



the work and family legal center

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At a Glance: The Family and Medical Insurance Leave Act

Only 13% of employees in the U.S. have access to paid family leave through their employers. The federal Family and Medical Leave Act (FMLA), which provides *unpaid* family and medical leave, excludes roughly 40% of Americans. Among those who *do* qualify for FMLA leave, nearly half cannot afford to take time off without pay to provide care to loved ones. The Family and Medical Insurance Leave Act (FAMILY) (S. 337/H.R. 947) would enable workers to take up to 12 weeks of paid time off from work to recover from a serious illness, bond with a new child, care for a seriously ill family member, or address certain military family needs.

- **Paid family leave is good for workers and their families.** The FAMILY Act would enable workers to take necessary time off to care for their families without undue financial burden.
- **Paid family leave is good for businesses.** Access to paid family leave improves employee morale and retention. The FAMILY Act would also level the playing field for small businesses by providing a benefit often offered only to employees of large companies.
- **The FAMILY Act would provide workers with up to 12 weeks of paid family and medical leave per year.** Workers would be eligible for benefits following the birth of a child or placement of a child for adoption or foster care; to recover from the worker's own serious health condition; to address certain military family situations; and to care for a spouse, domestic partner, child or parent with a serious health condition. Although the Act does not cover extended family members, it defines domestic partners broadly to include individuals in a committed relationship, even if they have not legally formalized or registered their relationship. The domestic partner definition includes same-gender and different-gender couples.
- **Workers would receive benefits of approximately 2/3 of their average monthly income, up to a cap.** The cap on benefits would be set at \$4,000/month for the first year and adjusted for subsequent years according to a formula based on the national average wage index.
- **Workers would be covered regardless of the size of their employer.** The FAMILY Act covers all workers, including part-time workers, who are insured for Social Security Disability Insurance benefits and have earned income from employment during the 12 months prior to their application.
- **Employers would be entitled to notice of a worker's intention to take leave under the law, giving employers time to plan ahead for the worker's absence.** Employees would also be required to provide proof of the need for family or medical leave.
- **The FAMILY Act would be administered by the Social Security Administration (SSA).** The FAMILY Act would establish a new Office of Paid Family and Medical Leave as part of the SSA.
- **Benefits would be paid out of an insurance fund paid for by small employer and employee contributions.** Individual employees would contribute 0.2% (two-tenths of one percent) of their wages, while employers would contribute 0.2% of the wages they pay employees.
- **Workers would be protected from discrimination for taking benefits.** The FAMILY Act prohibits an employer from discharging or otherwise discriminating against a worker for applying for, indicating intent to apply for, or receiving benefits. It does not, however, fully guarantee workers the right to get their jobs back after taking leave.