ability to work in the future.<sup>15</sup> The symptoms of COVID-19 can be relentless and long lasting for an estimated 10 to 15 percent of those who contract the disease, as many as three to five million people. Without access to paid leave, those who have survived the disease may face economic hardship as they recover for multiple weeks or months.<sup>16</sup>

People of color, particularly women, were also disproportionately employed in industries hit by pandemic-related closures, layoffs and reduced hours. At the same time, they also faced increased demands for family caregiving. These factors, combined with longstanding economic vulnerabilities, combined to push millions of women of color out of jobs and out of the workforce. In essence, those who had the least were made to give up the most. The results are clear and devastating. Black and Latina women experienced the sharpest drops in employment in spring of 2020, and while most men experienced a steady, if slow, return to jobs later in the year, women actually saw a second round of job losses in late 2020.<sup>17</sup> In fact, between November 2020 and January 2021, 46,000 Black women, 244,000 Latina women, and 26,000 white women lost or left their jobs, while 144,000 white men gained jobs. Asian American workers have been hit the hardest by long-term unemployment, with nearly half (46 percent) of unemployed Asian Americans having been unemployed for 15 weeks or more as of January 2021, compared to 43 of Black workers and 39 percent of Latinx and white, non-Hispanic workers.<sup>18</sup> Asian Americans have experienced a sharp drop in the share of their overall population who are employed, which still had not fully recovered after the Great Recession in 2008.<sup>19</sup>

We know that the need for time to care is universal. Nearly every working person will someday welcome a new child, deal with their own serious health issue or need to provide care to a seriously ill, injured or disabled loved one. Yet despite progress, most people still do not have the security they need to take time away from their jobs. The lack of paid leave costs the United States \$22.5 billion each year in lost wages alone, even before the pandemic.<sup>20</sup> And women's labor force participation losses due to the pandemic could amount to tens of billions more lost each year if nothing is done.<sup>21</sup>

A permanent, comprehensive paid family and medical leave program is an essential piece of public health and caregiving infrastructure to ensure that the United States is never again caught unprepared for a crisis like the pandemic. And longstanding laws and recent innovations at the state and federal level provide direction for a common-sense federal program that will be fair and workable for working people, employers and taxpayers.

### **It Is Past Time to Fulfill the Promise of the Family and Medical Leave Act**

Over more than a quarter-century, the Family and Medical Leave Act (FMLA) has given millions of working people the opportunity to take the time off they needed to care for themselves and their families. The FMLA allows qualified individuals to take up to twelve weeks of unpaid leave to care for themselves, for a family member or for a new child. Since it was signed into law in 1993, it has been used more than 300 million times,<sup>22</sup> with almost 15 million workers taking FMLA-type leaves each year.<sup>23</sup> More than half (52 percent) of the individuals who take leave under the FMLA do so for personal medical care, with 21 percent taking leave to care for a new child and 23 percent taking leave to care for a family member, including for military exigency leave.<sup>24</sup>

Despite strong concerns about potential negative impacts on the nation's businesses or the potential for fraud or misuse by employees in the lead up to its passage, the FMLA has turned out to be good for employers, with most employers reporting neutral or positive effects when employees take FMLA leave. The majority of worksites report no noticeable effect from complying with the FMLA, and more than one-third experienced positive

effects.<sup>25</sup> Furthermore, there is little evidence that employees misuse leave – fewer than 2 percent of worksites report any misuse of the FMLA.<sup>26</sup>

But while the FMLA has helped to transform workplaces in the United States, it has left far too many people behind. More than 40 percent of the workforce is not covered by the FMLA, and each year nearly 2.7 million of these workers need leave but do not take it because they fear losing their job.<sup>27</sup> And among those who do qualify for the FMLA, too many people cannot afford to take unpaid leave.<sup>28</sup> Additionally, the FMLA's restrictive definition of who is considered a family member – a spouse, parent, or minor child – does not reflect what families today look like. An estimated 8.4 million people each year (5.3 percent of all workers) take leave for a non-FMLA-covered individual – meaning their jobs are not protected during leave – and among workers who did not take leave when they needed it, 14 percent said the person they needed to care for was not covered.<sup>29</sup>

### **State Programs and Federal Emergency Leave Point the Way Forward**

Congress took a huge step forward with the passage of the Families First Coronavirus Response Act, which was built in part on the foundation of the FMLA. The emergency paid sick days and paid leave for child care provisions in this law allowed some workers to take 10 days of paid sick time to care for themselves if they are sick with COVID-19 or under quarantine, or to care for a family member in the same condition. Workers were also eligible for 10 days of paid sick time, plus 10 weeks of longer-term paid leave, to care for children whose school or place of care is closed due to COVID-19. While these benefits were paid for directly by the employer to make them more accessible, the federal government covered the full cost of all benefits that employers are required to provide. These provisions provided much-needed relief to many workers, ensuring they didn't have to choose between their health and caregiving needs or their paycheck, and to businesses who don't have to worry about whether or not they can afford to pay for their employees' leave.

Emergency leave worked: in the month after it was implemented, the spread of the coronavirus was reduced by an estimated 15,000 cases per day.<sup>30</sup> But about half the workforce lacked coverage due to employer size and occupation exemptions, and the right to take leave expired at the end of 2020, with only the employer tax credits remaining. Evidence suggests that while the need for a leave program was significant, this structure was not workable for many employers: a survey from the National Federation of Independent Business found that by March 2021, nearly half of employers (44 percent) had had at least one employee take COVID-19 paid sick or family leave, but only four in ten of employers with a leave-taker had claimed a tax credit.<sup>31</sup> A permanent federal program would help alleviate this potential cost in the future.

State programs provide a successful model for a permanent federal program. To date, ten states, including the District of Columbia, have enacted comprehensive paid family and medical leave insurance programs, seven of which are currently up and running.<sup>32</sup> Fourteen states including the District of Columbia and twenty-two localities have also passed paid sick days guarantees, allowing people shorter-term time off to recover from short-term illness, seek preventive care like vaccinations or care for a family member in either of these situations.<sup>33</sup>

Evidence from these programs shows that, when designed correctly, they can have tremendous benefits for workers, families, and public health, and can respond quickly and nimbly to adjust benefits during a public health crisis.<sup>34</sup> Research shows that paid leave helps people with health conditions maintain their incomes and jobs while enabling them to seek timely treatment and rest.<sup>35</sup> Paid leave supports elder care<sup>36</sup> and keeps family caregivers in the labor force<sup>37</sup>, including after a health shock.<sup>38</sup> Paid leave also reduces nursing home utilization<sup>39</sup> – a vital need given that nearly 40 percent of COVID-19 deaths have been connected to nursing homes and long-term care facilities,<sup>40</sup> and deaths have been higher in facilities with a higher percentage of residents of color.<sup>41</sup> Paid leave will also help address the maternal health crisis, particularly among Black and Native American women. When Temporary Disability Insurance programs in California, New Jersey, New York and Rhode Island began providing benefits for pregnancy-related disability and childbirth recovery in 1978, the rates of preterm births and low birthweights fell, particularly among Black women.<sup>42</sup> State paid family leave programs increased parity in the duration of maternity leave taken between white women and women of color, as well as in rates of initiation of breastfeeding,<sup>43</sup> reduced rates of food insecurity in the year following a birth, especially for households with very low food security, which are disproportionately likely to be Black or Latinx,<sup>44</sup> and improved rates of on-time vaccinations, with the strongest impact on families below the poverty line.<sup>45</sup> Paid leave programs improve the physical and mental health of new mothers, with the strongest effects for single mothers and mothers with low incomes, who are disproportionately women of color.<sup>46</sup>

Evidence also shows that these programs have remained fiscally sound and are workable for employers. The vast majority of California employers reported a positive effect on employee productivity, profitability and performance, or no effect.<sup>47</sup> Firm-level analysis of employers in California before and after paid family leave was implemented confirmed that for the average firm, wage costs had not increased and turnover rates had decreased.<sup>48</sup> In New Jersey, the majority of both small and large businesses say they have adjusted easily.<sup>49</sup> Small and mid-size employers in New York reported greater ease managing worker absences after the paid family leave program was implemented, and no negative impact on employee performance.<sup>50</sup>

In jurisdictions with paid sick days laws in effect, the majority of employers say they are supportive of the law, and many have seen increased growth and reported no negative impact on profitability. Because paid sick days are proven to reduce the spread of infectious disease and reduce workplace injuries, employers also stand to reap significant savings from reduced presenteeism, absences due to illness, and potential to workers' compensation costs. Providing paid sick days could save employers up to \$1.8 billion each year through fewer absences from reduced spread of flu-like illnesses alone.<sup>51</sup>

But even in states that have paid leave social insurance programs, people are still left out. Think of the person in Massachusetts undergoing surgery, whose son in Nevada can't get the time off to care for her. Or the person in Virginia who can't take time away to move her dad in California into a nursing home. Until we have a national, universal, comprehensive paid family and medical leave program, working people will continue to be left behind.

### Best Practices for an Inclusive National Plan

In order to truly meet the needs of working people, a paid family and medical leave program must have certain core principles.<sup>52</sup> It must be comprehensive of all FMLA-covered events and be gender-equal, particularly as our nation ages and more working people are called upon to care for their family members.<sup>53</sup> It must have adequate wage replacement so that people can actually afford to take time off, as well as a meaningful duration of leave so that people have enough time to physically recover from health conditions or from childbirth, to bond with their new children or to take care of their family members. It must incorporate an inclusive definition of who is considered a family member to adequately reflect the way our families really look, particularly for families of color, immigrant families and the LGBTQ community.<sup>54</sup> It must offer job protection so that people can take the time off they need without having to worry if their job will still be there for them when they return.<sup>55</sup> Additionally, working people need a nationwide paid sick days standard that allows them to accrue hours of job-protected paid sick leave to care for their own short-term illness; to seek preventive care; to deal with circumstances related to sexual assault, domestic violence, and stalking; and to care for a family member in any of these circumstances.

The Family and Medical Insurance Leave (FAMILY) Act is a comprehensive, inclusive and common sense plan to update the FMLA and ensure nearly all working people can take paid time away from their jobs to care for themselves or a loved one. The FAMILY Act is modeled on successful state programs. Ten states, including the District of Columbia, have passed comprehensive paid family and medical leave programs, seven of which have been fully implemented. These state programs have provided more than 13 million paid leaves since 2004, when California became the first state to implement paid family leave, building on its longstanding temporary disability insurance program.<sup>56</sup> All programs have remained financially sound and affordable, even for workers with the lowest wages. A large and growing body of evidence from these tried and tested models shows that paid leave programs help working people meet their caregiving needs, with clear benefits to families' health and economic security, small and large businesses and state economies. Additionally, the Healthy Families Act would create a nationwide standard for paid sick days built on the example set by state progress. Fourteen states including the District of Columbia and twenty-two localities have passed strong paid sick days policies.

Polling has consistently found strong levels of support for universal, comprehensive paid family and medical leave and a national paid sick days standard. In fact, nearly eight in ten 2020 voters (79 percent) support a permanent paid family and medical leave program, including more than two-thirds of Republicans (67 percent), three-quarters of Independents (77 percent) and nine-tenths of Democrats (93 percent). And more than eight in ten voters (82 percent) support permanent paid sick days, including seven in ten Republicans (72 percent), nearly eight in ten Independents (79 percent) and nine in ten Democrats (93 percent).<sup>57</sup>

### **Working Families Cannot Afford Cuts to Other Critical Programs**

To improve economic security and gender and racial equity, workers and their families need robust supports for their health and caregiving needs across the lifespan, and one essential support cannot come at the expense of another. Critically, the FAMILY Act would be sustainably funded, and so would ensure workers access to comprehensive paid family and medical leave without threatening cuts to other essential programs that workers and their families rely on, such as Social Security or the Child Tax Credit.

National paid leave is part of the robust caregiving infrastructure that this United States needs to recover from the pandemic. It will work hand-in-hand with investments in quality, affordable child care, home and community-based services, and long-term care to help women and all people meet their care needs and participate fully in our economy.

The FAMILY Act is a comprehensive, affordable plan that would help working people address the range of caregiving needs their families experience throughout their working years, while preserving their financial security in their working years and in retirement.

### **National Paid Leave Will Help Create an Economy That Works for All Families**

The nationwide paid family and medical leave program created under the FAMILY Act and the nationwide paid sick days standard set by the Healthy Families Act will promote gender and racial equity, help working families achieve financial security, and strengthen small and large businesses and the economy.

These transformational programs will provide families financial security and peace of mind at some of the most challenging moments in life, making the largest impacts on the families currently struggling the most. It will enable more women to remain in the workforce, allow parents to invest more time and care in their children, and help older Americans to age with dignity and support from their loved ones. More than 100 million working people in this country cannot afford to wait.

---

<sup>1</sup> U.S. Bureau of Labor Statistics. (2020, September). *National Compensation Survey: Employee Benefits in the United States, March 2020* (Table 16, Table 31). Retrieved 11 May 2021, from <https://www.bls.gov/ncs/lebs/benefits/2020/employee-benefits-in-the-united-states-march-2020.pdf>

<sup>2</sup> Ibid.

<sup>3</sup> Glynn, S. J. (2020, April 17). *Coronavirus Paid Leave Exemptions Exclude Millions of Workers from Coverage*. Retrieved 21 April 2021 from Center for American Progress website: <https://www.americanprogress.org/issues/economy/news/2020/04/17/483287/coronavirus-paid-leave-exemptions-exclude-millions-workers-coverage/>

<sup>4</sup> Joshi, P., Baldiga, M., & Huber, R. (2020, January). *Unequal access to FMLA leave persists*. Retrieved 21 April 2021 from diversitydatakids.org website: <http://diversitydatakids.org/research-library/data-visualization/unequal-access-fmla-leave-persists>

<sup>5</sup> U.S. Bureau of Labor Statistics. (2019, August 29). *Access to and Use of Leave Summary* (Table 1). Retrieved 21 April 2021, from <https://www.bls.gov/news.release/leave.t01.htm>

<sup>6</sup> National Partnership for Women & Families. (2021, May). *Women Carried the Burden of Unpaid Caregiving in 2020*. Retrieved 12 May 2021, from <https://www.nationalpartnership.org/our-work/resources/economic-justice/women-carried-the-burden-of-unpaid-caregiving-in-2020.pdf>

- <sup>7</sup> APM Research Lab. (2021, March 5). *The Color of Coronavirus: COVID-19 Deaths by Race and Ethnicity in the U.S.* Retrieved 12 May 2021, from <https://www.apmresearchlab.org/covid/deaths-by-race>. The white population in the United States skews older than other groups, and so would be expected to make up a large share of COVID-19 deaths on that numerical basis. The high relative mortality rates for most BIPOC groups, after adjusting for age, reveal that Pacific Islanders, Latinx people, Native people and Black people are dying at higher rates at comparatively younger ages.
- <sup>8</sup> Ibid.
- <sup>9</sup> Ruiz, N. G., Menasce Horowitz, J., & Tamir, C. (2020, July). *Many Black and Asian Americans Say They Have Experienced Discrimination Amid the COVID-19 Outbreak*. Retrieved 21 April 2021, from Pew Research Center website: <https://www.pewresearch.org/social-trends/2020/07/01/many-black-and-asian-americans-say-they-have-experienced-discrimination-amid-the-covid-19-outbreak/>; Lee, S., & Waters, S. F. (2020). Asians and Asian Americans' experiences of racial discrimination during the COVID-19 pandemic: Impacts on health outcomes and the buffering role of social support. *Stigma and Health*. Advance online publication. doi:10.1037/sah0000275
- <sup>10</sup> Mason, J., & Molina Acosta, P. (2021). *Called to Care: A Racially Just Recovery Demands Paid Family and Medical Leave*. National Partnership for Women & Families Publication. Retrieved 12 May, 2021 from <https://www.nationalpartnership.org/our-work/economic-justice/reports/called-to-care-a-racially-just-demands-paid-family-and-medical-leave.html>
- <sup>11</sup> Pichler, S., Wen, K., & Ziebarth, N. R. (2020, October). COVID-19 Emergency Sick Leave Has Helped Flatten The Curve In The United States. *Health Affairs*, 39(12). doi:10.1377/hlthaff.2020.00863. While large employers are somewhat more likely to offer paid family leave and paid sick leave, many do not or fail to cover all their employees. An analysis of shift workers at 91 large employers, not covered by the law, indicates more than half lacked access to paid leave, and at fast food companies, three quarters or more. See Schneider, D., & Harknett, K. (2020). *Estimates of Workers Who Lack Access to Paid Sick Leave at 91 Large Service Sector Employers*. The Shift Project at Harvard University. Retrieved 21 April 2021, from <https://shift.hks.harvard.edu/paid-sick-leave-brief/>
- <sup>12</sup> See note 10, Mason, J., & Molina Acosta, P. (2021).
- <sup>13</sup> See for example Kumar, S., Crouse Quinn, S., Kim, K. H., Daniel, L. H., & Freimuth, V. S. (2012, January). The Impact of Workplace Policies and Other Social Factors on Self-Reported Influenza-Like Illness Incidence During the 2009 H1N1 Pandemic. *American Journal of Public Health*, 102(1), 134-140. doi:10.2105/AJPH.2011.300482
- <sup>14</sup> Integrated Benefits Institute. (2021, April 20). *COVID-19 Lost Time from Work Could Cost Employers More Than \$50 Billion Per Integrated Benefits Institute Analysis*. Retrieved 12 May 2021, from <https://www.ibiweb.org/covid-19-lost-work-time-costs-2021/>
- <sup>15</sup> Ziauddeen, N., Gurdasani, D., O'Hara, M. E., et al. (2021, March 26). Characteristics of Long Covid: Findings from a Social Media Survey. *medRxiv*, preprint. doi: 10.1101/2021.03.21.21253968v1.full.pdf
- <sup>16</sup> Scientific understanding of this new disease is still developing and estimates vary of the incidence of lasting health effects of COVID-19; 10 to 15 percent is a conservative estimate for symptoms lasting longer than 90 days, particularly among patients with severe illness. See Cirulli, E. T., Schiabor Barrett, K. M., Riffe, S., Bolze, A., et al. (2020, December 1). Long-term COVID-19 symptoms in a large unselected population. *medRxiv*. Preprint. doi: 10.1101/2020.10.07.20208702; del Rio, C., Collins, L. F., & Malani, P. (2020, October 5). Long-term Health Consequences of COVID-19. *Journal of the American Medical Association*. 324(17): 1723-1724. doi: 10.1001/jama.2020.19719; Yehlin, D., Wirthheim, E., Vetter, P., Kahl, A. C., et al. (2020, September 1). Long-term consequences of COVID-19: research needs. *The Lancet: Infectious Diseases*. 20(10): P1115-1117. doi: 10.1016/S1473-3099(20)30701-5
- <sup>17</sup> Federal Reserve Board of St. Louis. (2021, February). *Federal Reserve Economic Data, Series LNS12000032, LNU02000035, LEU0254468300Q, LEU0264468300Q, LNS12000029, LNS12000028, LNU02000034, LNS12000031, LEU0254468200Q and LEU0264468200Q, January 2020-December 2020*. Retrieved 21 April 2021, from <https://fred.stlouisfed.org/>. Analysis of employment levels for White, African American and Hispanic men and women 20 years and older, and estimates of employed part time: wage and salary workers for Asian men and women 16 years and over; data for Asian workers reported quarterly and only available through Q3 2020 as of February 10, 2021.
- <sup>18</sup> Contractor, H. J. (2021, February). Analysis of Current Population Survey data. Personal correspondence from the author. Former Economic Policy Advisor to Secretary of Labor Tom Perez. Available on request at the National Partnership for Women & Families.
- <sup>19</sup> Federal Reserve Bank of St. Louis. (n.d.) Employment Population Ratio – Asian (LNU02332183). Retrieved 21 April 2021, from <https://fred.stlouisfed.org/series/LNU02332183>; See also U.S. Department of Labor. (2019). The Economic Status of Asian Americans and Pacific Islanders in the Wake of the Great Recession. Retrieved 21 April 2021, from <http://asianchamberphila.org/wp-content/uploads/2019/05/20140828-AAPL.pdf>
- <sup>20</sup> Glynn, S. J. (2020, January 21). *The Rising Cost of Inaction on Work-Family Policies*. Retrieved 21 April 2021, from Center for American Progress website: <https://www.americanprogress.org/issues/women/news/2020/01/21/479555/rising-cost-inaction-work-family-policies/>
- <sup>21</sup> Kashen, J., Glynn, S., & Novello, A. (2021, March 04). *How COVID-19 Sent Women's Workforce Progress Backward: Congress' \$64.5 Billion Mistake*. Retrieved April 21, 2021, from <https://hcf.org/content/report/how-covid-19-sent-womens-workforce-progress-backward-congress-64-5-billion-mistake/?session=1&amp;agreed=1>
- <sup>22</sup> Calculation is based on the number of covered and eligible workers multiplied by the rates of leave taking (the percentage of the people who were eligible for FMLA leave who actually took it) for each period covered by an FMLA survey to determine total leave takers for each period and then summed to determine total uses. The number of covered and eligible workers for each period is based on the average civilian noninstitutionalized, employed workforce calculated using 1994-2020 Current Population Survey monthly workforce statistics multiplied by a percentage of covered and eligible workers reported in the 1995 (pg. xvi), 2000 (Table A2-3.1), 2012 (Exhibit 2.2.1) and 2018 DOL surveys (p. 6). For rates of leave taking among eligible workers, see Klerman, J. A., Daley, K., & Pozniak, A. (2012, September 7). Family and Medical Leave in 2012: Technical Report (p. 62). Abt Associates publication. Retrieved 21 April 2021, from Department of Labor website: <https://www.dol.gov/sites/dolgov/files/OASP/legacy/files/FMLA2012-Technical-Report.pdf> and Brown, S., Herr, J., Roy, R., & Klerman, J. A. (2020, July) Employee and Worksite Perspectives of the Family and Medical Leave Act: Supplemental Results from the 2018 Surveys (p. 23). Retrieved 21 April 2021, from [https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/WHID\\_FMLA2018SurveyResults\\_Appendices\\_Aug2020.pdf](https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/WHID_FMLA2018SurveyResults_Appendices_Aug2020.pdf)



- <sup>23</sup> Brown, S., Herr, J., Roy, R., & Klerman, J. A. (2020, July) Employee and Worksite Perspectives of the Family and Medical Leave Act: Supplemental Results from the 2018 Surveys (p. 23). Retrieved 21 April 2021, from [https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/WHDD\\_FMLA2018SurveyResults\\_Appendices\\_Aug2020.pdf](https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/WHDD_FMLA2018SurveyResults_Appendices_Aug2020.pdf)
- <sup>24</sup> Ibid.
- <sup>25</sup> Ibid, Exhibit 8.5.1.
- <sup>26</sup> Ibid, p. 156.
- <sup>27</sup> Ibid, p. 21.
- <sup>28</sup> Ibid, p. iii.
- <sup>29</sup> Department of Labor. (2020, July) Employee and Worksite Perspectives of the Family and Medical Leave Act: Supplemental Results from the 2018 Surveys. (Appendix B4-3. Reasons for taking most recent leave in past 12 months). Retrieved 21 April 2021, from [https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/WHDD\\_FMLA2018SurveyResults\\_Appendices\\_Aug2020.pdf](https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/WHDD_FMLA2018SurveyResults_Appendices_Aug2020.pdf)
- <sup>30</sup> Pichler, S., Wen, K., & Ziebarth, N. R. (2020, October 15). COVID-19 emergency sick leave has helped flatten the curve in the United States. *Health Affairs*, 39(12). doi: 10.1377/hlthaff.2020.00863
- <sup>31</sup> National Federation of Independent Business. (2021, March). *Covid-19 Small Business Survey (16)* PPP, ERTC, the Economy, the Vaccine, and Employee Compensation. Retrieved 12 May 2021, from <https://assets.nfib.com/nfibcom/Covid-19-16-Questionnaire.pdf>
- <sup>32</sup> National Partnership for Women & Families. (2019, August). *State Paid Family and Medical Leave Insurance Laws*. Retrieved 21 April 2021, from <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-leave/state-paid-family-leave-laws.pdf>
- <sup>33</sup> National Partnership for Women & Families. (2021, January). *Current Paid Sick Days Laws*. Retrieved 17 May 2021, from <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/current-paid-sick-days-laws.pdf>
- <sup>34</sup> Boyens, C. (2020, June 2). *State Paid Family and Medical Leave Programs Helped a Surge of Workers Affected by the COVID-19 Pandemic*. Retrieved 21 April 2021 from Urban Institute website: <https://www.urban.org/research/publication/state-paid-family-and-medical-leave-programs-helped-surge-workers-affected-covid-19-pandemic>
- <sup>35</sup> Brown, S., Herr, J., Roy, R., & Klerman, J. A. (2020, July). *Employee and Worksite Perspectives of the Family and Medical Leave Act: Results from the 2018 Surveys*. Retrieved 21 April 2021, from U.S. Department of Labor website: [https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/WHDD\\_FMLA2018SurveyResults\\_FinalReport\\_Aug2020.pdf](https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/WHDD_FMLA2018SurveyResults_FinalReport_Aug2020.pdf)
- <sup>36</sup> Kim, S. (2021, February). Access to employer-provided paid leave and eldercare provision for older workers. *Community, Work & Family*. Online first. doi:10.1080/13668803.2021.1885346
- <sup>37</sup> Saad-Lessler, J. (2020, October). How does paid family leave affect unpaid care providers? *Journal of the Economics of Ageing*. 17(C). doi:10.1016/j.jeoa.2020.100265
- <sup>38</sup> Anand, P., Dague, L., & Wagner, K. L. (2020, June). *The Role of Paid Family Leave in Spousal Labor Supply Responses to a Disability or Health Shock*. Paper presented at the Annual Conference of the American Society of Health Economists, 10 June 2020. Abstract available at <https://ashecon.confex.com/ashecon/2020/meetingapp.cgi/Paper/9604>
- <sup>39</sup> Arora, K., & Wolf, D. A. (2018). Does Paid Family Leave Reduce Nursing Home Use? The California Experience. *Journal of Policy Analysis and Management*. 37(1), 38-62. doi:10.1002/pam.22038
- <sup>40</sup> AARP Public Policy Institute. (2021, February 11). *AARP Nursing Home COVID-19 Dashboard*. Retrieved 21 April 2021, from <https://www.aarp.org/ppi/issues/caregiving/info-2020/nursing-home-covid-dashboard.html>
- <sup>41</sup> Gorges, R. J., & Konetzka, R. T. (2021, February). Factors Associated With Racial Differences in Deaths Among Nursing Home Residents With COVID-19 Infection in the U.S. *JAMA Network Open*. 4(2), e2037431. doi:10.1001/jamanetworkopen.2020.37431
- <sup>42</sup> Stearns, J. (2015, September). The effects of paid maternity leave: Evidence from Temporary Disability Insurance. *Journal of Health Economics*. 43: 85-102. doi:10.1016/j.jhealeco.2015.04.005
- <sup>43</sup> Appelbaum, E., & Milkman, R. (2013). *Unfinished Business: Paid Family Leave in California and the Future of U.S. Work-Family Policy*. Ithaca, NY: Cornell University Press; Rossin-Slater, M., Ruhm, C., & Waldfogel, J. (2013, July 4). The Effects of California's Paid Family
- <sup>44</sup> Lenhart, O. (2021, January). The effects of paid family leave on food insecurity—evidence from California. *Review of Economics of the Household*. Online first. doi:10.1007/s11150-020-09537-4; U.S.D.A. Economic Research Service. (2020, September). *Key Statistics & Graphics*. Retrieved 21 April 2021, from <https://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-us/key-statistics-graphics.aspx#children>
- <sup>45</sup> Choudhury, A. R., & Polachek, S. W. (2019, July). *The Impact of Paid Family Leave on the Timing of Infant Vaccinations*. I. Z. A. Institute of Labor Economics Publication. Retrieved 21 April 2021, from <http://ftp.iza.org/dp12483.pdf>
- <sup>46</sup> Pal, I. (2018, January). *Effect of New Jersey's Paid Family Leave Policy of 2009 on Maternal Health and Well-Being*. Paper presented at the American Economic Association annual meeting, 12 January 2018. Retrieved 21 April 2021, from <https://www.aeaweb.org/conference/2018/preliminary/paper/1372/43a>
- <sup>47</sup> Appelbaum, E., & Milkman, R. (2013). *Unfinished Business: Paid Family Leave in California and the Future of U.S. Work-Family Policy*. Ithaca, NY: Cornell University Press; Bartel, A., Baum, C., Rossin-Slater, M., Ruhm, C., & Waldfogel, J. (2014, June 23). *California's Paid Family Leave Law: Lessons from the First Decade*. Retrieved 21 April 2021, from U.S. Department of Labor website: <http://www.dol.gov/asp/evaluation/reports/PaidLeaveDeliverable.pdf>
- <sup>48</sup> Bedard, K., & Rossin-Slater, M. (2016, October 13). *The Economic and Social Impacts of Paid Family Leave in California: Report for the California Employment Development Department*. Retrieved 21 April 2021, from [https://www.edd.ca.gov/disability/pdf/PFL\\_Economic\\_and\\_Social\\_Impact\\_Study.pdf](https://www.edd.ca.gov/disability/pdf/PFL_Economic_and_Social_Impact_Study.pdf)
- <sup>49</sup> Ramirez, M. (2012). *The Impact of Paid Family Leave on New Jersey Businesses*. New Jersey Business and Industry Association and Bloustein School of Planning and Public Policy at Rutgers, The State University of New Jersey Presentation. Retrieved 21 April 2021, from <http://bloustein.rutgers.edu/wp-content/uploads/2012/03/Ramirez.pdf>

- 
- <sup>50</sup> Bartel, A., Rossin-Slater, M., Ruhm, C., Slopen, M., & Waldfogel, J. (2021, April 12). The impact of paid family leave on employers: Evidence from New York. Retrieved April 21, 2021, from <https://www.nber.org/papers/w28672>
- <sup>51</sup> See National Partnership for Women & Families, Paid Sick Days are Good for Business, <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/paid-sick-days-good-for-business-and-workers.pdf>; and Paid Sick Days Improve Public Health, <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/paid-sick-days-improve-our-public-health.pdf>.
- <sup>52</sup> National Partnership for Women & Families. (2018, December). *Paid Family and Medical Leave Policy Metrics*. Retrieved 17 June 2020, from <https://www.nationalpartnership.org/our-work/resources/economic-justice/coalition/paid-family-and-medical-leave-policy-metrics.pdf>
- <sup>53</sup> National Partnership for Women & Families. (2017, July). Our Aging, Caring Nation: Why a U.S. Paid Leave Plan Must Provide More Than Time to Care for New Children. Retrieved 17 May 2021, from <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-leave/our-aging-caring-nation-why-a-us-paid-leave-plan-must-provide-more-than-time-to-care-for-new-children.pdf>
- <sup>54</sup> Bowman, M. et. al. (2016, December 1). *Making Paid Leave Work for Every Family*. Retrieved June 17 2020 from Center for American Progress website: <https://www.americanprogress.org/issues/lgbt-rights/reports/2016/12/01/292886/making-paid-leave-work-for-every-family/>
- <sup>55</sup> Goldman, T. L. (2020, January). *The Importance of Job Protection for Paid Leave*. Retrieved 15 June 2020 from CLASP website: <https://www.clasp.org/publications/fact-sheet/importance-job-protection-paid-leave>
- <sup>56</sup> National Partnership for Women & Families. (2019, September). *Paid Leave Works: Evidence from State Programs*. Retrieved 22 January 2020, from <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-leave/paid-leave-works-evidence-from-state-programs.pdf>
- <sup>57</sup> Lake Research Partners and the Tarrance Group. (2020, November). Pre-election and election night omnibus survey, which was conducted by phone using professional interviewers October 31-November 3, 2020. See <https://www.nationalpartnership.org/our-work/resources/economic-justice/voters-show-bipartisan-support-for-permanent-paid-sick-days-and-paid-family-and-medical-leave.pdf>.

The National Partnership for Women & Families is a nonprofit, nonpartisan advocacy group dedicated to promoting fairness in the workplace, reproductive health and rights, access to quality, affordable health care and policies that help all people meet the dual demands of work and family. More information is available at [NationalPartnership.org](http://NationalPartnership.org).

© 2021 National Partnership for Women & Families. All rights reserved.



11 DUPONT CIRCLE NW  
SUITE 800  
WASHINGTON, DC 20036  
202-588-5180  
NWLC.ORG

May 17, 2021

The Honorable Patty Murray  
Chair  
Committee on Health, Education, Labor &  
Pensions  
United States Senate

The Honorable Richard Burr  
Ranking Member  
Committee on Health, Education, Labor &  
Pensions  
United States Senate

**Re: Senate HELP Committee Hearing *Paid Leave for Working Families: Examining Access, Options, and Impacts***

Dear Chair Murray and Ranking Member Burr:

The National Women's Law Center ("the Center") appreciates the opportunity to submit a written statement for the record to the Senate Committee on Health, Education, Labor & Pensions regarding the hearing *Paid Leave for Working Families: Examining Access, Options, and Impacts* to be held on May 18, 2021.

The Center has been fighting for gender justice in the courts, in our government, and in our culture for almost half a century. We have seen time and time again that when we center the experiences of those who are most burdened by injustice—namely women of color and LGBTQ+ communities—in our laws and our policies, we realize prosperity for all of us. Never has that been more important than in this moment. As we begin to shift from relief to recovery from the COVID-19 pandemic, we must remember that policy choices that benefit the elite few are not only unjust; they are not strategic. Our nation can only recover—and prosper—if we embrace policy solutions that advance racial and gender equity.

The Economic Security of Women and Families Has Been Devastated by COVID-19

The COVID-19 crisis has laid bare longstanding racial and gender inequities. Women in the U.S. who work full-time, year-round are typically paid only 82 cents for every dollar paid to their male counterparts, and wage gaps are even larger for Black women and Latinas.<sup>1</sup> Black and Latinx households have only a fraction of the wealth owned by white households,<sup>2</sup> and single women of color likewise face a significant and persistent wealth gap compared to white men.<sup>3</sup> Women are far more likely than men to work in part-time,<sup>4</sup> low-paid,<sup>5</sup> and/or tipped jobs in the service sector,<sup>6</sup> meaning women faced a higher risk of losing their jobs as retail stores, restaurants, and other businesses were forced to lay off workers or close their doors entirely due to COVID-19. And women are overrepresented in the front-line workforce, making up the vast majority of workers who have risked their lives to provide health care, child care, and other essential services.<sup>7</sup>

One year in, it is clear that the pandemic's economic consequences have disproportionately fallen on women, and particularly on women of color.<sup>8</sup> For example, women lost more than 12.2 million jobs from February 2020 through April 2020, 11.3 million of which were in April 2020 alone. This means one month of the pandemic's losses wiped out nearly an entire decade of women's job gains since the Great Recession.<sup>9</sup> In February 2021, women were still short nearly 5.1 million jobs compared to February 2020.<sup>10</sup>

Since February 2020, nearly 2 million women have left the labor force altogether, meaning they are not working or looking for work.<sup>11</sup> Increased caregiving responsibilities are likely to have been a major factor for many of these women, with schools operating remotely, child care providers closed or at reduced capacity, ill or elderly family members also needing care—and women disproportionately shouldering family caregiving responsibilities.<sup>12</sup> In August 2020, the Census Bureau found, “around one in five (19.6%) of working-age adults said the reason they were not working was because COVID-19 disrupted their childcare arrangements. . . . Of those not working, women ages 25-44 are almost three times as likely as men to not be working due to childcare.”<sup>13</sup>

The pandemic has revealed that our reliance on the underpaid and undervalued caregiving work of women of color, and women more generally, places an unsustainable burden on women, families, and the economy overall. Care—including child care and paid family and medical leave—supports our economy and makes all other work possible. The cost of not making the investments we need, and of returning to the unworkable status quo that was invisible to many prior to the pandemic, is too great. Legislation that re-imagines and makes public investments in child care, paid family and medical leave, and care for older family members and people with disabilities will be crucial to building the long-term care infrastructure that will help women, families, and the economy as a whole to succeed.

#### Paid Family and Medical Leave

Paid family and medical leave is vital to supporting women and families. In addition to promoting workforce attachment and economic stability and providing much needed support for caregiving, a comprehensive paid leave plan would contribute to improved health outcomes and could help lower health care costs.<sup>14</sup> Giving people paid time off work means that they are more likely to stay home to recover when they fall ill<sup>15</sup> and their loved ones are more likely to receive necessary medical check-ups and critical immunizations.<sup>16</sup> Research also shows that paid leave strengthens businesses of all sizes by reducing turnover<sup>17</sup> and increasing employee loyalty,<sup>18</sup> making it a popular policy proposal. A survey of small business owners conducted in October 2020 found that over two-thirds of small business owners supported a national paid family and medical leave policy.<sup>19</sup> And by ensuring access to paid family and medical leave for the women and families of color who have most often been excluded from these protections, a comprehensive, national plan would promote a more equitable economic recovery.

Despite the critical need for access to paid family and medical leave, the vast majority of people in the United States do not have this basic protection. Before the pandemic, only one-fifth of workers in the United States had access to paid family leave through their employers,<sup>20</sup> and just 40% had paid medical leave to address their own serious health conditions through an employer-

provided short-term disability program.<sup>21</sup> For people working in low-paid and part-time jobs—most of whom are women—access is even more limited; among workers in the lowest 25% of wage earners, for example, only 9% had access to paid family leave.<sup>22</sup> And while research shows men increasingly want to take an equal share of caregiving,<sup>23</sup> women are still more likely than men to serve as primary caregivers for children and other family members in need of care,<sup>24</sup> and are therefore more likely to need paid time off to ensure that their children or other family members receive the medical care and attention that they need. In addition to providing care to children, one in six people in the U.S. provides unpaid elder care to a relative or friend, and more than half of these caregivers are in the workforce.<sup>25</sup> Nearly one in two people lives with a chronic medical condition that requires regular care.<sup>26</sup> An estimated 11 million individuals are members of the “sandwich generation” who face the compounding pressure of providing elder care and child care simultaneously.<sup>27</sup>

Access to paid family and medical leave is also an issue of racial justice.<sup>28</sup> People of color have been hardest hit by the pandemic, but racial and gender wealth gaps mean that women of color and their families are less likely to have the economic resources to cushion the blow of an unforeseen illness or caregiving need.<sup>29</sup> This reality leaves women of color and all working people with the impossible choice between taking care of themselves or their families and maintaining their financial security.

Emergency paid leave helped protect workers’ health and economic security during the pandemic, but fell short of people’s long-term needs. The Families First Coronavirus Response Act (FFCRA)<sup>30</sup> required some employers to provide up to 10 weeks of paid, job-protected “public health emergency leave” for parents caring for children whose school, child care provider or usual source of care has closed. The FFCRA was the first time the United States implemented a national paid leave program, and research shows that the law helped flatten the curve<sup>31</sup> in the early days of the pandemic and was cost effective,<sup>32</sup> with a lower price tag than the government initially predicted. There is also evidence from states with their own paid leave programs that having these protections in place helped workers better manage the impacts of the pandemic; claims for caregiving and medical leave increased in March 2020,<sup>33</sup> but because the state programs were already up and running and supported through a dedicated source of funding workers were able to access the benefits quickly.

Unfortunately, the FFCRA left too many working people without protection because of loopholes and carveouts for certain employers and did not provide benefits to people caring for their own long-term health needs.<sup>34</sup> And because the mandate to provide these benefits expired at the end of 2020, even more workers are now without these supports. But the need for paid family and medical leave will not end with the current health crisis.

*National and comprehensive paid family & medical leave is essential to an equitable economic recovery that supports working families*

We appreciate the Committee’s bipartisan recognition of the urgency in solving the crisis caused by a lack of paid leave. When implementing a national paid leave program, it is crucial that Congress crafts a policy that is inclusive, comprehensive, and builds on common sense solutions tested at the state level.

A national paid family and medical leave policy must include:

- **Meaningful duration and progressive wage replacement rate.** A paid family and medical leave program must provide at least 12 weeks of paid leave and replace all or most wages during leave to ensure that working people—especially those in low-paid jobs—can meaningfully access the benefit.
- **Broad coverage and job protection.** Paid family and medical leave must be available to all working people, including part-time workers and independent contractors. It must also give workers access to benefits quickly and guarantee that all workers are protected from retaliation for taking leave, can continue health insurance coverage during leave, and have the right to return to their jobs following leave.
- **Expansive and inclusive uses.** A strong paid leave policy must ensure that working people may take leave to care for themselves and their loved ones, including spouses, domestic partners, parents, children of any age, siblings, grandparents, grandchildren, and other individuals who comprise someone’s “chosen family.”
- **Stable funding source.** A national paid family and medical leave plan must be funded with new revenue—not through cuts or reductions to existing benefits from programs on which people rely. Small contributions shared by employers and working people will create a system to equitably and sustainably fund a permanent national paid leave program.

The Family and Medical Insurance Leave (FAMILY) Act, introduced nearly a decade ago, was the first comprehensive national paid family and medical leave plan designed to provide people, especially women and families, with the supports they need. In the intervening years, eight states and the District of Columbia have successfully enacted or implemented their own paid leave programs, some with more generous benefits than the federal proposal. Success stories<sup>35</sup> and best practices for implementation<sup>36</sup> from state programs provide an invaluable resource on how the federal government can best design and implement a national paid leave program.

We want to applaud the Committee for holding this hearing and for its commitment to paid family and medical leave and related policies that will improve the lives of working families. With the recent introduction of the Building an Economy for Families Act, along with President Biden’s American Families Plan, which builds on the framework established by the FAMILY Act, we are hopeful that Congress will take swift action to establish a robust, equitable, and inclusive paid family and medical leave program.

Opponents of comprehensive paid family and medical leave often assert that as a result of the 2017 Tax Cuts and Jobs Act, employers are offering higher pay and better benefits to employees. In fact, data indicate that, rather than increasing investments in their workers as a result of the 2017 law, businesses have issued record stock buybacks benefiting executives, boards of directors, and shareholders.<sup>37</sup> While some employers in a limited number of sectors have been increasing paid family and medical leave policies, women, people of color, and low-wage workers are least likely to work within those sectors.<sup>38</sup> Further, provisions of the 2017 tax law such as the pass-through deduction may incentivize companies to provide fewer, rather than more, benefits and protections to workers.<sup>39</sup> Thus, the evidence demonstrates that the 2017 tax law did not lessen the need for comprehensive, national paid family and medical leave.

We are overdue to adopt a nationwide paid family and medical leave standard, but when doing so, it is vital to get the policy details right. Disparities in access to paid leave, changing demographics, and the realities working families face today require that any national plan: 1) be comprehensive of working people's needs, 2) include all working people across the United States, and 3) provide a meaningful duration of leave and wage replacement rate to make taking leave financially possible for all working people. A national paid family and medical leave plan must be affordable, cost-effective, and sustainably funded with new revenue—not funded by cutting or reducing benefits from programs on which people rely.

#### Paid Sick Leave

In addition to paid family and medical leave, the ability of all workers to earn paid sick time is critical to supporting working people and public health. Access to paid sick days has been shown to improve public health.<sup>40</sup> Paid sick days can help reduce the spread of seasonal flu by up to 40 percent during a major wave.<sup>41</sup> Giving people paid time off work means they are more likely to seek medical care for themselves,<sup>42</sup> and parents with paid sick days are better able to access health care for their children including immunizations and regular doctor's visits.<sup>43</sup> Paid sick days are also a valuable tool as the country works to bring the COVID-19 pandemic to an end; research on other infectious diseases has shown that workers with access to paid sick days are more likely to receive vaccines.<sup>44</sup>

Paid sick days also benefit businesses and contribute to a more robust overall economy. Workers with access to paid sick days are less likely to show up to work when sick—a phenomenon that costs the economy billions of dollars each year<sup>45</sup>—and are less likely to quit their jobs, which in turn reduces costs to employers associated with employee turnover.<sup>46</sup>

Notwithstanding the proven benefits, in 2019, over 30 million workers in the United States lacked any form of paid sick days—including a majority of people working in the lowest paying jobs.<sup>47</sup> People working in essential but high-risk food preparation and service jobs and personal care jobs—industries in which women are overrepresented—are among the least likely to have paid sick days.<sup>48</sup> Workers in these front-line jobs have been vital throughout the pandemic, but without paid sick days, they are more likely to feel the need to report to work, even when they are sick or need care—a phenomenon that not only harms individuals and communities, but presents a risk to public health.<sup>49</sup>

Women are less likely to have access to paid sick days than their male counterparts, compounding gender inequality and economic insecurity.<sup>50</sup> Part-time workers—who are more likely to be women and women of color—are also far less likely to have access to paid sick days than full-time workers.<sup>51</sup> Lack of access could mean severe economic hardship; for workers without paid sick days, taking even a few days off to recover from an illness could mean losing wages equivalent to monthly costs for groceries, gas, or household utilities like electricity and heat.<sup>52</sup> These realities leave working people with the impossible choice between taking care of their health and maintaining their financial security.

*Paid sick days help protect public health and supporting economic stability for working families*

Fourteen states, including the District of Columbia, nineteen cities, and three counties have enacted their own paid sick days laws. Research from these states shows not only that paid sick days support worker health and safety, but these laws have a positive impact on local economies, are popular among employers and employees, and have minimal impact on business costs. For example, two years after New York City passed its paid sick days law, 86% of employers supported the program and 85% reported that it had zero effect on business costs.<sup>53</sup> Similar positive economic effects and public support have been observed in San Francisco, Connecticut, Seattle, and the District of Columbia.<sup>54</sup>

Policymakers can learn from the progress made at the state and local level and create a paid sick days standard that is comprehensive, inclusive, and economically viable for working people.

A national paid sick leave law must include:

- **Meaningful duration and full wages.** Employees should be able to earn at least one hour of sick time for every 30 hours worked, totaling a minimum of seven days of accrued sick time annually that can be carried over. Paid sick days must be fully paid to employees without caps on wages that interfere with the ability to take leave.
- **Broad coverage and job protection.** A strong paid sick days law must protect all working people, including part-time workers and independent contractors, and ensure that workers do not risk losing their jobs or otherwise experience retaliation for taking leave.
- **Expansive and inclusive uses.** In addition to utilizing sick leave to recover from illness and care for loved ones, working people must be allowed to use accrued sick days for “safe leave,” or absences related to sexual assault, domestic violence, or stalking.

Under the Healthy Families Act, championed by Chair Murray, employees would be able to accrue seven sick days each year. Employers with 15 or more employees would be required to pay employees for sick time, while employers with fewer than 15 employees would still have to provide sick days, but they would be unpaid. Employees can use sick days in cases of personal illness, to access preventative care, to provide care to a sick family member, or for “safe leave” to recover from or receive support related to an incidence of domestic violence, sexual assault, or stalking. The Healthy Families Act would provide key supports for survivors of domestic violence. For survivors of domestic and sexual violence, a lack of paid leave may create obstacles in accessing medical and legal care as well as create economic insecurity. A 2018 survey on the economic impact of intimate partner violence found that almost half of respondents reported missing days of work as a result of abuse.<sup>55</sup>

\*\*\*

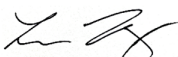
Our nation’s path to recovery requires us to focus on the needs of women of color and working families. Without structural change and significant public investments, those who were most harmed by the pandemic will also be left out of the recovery. The only way to rebuild and create sustainable and broadly shared prosperity is by ensuring that women, especially women of color, are able to succeed.



Sincerely,



Emily Martin  
Vice President for Education and Workplace Justice  
National Women's Law Center



Laura Narefsky  
Legal Fellow, Workplace Justice  
National Women's Law Center

<sup>1</sup> *The Wage Gap: The Who, How, Why, and What to Do*, NAT'L WOMEN'S LAW CTR. (Oct. 2020), <https://nwlc.org/wp-content/uploads/2019/09/Wage-Gap-Who-how.pdf>.

<sup>2</sup> See generally Angela Hanks, Danyelle Solomon & Christian Weller, *Systematic Inequality: How America's Structural Racism Helped Create the Black-White Wealth Gap*, CTR. FOR AM. PROGRESS (2018), <https://www.americanprogress.org/issues/race/reports/2018/02/21/447051/systematic-inequality>; *The Racial Wealth Gap*, ASSET BUILDING POLICY NETWORK (2019), [https://prosperitynow.org/sites/default/files/resources/ABPN\\_The\\_Racial\\_Wealth\\_Gap\\_Infographic\\_FINAL.pdf](https://prosperitynow.org/sites/default/files/resources/ABPN_The_Racial_Wealth_Gap_Infographic_FINAL.pdf); Anne Price, *Don't Fixate on the Racial Wealth Gap: Focus on Undoing Its Root Causes*, INSIGHT CTR., ROOSEVELT INST. 4 (February 2020), <https://rooseveltinstitute.org/publications/dont-fixate-on-the-racial-wealth-gap-focus-on-undoing-its-root-causes/#:~:text=In%20Don't%20Fixate%20on,path%20toward%20a%20fairer%20and>.

<sup>3</sup> See, e.g., Heather McCulloch, *Closing the Women's Wealth Gap: What It Is, Why It Matters, and What Can Be Done About It* (2017), <https://womenswealthgap.org/wp-content/uploads/2017/06/Closing-the-Womens-Wealth-Gap-Report-Jan2017.pdf>.

<sup>4</sup> Claire Ewing-Nelson, *Part-Time Workers Are Paid Less, Have Less Access to Benefits – and Most Are Women*, NAT'L WOMEN'S LAW CTR., (Feb. 2020), <https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2020/02/Part-Time-Workers-Factsheet-2.26.20.pdf>.

<sup>5</sup> Jasmine Tucker & Julie Vogtman, *When Hard Work Is Not Enough: Women In Low-Paid Jobs*, NAT'L WOMEN'S LAW CTR., (Apr. 2020), [https://nwlc.org/wp-content/uploads/2020/04/Women-in-Low-Paid-Jobs-report\\_pp04-FINAL-4.2.pdf](https://nwlc.org/wp-content/uploads/2020/04/Women-in-Low-Paid-Jobs-report_pp04-FINAL-4.2.pdf).

<sup>6</sup> *One Fair Wage: Women Fare Better in States with Equal Treatment for Tipped Workers*, NAT'L WOMEN'S LAW CTR., (Feb. 2021), <https://nwlc.org/resources/one-fair-wage>.

<sup>7</sup> Hye Jin Rho, Hayley Brown, & Shawn Fremstad, *A Basic Demographic Profile of Workers in Frontline Industries* (Apr. 2020), CTR. ON ECON. AND POLICY RESEARCH (CEPR), <https://cepr.net/wp-content/uploads/2020/04/2020-04-Frontline-Workers.pdf>. Under CEPR's definition, women are 64 percent of all workers in front-line industries, including 77% of all health care workers, and 85% of workers in child care and social services.

<sup>8</sup> See, e.g., *A Year of Strength and Loss*, NAT'L WOMEN'S LAW CTR., (Mar. 2021), [https://nwlc.org/wp-content/uploads/2021/03/Final\\_NWLC\\_Press\\_CovidStats.pdf](https://nwlc.org/wp-content/uploads/2021/03/Final_NWLC_Press_CovidStats.pdf).

<sup>9</sup> *Id.*

<sup>10</sup> Claire Ewing-Nelson & Jasmine Tucker, *A Year Into the Pandemic, Women Are Still Short Nearly 5.1 Million Jobs* NAT'L WOMEN'S LAW CTR. (Mar. 2021), <https://nwlc.org/wp-content/uploads/2021/03/Feb-Jobs-Day-v2.pdf>.

<sup>11</sup> Claire Ewing-Nelson & Jasmine Tucker, *Women Need 28 Months of Job Gains at April's Level to Recover*

*Their Pandemic Losses*, NAT'L WOMEN'S LAW CTR. (May 2021), <https://nwlc.org/resources/women-need-28-months-of-job-gains-at-aprils-level-to-recover-their-pandemic-losses>.

<sup>12</sup> See, e.g., Diana Boesch & Shilpa Phadke, *When Women Lose All the Jobs: Essential Actions for a Gender-Equitable Recovery*, CTR. FOR AM. PROGRESS (Feb. 2021), <https://www.americanprogress.org/issues/women/reports/2021/02/01/495209/women-lose-jobs-essential-actions-gender-equitable-recovery>; Megan Cerullo, *Nearly 3 million U.S. Women Have Dropped out of the Labor Force in the Past Year*, CBS.com (Feb. 5, 2021), <https://www.cbsnews.com/news/covid-crisis-3-million-women-labor-force>; Helaine Olen, *The Pandemic has Devastated a Generation of Women*, WASH. POST (Feb. 5, 2021), <https://www.washingtonpost.com/opinions/2021/02/05/pandemic-is-devastating-generation-working-women>.

<sup>13</sup> Misty L. Heggeness & Jason M. Fields, *Working Moms Bear Brunt of Home Schooling While Working During COVID-19*, U.S. Census Bureau (Aug. 2020), <https://www.census.gov/library/stories/2020/08/parents-juggle-work-and-child-care-during-pandemic.html>.

<sup>14</sup> CARING ACROSS GENERATIONS, *BURNING THE CANDLE AT BOTH ENDS: SANDWICH GENERATION CAREGIVING IN THE U.S.* (Nov. 2019), [https://caringacross.org/wp-content/uploads/2019/11/NAC\\_SandwichCaregiving\\_Report\\_digital112019.pdf](https://caringacross.org/wp-content/uploads/2019/11/NAC_SandwichCaregiving_Report_digital112019.pdf).

<sup>15</sup> Deanna S. Gomby & Dow-Jane Pei, *Newborn Family Leave: Effects on Children, Parents, and Business*, THE DAVID AND LUCILE PACKARD FOUNDATION (2009), <http://paidfamilyleave.org/pdf/NewbornFamilyLeave.pdf>.

<sup>16</sup> Jody Heymann et al., *Paid Parental Leave and Family Wellbeing in the Sustainable Development Era*, PUB. HEALTH REV'S (2017), [https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5810022/pdf/40985\\_2017\\_Article\\_67.pdf](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5810022/pdf/40985_2017_Article_67.pdf).

<sup>17</sup> KELLY BEDARD & MAYA ROSSIN-SLATER, *THE ECONOMIC AND SOCIAL IMPACTS OF PAID FAMILY LEAVE IN CALIFORNIA: REPORT FOR THE CALIFORNIA EMPLOYMENT DEVELOPMENT DEPARTMENT* (Oct. 2016), [https://www.edd.ca.gov/disability/pdf/PFL\\_Economic\\_and\\_Social\\_Impact\\_Study.pdf](https://www.edd.ca.gov/disability/pdf/PFL_Economic_and_Social_Impact_Study.pdf).

<sup>18</sup> Brigid Schulte et al., *Paid Family Leave: How Much Time Is Enough?*, *Economic Impact*, BETTER LIFE LAB, NEW AMERICA (June 2017), <https://www.newamerica.org/better-life-lab/reports/paid-family-leave-how-much-time-enough>.

<sup>19</sup> Lake Research Partners, *Memorandum: Small Business Owners' Attitudes on Paid Family and Medical Leave* (Oct. 2, 2020), <https://bit.ly/3nlceUa>.

<sup>20</sup> U.S. Dep't of Labor, Bureau of Labor Statistics (BLS), *National Compensation Survey: Employee Benefits in the United States* (Mar. 2020), <https://www.bls.gov/ncs/ebs/benefits/2020/employee-benefits-in-the-united-states-march-2020.pdf>.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> Amanda Lenhart et al., *Lifting the Barriers to Paid Family and Medical Leave for Men in the United States*, BETTER LIFE LAB, NEW AMERICA (Dec. 2019), <https://www.newamerica.org/better-life-lab/reports/lifting-barriers-paid-family-and-medical-leave-men-united-states>.

<sup>24</sup> Sarah Jane Glynn, *An Unequal Division of Labor: How Equitable Workplace Policies Would Benefit Working Mothers*, CTR. FOR AM PROGRESS (May 2018), <https://www.americanprogress.org/issues/women/reports/2018/05/18/450972/unequal-division-labor>.

<sup>25</sup> FAMILY CAREGIVER ALLIANCE, *CAREGIVER STATISTICS: WORK AND CAREGIVING* (2016), <https://www.caregiver.org/caregiver-statistics-work-and-caregiving>.

<sup>26</sup> See NAT'L P'SHIP FOR WOMEN & FAMILIES, *FACT SHEET: PAID SICK DAYS ARE NECESSARY TO MANAGE CHRONIC ILLNESS I* (Aug. 2012), <http://www.nationalpartnership.org/research-library/work-family/psd/paid-sick-days-are-necessary-to-manage-chronic-illness.pdf>.

<sup>27</sup> CARING ACROSS GENERATIONS, *BURNING THE CANDLE AT BOTH ENDS: SANDWICH GENERATION CAREGIVING IN THE U.S.* (Nov. 2019), [https://caringacross.org/wp-content/uploads/2019/11/NAC\\_SandwichCaregiving\\_Report\\_digital112019.pdf](https://caringacross.org/wp-content/uploads/2019/11/NAC_SandwichCaregiving_Report_digital112019.pdf).

<sup>28</sup> Jessica Mason et al., *Called to Care: A Racially Just Recovery Demands Paid Family and Medical Leave*, NAT'L P'SHIP FOR WOMEN & FAMILIES (Mar. 2021), <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-leave/called-to-care-a-racially-just-recovery-demands-paid-family-and-medical-leave.pdf>.

- 
- <sup>29</sup> Jasmine Tucker, *The Wage Gap has Robbed Women of Their Ability to Weather COVID-19*, NAT'L WOMEN'S LAW CTR. (Mar. 2021), <https://nwlc.org/wp-content/uploads/2021/03/EPD-2021-v1.pdf>.
- <sup>30</sup> Families First Coronavirus Response Act (FFCRA), Pub. L. No. 116-127 § 5101 et seq. (2020), <https://www.congress.gov/116/bills/hr6201/BILLS-116hr6201enr.pdf>.
- <sup>31</sup> Stefan Pinchler et al., *COVID-19 Emergency Sick Leave Has Helped Flatten The Curve in The United States*, 39 HEALTH AFFAIRS 12 (2020), <https://www.healthaffairs.org/doi/10.1377/hlthaff.2020.00863>.
- <sup>32</sup> U.S. GOV'T ACCOUNTABILITY OFF., GAO-21-191, COVID-19 URGENT ACTIONS NEEDED TO BETTER ENSURE AN EFFECTIVE FEDERAL RESPONSE (2020).
- <sup>33</sup> Chantel Boyens, *State Paid Family and Medical Leave Programs Helped a Surge of Workers Affected by the COVID-19 Pandemic*, URBAN INST. (June 2020), [https://www.urban.org/sites/default/files/publication/102325/state-paid-family-and-medical-leave-programs-helped-a-surge-of-workers-affected-by-the-covid-19-pandemic\\_0.pdf](https://www.urban.org/sites/default/files/publication/102325/state-paid-family-and-medical-leave-programs-helped-a-surge-of-workers-affected-by-the-covid-19-pandemic_0.pdf).
- <sup>34</sup> Sarah Jane Glynn, *Coronavirus Paid Leave Exemptions Exclude Millions of Workers From Coverage*, CTR. FOR AM PROGRESS (Apr. 2020), <https://www.americanprogress.org/issues/economy/news/2020/04/17/483287/coronavirus-paid-leave-exemptions-exclude-millions-workers-coverage>.
- <sup>35</sup> See *Paid Leave Works: Evidence from State Programs*, NAT'L P'SHIP WOMEN & FAMILIES (Sept. 2019), <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-leave/paid-leave-works-evidence-from-state-programs.pdf>.
- <sup>36</sup> *Paid Family and Medical Leave Program Report to Legislature*, EMP. SECURITY DEPT, WASH. STATE (Dec. 2020), <https://esdorchardstorage.blob.core.windows.net/esdwa/Default/ESDWAGOV/newsroom/Legislative-resources/2020Paid-L-Leave-Program-Report.pdf>.
- <sup>37</sup> NAT'L WOMEN'S LAW CTR., *TWO YEARS LATER: THE IMPACT OF THE 2017 TAX LAW ON WOMEN & FAMILIES* (Dec. 2019), <https://nwlc.org/resources/two-years-later-the-impact-of-the-2017-tax-law-on-women-families/>.
- <sup>38</sup> PL+US EMPLOYER TRENDS REPORT, Paid Leave for the U.S. (PL+US) (2019), <https://paidleave.us/plusemployertrendsreport>.
- <sup>39</sup> Brendan Duke, *Pass-Through Deduction in 2017 Tax law Could Weaken Wages and Workplace Standards*, CTR. ON BUDGET AND POL'Y PRIORITIES (Dec. 2018), <https://www.cbpp.org/research/federal-tax/pass-through-deduction-in-2017-tax-law-could-weaken-wages-and-workplace>.
- <sup>40</sup> *Paid Sick Days Improve Public Health*, NAT'L P'SHIP FOR WOMEN & FAMILIES (Oct. 2020), <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/paid-sick-days-improve-our-public-health.pdf>.
- <sup>41</sup> Stefan Pichler & Nicolas Robert Ziebarth, *The Pros and Cons of Sick Pay Schemes: Contagious Presenteeism and Noncontagious Absenteeism Behaviour*, VOXEU (May 12, 2018), <https://voxeu.org/article/pros-and-cons-sick-pay>.
- <sup>42</sup> LeaAnne DeRigne, Patricia Stoddard-Dare, & Linda Quinn, *Workers Without Paid Sick Leave Less Likely To Take Time Off For Illness Or Injury Compared To Those With Paid Sick Leave*, 35 HEALTH AFFAIRS 520 (2016), <https://www.healthaffairs.org/doi/full/10.1377/hlthaff.2015.0965>.
- <sup>43</sup> Abay Asfaw & Maria Colopy, *Association between Parental Access to Paid Sick Leave and Children's Access to and Use of Healthcare Services*, 60 AM. J. INDUS. MED. 276 (2017), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5367459>.
- <sup>44</sup> Yusheng Zhai et al., *Paid Sick Leave Benefits, Influenza Vaccination, and Taking Sick Days Due to Influenza-like Illness Among U.S. Workers*, 36 VACCINE 7316 (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6433122>.
- <sup>45</sup> Walter Stewart et al., *Lost Productive Work Time Costs from Health Conditions in the United States: Results From the American Productivity Audit*, 45 J OCCUPATIONAL ENVNTL MED. 1234 (2003), <https://pubmed.ncbi.nlm.nih.gov/14665809>.
- <sup>46</sup> Vicky Lovell, *Valuing Good Health: An Estimate of Costs and Savings for the Healthy Families Act*, INST. WOMEN'S POLICY RESEARCH (Apr. 2006), <https://iwpr.org/wp-content/uploads/2021/01/B248.pdf>.
- <sup>47</sup> U.S. Dep't of Labor, Bureau of Labor Statistics (BLS), *National Compensation Survey: Employee Benefits in the United States* (Mar. 2020), <https://www.bls.gov/ncs/ebs/benefits/2020/employee-benefits-in-the-united-states-march-2020.pdf>.

- 
- <sup>48</sup> *Paid Sick Days Access in the U.S.: Differences by Race/Ethnicity, Occupation, Earnings, and Work Schedule*, INST. WOMEN'S POLICY RESEARCH (Mar. 2014), <https://iwpr.org/wp-content/uploads/2020/11/B328-FINAL-1.pdf>.
- <sup>49</sup> Adewale Maye & Emma Williamson, *In Their Own Voices: How Workers Earning Low Wages Struggle with COVID-19*, CTR. FOR LAW & SOCIAL POL'Y (Oct. 2020), <https://www.clasp.org/publications/report/brief/their-own-voices-how-workers-earning-low-wages-struggle-covid-19>.
- <sup>50</sup> Daniel Schneider & Kristen Harknett, *Essential and Vulnerable: Service-Sector Workers and Paid Sick Leave*, THE SHIFT PROJECT (Apr. 2020), <https://shift.hks.harvard.edu/essential-and-vulnerable-service-sector-workers-and-paid-sick-leave>.
- <sup>51</sup> Claire Ewing-Nelson, *Part-Time Workers Are Paid Less, Have Less Access to Benefits – and Most Are Women*, NAT'L WOMEN'S LAW CTR. (Feb. 2020), <https://nwlc.org/resources/part-time-workers-are-paid-less-have-less-access-to-benefits-and-most-are-women>.
- <sup>52</sup> Elise Gould & Jessica Schieder, *Work Sick or Lose Pay?: The High Cost of Being Sick When You Don't Get Paid Sick Days*, ECON POL'Y INST. (June 2017), <https://www.epi.org/publication/work-sick-or-lose-pay-the-high-cost-of-being-sick-when-you-dont-get-paid-sick-days>.
- <sup>53</sup> EILEEN APPELBAUM & RUTH MILKMAN, CTR. FOR ECON & POL'Y RES., NO BIG DEAL: THE IMPACT OF NEW YORK CITY'S PAID SICK DAYS LAW ON EMPLOYERS (2016), <https://cepr.net/report/no-big-deal-the-impact-of-new-york-city-s-paid-sick-days-law-on-employers/>.
- <sup>54</sup> *Paid Sick Leave Is Good for Business*, A Better Balance (Feb. 2021), <https://www.abetterbalance.org/wp-content/uploads/2021/02/Paid-Sick-L-Leave-Is-Good-for-Business-2.23.21.pdf>.
- <sup>55</sup> CYNTHIA HESS & ALONA DEL ROSARIO, INST. FOR WOMEN'S POL'Y RES., DREAMS DEFERRED: A SURVEY ON THE IMPACT OF INTIMATE PARTNER VIOLENCE ON SURVIVORS' EDUCATION, CAREERS, AND ECONOMIC SECURITY (2018), [https://iwpr.org/wp-content/uploads/2018/10/C474\\_IWPR-Report-Dreams-Deferred.pdf](https://iwpr.org/wp-content/uploads/2018/10/C474_IWPR-Report-Dreams-Deferred.pdf).



STATEMENT FOR THE RECORD  
SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

*“Paid Leave for Working Families: Examining Access, Options,  
and Impacts”*

*May 18, 2021*



**Chairwoman Murray, Ranking Member Burr, and Members of the Committee:**

**PL+US: Paid Family Leave for the U.S** is a national advocacy organization fighting for paid family leave so that everyone can give and receive family care when it matters most. As you discuss legislative proposals for paid family and medical leave, we urge you to take into consideration the voices of workers and employers. Below are quotes from some of the statements PL+US has collected from across the country. Full statements can be shared with Members of the Committee individually. Stories are in alphabetical order by state.

**CALIFORNIA**

Rabbi Jaclyn Cohen, Culver City, CA: As a rabbi, so much of what I do in my career centers around lifecycle: the moments of transition in which individuals and family systems change. My role is to infuse holiness and grace into every single one of those threshold-crossing moments, from new life to death and everything in between. When I became a mother, our whole world shifted. As we changed from a couple to a family of three, my body and my brain simply did not know what to do. The toll of a particularly rough labor and delivery meant an extensive impact on me physically; severe postpartum depression, however, nearly took my life. I was so fortunate to have access to paid family leave and today - five years later - I am certain I am alive today because of it. The financial pressure of needing to return to work before I was "ready" was simply nonexistent. That did not mean my recovery was a walk in the park; it meant I had the ability to recover without an added layer of financial anxiety amidst the rising costs of pregnancy, hospital bills and my extensive postpartum therapy and treatments. We cannot underestimate how important it is not just to have time to heal, but also time in which our primary focus should be on healing, rather than needing to rush back to work to continue earning an income. We cannot predict what will happen to our health; Covid-19 has shown each of us that we are each vulnerable human beings whose lives can change in an instant. Paid family leave is an acknowledgment that we all deserve care and security no matter what we face. That our lives and our futures matter and our transitions must be handled with care and compassion. As a human and as a rabbi, I know there is nothing more important than that.

Heidi Zak, CEO, Third Love, San Francisco, CA: As a business, we are calling on Congress to respond to the unprecedented economic, health, and safety challenges faced by the business community as a result of the ongoing COVID-19 pandemic. Federal paid family and medical leave policy is one of the critical solutions to our nation's economic recovery. We need a policy that is inclusive and that protects all workers equally, regardless of what kind of work they do, where they live, or whom they love. Access to paid leave also leads to better retention, personal health, and improved morale, which contributes to greater stability and viability for our businesses, ultimately helping our bottom line. Paid leave is also a key element of addressing racial, class, and gender inequalities in the United States. With an equal paid leave policy in place, we can help stem the historic tide of women leaving the workforce and ensure that low-wage earners and people of color have the time they need to care for themselves and their families. In short, paid leave is good for business. We urge Congress to meet the moment by passing a comprehensive federal paid family and medical leave policy that provides long-term health benefits and economic security to all American families and contributes to the vitality and sustainability of our business.

Leah Halper, Gilroy, CA: I have been the caregiver for four seriously ill family members. I have never had actual paid leave from my community college teaching job to help two sisters cope with stage IV breast cancer, and both my parents as they declined, entered hospice, and died. I live two hours from my family members, and had to juggle full time work, use sick leave, negotiate with an HR

department that reneged on what we'd agreed about my leave allowance, and worry constantly that I would not be perceived as doing my job properly because I left right after my classes were finished at my college to care for my family. Isn't it time to support the caregivers, instead of making their lives so tough?

Miguel Gimenez: Paid family, and medical leave is essential for worker of all kinds. Without it would have been impossible for me, and many others I assume to survive economically when sick and unable to work. This is an essential benefit for the working community. Thank you.

Denise Mayosky, San Jose, CA: Paid leave helped when my husband had an operation on his colon. We were able to allow him to stay put to recover. We would have been in dire straits financially without it. It's VERY important for everyone to have it!

Sabrina Moyle, San Francisco, CA: As a woman-owned small business, Hello!Lucky guarantees 6 months' paid parental leave to its employees. We urge Congress to guarantee the same benefit to all Americans by passing a federal paid leave policy. The ongoing COVID-19 pandemic, particularly distance learning and the shuttering of out-of-home childcare, has disproportionately impacted women. While it has always been true that women cannot do it all (at least, not all at once) -- childcare, self-care, work, elder care, and community service -- COVID-19 has made that fact undeniable. In order to survive and thrive, Americans of all genders, ages, and ethnicities need support for our critical responsibilities of caring for the sick, elderly, and the young. Guaranteed paid family medical leave is not only humane, but good business, good for society, and good for future generations. We strongly urge Congress to pass a paid family and medical leave policy. The time is now.

Mary Norwood, San Diego, CA: When I had my first child I was wrecked physically and emotionally. I never expected it to be so hard. I also never expected that I wouldn't have an immediate connection with my newborn but instead all of these things were true. I also am a Milspouse and therefore live halfway across the country from my family and all of our self-made family (other military friends) had recently been stationed to the other side of the country. So essentially, I had my spouse for immediate support and little else. However, I ended up being one of the few lucky women in America because we happened to be stationed in California, which has SDI and that I paid into and therefore was granted paid leave. This time was essential and life changing simply that it allowed me time to get my feet back under me. Get my bearings. Get my child into a great daycare. Most importantly of all, build a bond with my child that was not there from day one and was created over time. NONE of this would have worked or would have been possible without paid leave. It's necessary, it's essential, it's life changing. Make my story one of the many, not the few 'lucky' ones.

Sherry Pennell, Aromas, CA: When I worked in the private sector and did not have any paid leave it was very unsettling; especially as a single parent with an asthmatic child. I was always in fear of losing my job and was often criticized for taking time off to care for my sick child. When I got a civil service job with paid leave it was a heavy weight lifted off of my shoulders. No one should feel that their choice is caring for themselves or a loved one when sick or keeping your job. It isn't healthy to work when sick; not physically or emotionally.

Nicole Quinn, Menlo Park, CA: At Lightspeed and across most of the 400 companies we have invested in, we believe in paid leave so that we can hire and retain the strongest employees. Paid leave is crucial in addressing racial, class, and gender inequalities in the United States. US women lost 5m jobs last year and the vast majority of which were mothers. It's in the best interest of all



businesses to offer paid leave to enable a stronger, more consistent and more productive team. I hope companies across the country join the thousands who are already offering this. It's now table stakes.

#### COLORADO

Kristin Langenfeld, Arvada, CO: Paid leave is good for business. Access to paid leave leads to better retention, personal health, and improved morale, which contributes to greater stability and viability for our businesses, ultimately helping our bottom line. We urge Congress to meet the moment by passing a comprehensive federal paid family and medical leave policy that provides long-term health benefits and economic security to all American families and contributes to the vitality and sustainability of our business.

Joseph Roth, CO: I took three months off for my son's birth. Two weeks were paid by my non-profit, maternal and child health-focused employer, after spending the previous nine months fighting for 12 weeks fully paid for all parents. I was incredibly disappointed in my employer's response to our proposal, however many coworkers donated sick time that I was allowed to use. Ultimately, through exhausting sick and vacation time, donated sick time and our two weeks of paid leave, I received about 8 weeks of full pay. An incredible privilege that so few have, but scraped together due to the generosity of my coworkers. I look around at other dads that I interact with, most who took two weeks off or fewer for the births of their children. I see dads in chaos, disconnected, and unprepared to take care of their children without mom around. I have never felt unprepared. My wife could not imagine having me around for any less time than I was. We had three months off with our new first baby and they were truly exhausting, and also perfect in every way.

#### FLORIDA

Vicky Abihira, FL: When I had my baby, the countdown began. How many days left until I had to leave him for work? How many weeks until I had to be back to normal, even if normal wasn't at all what I felt? 12 weeks. Unpaid. In 12 weeks, I forced myself to: sleep train my baby because I couldn't go back to work on 2 hours of sleep, pump because I couldn't breastfeed at work, get mentally ready to work all day even when my mind was a mom brain fog. Having paid family leave wouldn't just mean more stress-free time to bond with my baby. It would mean allowing my body and mind to physically and mentally heal from a major life event. It would mean decreased healthcare costs down the line. It would mean more women in the workplace because we could come back when we were a little more ready. It would mean a healthier baby who wouldn't have to be pressured to be practically self-reliant at 12 weeks old. And it would put the US in line with every developed country. Covid-19 has proven that we desperately need to support our working parents. Doing so means a healthier society and economy. And it's also the right thing to do. My baby spent almost 10 months inside me. Then after 12 weeks old, he was torn away and I was expected to go back to normal. Mothers and fathers are changed. This pivotal experience requires a longer leave and a leave that is covered by the government. It is time to treat working parents as humans.

Stephanie Aponte, FL: I discovered I was pregnant in December and while financially I had a good year there was no certainty for what 2021 would bring. Either way I was thrilled with the news and



had a lot of support from family and the father of the baby. Unfortunately, I was very disappointed that the company I work for where I work long hours and had poured so much of myself into is not covering my maternity leave. I will be with the company for 2 years on September and my rude awakening was that I needed to be employed for 3 year just to get 60% paid leave. I was outraged and it is ridiculous that most companies claim to care about 'culture' and 'family' but you can't even do their part to help their employees. I found out I have to go unpaid and figure out a way to continue my medical insurance by making payments regardless of the fact. Should I decide to want to stay home longer and be with my child I would be obligated to additionally pay back my employers premium as well. Talk about pressure to return to work or potentially decide to opt out of insurance during leave if I decide I want to spend more time bonding with my baby. I later learned most of the United States has to experience this. I will take 3 months of unpaid leave just so that I can bond with my first child. I know financially it will be hard but I will have to figure it out like the rest of Americans. It's daunting that for being a 1st world country we rank dead last with third world nations on protected and paid leave for families. We are literally at the bottom and why is this not a topic of conversation in American politics and a stronger fight to our congress and senate, it is not right. America should be provided protection for all and not leave it to the states to decide. I live in Florida and there is zero protection. Both men and women should be able to take care of their loved ones and spend time whether it's bonding with a newborn, taking care of sick family, etc.

#### INDIANA

Emily Hanstra, Lafayette, IN: I had a baby this past year and while we ended up with a beautiful baby, my birth and recovery was incredibly difficult. My husband did not have any sort of leave at his job so from the time my water broke until a few hours before birth, I was alone. My husband couldn't take time off to be with me and our new baby because he had to work. And then the recovery. I was alone for that too. Trying to heal my body and take care of an infant alone because, again, my husband didn't have time off. No other family members could come help either because, again, no paid leave. I was exhausted and upset. I felt abandoned. I felt like our lives were ruled by his work instead of the other way around. Work should work for our lives.

#### ILLINOIS

Kristina R, Montgomery, IL: For years, I've had stomach issues. It really started back in 2019 when I had to stay in the hospital because my pain was so severe. Being only 25, I had my first esphogastroduodinoscopy (EGD) and colonoscopy. They found inflammation of the tissues in my colon, but nothing else. Fast forward to a few years later, and my health has gotten worse. I've had to apply for intermittent FMLA due to the severe cramping, sharp pains, and nausea I experience. I'm close to losing my job BECAUSE of my health. I'm under constant stress because I do not always get a full paycheck due to using my FMLA. My job is protected this way, but I don't always get paid. It will come out of my estimated sick bank (ESB); and once that is exhausted it comes out of my paid time off (PTO). The harsh reality strikes when I want to take a vacation, I may not be able to get paid due to having to call off and exhausting my PTO. Not to mention, having a lower paycheck than usual causes MORE stress which causes MORE symptoms. I only build up ESB/PTO hours when I work, which makes it even harder. It's not fair that I have to financially suffer because of a medical condition. I've dug myself into debt, and I'm struggling to pay my bills. Please, you HAVE to pass a bill

for accessible paid leave. I'm not sure how much more stress my body can take.

#### LOUISIANA

Gary Briggs, New Orleans, LA: As a business (EdNavigator) doing work in New Orleans and other cities across the country, we are calling on Congress to respond to the unprecedented economic, health, and safety challenges faced by the business community as a result of the ongoing COVID-19 pandemic. Establishing a federal paid family and medical leave program is one of the critical solutions to our nation's economic recovery.

We need a policy that is inclusive and that protects all working people equally, regardless of what kind of work they do, where they live, or whom they love. Access to paid leave leads to better retention, personal health, and improved morale, which contributes to greater stability and viability for our businesses, ultimately helping our bottom line. Paid leave is also a key element of addressing racial, class, and gender inequalities in the United States. With an equal paid leave policy in place, we can help stem the historic tide of women leaving the workforce and ensure that low-wage earners and people of color have the time they need to care for themselves and their families.

In short, paid leave is good for business.

I urge Congress to meet the moment by passing a comprehensive federal paid family and medical leave policy that provides long-term health benefits and economic security to all American families and contributes to the vitality and sustainability of our business.

#### MASSACHUSETTS

Leslie Forde, Brookline, MA: I began researching the pandemic's impact on parents in March of 2020. And now with over 2,000 parents, mostly Mothers who have participated, the need for paid leave is clear. In the most recent wave of the study, it was the #2 most requested item by surveyed Moms when asked what benefits their employer should implement to improve their work/life wellness and happiness. Parents have been terrified of having conversations with their managers about uneven access to childcare, daycare and onsite school. When there are Covid exposures or their own children have regular colds, they cannot attend school for 14 days a time. For many parents, access to paid leave creates the policy support that allows them to stay in the workforce and have confidence that they will not be forced out of their roles and that their income will be protected as they navigate the health needs for themselves and their families. This was a critical need before Covid and it's only increased in the pandemic.

Bethany Kotlar, Jamaica Plains, MA: The birth of my son was very difficult. I was in labor over three days and ended up having a forceps delivery and developed severe anemia. My son had trouble breastfeeding in the first couple of months. I had access to twelve weeks of leave, but only three weeks were paid by my employer. The rest I had to piece together payment from short term disability, time off, and sick time. The stress of all the paperwork, lost income, and uncertainty compounded the difficulty of recovery and bonding with my son. People need time to bond with their children without worrying about how they will put food on the table.

Rachel Pascual, Andover, MA: After becoming a mom for the first time in 2015, I had a sudden birth and painful experience with the epidural not working. I was lucky and my company offered 6 weeks paid leave and I could take the other 6 weeks unpaid. I had to take the rest in vacation time to not hurt our family income. Which is ironic because once I became a parent I could have really used my vacation time later in life to actually have a vacation, which never happened really at all and I used it to have paid time during my FMLA. For the first 8 weeks after having the baby, I felt so isolated and lost. I was scared to leave the apartment with the baby and was having crazy anxiety that was hard to explain to anyone. This anxiety was hard because it was also on top of my body recovering from pushing someone out of my body and dealing with the aftermath of that, breast feeding my child which is so hard and no one talks about it let alone makes it easy for you to find the resources in the US. The only thing the US does is really put the pressure on moms that breast is best and you should be breastfeeding for 6 months, but your job only pays you 6 weeks and will secure your job for 12 weeks maybe and then the pressure turns into another full time job on top of parenthood, which is pumping and juggling the job where everyone thinks your were just on vacation. All in all, paid leave is so necessary for both the mother and the father to equally spend time with the new baby but also in the working world to take the pressure and target off of the mothers back!! I lost a baby and almost died, but due to having minimal time off allowed because that pregnancy was 8 weeks along, I ended up going back to work 4 days after a surgery to stop my internal bleeding after suffering a life threatening ectopic pregnancy. My third pregnancy and second live birth was traumatic. I had a hard time with post birth pains and the post baby bonding was delayed. I ended up back in the ER after being discharged with a blood clot and then 10 days after birth in the ER because I was unable to move and had retained placenta. It was a scary and not fun experience. About 2 years later I was diagnosed with PTSD from this experience, when I was pregnant with my 3rd child. I had my 3rd child in the UK and the level of support for paid leave and mother support post birth was life changing for me and my kids.. I was extremely grateful for the positive birth experience, experience of being empowered as a mother and the paid leave support given to me.

#### MISSOURI

Zahnyia Crawford, Columbia, MO: I was pregnant and I had to give birth. I couldn't get half the stuff I needed because my job did not pay me for maternity leave. I'm still suffering from that loss of money.

#### NEW HAMPSHIRE

Michael Faber, General Manager, Monadnock Food Co-op, Keene, NH

Val Zanchuk, Owner, Graphicast, Inc., Jaffrey, NH

As business leaders, we are calling on Congress to respond to the unprecedented economic, health, and safety challenges faced by the business community as a result of the ongoing COVID-19 pandemic. Establishing a federal paid family and medical leave program is one of the critical solutions to our nation's economic recovery.

We need a policy that is inclusive and that protects all working people equally, regardless of what kind of work they do, where they live, or whom they love. Access to paid leave leads to better

retention, personal health, and improved morale, which contributes to greater stability and viability for our businesses, ultimately helping our bottom line. Paid leave is also a key element of addressing racial, class, and gender inequalities in the United States. With an equal paid leave policy in place, we can help stem the historic tide of women leaving the workforce and ensure that low-wage earners and people of color have the time they need to care for themselves and their families.

In short, paid leave is good for business.

We urge Congress to meet the moment by passing a comprehensive federal paid family and medical leave policy that provides long-term health benefits and economic security to all American families and contributes to the vitality and sustainability of our business.

#### NEW MEXICO

Richard, Steele, Albuquerque, NH: I was diagnosed with prostate cancer. It was unexpected and I was able to apply for 8 weeks of paid sick leave. It was granted. Going into surgery I was relaxed knowing I was covered. I also knew if the cancer had escaped I was covered for the necessary treatments. Luckily I did not need follow up treatment. Knowing I was covered reduced the stress immensely. I could face cancer and all it could throw at me without worrying about the economic impact it would have on my family.

#### NEW YORK

Kaitlin Caldwell, Albany, NY: I am lucky enough to live in New York State which has paid family leave. With COVID, it was absolutely critical to have my husband home from work when we welcome our second child back in December. I had a difficult delivery and complications during my recovery and would not have been able to care for our children without the help. Paid family leave is essential and should be available for everyone in this country.

Michelle Chan, New York, NY: As a business that supports working parents, Workplace is calling on Congress to respond to the unprecedented economic, health, and safety challenges faced by the business community as a result of the ongoing COVID-19 pandemic. Federal paid family and medical leave policy is one of the critical solutions to our nation's economic recovery. We need a policy that is inclusive and that protects all workers equally, regardless of what kind of work they do, where they live, or whom they love. Access to paid leave leads to better employee retention, personal health, and improved morale, which contributes to greater stability for our businesses, ultimately helping our bottom line. Paid leave is also a key element of addressing racial, class, and gender inequalities in the United States. The Council on Foreign Relations estimated closing the gender employment and earning gap could add \$2.7 trillion to gross domestic product. With an equal paid leave policy in place, we can help stem the historic tide of women leaving the workforce and ensure that low-wage earners and people of color have the time they need to care for themselves and their families. In short, paid leave is good for business. But this past year, we saw 2.2 million women leave the work force in the US, according to the National Women's Law Center. In fact, 40% of all working parents have left the workforce or reduced their work hours to make it through the pandemic, according to a survey reported by CNBC. With a paid federal leave policy, the hardships faced by working parents would be greatly reduced for generations. We urge Congress to meet the moment

by passing a comprehensive federal paid family and medical leave policy that provides long-term health benefits and economic security to all American families and contributes to the vitality and sustainability of our business.

Georgene Huang, New York, NY: At Fairygodboss, we are calling on Congress to respond to the unprecedented economic, health, and safety challenges faced by the business community as a result of the ongoing COVID-19 pandemic. Federal paid family and medical leave policy is one of the critical solutions to our nation's economic recovery. We need a policy that is inclusive and that protects all workers equally, regardless of what kind of work they do, where they live, or whom they love. Fairygodboss' mission is to improve the workplace for women and move the needle on gender equality and we know that by allowing all caregivers to take time away from work, the burdens of childcare and the, unfortunately, often accompanying career setbacks, are no longer placed on mothers, but can be more equally distributed between both parents. In addition, inclusive leave plans that account for adoptive parents or other types of caregiving generally make for a more equitable workplace overall. Access to paid leave also leads to better retention, personal health, and improved morale, which contributes to greater stability and viability for businesses, ultimately helping the bottom line. Paid leave is a key element of addressing racial, class, and gender inequalities in the United States. With an equal paid leave policy in place, we can help stem the historic tide of women leaving the workforce and ensure that low-wage earners and people of color have the time they need to care for themselves and their families. In short, paid leave is good for business. We urge Congress to meet the moment by passing a comprehensive federal paid family and medical leave policy that provides long-term health benefits and economic security to all American families and contributes to the vitality and sustainability of our business and our mission.

Susan McPherson, Brooklyn, NY: The U.S. is one of the only developed countries in the world without such a program and we've seen the suffering nationally because of such a thing. Right now some states offer partial leave support, but as an employer I have employees in many states and therefore I cannot offer a comprehensive plan to cover all employees without a federal program.

Gus Warren, White Plains, NY: Bindle Systems was incorporated in June 2020, as the pandemic raged across the US, with a laser focus on reopening our communities safely and equitably. The unprecedented economic, health, and safety challenges posed by Covid have decimated the small and medium sized businesses that employ, serve, and power neighborhoods across this country. Federal paid family and medical leave policy is one of the critical solutions to our nation's - and our communities' - economic recovery. As an early-stage company with limited resources, we have nevertheless committed to paid family and medical leave for our employees because we know it leads to better employee retention, personal health, improved morale, and diversity of lived experience, all of which creates greater stability and viability for our business. In short, we believe that paid leave is good for business. But we are only one company. The United States needs a policy that is inclusive and that protects all workers equally, regardless of what kind of work they do, where they live, or whom they love. Moreover, paid leave is a key element of addressing racial, class, and gender inequalities in the United States. With an equal paid leave policy in place, we can help stem the historic tide of women leaving the workforce and ensure that low-wage earners and people of color have the time they need to care for themselves and their families. We at Bindle Systems urge Congress to meet the moment by passing a comprehensive federal paid family and medical leave policy that provides long-term health benefits and economic security to all American families and contributes to the vitality and sustainability of our business.

Ariel Wengroff, Brooklyn, NY: I'm a queer, female-identified founder and storyteller. At my business, I want anyone I work with to have the best chance possible to succeed and be supported by the government with resources that allow them to be their best selves. As a business, we are calling on Congress to respond to the unprecedented economic, health, and safety challenges faced by the business community as a result of the ongoing COVID-19 pandemic. Federal paid family and medical leave policy is one of the critical solutions to our nation's economic recovery. We need a policy that is inclusive and that protects all workers equally, regardless of what kind of work they do, where they live, or whom they love. Access to paid leave also leads to better retention, personal health, and improved morale, which contributes to greater stability and viability for our businesses, ultimately helping our bottom line. Paid leave is also a key element of addressing racial, class, and gender inequalities in the United States. With an equal paid leave policy in place, we can help stem the historic tide of women leaving the workforce and ensure that low-wage earners and people of color have the time they need to care for themselves and their families. In short, paid leave is good for business. We urge Congress to meet the moment by passing a comprehensive federal paid family and medical leave policy that provides long-term health benefits and economic security to all American families and contributes to the vitality and sustainability of our business.

Jennifer Willig, Brooklyn, NY: As a female owned company, we are calling on Congress to respond to the unprecedented economic, health, and safety challenges faced by the business community as a result of the ongoing COVID-19 pandemic. Federal paid family and medical leave policy is one of the critical solutions to our nation's economic recovery. We need a policy that is inclusive and that protects all workers equally, regardless of what kind of work they do, where they live, or whom they love. Access to paid leave also leads to better retention, personal health, and improved morale, which contributes to greater stability and viability for our businesses, ultimately helping our bottom line and the economy overall. Paid leave is also a key element of addressing racial, class, and gender inequalities in the United States. With an equal paid leave policy in place, we can address this emergency and help stem the historic tide of women leaving the workforce and ensure that low-wage earners and people of color have the time they need to care for themselves and their families. In short, paid leave is good for business. We urge Congress to meet the moment by passing a comprehensive federal paid family and medical leave policy that provides long-term health benefits and economic security to all American families and contributes to the vitality and sustainability of our business.

#### NORTH CAROLINA

Elena Rue, Co-founder, StoryMine, Hillsborough, NC: As a small women-run business, we are calling on Congress to respond to the unprecedented economic, health, and safety challenges faced by the business community as a result of the ongoing COVID-19 pandemic. Establishing a federal paid family and medical leave program is one of the critical solutions to our nation's economic recovery.

We need a policy that is inclusive and that protects all working people equally, regardless of what kind of work they do, where they live, or whom they love. Access to paid leave leads to better retention, personal health, and improved morale, which contributes to greater stability and viability for our businesses, ultimately helping our bottom line. Paid leave is also a key element of addressing racial, class, and gender inequalities in the United States. With an equal paid leave policy in place, we



can help stem the historic tide of women leaving the workforce and ensure that low-wage earners and people of color have the time they need to care for themselves and their families.

In short, paid leave is good for business. And good for ALL businesses.

I urge Congress to meet the moment by passing a comprehensive federal paid family and medical leave policy that provides long-term health benefits and economic security to all American families and contributes to the vitality and sustainability of our business.

#### OHIO

Bob Szuter, Columbus, OH: A federal paid leave program would help put our business on a more level playing field with that of larger businesses and allow us to better compete for employees. It would also allow us to focus on the more immediate needs of running our business.

#### OKLAHOMA

Amy Beaudoin, OK: As a new mom, I knew the expectation or given leave was the standard six weeks. That is, six weeks maternity leave, but my husband didn't have any paid leave. With the birth of our sons (six years apart) I was grateful for the paid leave and am sure I would not have survived returning to work any earlier. However, my husband didn't have this privilege. As I held, fed and played with our new babies, he worked. I became tired of being the sole caregiver and he longed to be home with us. It's a common story, but why should it be? Paid family leave could allow mothers and fathers and all guardians of their new miracles time. Just time. Time they didn't have before but absolutely deserve. Men could take leave without judgment and women could have the support we need in this beautiful but very hard time. Everyone deserves paid family leave for whatever reason they need.

#### PENNSYLVANIA

Priya Amin, CEO/Founder, Flexible, Pittsburgh, PA: As a business run by working moms, we at Flexible are calling on Congress to respond to the unprecedented economic, health, and safety challenges faced by the business community as a result of the ongoing COVID-19 pandemic. Establishing a federal paid family and medical leave program is one of the critical solutions to our nation's economic recovery.

We need a policy that is inclusive and that protects all working people equally, regardless of what kind of work they do, where they live, or whom they love. Access to paid leave leads to better retention, personal health, and improved morale, which contributes to greater stability and viability for our businesses, ultimately helping our bottom line. Paid leave is also a key element of addressing racial, class, and gender inequalities in the United States. With an equal paid leave policy in place, we can help stem the historic tide of women leaving the workforce and ensure that low-wage earners

and people of color have the time they need to care for themselves and their families. In short, paid leave is good for business.

#### SOUTH CAROLINA

Erin S. Erenberg, CEO and Founder, Totum, Hilton Head, SC: The pandemic showed us a bleak and avoidable reality: that our culture does not value care. Families, and mothers in particular, report pervasive burnout after managing the demands of care and work without support. In a March 2021 poll of over 11,000 mothers, 98% pointed to paid leave as the number one way employers can support a better balance of work and care.

We need a policy that is inclusive and that protects all working people equally, regardless of what kind of work they do, where they live, or whom they love. Until we place a monetary value on caregiving, looking after our most vulnerable citizens will remain the unpaid labor of women, minorities and the marginalized -- people who have historically been underpaid and underrepresented in leadership. As such, paid leave is also a key element of addressing racial, class, and gender inequalities in the United States. With an equal paid leave policy in place, we can help stem the historic tide of women leaving the workforce, close the gender gap and motherhood wage and promotion penalty, and ensure that low-wage earners and people of color have the time they need to care for themselves and their families.

For employers, access to paid leave leads to an improved culture, greater employee health and improved morale and loyalty, all of which increase retention. Businesses enjoy greater stability, improved culture, increased creativity and sustained growth. In short, paid leave is good for business.

We urge Congress to meet the moment by passing a comprehensive federal paid family and medical leave policy that provides long-term health benefits and economic security to all American families and contributes to the vitality and sustainability of our business.

#### TEXAS

Kasey Bonham, Houston, TX: I work in public schools, and have done so for the last 15 years. I have a masters degree. I have prioritized taking care of other people's children, but when the time came to take care of my own infant, paid leave was not guaranteed. You see, you must have accumulated sick and personal days to cover the leave. If you don't have enough days saved, those days are docked. If you have other children in the district daycare and/or have health insurance through the district, you have to write checks to the school to cover those expenses while not getting paid. I've seen lots of moms rush back to work before they were ready and before their allotted 12 weeks were up. As child development professionals, we know exactly how important this early bonding time is for our babies. Yet, because of low pay to begin with combined with lack of pay when taking time off after the birth of our children, we must put this knowledge aside. This is especially troubling given that the majority of our education workforce is female. It's time for a change

Moriah Treadway, San Antonio, TX: My husband and I welcomed our daughter in March. I work in the mental health field and was stressed about paid leave from the start. The company I work for



does not provide paid maternity/parental leave. In its place, we are given short term disability that pays 60% for 6 weeks. However, in order to be paid, I had to purchase the buy up plan which only has a one week waiting period as opposed to the basic plan's 4 week waiting period. The remaining 6 weeks following are unpaid and I was advised to "save up" so I could afford to spend my full 12 weeks of FMLA with her. Saving up was difficult due to being in the process of buying a house and expecting a child, but we worked really hard to save. The only way we could do this was because my husband's company, Hulu, provides paid parental leave. This leave helped us beyond measure. It helped with my mental health as a new mother to have him present. It helped him bond with our daughter just as much as I had the opportunity to bond. It helped us be able to afford to take my full 12 weeks of FMLA knowing at least one of us still had an income. I know there are so many who aren't as fortunate as us to have been able to set aside money and their husbands to have paid parental leave, but this has been vital to our mental health, well being, and ability to grow and bond as a family. All parents should be allowed the same opportunity to, with peace of mind that comes from financial/job security, bond and take care of their newborns.

#### VERMONT

Matthew LeFluer, Alburgh, VT: Adults and children with disabilities need paid family and medical leave so they can continue on with their daily lives. It lowers the cost of health care, insurance and other medical expenses. Paid family leave will help families with newborn babies, toddlers and preschoolers to be able to bond with them. Children with disabilities especially need that extra care so they can thrive in communities surrounding them and have family support them throughout their life. I urge Congress to support adults and children with disabilities by passing paid family leave.

#### VIRGINIA

Courtney Calvin, VA: In 2018, I was fortunate to be working for an organization that offered six weeks of paid family leave, which I could combine with my other accrued paid time off to cover my 16 week maternity leave. Sixteen weeks of FMLA is allowed under D.C. law. This time off enabled me to recover from birth, exclusively breastfeed my son, find the best daycare for him, sort through his fussiness to determine food sensitivities, and learn how to care for him. When I returned to work, I felt ready to contribute to the world outside the home again and to cherish my son at home in the evenings and weekends. My paid work outside the home will enable my family to afford to purchase a home of our own when we're ready to leave our rented apartment. That paid family leave enabled me to focus on my family and their needs so that we can all succeed.

Megan Hebdon, VA: My daughter has a rare genetic disease that primarily manifests as life-threatening seizure clusters that often require multi-day hospitalizations. This started when she was one, and she is now nine. Over the past eight years, I have had to leave three clinical nurse practitioner jobs and one faculty job due to my responsibilities as a caregiver. I took unpaid leave from one clinical job, because I had not worked with the organization long enough. I chose my last job as a faculty member, because I thought that it would allow me to have greater flexibility to meet my daughter's needs. My direct supervisor would not work with me to accommodate my caregiving needs with my course schedule. For alternatives to employment that would provide a living wage for my family, I have opted for less pay and greater flexibility. I have worked as a graduate teaching and

research assistant at a quarter of the annual income I would have made as a nurse practitioner. I am currently a post-doctoral fellow earning two-thirds of the income I could be earning as a full-time faculty member or a full-time clinical nurse practitioner. But, these work opportunities have allowed me to be available to my daughter. I have consistently had to choose between my professional success and the care of my daughter. My daughter wins every time. I have the safety net of a working spouse, but my spouse is mostly unavailable for caregiving responsibilities and travels 2-3 weeks out of every month. Our healthcare, food, and travel expenses are high due to my daughter's health needs. Having a full two-income household would alleviate pressure and prevent further debt. I worry about unforeseen circumstances like my spouse losing their job, becoming sick, divorce, or death. Having access to paid family and medical leave that has realistic parameters for the definition of family (not just kin), provides support for caregivers to have work flexibility, and is accessible for all types of employees is necessary for the health and well-being of caregivers, care recipients, and the United States economy. Caregiving is fundamental to the health care system and supporting caregivers in the workplace will result in less recidivism and greater productivity.

Jessica Hulse Dillon, VA: My family is the opposite of most in this area; with our second daughter I had 12 weeks paid leave and my husband had 4 weeks. Since I ended up having a c-section that meant that we had four weeks to just focus on taking care of our daughters, and for me to completely heal from major surgery. Due to this time when my husband had to go back to work, and almost immediately traveling, I was fully healed and moderately rested allowing me to be there for myself and my girls. Those four weeks of overlapping leave also gave both me and my husband time to bond with our new daughter as well as to make sure our eldest daughter was able to bond with her sister. Having paid leave for BOTH parents is so key to building relationships and stability for the entire family. We have to ensure that all parents, caregivers, and children have these opportunities for recovery, rest, and bonding.

#### WASHINGTON, DC

Leslie Beckbridge, Washington, DC: My story is not particularly special or unique. Blessedly, my family was not struck by a great tragedy, nor did we overcome impossible odds. My wife and I are white, elite-educated, and fully employed. We graduated in 2011 into a barely stabilizing economy, but we both had jobs within 3 months.. Fast-forward 6 years and my wife and I were preparing to start our family. Expensive before even beginning, we needed to enlist the help of fertility specialists and purchase donor sperm and pay for special therapy to be permitted to use it, just for the privilege of being inseminated. Happily, we'd been planning for that for 5 years and had been scrimping and saving for those expenses. Again, blessedly we were successful and had a baby on the way. My employer offered 12 amazing weeks of paid parental leave. This was not a surprise to me. Long before pregnancy, long before fertility treatment, long before we were realistically planning out growing our family, I was attentive to parental leave policies at my employers and prospective employers. Parental leave was non-negotiable to me. If an employer didn't offer it, I wouldn't work there. This was largely informed by my early work experience and exposure to the reality of my colleague becoming pregnant and learning that there was no paid leave available to her. I never wanted to find myself in that position. Certainly, there were anxieties and challenges about bringing a baby into our lives. However, I knew that for at least the first 12 weeks of my baby's life, they would be safe and in the care of their parent, and I knew that our housing, food, and car would not be at risk because of it. We did have some savings built up at that point, it would have been alright to lose

a few weeks' pay, but I didn't want to drain our accounts in the first three months of baby's life. How then would we take on the additional cost of childcare? And what if, God forbid, something catastrophic happened and we had no savings to cover it? Already in the months leading up to my son's birth, I'd had a scare over a lump in my breast that cost a few thousand dollars to make sure it was nothing. Without paid leave, I would not have chosen to bring a baby into our family. It's that simple. In the 21st century, it is more common for both parents to be employed. Regardless of the gender of the parents, it is likely that both work outside the home. Without paid leave, we put families in the position of potentially opting out of becoming parents at all because they can't afford it. That's a problem that is going to take more than just paid leave to solve (looking at you skyrocketing cost of daycare) but paid leave is part of the equation. We need paid leave because we need talented working people across industries, not just in white collar jobs.



40 Worth Street, 10th Floor, New York, NY 10013 | t: 212.430.5982 | [info@abetterbalance.org](mailto:info@abetterbalance.org) | [abetterbalance.org](http://abetterbalance.org)

**Testimony from A Better Balance for the Senate Health Education, Labor and Pensions Committee: Paid Leave for Working Families: Examining Access, Options, and Impacts**  
May 18, 2021

---

We submit testimony on behalf of A Better Balance, a legal advocacy organization whose mission is to fight for policies protecting American workers from having to choose between caring for themselves and their families and maintaining their economic security. We have been working on needs affecting working families, including paid family and medical leave, throughout the country for over a decade, drafting or helping to draft almost all of the state paid family and medical leave laws, and we applaud this committee's attention to these critical issues.

We also run a free and confidential legal helpline to assist workers with issues affecting their ability to balance work, health, and family. When the COVID-19 pandemic hit, our call volume exploded—since March 2020, we have heard from thousands of workers across the country, from those needing time to recover from their own COVID symptoms to parents struggling with school and daycare closures to those with other health and caregiving needs, all in the face of a rapidly worsening economic situation. From caller after caller, we heard about a crisis in care, where longstanding gaps in our infrastructure, from a lack of national paid leave and paid sick time rights to a strained and stressed childcare system, were exacerbated by twin emergencies of public health and economic decline. The burdens—and the consequences—of this care crisis fall disproportionately on women and especially hard on low-income women and women of color.

Through our helpline, we heard from workers fighting to recover from COVID or care for loved ones who were recovering from the disease, like Genevieve, a medical assistant in Illinois. She works for a small medical facility with under 50 employees. Last summer, both she and her 4-year-old daughter contracted COVID-19. Because she had used the limited number of paid sick days her job provided earlier in the year, when COVID struck her family, Genevieve's employer refused to pay her for the time off she needed, telling her she could file for short-term disability for just two weeks but then pushing her to return to work even before the two weeks were up. This mounting pressure made Genevieve fear for her job if she took the time she needed, interfering with her ability to recover fully and to care for her ill daughter. A federal paid family and medical leave program would have guaranteed that Genevieve had access to the time she needed to care for herself and her daughter as they recovered from COVID, without risking the job and the income her family relies on.

We heard from mothers left in the lurch when schools closed, like Dreama James. Dreama works for a fast food restaurant in Georgia. She called ABB's legal helpline once she learned her 11-yr

old son would start virtual school in mid-August, 2020. She knew she likely would not have enough paid leave to cover his schooling in the fall since she had used paid leave in April when schools closed. She couldn't afford the \$280/week for a tutor to teach her son so she asked a manager if he could do his virtual school from the fast food lobby while she worked since he couldn't be home alone according to the state of Georgia. Her manager said no and that the fast food restaurant "wasn't a daycare," leaving her stressed and scrambling. She eventually made arrangements for her friend to watch her son, along with the friend's six other children. She was grateful even for that arrangement, but still had to cut back her schedule and lose pay for the one day per week when she caught up with teachers, as well as when school closed for extended holidays and to deal with COVID outbreaks, even once they returned in-person. She is still trying to claw her way back economically. She thinks it's unfair to have to either leave your children at home alone or not be able to have money to take care of them.

We also heard from those caring for seriously ill loved ones, like Eileen.\* Eileen was a factory worker in Illinois for over three decades and a caregiver for her husband, as he experienced a stroke, kidney failure, and a broken back from a fall. Though she was covered by the federal Family and Medical Leave Act, she quickly ran through her vacation time caring for her husband and, once it ran out, struggled to afford unpaid time off, often going into work when she needed to stay home to provide care. As she said, "It was very stressful trying to figure out when I should take off, when I should stay home. When I was at work, I was worried he would fall." When COVID hit, the pressures only got harder as she feared contracting the virus at work and exposing her vulnerable husband. Ultimately, she ended up leaving the workforce early in part because she needed to care for her husband. For Eileen, a federal paid family and medical leave program would have meant the ability to take the time she and her family needed without risking the income her family depended on to pay their bills.

As the experiences of these workers and many more we've heard from show, we all deserve the time and tools we need to care for ourselves and families when we need it most. Through our helpline, we were able to assist workers in accessing paid leave and other protections where they existed, whether through state or local law or under the emergency protections of the Families First Coronavirus Response Act—critical lifelines at a time when too many were drowning. What we heard from callers who were able to get the leave they needed confirmed what the research data shows: when COVID hit, workers in states that already had paid leave programs benefited from that critical safety net, from growth in caregiving to the flexibility to provide new benefits.<sup>i</sup> At the same time, without a permanent, national paid leave program, too many of our callers—and too many workers across the country—simply did not have the rights they needed to stay home when sick or to care for a sick family member infected by corona. With the spread of a deadly and extremely contagious disease conveyed from person to person, the lack of paid leave that would have enabled workers across the country to stay home when they or a family member were affected by the virus undoubtedly fostered the deadly spread and was one of the factors leading to the enormous number of deaths in the U.S. Those without access to paid leave were forced to make impossible choices among health, family, and work to the detriment of themselves and the nation.<sup>ii</sup> Even with emergency interventions, our lack of a national paid leave policy also compromised the effectiveness of our pandemic response by making it harder for working caregivers to socially distance.<sup>iii</sup>

As we seek to recover from the impacts of the pandemic while building a more equitable economy for all, there has never been a more urgent or more apt moment to ensure permanent paid family and medical leave rights for all Americans. Paid family and medical leave responds

---

\* Name changed at the worker's request

directly to many of the most pressing needs created and exacerbated by this pandemic. Countless workers will experience ongoing, long-term health and caregiving needs as a result of contracting COVID-19, including those for whom COVID compounds a prior serious medical condition or disability.<sup>iv</sup> Paid family and medical leave will ensure workers can take the time they need to address their own or a loved one's COVID-related needs in the years to come.<sup>v</sup>

Moreover, the pandemic has pushed millions of women out of the workforce,<sup>vi</sup> disproportionately women of color, while others were forced to reduce work—resulting in an estimated \$64.5 billion annually in lost wages and economic activity and potentially setting back women's economic equity by decades.<sup>vii</sup> Paid leave is a proven tool for supporting women's labor force attachment and earning potential, giving women in the workforce more support when it is most needed and investing in both the strength and the equity of our economy.<sup>viii</sup> There has never been a more pressing time for a policy that, uniquely, is both a powerful public health tool and a game-changing economic intervention.

We can and must move swiftly to ensure that all workers have the paid family and medical leave they need for the future, before the next crisis hits. Nine states and the District of Columbia have already passed their own paid family and medical leave laws,<sup>ix</sup> laws we were proud to help write, fight for, and win. These states have shown the path forward toward the national solution we need. Leave must be comprehensive, covering time off for workers' own serious health needs or those of a loved one, to bond with a new child, or to address the impact of military deployment. It must be universal, covering all workers, whether they work as employees or contractors, full or part-time, in the public or private sector, or for large or small employers. It must be portable, allowing workers to keep the benefits they have earned as they move from job to job or combine multiple sources of income, reflecting the changing nature of work. It must offer a duration long enough to meet workers' needs and a wage replacement rate that all workers, including low-income workers, can afford to use. It must be inclusive, ensuring workers' ability to care for all those they consider family and the right to bond for all kinds of parents. And it must be secure, ensuring the ability of all workers to take the time they need and then return to work without risking their livelihood.

As we move towards a path out of the pandemic, the calls keep coming from workers who still lack the paid leave they need, not only for COVID-related needs but for all the reasons that workers have always needed paid leave. We hear from workers like Alexandria, whose story Representative Dan Kildee read into the record at this hearing. Alexandria is a studio manager and massage therapist at a small massage studio in Michigan. She is currently pregnant and due to give birth in October 2021. After she announced her plans to start a family, her boss handed her an agreement to sign indicating that if she were ever to take leave for more than one to two days at a time, her salary would be suspended. To make matters worse, she does not even have the right to take unpaid time off when she gives birth because her company is too small to be subject to the Family and Medical Leave Act. Her state also does not have a law that would require her employer to provide her with reasonable accommodations for pregnancy and childbirth such as time off to physically recover. She is very concerned about receiving income while recovering from childbirth, as she will also not have access to short-term disability benefits. She is also concerned that there is no guarantee her job will be held while she is on maternity leave.

Workers like Alexandria needed paid leave before the pandemic. They needed it yesterday, they need it today, and they will need it tomorrow. It is past time for the United States to ensure this essential right for all Americans. We applaud Chairman Neal, the members, and this committee

for this hearing shining a spotlight on this critical need and for their continued leadership in fighting for working families.

*Respectfully submitted by Sherry Leiwant, Co-President and Co-Founder  
([sleiwant@abetterbalance.org](mailto:sleiwant@abetterbalance.org)).*

---

<sup>i</sup> Chantel Boyens, Urban Institute, State Paid Family and Medical Leave Programs Helped a Surge of Workers Affected by the COVID-19 Pandemic (June 2020), [https://www.urban.org/sites/default/files/publication/102325/state-paid-family-and-medical-leave-programs-helped-a-surge-of-workers-affected-by-the-covid-19-pandemic\\_0.pdf](https://www.urban.org/sites/default/files/publication/102325/state-paid-family-and-medical-leave-programs-helped-a-surge-of-workers-affected-by-the-covid-19-pandemic_0.pdf).

<sup>ii</sup> Kimberly Montez et al., *An Opportunity to Promote Health Equity: National Paid Family and Medical Leave*, 146 *Pediatrics Perspectives* 1 (June 16, 2020).

<sup>iii</sup> Jeffrey E. Stokes & Sarah E. Patterson, *Intergenerational Relationships, Family Caregiving Policy, and COVID-19 in the United States*, 32 *J. Aging & Social Pol'y* 416, 420 (June 3, 2020).

<sup>iv</sup> Catherine Whelan and Taylor Haney, “What It’s Like When COVID-19 Lasts For Months,” NPR, August 10, 2020, available <https://www.npr.org/2020/08/10/900710151/what-its-like-when-covid-19-lasts-for-months>; Letter from the Cystic Fibrosis Foundation et al. to Congress (April 9, 2020), <https://www.cff.org/About-Us/Our-Approach-to-Federal-State-and-Local-Policy/Our-Policy-Priorities/Briefings-Testimonies-and-Regulatory-Comments/CF-Foundation-Urges-Congress-to-Expand-Paid-Leave-Policies.pdf>.

<sup>v</sup> Rebecka Rosenquist & Caroline La Rochelle, Paid Leave: Will COVID-19 be a Catalyst for This Essential Policy?, Children’s Hospital of Philadelphia Policy Lab (Sept. 25, 2020), <https://policylab.chop.edu/blog/paid-leave-will-covid-19-be-catalyst-essential-policy>.

<sup>vi</sup> The most recent data show there are over 2 million fewer women in the workforce now than there were in January 2020. Bureau of Labor Statistics (Dec. 2020), <https://www.bls.gov/news.release/pdf/empst.pdf>.

<sup>vii</sup> Julie Kashen, Sarah Jane Glynn, and Amanda Novello, *How COVID-19 Sent Women’s Workforce Progress Backward: Congress’ \$64.5 Billion Mistake* (Oct. 30, 2020), Center for American Progress, <https://www.americanprogress.org/issues/women/reports/2020/10/30/492582/covid-19-sent-womens-workforce-progress-backward/>.

<sup>viii</sup> Paid Family Leave Increases Mother’s Labor Market Attachment (January 2020), Institute for Women’s Policy Research, <https://iwpr.org/wp-content/uploads/2020/01/B383-Paid-Leave-Fact-Sheet.pdf>; Zachary Campell et al., The Impact of Paid Leave: Evidence from Temporary Disability Insurance in Rhode Island (July 2017), 30, <https://www.mathematica-mpr.com/-/media/internet/conferences/2017/drc-annual-meeting2017/summaries/hastings.pdf?la=en>; Linda Houser & Thomas Vartanian, Pay Matters: The Positive Economic Impacts of Paid Family Leave for Families, Businesses and the Public, Ctr. for Women & Work 2, 6-7 (2012), available at <http://www.nationalpartnership.org/researchlibrary/work-family/other/pay-matters.pdf>.

<sup>ix</sup> For more information on state paid leave laws, see our comparative chart at <https://www.abetterbalance.org/resources/paid-family-leave-laws-chart/>.

## QUESTIONS AND ANSWERS

RESPONSE BY VICKI SHABO TO QUESTIONS OF SENATOR CASEY

SENATOR CASEY

*Question 1.* Paid sick leave and paid family and medical leave are essential to workers to ensure that they are able to take time off to care for themselves and to care for loved ones. Paid leave benefits can prevent workers from unnecessarily dropping out of the workforce, help increase lifetime earnings and promote a range of positive worker outcomes. However, in addition to benefiting workers directly, in your testimony you also mention the benefits paid leave can provide to the individuals who workers are able to care for when they have paid time off, such as their children and older family members. Can you provide any additional information about how paid family and medical leave can benefit children, older Americans and individuals with disabilities who are the recipients of care from family members?

Answer 1. Thank you for your thoughtful question for the record arising from the HELP Committee's May 18, 2021, hearing, Paid Leave for Working Families: Examining Access, Options, and Impacts. As your question correctly posits, when paid leave is available for a working family caregiver, their care recipient also benefits. For example—

With respect to children:

- New children whose parents have access to paid leave are more likely to be taken to *well-baby visits* and more likely to be *immunized* on the medical community's recommended schedule.
- In California, where a paid family leave program was passed in 2002 and implemented in 2004, children are *less likely to be hospitalized, less likely to experience head trauma* (perhaps because of reduced parental stress) and *more likely to have better educational outcomes and fewer behavioral problems in elementary school*.
- *Child mortality* also declines when parents have access to paid leave.

With respect to older or ill loved ones:

- Children *recover more quickly* when a parent is able to be with them.
- In California, *nursing home utilization declined by 11 percent* when paid leave became available, meaning care recipients were better able to receive care in their homes presumably from a family member, and public spending on nursing homes via Medicaid was reduced.
- According to the American Cancer Society's research, caregivers who had paid leave were *much more likely* to be able to help their ill loved ones get to medical appointments and treatments and to provide care for them.

With respect to individuals with disabilities:

- Access to paid leave means caregivers are *better able* to meet the needs of their disabled children and older loved ones physically and emotionally and financially.

Paid leave benefits workers and families' health and economic security, businesses' profitability and retention, the economy and taxpayers. It is well past time for the United States to adopt a comprehensive national policy. I look forward to further questions and to providing technical assistance to your staff, the Committee and other policymakers as Congress considers the paid leave proposal in the President's American Families Plan this summer.

RESPONSE BY MARCIA ST. HILAIRE-FINN TO QUESTIONS OF SENATOR LUJAN

SENATOR LUJAN

*Question 1.* I agree that paid leave is a matter of racial and gender equity. What would it mean to your business and employees if a national paid leave policy were enacted?

Answer 1. I opened Bright Start with the idea that to provide the care our children deserve, the caretakers should be fairly compensated, which includes access to paid time off. During the early days of Bright Start, we provided 1 week paid sick time, and 2 weeks paid vacation time—well above industry standards at the time. This was an intentional and conscious choice on my part to attract the best and



brightest employees, despite the additional cost burden. As I have grown my business, I have been able to add additional benefits—and now provide partial health insurance coverage, another week of paid leave in addition to sick and vacation time and unpaid leave. My business model, which relies on a large portion of fully private pay parents and higher fees, makes my employee compensation choices possible. Yet even with this model, I have not been able to meet the full needs of my employees. Our 4-week paid leave policy is all we are able to do right now. A national paid leave program that provides 12 weeks paid leave would allow us to more fully meet the needs of our employees. That's why I, along with a strong majority of small business owners, support a national paid family and medical leave program.

- **Small businesses can't afford paid leave on their own like many larger businesses can.** Small businesses generally lack the capital and the scale to provide paid leave, even when owners want to provide that benefit. Moreover, private insurers generally do not offer affordable, adequate paid leave policies to small businesses. As a result, as of 2019 *only 14 percent of workers in firms with 99 or fewer employees had access to employer-provided paid family leave, compared to 29 percent of workers in firms with 500 or more employees.*
- **Our businesses benefit when employees can take time to care for their families and return ready to work.** Paid leave helps reduce turnover and boost employee morale and loyalty, increasing productivity and cost savings for our small businesses. Paid leave makes good business sense.
- **Paid Leave is a matter of racial and gender equity.** The racial wealth gap means employees and business owners of color like myself have less of a financial cushion for taking time off, but they also have more limited access to paid leave. And, with most caregiving still *falling to women*, paid leave is an important gender equity measure for business owners and employees alike. These facts have been further heightened during the pandemic. With higher rates of COVID-related illnesses, death, and business closures, the need for paid leave is higher than ever in Black and Brown communities. A robust, permanent paid family and medical leave program is essential for supporting Black-and Brown-owned businesses, their employees, and the communities they serve.
- **Addressing workforce shortages.** Over the past year women have left the workforce in droves—and the lack of paid leave and *child care* was a major contributing factor. Closing these care infrastructure gaps will be a major factor in addressing our current labor shortage. We can't afford not to use every tool in our toolbox to support a rebounding and growing economy.
- **Economic Recovery on Main Street.** For small businesses and Main Street economies to recover, we need more customers spending on Main Street and the safe return of our labor force. Comprehensive paid family and medical leave programs have been shown to significantly increase mothers' attachment to the workforce and caregivers' participation in the labor both short and long-term. Paid leave dollars go back into the local economy, boosting consumer demand at small businesses, as working people spend their leave to cover basics.

*Question 2.* Ms. St. Hilaire-Finn, you state in your testimony that providing paid leave to your employees has had a significant impact on the children at your center, and also on family members at home. What would a national paid leave policy mean for your workers and the children in their care, especially through the lens of child welfare and well-being?

*Answer 2.* As the mother of a young daughter, I searched for a child care center in my neighborhood that would fit my unique schedule and provide quality care, but couldn't find one. So, in 2002, I decided to start my own small business in my basement, launching Bright Start Early Care and Preschool. I opened Bright Start with the idea that to provide the care our children deserve, the caretakers should be fairly compensated, which includes access to paid time off. Providing good, competitive benefits has created a virtuous cycle. We experience exceptionally low turnover, which saves us in recruitment and training costs. Our average tenure for staff is 7 years—far and above the industry standard. With recruitment costs topping 250 percent of an employee's annual salary, these small benefits costs end up paying for themselves over time.

As all parents can appreciate, caring for children is truly a labor of love—but it’s also grueling work! That is why it’s so important that my employees are able to take care of themselves and their families. Over the past two decades, I have had numerous employees who needed to take additional time off to care for themselves or a loved one. Several employees had the joy of welcoming a new baby into their families. And two employees have had to deal with the shock of cancer diagnosis and take time for surgery, treatment, and recovery. They have since told me that they believe they recovered more quickly just knowing they could take care of themselves and having that peace of mind that they had a job to come back to. They truly felt valued and came back to work even more grateful and energized.

Just as importantly, our families benefit from the continuity and know-how of our staff. We have several staff who have welcomed babies to our center, care for them through the program graduation, and also welcome other siblings to the program. This continuity of care is tremendously valued by our families. This helps our center grow and expand. And through this growth we are able to create upward mobility for our staff with additional administrative positions benefiting their families and our community.

---

RESPONSE BY MS. McMANUS, MARCIA ST. HILAIRE-FINN AND MS. MILITO TO  
QUESTIONS OF SENATOR MURKOWSKI

SENATOR MURKOWSKI

*Question 1.* Ms. McManus, in your written testimony, you recommended that Congress pass legislation that “preserves effective employer benefit programs and provides employers a single set of standards nationwide would advance employee equity and consistent benefits while eliminating the cumbersome compliance burdens.” Could you be more specific about what nationwide standards would work for our Nation’s employers—both employers like IBM that provide paid leave benefits and those (especially small employers) that do not, and what compliance burdens should specifically be avoided?

Answer 1. As discussed in both written and verbal testimonies, we at IBM recognize the important role paid leave benefits have in the lives of our workers and agree that paid family and medical leave as well as sick leave are essential for workers needing personal or family care. IBM and the American Benefits Council (the “Council”) support a Federal legislative solution that would provide employers with the flexibility to offer a paid leave program that meets a single set of standards to employees nationwide while also expanding access to paid leave. Any Federal solution should account for the generous leave programs already provided by nationwide employers who are at the forefront of innovative benefit solutions for their employees.

While we cannot speak on behalf of small employers or other types of employers, we recognize that small businesses and nationwide companies may need different options as part of a broader Federal solution and there is not a one-size-fits-all remedy for all employers. Large corporations with locations in multiple states who already offer generous and comprehensive paid sick and family and medical leave benefits are looking for a single set of nationwide standards that will:

- Provide all employees across the U.S. with access to a consistent, minimum amount of essential paid sick leave and paid family and medical leave benefits.
- Enable nationwide employers to offer uniform paid leave benefits, along with uniform processes to obtain those benefits, to employees regardless of where they work—ensuring fundamental fairness and equity for employees nationwide.
- Provide relief to employers who already provide a specified level of paid leave benefits from the patchwork of inconsistent state and local laws and their cumbersome administrative demands
- Reference the Federal Family and Medical Leave Act (“FMLA”) as a framework for establishing a single set of nationwide definitions and standards. The FMLA is attractive because medium and large employers understand and have been complying with the FMLA for more than 25 years.
- The essential point is that a Federal standard be available throughout the US, and employers with employees in more than one state who meet

that standard should benefit from relief from inconsistent, different state or local requirements.

- The significant compliance burden that must be avoided for nationwide employers is the challenge and complexity of administering the numerous state and local paid leave mandates. In the Council's recent *informal poll of large employers* on state paid leave laws, 45 of 66 (68 percent) nationwide businesses characterized the administrative burden imposed by multiple state and local paid leave laws as "very significant," with an additional 18 (27 percent) calling it "somewhat significant."

Thank you again for the question and we look forward to working with the Congress and Administration toward a solution so that all workers in the United States have access to robust paid family, sick, and medical leave benefits.

**Question 2. Ms. St. Hilaire-Finn**, you testified that the District of Columbia Paid Family and Medical Leave program was beneficial to you as a small employer and to your employees. This program requires all employers to contribute 0.62 percent of the wages of each of its covered employees to the Universal Paid Leave Implementation Fund. Has the Main Street Alliance done any recent survey of its members to determine if that level of contribution is affordable for the majority of the Alliance's small business members? If so, what were the results?

Answer 2. Main Street Alliance (MSA) has not asked that specific question to our membership. However, MSA's own surveys and other surveys do show strong small business support for paid leave—even when it includes a shared contribution from business owners and their employees.

MSA's *latest national Survey* (2020) of 600 small business owners showed widespread support, across party identification, for a national paid family and leave program.

- Among Democrats, 80 percent favor and 9 percent oppose
- Among Independents, 52 percent favor, and 33 percent oppose
- Among Republicans, 55 percent favor, and 33 percent oppose

MSA's *last major survey* (2017) of nearly 1,800 small business owners in 17 states found:

- 64 percent of respondents supported a nationwide paid sick days minimum standard like the Healthy Families Act. This increased to 73 percent when just looking at women small business owners and business owners of color.
- Small businesses that were not able to provide family and medical leave to employees overwhelmingly identified a social insurance program as what they most needed to be able to provide this benefit (79 percent selected this option, while only 8 percent identified a tax credit).
- When asked about how best to pay for a PFML social insurance program, the overwhelming majority of respondents, 76 percent, view the funding of such a program as a shared responsibility, with a joint employer and employee contribution. Eleven percent thought the program should be an employee-only contribution. Three percent believed just the employer should contribute, and 10 percent noted another source of funding for the program.

As a small business owner myself, I find the costs of the DC paid leave program negligible, especially when compared to the costs of having an employee out for an extended period (without a leave program when one is covering both the employee and the costs of a replacement worker all at the same time) or when compared to the costs of losing a valued employee.

**Question 3. Ms. Milito**, you testified that NFIB opposes paid leave mandates because they drive up costs and result in lost jobs, burdensome paperwork requirements, and higher costs. Can you inform the committee about the impact to NFIB's small business employer members in states that have enacted paid leave laws?

Answer 3. NFIB members have consistently opposed new paid leave mandates at the state level due to cost and compliance difficulties. For states that enacted such laws our members have done their best to comply to the fullest extent of the law but have continued to experienced difficulties with both compliance and cost.

**Question 4. Ms. Milito**, you also testified that our Nation's small business owners recognized the need for flexible hours and to be "family friendly" as they compete for employees. Has NFIB any data to show what percentage of our Nation's small

businesses are providing family friendly leave policies in states that have not enacted paid leave requirements?

Answer 4. Small business owners understand the importance of a flexible workplace. The vast majority of small businesses already offer paid time off (PTO), time that can be used for any type of leave, to a majority of their full-time employees. According to a 2016 NFIB small business poll, 73 percent of small business owners offer their full-time employees paid time off, and 67 percent offer 2 weeks or more of leave—without government mandate.<sup>1</sup> Seventy percent of firms with one to nine employees report offering the benefit, compared to 87 percent and 83 percent of firms with ten to 19 employees and firms with 20 to 249 employees respectively.<sup>2</sup>

---

[Whereupon, the hearing was adjourned at 11:57 a.m.]

---

<sup>1</sup> *Employee Compensation and Small Business*, NFIB Small Business Poll (2016), available at *NFIB-SBP-Emp-Compensation2017-v2.pdf* (411sbfacts.com).

<sup>2</sup> *Id.*