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Sarah A. Donovan
Specialist in Labor Policy

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SUMMARY

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Sarah A. Donovan
Specialist in Labor Policy
-redacted-@crs.loc.gov

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Paid family leave (PFL) refers to partially or fully compensated time away from work for specific and generally significant family caregiving needs, such as the arrival of a new child or serious illness of a close family member. Although the Family and Medical Leave Act of 1993 (FMLA; P.L. 103-3) provides eligible workers with a federal entitlement to unpaid leave for a limited set of family caregiving needs, no federal law requires private-sector employers to provide paid leave of any kind. Currently, employees may access paid family leave if it is offered by an employer. In addition, workers in certain states may be eligible for state family leave insurance benefits that can provide some income support during periods of unpaid leave.

As defined in state law and federal proposals, family caregiving activities that are eligible for PFL or family leave insurance generally include caring for and bonding with a newly arrived child and attending to serious medical needs of certain close family members. Some permit leave for other reasons, but in practice, day-to-day needs for leave to attend to family matters (e.g., a school conference or lapse in child care coverage), minor illness, and preventive care are not included among "family leave" categories.

Employer provision of PFL in the private sector is voluntary. According to a national survey of employers conducted by the Bureau of Labor Statistics, 16% of private-industry employees had access to PFL through their employers in March 2018. The availability of PFL was more prevalent among professional and technical occupations and industries, high-paying occupations, full-time workers, and workers in large companies (as measured by number of employees). Recent announcements by several large companies indicate that access may be increasing among certain groups of workers.

In addition, some states have enacted legislation to create state paid family leave insurance (FLI) programs, which provide cash benefits to eligible workers who engage in certain caregiving activities. California, Rhode Island, and New Jersey currently operate FLI programs, which offer 4 to 10 weeks of benefits to eligible workers. Three other states and the District of Columbia have enacted FLI programs, but they are not yet fully implemented and paying benefits. The New York program began phased implementation in 2018. The District of Columbia FLI legislation took effect in April 2017, and Washington State's FLI law took effect in July 2017; benefit payments start in 2020 for both programs. Massachusetts' family leave program was signed into law in June 2018; its benefit payments are to begin in January 2021.

Many advanced-economy countries entitle workers to some form of paid family leave. Whereas some provide leave to employees engaged in family caregiving (e.g., of parents, spouses, and other family members), many emphasize leave for new parents, mothers in particular. The United States is the only Organization for Economic Co-operation and Development (OECD) member to not offer paid leave to new mothers.

In December 2017, Congress passed H.R. 1 (P.L. 115-97), which included tax incentives to employers to voluntarily offer paid family and medical leave to employees. Proposals to expand national access to paid family leave have been introduced in the 116th Congress, such as the Family and Medical Insurance Leave Act (FAMILY Act; S. 463/H.R. 1185), which proposes to create a national wage insurance program for persons engaged in family caregiving activities or who take leave for their own serious health condition (i.e., a family and medical leave insurance program), and the New Parents Act (S. 920/ H.R. 1940) which would allow parents of a new child to receive Social Security benefits for the purposes of financing parental leave. Others have proposed using the tax code to provide tax advantages to individuals with caregiving responsibilities.

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Introduction

Paid family leave (PFL) refers to partially or fully compensated time away from work for specific and generally significant family caregiving needs, such as the arrival of a new child or serious illness of a close family member. Although the Family and Medical Leave Act of 1993 (FMLA; P.L. 103-3) provides eligible workers with a federal entitlement to unpaid leave for a limited set of family caregiving needs, no federal law requires private-sector employers to provide *paid leave* of any kind.[1]

Currently, employees may access PFL if offered by an employer. In addition, some states have created family leave insurance (FLI) programs, which provide cash benefits to eligible workers who engage in certain (state-identified) family caregiving activities. In these states, workers can access PFL by combining an entitlement to unpaid leave with state-provided insurance benefits. Some Congressional proposals to expand national access to paid family leave expand upon these existing mechanisms. A new tax credit, created in December 2017 (P.L. 115-97), seeks to expand voluntary employer-provided PFL, and—similar to the state insurance approach—the Family and Medical Insurance (FAMILY Act; S. 463/H.R. 1185), which proposes to create a national wage insurance program for persons engaged in family caregiving activities or who take leave for their own serious health condition. The New Parents Act (S. 920/ H.R. 1940) would allow parents of a new child to receive Social Security benefits, to be repaid at a later date, for the purposes of financing parental leave. Others proposals, such as the Working Parents Flexibility Act of 2019 (H.R. 1859) and the Freedom for Families Act (H.R. 2163), would amend the tax code to provide tax-advantages to individuals with caregiving responsibilities.

Members of Congress who support increased access to paid leave generally cite as their motivation the significant and growing difficulties some workers face when balancing work and family responsibilities, and the financial challenges faced by many working families that put unpaid leave out of reach. In general, expected benefits of expanded access to PFL include stronger labor force attachment for family caregivers and greater income stability for their families, and improvements to worker morale, job tenure, and other productivity-related factors. Potential costs include the financing of payments made to workers on leave, other expenses related to periods of leave (e.g., hiring a temporary replacement or productivity losses related to an absence), and administrative costs. The magnitude and distributions of costs and benefits will depend on how the policy is implemented, including the size and duration of benefits, how benefits are financed, and other policy factors.

This report provides an overview of paid family leave in the United States, summarizes state-level family leave insurance programs, notes PFL policies in other advanced-economy countries, and notes recent federal legislative action to increase access to paid family leave.

Paid Family Leave in the United States

Throughout their careers, many workers encounter a variety of family caregiving obligations that conflict with work time. Some of these are broadly experienced by working families but tend to be short in duration, such as episodic child care conflicts, school meetings and events, routine medical appointments, and minor illness of an immediate family member. Others are more significant in terms of their impact on families and the amount of leave needed, but occur less

[1] The Family and Medical Leave Act of 1993 (FMLA) allows for employer-provided paid leave to be used during periods of FMLA-entitled leave. An overview of FMLA is in CRS Report R44274, *The Family and Medical Leave Act: An Overview of Title I,* by Sarah A. Donovan.

frequently in the general worker population, such as the arrival of a new child or a serious medical condition that requires inpatient care or continuing treatment. Although all these needs for leave may be consequential for working families, the term *family leave* is generally used to describe the latter, more significant, group of needs that tend to require longer periods of time away from work.

As defined in state law and federal proposals, family caregiving activities that are eligible for PFL or leave insurance benefits generally include caring for and bonding with a newly arrived child and attending to the serious medical needs of certain close family members; some also allow leave or benefits for workers with certain military family needs. In practice, day-to-day needs for leave to attend to family matters (e.g., a school conference or lapse in child care coverage), minor illness (e.g., common cold), or preventive care are not included among family leave categories.[2]

Employer-Provided Paid Family Leave

Employer-provided PFL in the private sector is voluntary. According to a national survey of employers conducted by the Bureau of Labor Statistics (BLS), 16% of private-industry employees had access to PFL (separate from other leave categories) through their employer in March 2018.[3] These statistics, displayed in **Table 1**, further show that PFL was more prevalent among managerial and professional occupations; information, financial, and professional and technical service industries; high-paying occupations; full-time workers; and workers in large companies (as measured by number of employees). Recent announcements by several large companies suggest that access may be increasing among certain groups of workers. Among new company policies announced in recent years, some emphasize parental leave (i.e., leave taken by mothers and fathers in connection with the arrival of a new child), and others offer broader uses of family leave.[4]

[2] Some proposals increase access to other types of leave as well, such as paid sick leave. Proposed paid sick leave entitlements are relatively short in duration and could be used for a broader assortment of medical needs than are typically included in family and medical leave proposals. For example, the Healthy Families Act (S. 840/H.R. 1784) would require certain employers to allow their employees to earn 1 hour of leave per 30 hours of work, up to a maximum of 56 hours per year. The bill would allow employees to use such leave to attend to medical needs (including routine medical appointments), to attend a child's school meeting, and for certain medical, legal or other needs related to domestic violence, sexual assault, or stalking, among other uses.

[3] The Bureau of Labor Statistics (BLS) survey defines paid family leave as leave provided specifically to care for a family member, parental leave (i.e., for a new child's arrival), and maternity leave that is granted in addition to any sick leave, annual leave, vacation, personal leave, or short-term disability leave that is available to the employee. An employer that makes a full or partial payment towards an insurance plan covering family leave is considered by BLS to provide paid family leave. If there is no employer contribution to the plan (employee paid only), then such an insurance plan is not considered paid family leave.

[4] Examples of companies that offer paid leave benefits for broader purposes include General Mills, which (starting in 2019) offers salaried and non-union production employees 18-20 weeks of fully compensated maternity leave for birth mothers, 12 weeks of parental leave, 2 weeks of caregiver leave (for the care of an immediate family member with a serious health condition), and up to 4 weeks of bereavement leave; Facebook, which in 2017 extended paid leave to those providing care to a sick family member (three days for short-term illness and six weeks for serious illness) and to bereavement (20 days for an immediate family member and 10 days for extended family); and Deloitte, which offers its employees up to 16 weeks of paid leave for family caregiving. General Mills announced its new policy at https://www.generalmills.com/en/News/NewsReleases/Library/2018/July/Expanded-US-benefits-aug29; Facebook Chief Operating Officer Sheryl Sandberg announced Facebook's new leave policy at https://www.facebook.com/sheryl/posts/10158115250050177; Deloitte announced its new policy at https://www2.deloitte.com/us/en/pages/about-deloitte/articles/press-releases/deloitte-announces-sixteen-weeks-of-fully-paid-family-leave-time-for-caregiving.html.

Table 1. Share of Private Industry Workers with Access to Employer-Provided Paid Family Leave, March 2018

Category	Percentage of Workers
All Workers	16%
By Occupation	
Management, professional, and related	28%
Service	9%
Sales and office	17%
Natural resources, construction, and maintenance	9%
Production, transportation, and material moving	8%
By Industry	
Construction	6%
Manufacturing	12%
Trade, Transportation, and Utilities	13%
Information	41%
Financial Activities	31%
Professional and Technical Services	32%
Administrative and Waste Services	5%
Education and Health Services	21%
Leisure and Hospitality	8%
Other Services	10%
By Average Occupational-Wage Distribution	
Bottom 25%	7%
Second 25%	15%
Third 25%	18%
Top 25%	27%
By Hours of Work Status	
Full-time	19%
Part-time	6%
By Establishment Size	
1 to 99 employees	12%
100 to 499 employees	18%
500 or more employees	25%

Source: Bureau of Labor Statistics (BLS), *2018 Employee Benefits Survey*, March 2018, Table 32, http://www.bls.gov/ncs/ebs/benefits/2018/ownership/private/table32a.htm.

Notes: The BLS survey defines paid family leave as leave "granted to an employee to care for a family member and includes paid maternity and paternity leave. The leave may be available to care for a newborn child, an adopted child, a sick child, or a sick adult relative. Paid family leave is given in addition to any sick leave, vacation, personal leave, or short-term disability leave that is available to the employee." Employees may be able to use other forms of paid leave (e.g., vacation time), or a combination of them, to provide care to a family member.

A 2017 study by the Pew Research Center (Pew) examined U.S. perceptions of and experiences with paid family and medical leave; its results provide insights into the need for such leave among U.S. workers and its availability for those who need it.[5] Pew reports, for example, that 27% of persons who were employed for pay between November 2014 and November 2016 took leave (paid and unpaid) for family caregiving reasons or their own serious health condition over that time period, and another 16% had a need for such leave but were not able to take it.[6] Among workers who were able to use leave, 47% received full pay, 36% received no pay, and 16% received partial pay. Consistent with BLS data, the Pew study indicates that lower-paid workers have less access to paid leave; among leave takers, 62% of workers in households with less than $30,000 in annual earnings reported they received no pay during leave, whereas this figure was 26% among those with annual household incomes at or above $75,000.

State-Run Family Leave Insurance Programs

Some states have enacted legislation to create state paid FLI programs, which provide cash benefits to eligible workers who engage in certain caregiving activities. Four states—California, New Jersey, New York, and Rhode Island—have active programs. Three additional programs—those in the District of Columbia (DC), Washington State, and Massachusetts—await implementation.[7]

Table 2 summarizes key provisions of state FLI laws and shows the following:

- The maximum weeks of benefits available to workers and wage replacement rates vary across states. Existing state FLI programs offer between 4 weeks (Rhode Island) and 10 weeks (New York) of benefits. Starting July 1, 2020, New Jersey is to increase benefit weeks from 6 to 12. When its plan is implemented, DC is to offer 8 weeks of paid family leave in 2020, and Washington State is to offer 12 weeks of paid family leave in the same year. New York's entitlement is to increase to 12 weeks of benefits when its plan is fully implemented in 2021. Massachusetts is to provide up to 12 weeks for family leave, unless leave is used to provide care to a seriously ill or injured military service member, when up to 26 weeks may be used.

[5] Juliana Horowitz, Kim Parker, Nikki Graf, and Gretchen Livingston, *Americans Widely Support Paid Family and Medical Leave, but Differ Over Specific Policies*, Pew Research Center, March 2017, http://pewresearch.org; hereinafter "Horowitz et al., 2017." Pew's findings are based on two large-scale, nationally representative surveys. The first survey collected data from the general population, and is used to measure U.S. attitudes toward and perceptions of paid family leave, as well as the availability of leave for those who had a recent (i.e., within the last two years) need for family or medical leave. The second survey collected information from individuals who had a recent need for family or medical leave, and is used to study leave-taking in detail (e.g., economic and demographic characteristics of workers who were able and unable to meet their needs for leave, reasons the workers needed leave, duration of leave when taken, and the percentage of pay provided to those who were able to take leave).

[6] These survey results are summarized on page 52 of Horowitz et al., 2017. For workers who took family and medical leave and those who had such a need but were unable to take leave, the areas of greatest demand were for leave to care for the worker's own serious health condition and for leave to care for a family member with a serious health condition. The report does not contain the questionnaire used to pose these questions, and so there is some uncertainty about how respondents interpret the term "serious health condition," which at least in the FMLA has a specific meaning (i.e., a health condition that requires inpatient care or continuing treatment by a health care provider).

[7] The New York program started phasing in beginning January 2018 and is to be fully implemented by 2021. The District of Columbia program is to begin benefit payments in July 2020. Washington State's paid family and medical program benefit payments start in January 2020. Benefit payments for the Massachusetts' program are to start in January 2021.

- Program eligibility typically involves in-state employment of a minimum duration, minimum earnings in covered employment, or contributions to the insurance funds.
- All state FLI programs currently in operation are financed entirely by employee payroll tax receipts; however, when implemented, the DC program is set to be financed by employers. Massachusetts' and Washington State's programs are to be jointly financed by employers and employees, with some exceptions.
- Some FLI programs (e.g., Rhode Island) provide job protection directly to workers who receive FLI benefits, meaning that employers must allow a worker to return to his or her job after leave has ended. Workers in other states may receive job protection if they are entitled to leave under federal or state family and medical leave laws, and coordinate such job-protected leave and FLI benefits.

Table 2. State Family Leave Insurance Program Provisions as of May 2019

State and Year Program Took Effect	Qualifying Events	Benefit Formula	Maximum Benefit in 2019	Weeks of Benefits	Eligibility	Financing[a]	Job Protection for Benefit Recipients[b]
California 2004	Arrival of a new child by birth, adoption, or foster care. Serious health condition of a close family member.[c] (California also provides temporary disability benefits to workers for wage loss related to their own medical conditions through a state disability insurance program.)	Benefits are paid weekly and are calculated as a percentage of the worker's recent weekly earnings (approximately 60%-70%), up to a maximum amount determined annually; minimum benefits are $50 per week. For a four-year period that started on January 1, 2018, wage replacement rates are based on whether the worker's wages are at or above or below one-third of the state average wage, with workers with lower earnings receiving higher replacement rates.	$1,252 per week.	6 weeks for family care.	Worker has earned $300 in wages in California that were subject to the insurance tax over the worker's "base period."[d]	Payroll tax on employees.	No
District of Columbia Contributions start July 2019 and benefits payable in July 2020.	Arrival of a new child by birth, adoption, or foster care. Serious health condition of a close family member.[c] Worker's own serious medical condition.	For workers with average weekly wages less than or equal to 150% of 40 hours compensated at the DC minimum wage (i.e., "DC minimum weekly wage"), benefits are 90% of the worker's average weekly wage. For workers with average weekly wages above this threshold, benefits are 150% of the DC minimum weekly wage plus 50% of the average amount earned above the DC minimum weekly wage, up to a maximum amount.	N/A—First benefit payments will be in July 2020, when the maximum benefit will be $1000 per week.	8 weeks, of which up to 8 weeks may be for parental leave, up to 6 weeks for family leave, and up to 2 weeks for the worker's own medical leave.	In general, at least 50% of work occurs in the District of Columbia for a covered DC-based employer. Has been a covered employee for at least one week during the 52 calendar weeks preceding the qualifying event for leave.	Payroll tax on covered employers, which does not include the federal government.	No

State and Year Program Took Effect	Qualifying Events	Benefit Formula	Maximum Benefit in 2019	Weeks of Benefits	Eligibility	Financing[a]	Job Protection for Benefit Recipients[b]
Massachusetts Contributions start July 2019 and benefits payable in January 2021.	Arrival of a new child by birth, adoption, or foster care. Serious health condition of a close family member.[c] Needs related to the military deployment of a close family member. The care of a military family member with a serious illness or injury (i.e., military caregiver leave). Worker's own serious medical condition (i.e., medical leave).	Workers whose average weekly wage is 50% or less than the state average weekly wage receive 80% of their average weekly wage, up to $850/week. Otherwise, workers receive 50% of their average weekly wage, up to $850/week. The maximum benefit is adjusted annually on October 1 to be 64% of the state average weekly wage, taking effect on January 1 of the following year.	N/A—First benefit payments will be in January 2021, when the maximum benefit will be set at $850 per week.	26 weeks total, of which 12 weeks may be used for the arrival of a new child, a close family member's serious health condition, or a close family member's deployment needs; 26 weeks may be used for military caregiver leave; and 20 weeks for the worker's own medical leave.	Meets the financial eligibility for receiving unemployment insurance (i.e., received wages during the base period that total at least 30 times the weekly UI benefit rate). Former employees must meet the same financial eligibility criteria and have separated from employment for no more than 26 weeks.	Family leave (i.e., leave for all qualifying events except the worker's own medical needs) is financed by a payroll tax on employees. Medical leave is financed by a payroll tax on both employees and employer if the employer has at least 25 employees. Employers with fewer than 25 employees are exempt from contributions.	Yes, with some exceptions (e.g., changes in business operations that are independent of a worker's leave status).

State and Year Program Took Effect	Qualifying Events	Benefit Formula	Maximum Benefit in 2019	Weeks of Benefits	Eligibility	Financing[a]	Job Protection for Benefit Recipients[b]
New Jersey 2009	Arrival of a new child by birth, adoption, or foster care. Serious health condition of a close family member [c] Needs related to domestic or sex violence to the employee or a family member. (New Jersey also provides temporary disability benefits to workers for wage loss related to their own medical conditions through a state disability insurance program)	Approximately 67% of average weekly wage (based on earnings in the eight calendar weeks immediately prior to the week in which the leave begins), up to a maximum amount. Effective July 1, 2020, 85% of average weekly wage, up to a maximum weekly benefit of 70% of the statewide average weekly wage.	$650 per week.	Six weeks for family care. Effective July 1, 2020, 12 consecutive weeks for family care (or 56 intermittent days of caregiving).	At least 20 calendar weeks in which the worker has covered New Jersey earnings of $172, or the worker has earned at least $8,600 in covered New Jersey employment in the 52 calendar weeks preceding the week in which leave began.	Payroll tax on employees.	No.[e]
New York Program phase-in started in 2018. It will be fully implemented in 2021.	Arrival of a new child by birth, adoption, or foster care. Serious health condition of a close family member.[c] (New York requires covered employers to provide temporary disability benefits to workers who are unable to work due to disability.)	Benefits are calculated as a percentage of the employee's average weekly wage, up to a maximum amount determined by the product of the replacement rate in a given year and the New York average weekly wage. Replacement rates are scheduled to be 55% in 2019, 60% in 2020, and 67% in 2021.	$746.41 per week.	10 weeks in 2019 and 2020, and 12 weeks starting in 2021.	Full-time employment for 26 weeks or 175 days of part-time employment.	Payroll tax on employees.	Yes

State and Year Program Took Effect	Qualifying Events	Benefit Formula	Maximum Benefit in 2019	Weeks of Benefits	Eligibility	Financing[a]	Job Protection for Benefit Recipients[b]
Rhode Island 2014	Arrival of a new child by birth, adoption, or foster care. Serious health condition of a close family member.[c] (Rhode Island also provides temporary disability benefits to workers for wage loss related to their own medical conditions through a state disability insurance program.)	4.62% of wages received in the highest quarter of the worker's base period (i.e., approximately 60% of weekly earnings), up to a maximum.[d] The minimum weekly benefit is $98. In some cases the worker may receive a dependency allowance.	$852 per week.	4 weeks for family care.	In general, to be eligible a worker must have earned wages in Rhode Island, paid into the insurance fund, and earned at least $12,600 in the base period; a separate set of criteria may be applied to persons earning less than $12,600.[d]	Payroll tax on employees.	Yes
Washington Contributions start January 2019 and benefits payable starting January 2020.	Arrival of a new child by birth, adoption, or foster care. Serious health condition of a close family member.[c] Needs related to the military deployment of a close family member. Worker's own serious medical condition (i.e., medical leave).	Workers whose average weekly wage is 50% or less than the state average weekly wage receive 90% of their average weekly wage. Otherwise, workers receive approximately 25% of the state average weekly rate plus 50% of their average weekly wage, up to a statutory maximum amount. The minimum benefit is $100 per week or the full weekly wage for employees with an average weekly wage below $100 per week. The maximum weekly benefit in January 2020 is $1,000; this maximum will be adjusted annually in September of each year.	N/A—First benefit payments will be in January 2020, when the maximum benefit will be set at $1000 per week.	In general, 16 weeks, of which family leave may be no more than 12 weeks, and medical leave may be no more than 12 weeks. Benefits may be extended to 18 weeks (i.e., 2 additional weeks of medical leave) if an employee's pregnancy results in incapacity.	Worked at least 820 hours of employment during the qualifying period.[d] Federal employees are not covered.	If the employer has at least 50 employees, leave is jointly financed by employees and the employer; otherwise, it is employee-financed.	Only for employees that meet certain conditions.

Sources: California: California Unemployment Insurance Code §§3300-3306 and program information from http://www.edd.ca.gov/Disability/Paid_Family_Leave.htm. District of Columbia: Law L21-0264 published in *DC Register*, vol. 64, p. 3985 and program information from https://does.dc.gov/page/district-columbia-paid-family-leave. Massachusetts: MGL c.175M as added by St. 2018, c.121https://www.mass.gov/service-details/check-eligibility-for-unemployment-benefits and program information from https://www.mass.gov/info-details/massachusetts-law-about-employment-leave. New Jersey: N.J. Stat. Ann. §43:21-25-56 and program information from https://myleavebenefits.nj.gov/labor/myleavebenefits/. New York: New York Workers' Compensation §§200-242 and program information from https://www.ny.gov/programs/new-york-state-paid-family-leave. Rhode Island: Rhode Island General Laws §§28-41-34-35, and program information from http://www.dlt.ri.gov/tdi/. Washington: Substitute Senate Bill 5975, State of Washington, 65 Legislature, 2017, 3rd Special Session from http://app.leg.wa.gov/billsummary?BillNumber=5975&Year=2017.

a. In some states, family leave insurance benefits and disability insurance (i.e., for a worker's own medical condition) are financed separately. In these cases, the information in this column describes financing mechanisms for family leave insurance alone.

b. FLI recipients may receive job protection through FMLA or a similar state law.

c. Most states provide FLI benefits to workers who provide care to a family member with a serious health condition. The set of family members generally includes a child, parent, spouse or domestic partner, and grandparent; some states provide benefits for the care of other relatives such as grandchildren and siblings.

d. For California, Rhode Island, and Washington, the "base period" or "qualifying period" is the first four of the last five completed quarters that precede the insurance claim. For example, a claim filed on February 6, 2017, is within the calendar quarter that begins on January 1, 2017 (i.e., the first calendar quarter). The base period for that claim is the four-quarter period (i.e., 12-month period) that starts on October 1, 2015. In Massachusetts, the base period is the last four completed quarters preceding the benefits claim.

e. New Jersey law governing its temporary disability and family leave insurance programs was amended in February 2019 to include an anti-retaliation provision. The new section at N.J. Stat. Ann. §43:21-55.2 provides that "[a]n employer shall not discharge, harass, threaten, or otherwise discriminate or retaliate against an employee with respect to the compensation, terms, conditions, or privileges of employment on the basis that the employee requested or took any temporary disability benefits … or family temporary disability leave benefits … including retaliation by refusing to restore the employee following a period of leave." The provision further states, however, that it does not change the entitlement to reinstatement after a period of family temporary disability leave provided by the NJ Family Leave Act. Whether this anti-retaliation provision can be interpreted as providing job protection (i.e., a right to reinstatement to the position held before taking leave) to FLI benefit recipients (without regard to recipients' eligibility for job protection under the NJ Family Leave Act) may be clarified through regulation.

Studies of Paid Family Leave

A relatively small literature examines U.S. workers' access to and use of paid family leave and related labor market and social outcomes, with an emphasis on parental leave (i.e., leave related to the birth and care of new children). For the United States, studies of the state family leave insurance programs (see the "State-Run Family Leave Insurance Programs" section of this report) form an important branch of research. The broad coverage of these programs and availability of administrative data provide methodological advantages over studies of workers with employer-provided leave.[8] California launched the first state family leave insurance program in the country in 2004, and is the most studied. Research findings indicate that greater access to paid family leave (i.e., through the California program) resulted in greater leave-taking among workers with new children, with some evidence that the increase in leave-taking was particularly pronounced among women who are less educated, unmarried, or nonwhite.[9] Although the program was associated with greater leave-taking—in terms of incidence and duration of leave—for mothers and fathers, there is some indication that workers are not availing themselves of the full six-week entitlement offered by the California program, suggesting that barriers to leave-taking remain (e.g., financial constraints, work pressures).[10]

Economist Maya Rossin-Slater reviews the broader literature on the impacts of maternity and paid family leave in the United States, Europe, and other high-income countries.[11] She notes the wide variation in paid leave policies around the globe (see "Paid Family Leave in OECD Countries" section of this report), but nonetheless offers four general observations: (1) greater access to paid leave for new parents increases leave-taking; (2) access to leave can improve labor force attachment among new mothers, but leave entitlements in excess of one year can have the opposite effect (i.e., long separations can weaken labor force attachment among mothers); (3) access to leave can improve children's well-being, but extending the length of existing entitlements does not appear to further improve child outcomes; and (4) a limited literature on U.S. state-level family leave insurance programs does not reveal notable impacts (positive or negative) of these programs on employers, but further research on employers' experiences is needed.

Paid Family Leave in OECD Countries

Many advanced-economy countries entitle workers to some form of paid family leave. Whereas some provide leave to employees engaged in family caregiving (e.g., of parents, spouse, and other family members), many emphasize leave for new parents, mothers in particular.

As of 2016, the Organization for Economic Co-operation and Development (OECD) family leave database counts 34 of its 35 members as providing some paid parental leave (i.e., to care for children) and maternity leave, with wide variation in the number of weeks and rate of wage replacement across countries. This is shown in **Figure 1**, which plots the OECD's estimates of weeks of full-wage equivalent leave available to mothers. Weeks of full-wage equivalent leave are calculated as the number of weeks of leave available multiplied by the average wage payment rate. For example, a country that offers 12 weeks of leave at 50% pay would be said to offer 6 full-wage equivalent weeks of leave (i.e., 12 weeks x 50% = 6 weeks).

[8] As noted in the "Employer-Provided Paid Family Leave" section of this report, employer-provided leave is concentrated among higher-paying occupations, larger firms, and certain industries. This lack of broad coverage creates challenges for researchers trying to disentangle, for example, the effects of leave-taking on employment and earnings outcomes from the effects of holding a high-paying professional job on the same outcomes.

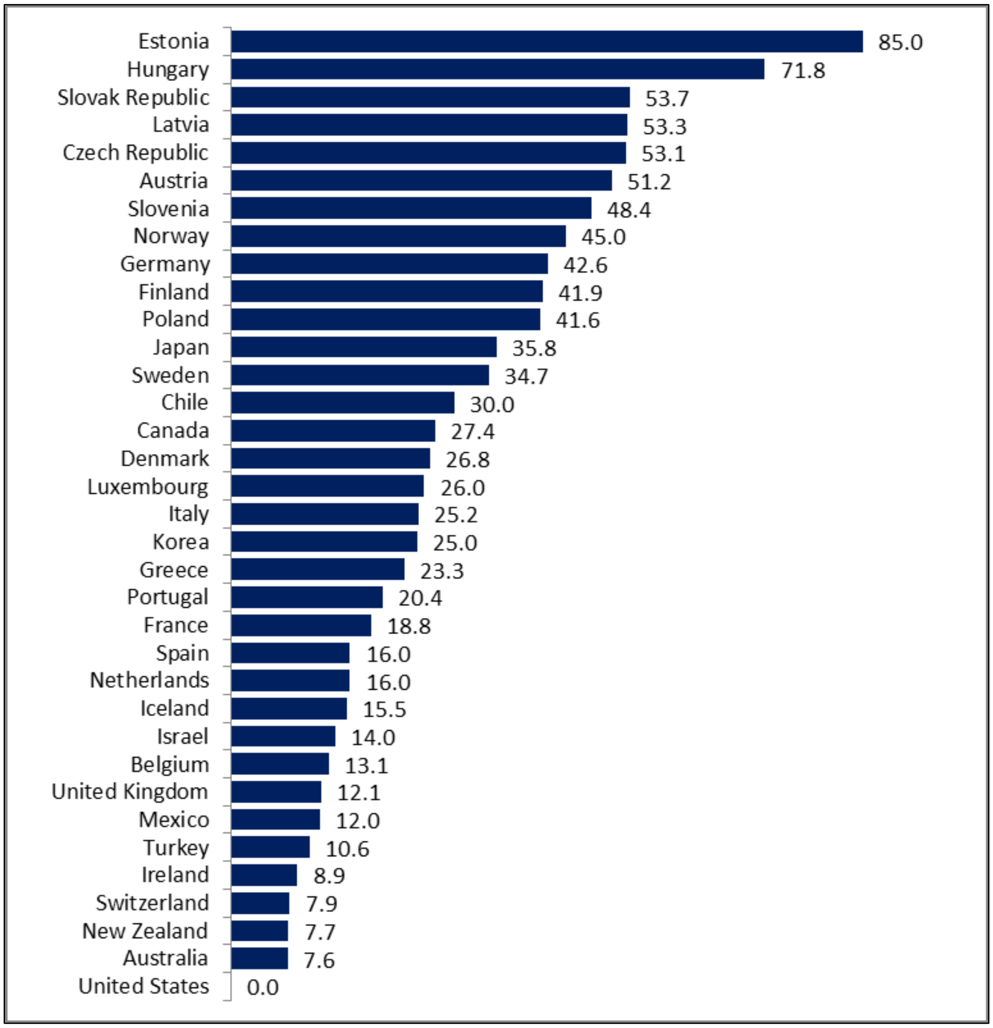
[9] Maya Rossin-Slater, Christopher Ruhm, and Jane Waldfogel, "The Effect of California's Paid Family Leave Program on Mothers' Leave-Taking and Subsequent Labor Market Outcomes," *Journal of Policy Analysis and Management*, vol. 32, no. 2 (2013), pp. 224-245.

[10] Charles Baum and Christopher Ruhm, *The Effects of Paid Leave in California on Labor Market Outcomes*, NBER Working Paper 19741, 2013, http://www.nber.org/papers/w19741; 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*, NBER Working Paper no. 21747, 2015, http://www.nber.org/papers/w21747.

[11] Maya Rossin-Slater, *Maternity and Family Leave Policy*, NBER Working Paper no. 23069, 2017, http://www.nber.org/papers/w23069.

Figure 1. Average Full-Wage Equivalent Weeks of Paid Leave Available to Mothers

OECD Member Countries' Leave Provisions as of April 2016



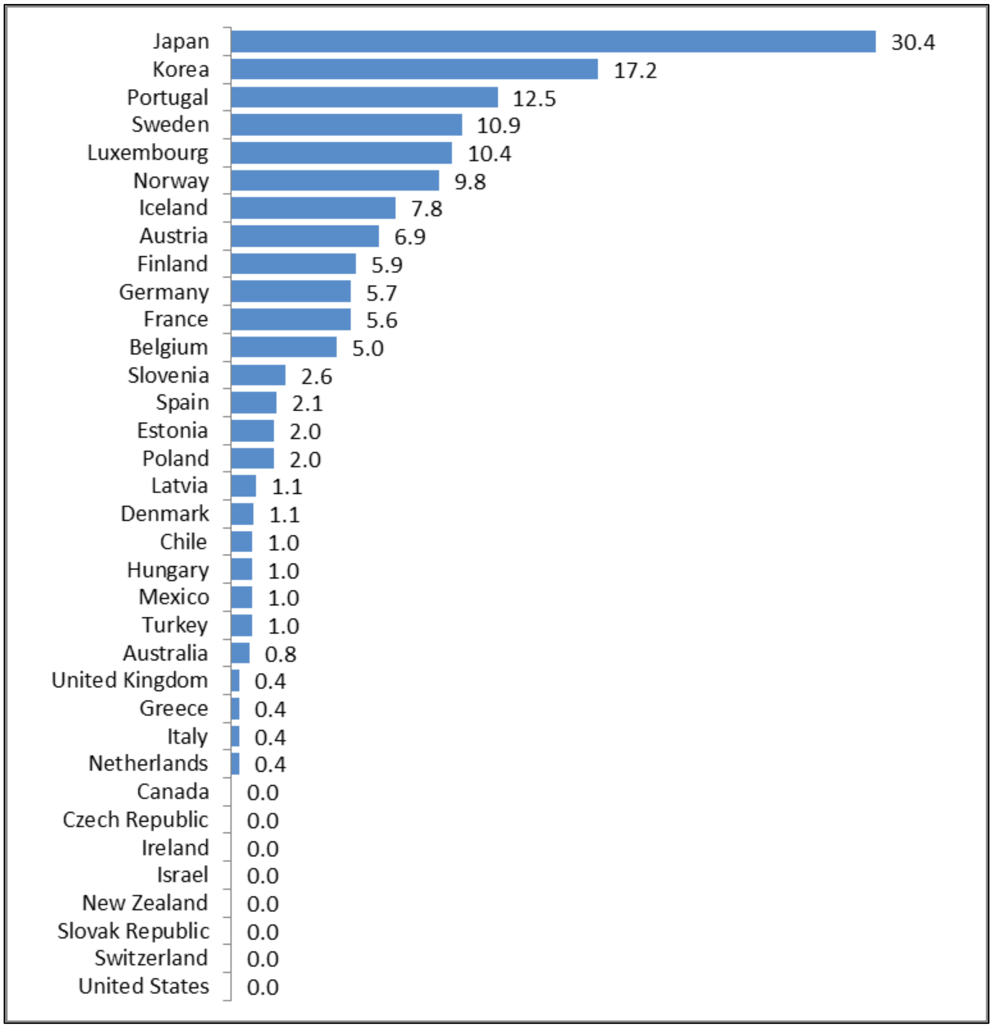
Source: OECD, Family Database, Indicator Table PF2.1, http://www.oecd.org/els/family/database.htm.

Notes: Leave available to mothers includes maternity leave and leave provided to care for children. Average full-wage equivalent weeks are calculated by the OECD as the product of the number of weeks of leave and "average payment rate," which describes the share of previous earnings replaced over the period of paid leave for "a person earning 100% of average national (2014) earnings." While federal law in the United States does not provide paid parental leave for private sector workers, some employers provide such leave voluntarily and some states have programs that provide wage insurance to workers on leave for selected family reasons; see section "Paid Family Leave in the United States" of this report for additional information.

A smaller share (27 of 35) of OECD countries provides paid leave to new fathers. In some cases, fathers are entitled to less than a week of leave, often at full pay (e.g., Greece, Italy, and the Netherlands), whereas others provide several weeks of full or partial pay (e.g., Portugal provides five weeks at full pay, and the United Kingdom provides two weeks at an average payment rate of 20.2%). Some countries provide a separate entitlement to fathers for child caregiving purposes. This type of parental leave can be an individual entitlement for fathers or a family entitlement that can be drawn from by both parents. In the latter case, some countries (e.g., Japan, Luxembourg, and Finland) set aside a portion of the family entitlement for fathers' use, with the goal of encouraging fathers' participation in caregiving. **Figure 2** summarizes paid leave entitlements reserved for fathers in OECD countries in 2016; it plots the OECD's estimates of weeks of full-wage equivalent paternity leave and parental leave reserved for fathers.

Figure 2. Average Full-Wage Equivalent Weeks of Paid Leave Available to Fathers

OECD Member Countries' Leave Provisions as of April 2016



Source: OECD, Family Database, Indicator Table PF2.1, http://www.oecd.org/els/family/database.htm.

Notes: Leave available to fathers includes paternity leave and leave reserved for fathers to care for children. Average full-wage equivalent weeks are calculated by the OECD as the product of the number of weeks of leave and "average payment rate," which describes the share of previous earnings replaced over the period of paid leave for "a person earning 100% of average national (2014) earnings." While federal law in the United States does not provide paid parental leave for private sector workers, some employers provide such leave voluntarily, and some states have programs that provide wage insurance to workers on leave for selected family reasons; see section "Paid Family Leave in the United States" of this report for additional information.

The OECD examined the availability of family caregiver leave among its member countries in 2011 and found that of the 25 countries for which it could identify information, 14 had polices providing paid leave to workers with ill or dying family members; these are summarized in **Table**

3.[12] Qualifying needs for leave, leave entitlement durations, benefit amounts, and eligibility conditions varied considerably across the countries included in the OECD study.

Table 3. Selected OECD Country Paid Family Leave Policies in 2011

Country	Paid Caregiving Leave
Australia	Up to 10 days of leave for full-time employees to care for a sick family or household member.
Belgium	Two months of leave to provide palliative care to a terminally ill parent. Up to three months of leave to care for a family or household member who needs medical care.
Canada	Up to six weeks of income support, provided though the Employment Insurance Compassionate Care Benefit, for certain workers providing care to "a family member who is gravely ill and at the risk of dying."
Denmark	Under certain conditions, unlimited leave to provide care to a family or household member with a terminal illness.
Finland	100 to 180 days of "alternation leave" (i.e., a career break) for workers with significant work histories.[a] The employer of the worker on such leave hires an unemployed worker on a fixed-term basis during the absence.
France	21 days of leave to care for a close family member or household member who is terminally ill.
Japan	Up to 93 days (per ill family member) to provide care to certain close family members; compensation is conditioned on the worker being insured for at least 12 months by the public employment insurance service.
Luxembourg	Up to 5 days of leave when a spouse, parent, or child is terminally ill.
Netherlands	Up to 10 days of leave to care for a sick family member.
Norway	Up to 30 days (provided under two programs) for caregiving.
Poland	Up to 60 days of leave.
Slovenia	Up to 7 days to provide care to a co-resident child or spouse, with additional days granted for severe illness.
Spain	Up to 3 days of leave to provide care to an ill family member.
Sweden	Up to 100 days to provide care to a family member of working age with a terminal illness.

Source: Organization for Economic Co-operation and Development (OECD), "Chapter 4: Policies to Support Family Carers" in *Help Wanted? Providing and Paying for Long Term Care*, OECD Health Policy Studies Series, 2011, http://www.oecd.org/els/health-systems/help-wanted-9789264097759-en.htm.

Notes: The table presents policies that the OECD was able to identify for a 2011 study of long-term care. An entitlement to paid leave is subject to country-specific eligibility conditions, and leave may not be fully compensated.

a. The legislated right to alternation leave was updated after the 2011 OECD publication. For more information, see http://tem.fi/en/job-alternation-compensation.

Recent Federal PFL Legislation and Proposals

The overarching goal of PFL legislative activity in the 116th Congress has been to increase access to leave by reducing the costs associated with providing or taking leave. The Strong Families Act, which became law in December 2017 (P.L. 115-97), allows employers to claim tax credits for a

[12] Organisation for Economic Co-operation and Development (OECD), "Chapter 4: Policies to Support Family Carers," in *Help Wanted? Providing and Paying for Long Term Care*, OECD Health Policy Studies Series, 2011, http://www.oecd.org/els/health-systems/help-wanted-9789264097759-en.htm.

portion of wages paid to certain employees taking family or medical leave; this approach potentially increases access to PFL for workers while reducing the costs to employers of providing the leave.[13] A second approach addresses costs incurred by workers taking leave. For example, the establishment of a national family leave insurance program, such as that proposed in the Family and Medical Insurance Leave Act (FAMILY Act; S. 463/H.R. 1185), would provide cash benefits to eligible individuals who are engaged in certain caregiving activities, potentially making the use of unpaid leave (e.g., as provided by FMLA or voluntarily by employers) affordable for some workers. Proposals such as the New Parents Act (S. 920/ H.R. 1940) would allow eligible new parents to receive to up to three months of Social Security benefits, in return for deferring retirement (or early retirement) by a period of time determined by the Social Security Administration to cover the costs of the parental benefit.[14] Other approaches include proposals to create tax-advantaged parental leave savings accounts (e.g., the Working Parents Flexibility Act of 2019, H.R. 1859) and tax-advantaged distributions from health savings accounts for family and medical leave purposes (e.g., the Freedom for Families Act, H.R. 2163).

In addition, the President's FY2020 budget proposes to provide six weeks of financial support to new parents through state unemployment compensation (UC) programs.[15] A similar approach was taken in 2000 by the Clinton Administration, which—via Department of Labor regulations—allowed states to use their UC programs to provide UC benefits to parents who take unpaid leave under the FMLA, other approved unpaid leave, or otherwise take time off from employment after the birth or adoption of a child. The Birth and Adoption Unemployment Compensation rule took effect in August 2000, and it was later removed from federal regulations in November 2003.[16]

Author Contact Information

Sarah A. Donovan
Specialist in Labor Policy
/redacted/@crs.loc.gov, 7-....

[13] For additional discussion see CRS In Focus IF11141, *Employer Tax Credit for Paid Family and Medical Leave*, by Molly F. Sherlock.

[14] S. 3345 would not grant an entitlement to parental leave. Workers accessing the parental leave benefit would need to use employer-provided leave or be eligible for leave under FMLA or state family and medical leave laws. Workers claiming the maximum, three months of benefits, would need to demonstrate they have taken (or plan to take) at least two months of leave to provide care for a child, among other requirements. Eligible workers who take at least one month but fewer than two months of leave would qualify for 1.5 months of benefits. Otherwise-eligible workers who take less than one month of leave would not qualify for benefits.

[15] Office of Management and Budget, *Budget of the U.S. Government, Fiscal Year 2020*, March 2019, https://www.whitehouse.gov/wp-content/uploads/2019/03/budget-fy2020.pdf and Department of Labor, *FY2020 Congressional Budget Justification, Employment and Training Administration, State Unemployment Insurance and Employment Service Operations*, March 2019, https://www.dol.gov/sites/dolgov/files/general/budget/2020/CBJ-2020-V1-07.pdf.

[16] Information on unemployment compensation and family leave, and the Clinton Administration Birth and Adoption Unemployment Compensation Regulation is in CRS In Focus IF10643, *Unemployment Compensation (UC) and Family Leave*, by Julie M. Whittaker and Katelin P. Isaacs.

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