At a Glance: The Family and Medical Insurance Leave Act

Only 17% 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 (FAMILY) Act (S. 463/H. 1185) 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 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.