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Re: Paid Leave Working Group Request for Information

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Thank you for the opportunity to respond to this request for information. We applaud the working group and its members for their leadership and for continuing to pursue solutions on this critical issue. A Better Balance (ABB) is a legal advocacy organization whose mission is to fight for policies protecting workers throughout the country from having to choose between caring for themselves and their families and maintaining their economic security. We have helped draft and pass every paid family and medical leave (PFML) law enacted in 13 states and Washington, D.C. and have assisted state agencies with implementing those laws. Our chart outlining these laws can be found here: <https://www.abetterbalance.org/resources/paid-family-leave-laws-chart/>.

ABB runs a free and confidential legal helpline to assist workers in balancing work, health, and family. Through that helpline, we hear from thousands of workers about their real-life problems in states where PFML is not available, and about how important this benefit is to workers in states that do have such programs. From our experience advocating in the states and from working with our callers, we know that there are certain key elements that must be included in a strong PFML program. The federal program should build on the experience of the states and craft a federal law using the same principles as these successful state programs.<sup>1</sup> Below are our answers to your questions.

**1. What should the federal role be, if any, in providing, promoting, and/or incentivizing paid leave? And how should this interact with the role of state government programs, and/or employer programs?**

**A federal paid leave program is essential.** Our country desperately needs a federal paid leave program, particularly in regions like the South where no state has yet implemented a comprehensive paid leave program. We believe that paid leave for all means that all workers, regardless of where they live or how they work, deserve a foundation of guaranteed paid leave. We urge lawmakers across all political leanings to come together around the common-sense conclusion that there is a strong federal role in providing paid leave and a strong case for public investments in doing so. Only the federal government can create a federal baseline policy that guarantees comprehensive paid leave rights to all workers nationwide. Without a national program, there are substantial disparities in access, which have grown rather than decreased in recent years. Existing solutions based on where employees work or who they work for have not

created access for all, and it is past time for the federal government to provide a basic level of benefits to all workers that states and employers can build upon if they so choose. Paid leave needs to be a universal program guaranteed to all working people, just as Social Security is. All Americans will need paid leave at some point in their lives and deserve the financial security and peace of mind of knowing it will be there when they need it. Only through a universal federal program can we ensure fair and equitable access for all workers.

**States must be able to continue operating their own programs even after federal paid leave is enacted**, so long as those programs meet robust baseline federal standards. As we have worked extensively in the states, drafting legislation and helping to establish strong state programs, we want to emphasize that these state programs have been extremely successful in delivering comprehensive and universal paid leave to millions of workers. Those programs have strong administration, strong uptake, and strong positive impact on families and businesses.

**A federal program can easily be constructed that will allow state programs to stand.** The paid leave scheme passed by the House of Representatives in 2021 as part of the Build Back Better initiative was entitled Universal Paid Family and Medical Leave, and contained an excellent framework for allowing state programs to continue as long as they were at least as good as the federal program. That framework called for data sharing requirements between the states and the federal agency administering the federal paid leave program, as well as reimbursements to the states for benefits paid up to the federal program amount. Funding for transition was also provided. Even after enactment of a federal program, we must ensure that these successful programs continue and that it will not be difficult for states to maintain their existing programs. We should also take advantage of innovations at the state level in the future. State programs have been immensely successful and now cover many millions of workers. Indeed, Congress could immediately, as we work toward a national program, support states in their paid leave efforts as has been suggested in the recently released House bi-partisan framework document. For example, the federal government could invest in electronic systems to facilitate better communication among state programs, helping them to share data and improve program integrity. This investment would benefit both employers and workers, as well as state administrators.

**Employers who provide better benefits for their employees than those provided by a federal program should be encouraged to do so.** The Universal Paid Family and Medical Leave Program passed by the House of Representatives provided that employers in states without existing paid leave programs could continue to have their own paid leave program if it was at least as good as the program provided in the federal bill, and receive federal support for that program. We believe that policy makes sense but would urge that in order for an employer to be able to run its own program, the employer must comply with all federal standards, provide the same leave benefits to all employees, and actually improve on the federal program in specific ways.

- 2. What types of leave should a potential federal program cover, at what length, and why? How should different types of leave be prioritized? Should different types of leave be treated differently or does doing so create adverse effects?**

A federal program should follow the proven framework of existing state programs and provide *at least* 12 weeks of paid leave for workers' major medical and caregiving needs. Specifically, this means paid leave for: a worker's own serious medical condition; bonding with a new child; caring for a seriously ill family member; specific needs when the worker or their family member experiences domestic violence or sexual assault (known as "safe leave"); and addressing certain military family needs (known as "military exigency leave").<sup>2</sup>

**All state PFML programs provide leave for a worker's own serious medical condition, and all but one provide at least 12 weeks for such leave.**

- Rhode Island permits up to 30 weeks.
- California permits up to 52 weeks.
- New Jersey and New York permit up to 26 weeks.
- Massachusetts permits up to 20 weeks.
- Washington, D.C., Washington State, Connecticut, Oregon, Colorado, Maryland, Minnesota, and Maine all permit or will permit up to 12 weeks.
- Delaware will permit up to 6 weeks.<sup>3</sup>

**All state PFML programs provide leave for bonding with a new child (whether through birth, adoption, or foster care), and almost all provide at least 12 weeks for such leave.**

- New Jersey, New York, Washington, D.C., Washington State, Massachusetts, Connecticut, Oregon, Colorado, Maryland, Delaware, Minnesota, and Maine all permit or will permit up to 12 weeks.
- California permits up to 8 weeks.
- Rhode Island permits up to 6 weeks.

**All state PFML programs provide leave to care for a family member with a serious medical condition, and almost all provide at least 12 weeks for such leave.**

- New Jersey, New York, Washington, D.C., Washington State, Massachusetts, Connecticut, Oregon, Colorado, Maryland, Minnesota, and Maine all permit or will permit up to 12 weeks.
  - Massachusetts also provides up to 26 weeks for military caregivers (those caring for someone who became ill or injured as a result of their military service).
- California permits up to 8 weeks.
- Rhode Island and Delaware permit up to 6 weeks.

**Most state PFML programs provide military exigency leave for military family needs in connection with deployment, and almost all that do provide at least 12 weeks for such leave.**

- New York, Washington State, Massachusetts, Connecticut, Colorado, Maryland, Minnesota, and Maine all permit or will permit up to 12 weeks.
- California permits up to 8 weeks.
- Delaware permit up to 6 weeks.

**Six state PFML programs provide safe leave for certain needs in connection with domestic violence or sexual assault, and almost all that do provide at least 12 weeks for such leave.**

- New Jersey, Oregon, Colorado, Minnesota, and Maine all permit or will permit up to 12 weeks.

- Connecticut permits up to 12 days.

We support treating all kinds of leave equally, and providing a minimum duration of 12 weeks of paid leave for a worker's own serious health needs, family caregiving needs, bonding leave, safe leave, and military exigency leave, mirroring the majority of state programs. States vary in the total amount of leave they allow a worker to take in a given year, but we support a total minimum of 12 weeks.<sup>4</sup>

**3. Please describe your recommended framework/s, focusing on what you believe could be a bipartisan and passable solution/s to expanding paid leave nationally?**

**The best framework for a paid leave program is the one that has already worked in the states.** A federal program must be universal. As we have learned from the fourteen PFML programs currently passed in the states (and through 80 years of Social Security), a universal social insurance program will best serve the needs of workers for paid leave, while reducing costs and administrative burdens for employers.

As noted above, existing state programs are working well to deliver paid leave to millions of workers. In addition, comprehensive paid leave enjoys strong, bipartisan support. For example, a recent poll in Arizona, Michigan, Nevada, North Carolina, Pennsylvania, Wisconsin, Georgia, Florida, and Ohio found that 85% of voters in these states supported comprehensive paid leave, including 96% of Democrats, 82% of Independents, and 76% of Republicans.<sup>5</sup> These results parallel years of bipartisan and nonpartisan national polling showing that robust majorities of Americans of all parties support access to paid leave for all through a comprehensive federal paid leave program<sup>6</sup>.

Federal solutions should heed the lessons learned from long-established state programs. States have provided paid leave for decades through a social insurance approach, delivering benefits that work for both workers and employers at an affordable cost. Moreover, some state programs passed on a bipartisan basis, underlining the strong support on both sides of the aisle for paid leave and the political feasibility of taking evidence-based action on a bipartisan basis. Even states that passed programs with support from only one political party have seen their programs continue when political winds shift, which is a testament to their value to working people, businesses, and the economy.

In contrast to the universal state programs, to date, voluntary approaches have not meaningfully expanded access to paid leave. For example, nearly a year after New Hampshire enacted a voluntary paid family & medical leave program, participation was exceedingly low, with less than 3% of the state's workforce being covered.<sup>7</sup> The uptake rate remained low despite the state spending nearly \$2 million on a marketing campaign to inform employers about the program.<sup>8</sup> So far, there is no evidence to suggest that voluntary policies meaningfully increase access to paid leave, especially for lower-wage workers who need it the most, which means these policies are not adequate to address the urgent need for paid leave across our country. Instead, a universal program is the proven approach to provide all families with access to paid leave while reducing costs and administrative burdens for businesses.

In short, why mess with success? There is no reason that the 14 universal state programs cannot provide a bi-partisan framework for a national program.

**In terms of a framework, state programs include key policies that any federal paid leave program should also include.**

Years of experience at the state level have generated important policy best practices that should be reflected in any federal paid leave program, including universal coverage, an affordable wage replacement rate, job protection, and an inclusive family definition. Like existing state programs, a federal paid leave program should provide a guaranteed, comprehensive benefit to all workers with specific policy parameters to ensure the program serves the needs of all working families. See our fact sheet: <https://www.abetterbalance.org/resources/key-components-the-essential-elements-of-strong-paid-family-and-medical-leave-law/>. Specifically:

**All workers should be covered, with achievable and equitable eligibility standards.** First and foremost, universal coverage is a key principle for a national paid leave system. All workers deserve access to the PFML they need. Requirements of attachment to the workforce should mirror state programs for PFML, which generally require a minimum amount of total earnings across a base period.<sup>9</sup> These state requirements allow workers to combine income from multiple employers. Any worker meeting those requirements should be eligible to receive benefits. Carve outs based on employer size or type make no sense in a program such as this, which should be a basic benefit for all workers.

**Workers need decent wage replacement in order to be able to take time off, especially workers at the bottom of the economic spectrum.** The wage replacement rate (the percentage of their own income workers receive while on leave) is an important element of a PFML law: if the rate is too low, workers will not be able to afford to take the leave they need. This problem is especially acute for low-income workers living paycheck to paycheck, who need every dollar of their income to pay their bills. As a result, most PFML programs use a progressive wage replacement rate, meaning that the program replaces a higher percentage of income up to a threshold amount, then replaces a lower percentage of income above that amount.<sup>10</sup> In effect, this creates a sliding scale of income replacement. For example, the PFML program in Washington State provides 90% of workers' wages up to 50% of the state average weekly wage (currently, approximately \$809.00) and provide 50% of workers' wages above that amount<sup>11</sup> with benefits capped at \$1,456 per week, to be adjusted annually.<sup>12</sup> Washington, D.C., Massachusetts, Connecticut, Oregon, Colorado, Maryland, Minnesota, and Maine all use or will use progressive wage replacement systems following this model, though their exact bend points and rates of replacement vary.<sup>13</sup>

Though low-income workers are the most vulnerable, workers of any income level can find themselves unable to afford to take leave if the wage replacement rate is too low. In a major California study, workers across income levels reported that the 55% wage replacement level made it difficult to afford to use the program, potentially contributing to low rates of use.<sup>14</sup> For this reason, California amended their statute to raise the wage replacement rate, with the highest increase for low-wage workers.<sup>15</sup> Congress can learn from the experience of existing programs and create a benefit level that works for workers.

**Job protection is critical to the ability of a worker to take this benefit.** A strong PFML law protects the jobs of workers taking PFML by ensuring they have the right to return to work following leave. Job protection for all employees covered by the program is an essential element—without it, although it is a money benefit, it’s not leave. This is especially important for low-income workers, who will often have less job security than other workers, because they change jobs more often than other workers<sup>16</sup> and are more likely to be working part time<sup>17</sup> (including many part-time workers who would prefer to be working full time).<sup>18</sup> States are leading the way in providing paid leave with job protection. Massachusetts,<sup>19</sup> Connecticut, Oregon, Colorado,<sup>20</sup> New York, Rhode Island,<sup>21</sup> Washington State<sup>22</sup> all provide job protection in their paid leave programs and Maryland, Delaware, Minnesota and Maine will also provide job protection when their programs go into effect.<sup>23</sup>

The importance of job protection for workers in a PFML program cannot be overstated. Workers need leave during some of the most stressful times in a person’s life: the arrival of a new child, a health crisis in the family, or a looming deployment. At these times, workers shouldn’t have to worry whether they will have a job to return to after their leave. Without a legal right to get their job back, many workers will be unwilling to risk their livelihood by taking the leave they need—the risk to their long-term economic security will be too great. In one study of California’s program (which did not at that time provide full job protection), fear of being fired was a commonly cited reason workers who were eligible for paid family leave under that state’s program did not take it.<sup>24</sup> In Rhode Island, 45% of workers who took leave under their state’s paid family leave law (which provides job protection) said that without the law they would not have taken leave for fear of losing their job.<sup>25</sup>

A strong PFML law would also ensure that all workers are protected against retaliation for using their rights under the law. This protection is especially important in light of the rise of punitive absence control policies by employers, where workers are assigned points for each absence and subject to punishment when they receive too many points.<sup>26</sup> States are also leading the way in prohibiting retaliation. For example, Massachusetts’s PFML law offers particularly robust protections against retaliation. The law includes a rebuttable presumption that any adverse action taken within six months of the exercise of a protected right was retaliatory.<sup>27</sup> Similarly, as part of a set of 2019 amendments to expand and improve their PFML law, New Jersey added new strong anti-retaliation protections.<sup>28</sup>

In addition, a strong PFML program also should ensure that workers won’t lose their health insurance coverage while they are on leave. Washington State, Massachusetts, Colorado, Delaware, Minnesota, and Maine guarantee continuation of health insurance coverage for all employees taking paid family and medical leave.<sup>29</sup> Maryland will guarantee continuation of health insurance coverage for almost all employees taking paid family and medical leave.<sup>30</sup> Oregon guarantees continuation of health insurance coverage as long as they have been employed by their employer for at least 90 days prior to taking leave.<sup>31</sup> New York and Rhode Island guarantee continuation of coverage to all workers taking paid family leave.<sup>32</sup>

**A strong PFML law reflects and protects the diversity of today’s American families.** Families today take many forms: they are multi-generational, blended,<sup>33</sup> LGBTQ,<sup>34</sup> and increasingly include close loved ones who aren’t biologically or legally related.<sup>35</sup> To work for all American families, a strong paid leave law would include a broad family definition that

specifically covers spouses, domestic partners, children (regardless of age), parents, parents of a spouse or domestic partner, grandchildren, grandparents, siblings, nieces and nephews, aunts and uncles, and any other individual related by blood or affinity whose close association with the worker is the equivalent of a family relationship.

Nationwide trends regarding family structures show that broad family coverage is imperative for strong paid leave laws. Today, adults ages 18 to 44 are more likely to have lived with an unmarried significant other than to have ever been married,<sup>36</sup> and as of 2016, the rising number of cohabiting adults in the U.S. reached about 18 million.<sup>37</sup> Thus, coverage of domestic partners and significant others is critical to many workers in long-term, committed relationships. In addition to caring for spouses, children, and parents, workers often provide care to—or rely on care from—other biological, legal, and extended relatives with whom they share a close relationship. Since 1980, for example, the number of Americans living in multi-generational households has doubled to 57 million,<sup>38</sup> meaning that it is extremely important that any PFML program cover grandparents and grandchildren to support these families.

Furthermore, children of all ages should be covered because adult children with a serious illness are no less in need of care from their parents than any other adult to whom the worker is related; and older children, especially those who have not formed a family, will still rely on their parents for care in the face of a serious illness. Nationwide, 82% of children under the age of 18 live with at least one sibling, and as a long-lasting family relationship, many siblings look at each other as the first person to whom they would turn for care in the event of a serious illness.<sup>39</sup> This is often true for people with disabilities; as more people with disabilities outlive their parents, an increasing number of individuals are receiving primary care from siblings and extended family.<sup>40</sup> When an individual is sick or has a medical emergency, they often rely on individuals they live with—even absent a blood or legal relationship—for help and caregiving. While relationships with such close loved ones are important to many workers, a 2016 national survey showed that they are even more significant for LGBTQ people and people with disabilities.<sup>41</sup>

An inclusive family definition is also important to members of the armed forces because many of those injured or ill as a result of their military service rely on friends or neighbors for care. This is particularly true for those who were ill or injured as a result of their service after September 11, 2001, as those service members are nearly twice as likely as their civilian counterparts to rely on care from friends and neighbors.<sup>42</sup>

States with PFML laws understand the demographics of working families and have led the way with inclusive family definitions. All but one paid family leave jurisdiction cover at least workers' parents, spouses, children, grandparents, and parents-in-law.<sup>43</sup> Additionally, in all but one jurisdiction the definition of "child" includes adult children,<sup>44</sup> and in 13 of 14 states with PFML, domestic partners are covered.<sup>45</sup> Nearly all state programs cover workers' siblings.<sup>46</sup> California, Massachusetts, New Jersey, New York, Washington State, Connecticut, Oregon, Colorado, Minnesota, and Maine also cover or will cover workers' grandchildren.<sup>47</sup> In New Jersey, Connecticut, Oregon, and Colorado workers can also take leave to care for other loved ones—whether or not they are biologically or legally related—to whom the worker has a close association that is the equivalent of a family relationship, though their exact definitions slightly differ; this definition includes close relationships with biologically or legally related family members (such as aunts, uncles, nieces, and nephews), as well as close loved ones with whom

the worker lacks a biological or legal relationship (such as a significant other or a best friend who is like a sibling).<sup>48</sup> When they take effect, the new programs enacted in Minnesota and Maine will also have inclusive definitions of family that will protect most members of workers' extended and chosen families.<sup>49</sup>

The federal government has a successful track record of providing essential protections for the varied forms of working families – the expanded definition of family used in PFML laws around the country borrow from a federal definition of family that includes workers' spouses, domestic partners, adult and minor children, parents, grandparents, grandchildren, siblings, and those whose close association with the employee is the equivalent of a family relationship and those definitions have been used since 1969.<sup>50</sup> This definition should also be applied to any federal PFML program.

**4. Please describe alternative ways any proposed framework can be financed, including possible payfors. What financial mechanisms should be considered to expand paid leave?**

There are many viable options for raising the funds to support a comprehensive paid leave program. As with the general framework, however, we emphasize that the social insurance model of using premiums contributed from workers and their employers into a specific fund to pay out benefits is the model that has worked well in the states and has also worked for 80 years in the Social Security Program. General budgetary allocations could also be considered to pay for the program. Regardless of which option policymakers choose, a workable paid leave program requires sustainable, reliable long-term funding at a level sufficient to support the benefits that workers need.

If a paid leave program is funded from the general budget, the federal paid leave program should not reduce funding to other programs working families rely on. For example, paid leave should not be paid for by taking money out of safety net programs like SNAP. If a social insurance program is established, especially if it is established in the Social Security Administration, there must be an absolute assurance that this will not be to the detriment of funding for Social Security, which today's retirees and future retirees depend on. Progress on paid leave must mean protections that complement existing supports, not false choices between paid leave and existing worker protections.

If contributions to insurance premiums fund the program, it is important that the contributions be shared by both workers and employers as is the case in the majority of states with paid leave programs. Paid leave benefits workers, but it is an employee benefit that in many respects should be paid for by employers, in no small part because of the many well-documented benefits of paid leave to employers.<sup>51</sup> That the government has taken over responsibility for ensuring this benefit is available should not absolve employers of contributing to their employee's benefits, especially since premiums in all of the states have been kept universally low.

**5. How can proposed paid leave frameworks avoid creating unintended distortions, such as marriage penalties, reductions of private sector paid leave coverage, etc.?**



Just as they can in most programs at the state level, employers should be able to provide more generous benefits than the federal minimum if they wish, by supplementing with more pay, more weeks, or more purposes (discussed in #1). The law should provide a floor, not a ceiling. Marriage penalties and other “distortions” can be avoided by ensuring that there is no sex-based discrimination in making leave available to both parents to care for all loved ones, so that if both spouses are working, they are both paying in, but both can also benefit. Additionally, it is important to maintain equity in access to paid leave to adoptive and foster parents, not just birth parents. Ensuring a federal paid family and medical leave program extends to adoptive and new foster parents with a recently placed child would significantly improve mental and physical health outcomes for families.<sup>52</sup>

**6. Should government support for paid leave be focused only on the most vulnerable individuals in our society, or on all Americans regardless of means or need?**

We need a universal, broad based paid leave program that covers all American workers because all American workers need help when they are ill or need to take time off to care for a new child or loved one. A serious illness can send a family whose income seemed high into bankruptcy and home loss if there is no incoming income. A program financed through payroll taxes will be less expensive if universal as all workers will pay premiums and will effectively cover all workers. A universal program will also be more likely to have universal popularity with workers, which will make it more politically sustainable. To address solvency concerns, the program should cap the benefit level so that wealthier workers will not get full wage replacement from the program. The persistent popularity of the Social Security program is at least in part attributable to its universal nature. Equity in funding can be addressed in policies on wage replacement (i.e., a progressive wage replacement rate) rather than by restricting eligibility, since all workers need paid leave regardless of income.

**7. What supports do small and mid-sized businesses need from the federal government to provide paid leave to workers?**

A universal paid leave program automatically supports small and mid-size businesses in two major ways: by increasing their appeal to workers in the always-competitive search for qualified employees, and in ensuring a healthy and productive workforce. Small businesses have the most to gain from a public paid leave program, as they are able to offer benefits they would often not be able to afford on their own, and these policies are shown to be incredibly important to workers when selecting employment, and when choosing to stay with an employer.<sup>53</sup> Small businesses, therefore, need a public program to level the playing field by helping them compete with larger employers who can more easily afford to offer these benefits, which will often attract the best employees.

Experience from state paid leave programs shows that once a paid leave program is implemented, most employers, including most small employers, support the program.<sup>54</sup> For example, in California, a survey showed that after PFML was enacted, a vast majority of businesses reported a positive or neutral effect on their business.<sup>55</sup> Small business owners in New York and New Jersey report similar satisfaction with PFML in their states.<sup>56</sup>

That's because these programs offer businesses benefits like improved recruiting, retention, and employee productivity, at an affordable cost and in a structure that is easy for employers to implement. PFML programs are empirically shown to reduce turnover and increase recruitment,<sup>57</sup> which results in major savings for employers, who are spared the cost of replacing employees.<sup>58</sup> Keeping workers with medical or caregiving needs attached to the workforce is especially critical in today's historically competitive labor market. Nearly 3 in 4 adults who are not in the labor force say that personal health or family caregiving responsibilities are the main reasons they are not working.<sup>59</sup> And when compared to a wide range of potential workplace benefits, adults who are not in the labor force say that paid family and medical leave is about as important as compensation when considering whether to start or return to work.<sup>60</sup> Businesses also report that paid leave increases employee productivity and profitability, with one cross-industry analysis finding increases of more than 50% in productivity implementing PFML programs.<sup>61</sup> Moreover, Fortune 500 companies report an increase in share prices after implementing PFML programs.<sup>62</sup>

In addition, when a new child joins the family of a worker, when a worker faces a serious illness, or needs to care for a seriously ill family member, their employer will need to deal with their absence whether there is a PFML program or not. With a paid leave program, the employer can offer financial support to employees without further cost to themselves beyond payment of premiums, and does not need to worry about what the business budget can or cannot afford to support that worker. We have heard over and over again that small employers in particular feel their employees are like family – a paid leave program means the employer need not agonize over the level of support to offer their employees when they face a medical or family crisis..

A universal program keeps costs low and significantly reduces the administrative burden on employers of implementing a program, which small businesses particularly need. Nevertheless, some state programs have waived payment of premiums (while maintaining coverage of employees) for small businesses. To the extent that the insurance premiums are a burden to smaller businesses in a program financed by insurance premiums, this could be considered at the federal level. Some state programs also provide training and support for businesses to easily understand the new program and understand their responsibilities under it, another option for a federal program seeking to minimize the burden on employers.

**8. What does research say about the impact of providing paid leave on worker health, job satisfaction, economic mobility, child development, breastfeeding rates and related health outcomes, fertility rate, infant mortality, elderly health, public assistance levels, family income, and recruitment and retention efforts?**

The research is clear: guaranteeing access to PFML would benefit workers, employers, and our economy. Paid leave supports public health, including improved infant and child development,<sup>63</sup> increased breastfeeding rates,<sup>64</sup> reduced infant mortality,<sup>65</sup> improved maternal health,<sup>66</sup> a better ability of workers to manage and afford cancer treatment,<sup>67</sup> and reduced occupational injuries.<sup>68</sup> Paid leave also benefits businesses, from supporting recruitment,<sup>69</sup> to reduced turnover,<sup>70</sup> to increased productivity.<sup>71</sup> Our lack of action on paid leave costs our economy nearly \$22.6 billion each year in lost wages alone.<sup>72</sup> According to the U.S. Department of Labor, if the United States had the labor force participation among women of economic peers Canada and Germany,

supported by policies like paid leave, it would generate an additional \$775 billion per year in additional economic activity.<sup>73</sup> Simply put, research shows we cannot afford to wait.

In particular, we want to stress how clearly the research shows the positive impact of paid leave to **address the maternal and infant mortality health crisis, address racial inequities, cement women’s attachment to the labor force, and help workers navigate the COVID-19 crisis.**

PFML has been documented to provide a critically important safety net for workers welcoming a child and those who themselves face or have a family member with a serious illness.

For example:

- A 2020 journal article showed that, “[i]mplementation of paid family leave policies in California was associated with a 12 percent reduction in postneonatal mortality after adjusting for maternal and neonatal factors.”<sup>74</sup>
- This outcome is consistent with a study of 141 countries that—controlling for other factors—found that an increase of 10 full-time-equivalent weeks of paid maternal leave reduced neonatal and infant mortality rates by 10% and the mortality rate of children younger than 5 by 9%.<sup>75</sup>
- A 2021 journal article on paid parental leave access concluded that “[i]nequitable access to paid parental leave through both employers and government programs exacerbates racial inequities at birth. This form of structural racism could be addressed by policies expanding access to paid leave.”<sup>76</sup>
- Paid leave is critical to ensuring women’s continued attachment to the workforce. When workers are unable to take short-term leave and then return to their job, they are often pushed out of the workforce altogether. One study estimated that men who leave the labor force early due to caring for an aging parent lose almost \$90,000 in wages, while women who do so lose over \$140,000 in wages.<sup>77</sup> Women who take paid leave after having a baby are more likely to be working 9 to 12 months after the birth than women who take no leave.<sup>78</sup> A recent study found that state PFML programs have significantly increased women’s attachment to the workforce after giving birth: “The analysis of states that have implemented paid leave policies found a 20 percent reduction in the number of women leaving their jobs in the first year after welcoming a child, and up to a 50 percent reduction after five years.”<sup>79</sup> And keeping workers on the job saves taxpayers money. Both men and women who return to work after taking paid leave are much less likely to be receiving public assistance or food stamps in the year following their child’s birth than those who return to work without taking family leave.<sup>80</sup>
- AARP has detailed the common disruptions in employment for family caregivers, leading to short-term and long-term financial struggles, and called for PFML as one way to support family caregivers and their attachment to the workforce.<sup>81</sup>
- PFML can also address unexpected crises. The Urban Institute showed that state PFML programs successfully absorbed and provided critical support to a surge of workers affected by COVID-19.<sup>82</sup>
- Furthermore, paid leave programs are critical for young workers, especially temporary and seasonal workers, foster families, young parents, LGTBQ youth, and youth with disabilities.<sup>83</sup>
  - For example, as an A Better Balance helpline caller Clarissa, 22, from Missouri explained:  
“After I gave birth to my first child, I did not have access to paid leave to recover from childbirth, so I returned to work after about two months ... I was so worried

about feeding my baby, and having access to paid leave during this time would have made it much easier for me to meet my pumping needs.”

For more on the incredibly robust—and growing—body of research on the health impacts of PFML to new parents, infants and children, family caregivers, and individuals with disabilities, see our fact sheet.<sup>84</sup>

## **9. What lessons should the federal government learn from successful or failed attempts at expanding paid leave in U.S. states or other countries?**

The overwhelming success of state paid leave programs is laid out in question #1. To illustrate their effectiveness, we want to highlight some of the stories we’ve heard on our workers’ rights hotline. Specifically:

- **KeiLani, from Diamond, Washington** called in February 2023 when she fell ill with a condition her doctors could not diagnose, and found herself frequently in and out of the emergency room. KeiLani was able to take Washington PFML while she sought a diagnosis. She ultimately learned that she was pre-diabetic and had an auto-immune disorder. "Having Paid Family Leave allowed me to keep a roof over my head, bills in good standing and helped me pay for the medical attention and medications I was needing," KeiLani told us. "Paid Family Leave not only assisted me financially, but it granted me the time I needed to undergo the series of appointments, tests and even procedures I was required to complete. Without Paid Family Leave, I don't know where I would have been, especially since I've spent over \$5,000 dollars in medical expenses this year alone and that does not include my medications. When you factor that unexpected expense in, no one is prepared to be able to cover that when they're in my current situation. I hope that my testimony attests why Paid Family Leave is important for not only people like me, but for others who may face this situation in the future."
- **Emilie, who works for a software company in Washington State**, called us because she will be undergoing chemotherapy for 6+ months as part of her cancer treatment. She has been approved to use Washington PFML intermittently while she undergoes treatment. Emilie contacted ABB’s helpline for clarification about her rights and told us, “Washington PFML has been extremely important to me because I started treatment at 25, living with three roommates, with my fixed expenses like rent and car loan there to stay. I can only work part time with my chemo schedule, so having my income replaced even at a lower rate was life-saving.”
- **Paige, from New York**, said “After speaking with ABB, my nerves were put at ease for what I am entitled to while preparing to give birth. Having the short-term disability and NY PFL benefits is the only way I was able to stay home with my newborn, bond and recuperate myself. It greatly lessened the financial stress of not working and having a newborn, but also let myself and my husband focus on what was important, our new member of our family.”
- **Luisa, a low-wage farmworker in upstate New York**, had this to say about New York’s paid family leave program: “I was pregnant and wanted to take paid leave to spend time with my new baby. I wasn't sure if I qualified for [NYPFL], and had heard from my coworkers that our employer wouldn't provide it. I saw

that ABB's helpline provides information in Spanish, so I called to receive more information. They explained to me the eligibility requirements for NYPFL, and shared information that helped me speak with my employer about my leave options. I was able to take my full twelve weeks of NYPFL and successfully returned to work. I'm grateful to have been able to spend time bonding with my baby, and that I didn't need to risk my paycheck to do so.”

These worker stories highlight major trends that we know to be true about state PFML programs:

**Those eligible have been able to access state PFML programs and it has made a difference in their lives.** The newest state PFML laws are already showing significant success meeting the needs of workers who experience a serious illness (personal or family) or welcome a new child. State birthrate data shows that PFML laws are helping to reach those who need leave to bond with a new child (the second highest use of leave after a worker’s own serious illness). A comparison of state birthrates to bonding claims shows that PFML laws have extremely strong utilization by new parents (with the number of annual applications to bond with a new child in WA, NY, and MA representing approximately 50-82% of the total number of annual births in the respective state). See attached analysis from A Better Balance.

**PFML state programs are benefiting low-wage workers and their families.** In Washington State, 44% of approved PFML claims from July 1, 2021 to June 30, 2022 were by workers making \$26/hour or less.<sup>85</sup> In New York, the State Comptroller reported that “[e]mployees earning less than \$40,000 per year accounted for the largest number of claims, with the number decreasing as income rises, suggesting paid family leave is a particularly important benefit to low-to moderate-income employees.”<sup>86</sup>

#### **10. What other information would you like us to consider as we attempt to chart a bipartisan path forward?**

Now is the time for the federal government to provide a comprehensive paid family and medical leave program to the millions of workers who are left without access. A Better Balance has heard on our helpline the chilling experiences of workers that live in states without a statewide paid family and medical leave program. These experiences highlight the painful reality of many families who are forced to choose between caring for themselves or their families and keeping their job:

- **Nicole from Florida** stated “I believe Congress should pass a paid family and medical leave law because women should not be struggling to provide for the basic needs of their families when they give birth or when their child receives a serious medical diagnosis. If a paid family and medical leave law had been in place at the time of my son’s ADHD diagnosis, I would have had the time and income I needed to concentrate on my family responsibilities and the ability to return to work with a renewed focus and commitment to my job.”
- **Samuel,<sup>87</sup> a truck driver from North Dakota,** was devastated when he lost his job while caring for his elderly father, a Korean War veteran who suffered a stroke. He shared “ I told my employer that I needed to go home to say goodbye to my dad. I knew

that if he passed away while I was on the road, and not there with him, I would regret it for the rest of my life. My company informed me that if I left my job to care for my father, I would be terminated, but I could “reapply” when I was ready to come back. Now that I am able to return to work, my employer is not willing to even consider bringing me back because they are so angry with me for leaving.”

- **Erica, a pediatric nurse from Tennessee**, had to leave her beloved job of four years to care for her daughter when she began to experience covid symptoms during the pandemic. Unfortunately, Erica's hospital was not covered by the (now expired) Families First Coronavirus Response Act, and she did not have enough PTO available to cover more than one workday. Because Erica could not afford to take any unpaid time off, she had to leave her job and search for another, leaving her family without income for a period of time.
- **Maria, a housekeeper in Mississippi**, was shocked to learn that her company did not provide any paid family or medical leave. Maria has friends and family in other states who told her the laws in those states give employees the right to paid family leave, but unfortunately Mississippi is a state that has no right to any kind of paid leave benefits. Maria was very disappointed, telling us that it will be “challenging to survive without income” while she is recovering from childbirth and bonding with her baby.

## Conclusion

Thank you again for the opportunity to provide this information. We look forward to continuing to work with you to make paid leave a reality for all Americans. If you have any questions, please contact us at [sleiwant@abetterbalance.org](mailto:sleiwant@abetterbalance.org) or [cgomez@abetterbalance.org](mailto:cgomez@abetterbalance.org)

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<sup>1</sup> For more detailed information on state paid family and medical leave laws, please see our comparative chart at <https://www.abetterbalance.org/resources/paid-family-leave-laws-chart/>.

<sup>2</sup> A Better Balance, <https://www.abetterbalance.org/resources/paid-family-leave-laws-chart/>.

<sup>3</sup> Unlike all other state paid family and medical leave programs, which measure the maximum weeks of leave available against a 52-week or 12-month period, for the purpose of medical leave and family caregiving leave, Delaware measured the maximum weeks of leave available against a 24-month period.

<sup>4</sup> A Better Balance, <https://www.abetterbalance.org/resources/paid-family-leave-laws-chart/>.

<sup>5</sup> Eleanor Mueller and Olivia Olander, “Paid leave support up ahead of ’24,” *Politico*, November 27, 2023, <https://www.politico.com/newsletters/weekly-shift/2023/11/27/support-for-paid-leave-hits-historic-high-00128648#:~:text=Eighty%2Dfive%20percent%20of%20voters.Leave%20for%20All%20Action%20found.>

<sup>6</sup> See e.g., from years apart: Amanda Jacobson Snyder, “Majority of Democrats, Republicans Would Support Legislation to Ensure Paid Family Leave, Increased Child Care Funding,” *Morning Consult Pro*, August 1, 2022, <https://pro.morningconsult.com/instant-intel/child-care-tax-credit-paid-family-leave-policies-survey>; Perry Udem Research and Bellwether Research, Memo: New Survey Shows Voters Support a National Paid Family and Medical Leave Policy That Covers Everyone, September 10, 2018, <https://navigatorresearch.org/americans-overwhelmingly-support-paid-family-and-medical-leave/>.

<sup>7</sup> New Hampshire Public Radio, Almost a year in, NH paid family and medical leave doesn't have many participants (Dec. 11, 2023), <https://www.nhpr.org/nh-news/2023-12-11/almost-a-year-in-nh-paid-family-and-medical-leave-doesnt-have-many-participants>.

<sup>8</sup> New Hampshire Public Radio, State asks for help promoting New Hampshire's Paid Family Medical Leave program (Jan. 12, 2024), <https://www.nhpr.org/nh-news/2024-01-12/state-asks-for-help-promoting-new-hampshires-paid-family-medical-leave-program>.

<sup>9</sup> 28 R.I. Gen. Laws Ann. § 28-41-11(b) (West 2019); Cal. Unemp. Ins. Code §§ 3302(n), 2652 (West 2019); N.J. Stat. Ann. § 43:21-27(i)(4), -41(d) (West 2019); Mass. Gen. Laws Ann. ch. 175M, § 1 (West 2019); *id.* at ch. 151 A, § 24; S.B. 1, 2019 Gen. Assemb., Reg. Sess. § 1(4) (Conn. 2019); H.B. 2005, 80th Legis. Assemb., Reg. Sess. § 2(11) (Or. 2019). In some states, these earnings must be spread out over a certain period of time within the four-quarter base period. 28 R.I. Gen. Laws Ann. § 28-41-11(b)(1) (West 2019); N.J. Stat. Ann. § 43:21-27(i)(4), -41(d) (West 2019); Mass. Gen. Laws Ann. ch. 175M, § 1 (West 2019); *id.* at ch. 151 A, § 24. Washington, uniquely, uses a minimum number of hours worked (from any combination of employers) over a similar four-quarter base period, reflecting the state's distinctive unemployment insurance eligibility standard. Wash. Rev. Code Ann. § 50A.30.020(1) (West 2020). New York uses a non-earnings based system. See N.Y. Workers' Comp. Law § 203 (McKinney 2019). Washington, D.C. has no minimum workforce attachment standard for paid leave benefits, but those who have been employed in the District for less than a year receive a pro-rated benefit. D.C. Code Ann. § 32-541.01(3)-(6) (West 2020).

<sup>10</sup> Cal. Unemp. Ins. Code §§ 3301(b), 2655(e) (West 2019); D.C. Code Ann. § 32-541.04(g)(1)-(2) (West 2020); Wash. Rev. Code Ann. § 50A.15.020(4) (West 2020); Mass. Gen. Laws Ann. ch. 175M, § 3(b) (West 2019); S.B. 1, 2019 Gen. Assemb., Reg. Sess. § 3(c)(2) (Conn. 2019); H.B. 2005, 80th Legis. Assemb., Reg. Sess. § 7 (Or. 2019).

<sup>11</sup> Wash. Rev. Code Ann. § 50A.15.020(4) (West 2020).

<sup>12</sup> Wash. Rev. Code Ann. § 50A.15.020(5)(a) (West 2020).

<sup>13</sup> D.C. Code Ann. § 32-541.04(g)(1)-(2) (West 2020) (provides 90% of a worker’s average weekly wage up to an amount equal to 40 times 150% of the D.C. minimum wage and 50% of a worker’s average weekly wage above an amount equal to 40 times 150% of the D.C. minimum wage); Mass. Gen. Laws Ann. ch. 175M, § 3(b) (West 2019) (provides 80% of a worker’s average weekly wage up to an amount equal to 50% of the statewide average weekly wage and 50% of a worker’s average weekly wage above an amount equal to 50% of the statewide average weekly wage); S.B. 1, 2019 Gen. Assemb., Reg. Sess. § 3(c)(2) (Conn. 2019) (provides 95% of a worker’s average weekly wage up to an amount equal to 40 times the state minimum wage and 60% of a worker’s average weekly wage above an amount equal to 40 times the state minimum wage); H.B. 2005, 80th Legis. Assemb., Reg. Sess. § 7 (Or. 2019) (provides 100% of a worker’s average weekly wage up to an amount equal to 65% of the statewide average weekly wage and 50% of a worker’s average weekly wage above an amount equal to 65% of the statewide average weekly wage); Colo. Rev. Stat. § 8-13.3-506 (provides 90% of a worker’s average weekly wage up to an amount equal to 50% of the statewide average weekly wage, and 50% of a worker’s average weekly wage above an amount equal to 50% of the statewide average weekly wage); 11 Md. Code Ann., Lab. & Empl. § 8.3-703 (provides 90% of a worker’s average weekly wage up to an amount equal to 65% of the statewide average weekly wage, and 50% of a worker’s average weekly wage above an amount equal to 65% of the statewide average weekly wage); 12 Del. Code Ann. tit. 19, § 3704 (provides 80% of a worker’s average weekly wage); Minn. Stat. Ann. §268B.04(3) (eff. Date July 1, 2025) (provides 90% of a worker’s average weekly wage up to an amount equal to 50% of the state average weekly wage, 66% of a worker’s average weekly wage above an amount equal to 50% of the state average weekly wage and up to 100% of the state average weekly wage, and 55% of a worker’s average weekly wage above an amount equal to 100% of the state average weekly wage); Me. Stat. tit. 26, § 850-C (provides 90% of a worker’s average weekly wage up to an amount equal to 50% of the state average weekly wage, and 66% of a worker’s average weekly wage above an amount equal to 50% of the state average weekly wage).

<sup>14</sup> Andrew Chang & Co, *supra* note 26, at 70.

<sup>15</sup> California uses a system that creates three tiers of wage replacement. The first tier applies to workers who earn less than a fixed amount set in statute (approximately \$71.46 per week); workers in this tier receive \$50 per week. The second tier applies to workers who earn at least as much as a fixed amount set in statute (approximately \$71.46 per week) but less than approximately 33% of the state average weekly wage (for 2019, this works out to approximately \$414.26 per week); workers in this tier receive 70% of their *total* average weekly wage. The third tier applies to workers who earn at least approximately 33% of the state average weekly wage (for 2019, this works out to approximately \$414.26 per week); workers in this tier receive either approximately 60% of the worker’s *total* average weekly wage or an amount equal to 23.3% of the state average weekly wage (for 2019, this works out to approximately \$289.57), whichever is greater. *See* Cal. Unemp. Ins. Code §§ 3301(b), 2655(e) (West 2019).

<sup>16</sup> Jacquelyn Anderson et al., *A New Approach to Low-Wage Workers and Employers*, MDRC 5 (Mar. 2006), [https://www.mdrc.org/sites/default/files/full\\_9.pdf](https://www.mdrc.org/sites/default/files/full_9.pdf).

<sup>17</sup> Pamela Loprest et al., *Who Are Low-Wage Workers?*, U.S. Dep’t Health & Hum. Servs. (Feb. 2009) <https://aspe.hhs.gov/system/files/pdf/180021/rb.pdf>.

<sup>18</sup> Lonnie Golden, *Still Falling Short on Hours and Pay: Part-time Work Becoming New Normal*, Econ. Policy Inst. (Dec. 5, 2016), <http://www.epi.org/publication/still-falling-short-on-hours-and-pay-part-time-work-becoming-new-normal/>.

<sup>19</sup> Mass. Gen. Laws Ann. ch. 175M, § 2(e) (West 2019).

<sup>20</sup> Oregon will provide job protection to all covered workers who have been employed with their current employer for at least 90 days. Or. Rev. Stat. § 657B.060(7)). Connecticut made substantial amendments to its existing state unpaid leave law as part of the same bill that created its paid leave program. The amended unpaid leave law provides job protection to nearly all private sector employees in the state who have been employed with their employer for at least three months. Workers receiving benefits for domestic violence-related purposes do not have job protection under that law, although they may have employment protection under Connecticut’s family violence leave law. Conn. Gen. Stat. Ann. § 31-51nn(a) (West 2019); Colo. Rev. Stat. § 8-13.3-509.

<sup>21</sup> N.Y. Workers’ Comp. Law § 203-b (McKinney 2019); 28 R.I. Gen. Laws Ann. § 28-41-35(f) (West 2019).

<sup>22</sup> Wash. Rev. Code Ann. §50A.35.010

<sup>23</sup> Minn. Stat. 268B.09 (2023); 1 M.R.S. §850-J (2023).

<sup>24</sup> Appelbaum & Milkman, *supra* note 33.

<sup>25</sup> Barb Silver, Helen Mederer, & Emilija Djurdjevic, *Rhode Island’s Temporary Caregiver Insurance Program: Findings from the First Year* (2015).

<sup>26</sup> *See* A Better Balance, *Pointing Out: How Walmart Unlawfully Punishes Workers for Medical Absences* (June 2017), <https://www.abetterbalance.org/wp-content/uploads/2017/05/Pointing-Out-Walmart-Report-FINAL.pdf> (explaining that Walmart, the world’s largest private employer, has used point-based absence control policies).

<sup>27</sup> Mass. Gen. Laws Ann. ch. 175M, § 9(c) (West 2019).

<sup>28</sup> N.J. Stat. Ann. § 43:21-55.2 (West 2019).

<sup>29</sup> Wash Rev. Code Ann. §50A.35.020; Mass. Gen. Laws Ann. ch. 175M, § 2(c)(2)(f); Colo. Rev. Stat. §8-13.3-509(2); 12 Del. Code Ann. tit. 19, § 3707(2); Minn. Stat. Ann. §268B.09(6)(d)(4) (eff. Date July 1, 2025; Me. Stat. tit. 26, § 850-R.

<sup>30</sup> 11 Md. Code Ann., Lab. & Empl. § 8.3-707

<sup>31</sup> Mass. Gen. Laws Ann. ch. 175M, § 2(f) (West 2019); H.B. 2005, 80th Legis. Assemb., Reg. Sess. § 10(2), (7) (Or. 2019).

<sup>32</sup> N.Y. Workers’ Comp. Law § 203-c (McKinney 2019); 28 R.I. Gen. Laws Ann. § 28-41-35(g) (West 2019).

<sup>33</sup> According to the U.S. Census Bureau, 16% of children live in “blended families,” or households with a stepparent, stepsibling, or half-sibling. *Parenting in America: Outlook, Worries, Aspiration Are Strongly Linked to Financial Situation*, Pew Research Center 19 (2015), [https://www.pewresearch.org/wp-content/uploads/sites/3/2015/12/2015-12-17-parenting-in-america\\_FINAL.pdf](https://www.pewresearch.org/wp-content/uploads/sites/3/2015/12/2015-12-17-parenting-in-america_FINAL.pdf).

<sup>34</sup> It is estimated that 4.5% of Americans, or over 11 million people, self-identify as lesbian, gay, bisexual, or transgender. Frank Newport, *In U.S., Estimate of LGBT Population Rises to 4.5%*, Gallup (May 22, 2018), <https://news.gallup.com/poll/234863/estimate-lgbt-population-rises.aspx>. Additionally, estimates show that between 2 million and 2.7 million minor children have an LGBTQ parent. Gary J. Gates, *Marriage and Family: LGBT Individuals and Same-Sex Couples*, Future Child., Fall 2015, at 67, 72.

<sup>35</sup> Nearly 33 million households in the United States, or 28% of all households, consist of an individual who lives alone, and in an emergency or during an illness, many of these individuals rely on care from close loved ones. *See Selected Social Characteristics in the United States, 2013-2017 American Community Survey 5-Year Estimates*, U.S. Census Bureau, [https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_14\\_5YR\\_DP02&prodType=table%20c%2020\(last%20accesed%20September%202018](https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_5YR_DP02&prodType=table%20c%2020(last%20accesed%20September%202018) (last visited Jan. 30, 2020). Additionally, in a 2016 national survey, 32% of people in the U.S. reported that they took time off work to provide care for a chosen family member. Katherine Gallagher Robbins et al., *People Need Paid Leave Policies That Cover*

*Chosen Family*, Center for American Progress 2 (2017).

<https://cdn.americanprogress.org/content/uploads/2017/10/26135206/UnmetCaregivingNeed-brief.pdf>.

<sup>36</sup> “[T]he share of adults ages 18 to 44 who have ever lived with an unmarried partner (59%) has surpassed the share who has ever been married (50%) . . . .” Juliana Menasce Horowitz *et al.*, *Marriage and Cohabitation in the U.S.*, Pew Research Center (Nov. 6, 2019), <https://www.pewsocialtrends.org/2019/11/06/marriage-and-cohabitation-in-the-u-s/>.

<sup>37</sup> Renee Stepler, *Number of U.S. Adults Cohabiting with a Partner Continues to Rise, Especially Among Those 50 and Older*, Pew Research Center (Apr. 6, 2017), <https://www.pewresearch.org/fact-tank/2017/04/06/number-of-u-s-adults-cohabiting-with-a-partner-continues-to-rise-especially-among-those-50-and-older/>.

<sup>38</sup> Richard Fry & Jeffrey S. Passel, *In Post-Recession Era, Young Adults Drive Continuing Rise in Multi-generational Living*, Pew Research Center (July 17, 2014), <https://www.pewsocialtrends.org/2014/07/17/in-post-recession-era-young-adults-drive-continuing-rise-in-multi-generational-living/#fn-19695-1>. Multi-generational households are particularly prevalent in communities of color; approximately 25% of Latinx and Black Americans, and 27% of Asian Americans live in a multi-generational household. *Id.*

<sup>39</sup> Rachel Dunifon *et al.*, *Siblings and Children’s Time Use in the United States*, 37 *Demographic Res.* 1611, 1612 (2017).

<sup>40</sup> As more people with disabilities outlive their parents, an increasing number of adult siblings have taken on primary caregiving responsibilities. Rajan A. Sonik *et al.*, *Sibling Caregivers of People With Intellectual and Developmental Disabilities: Sociodemographic Characteristics and Material Hardship Prevalence*, 54 *Intell. & Developmental Disabilities* 332 (2016). Over 50% of sibling caregivers report having an annual income of less than \$25,000, making paid leave crucial. John Reagan *et al.*, *Research Brief: Sibling Caregivers Experience Less Choice and Control*, Family Support Research and Training Center at the University of Illinois at Chicago (2016), [https://fsrtc.ahslabs.uic.edu/wp-content/uploads/sites/9/2016/11/FSRTC-Data-Brief\\_1\\_2016-3-3.pdf](https://fsrtc.ahslabs.uic.edu/wp-content/uploads/sites/9/2016/11/FSRTC-Data-Brief_1_2016-3-3.pdf).

<sup>41</sup> 42% of LGBT individuals and people with disabilities reported “taking time off to care for chosen family,” compared with 31% of non-LGBT people and 30% of people without disabilities. Gallagher Robbins *et al.*, *supra* note 3, at 3. Family networks are particularly important to older LGBTQ adults who are especially likely to rely on those loved ones. MetLife Mature Mkt. Inst. & Am. Soc’y of Aging, *Still Out, Still Aging: The MetLife Study of Lesbian, Gay, Bisexual, and Transgender Baby Boomers* 15-17 (Mar. 2010), <https://www.asaging.org/sites/default/files/files/mmi-still-out-still-aging.pdf>.

<sup>42</sup> Rajeev Ramchand *et al.*, *Hidden Heroes: America’s Military Caregivers*, RAND Corp. 34 (2014),

[https://www.rand.org/pubs/research\\_reports/RR499.html](https://www.rand.org/pubs/research_reports/RR499.html) (explaining that nearly a quarter of caregivers for post-9/11 military care recipients are friends or neighbors, while nearly 13% of caregivers for civilian care recipients are friends or neighbors).

<sup>43</sup> Nine states have passed paid family and medical leave laws with inclusive family definitions that can be found at: Rhode Island (28 R.I. Gen. Laws Ann. § 28-41-34 (West 2019)); California (Cal. Unemp. Ins. Code § 3302(f) (West 2019)); New Jersey (N.J. Stat. Ann. § 43:21-27(n) (West 2019)); New York (N.Y. Workers’ Comp. Law § 201(20) (McKinney 2019)); Washington, D.C. (D.C. Code Ann. § 32-541.01(7) (West 2020)); Washington State (Wash. Rev. Code Ann. § 50A.05.010(10) (West 2020)); Massachusetts (Mass. Gen. Laws Ann. ch. 175M, § 1 (West 2019)); Connecticut (S.B. 1, 2019 Gen. Assemb. (Conn. 2019). The law is only partially codified. The full text of the law can be found at <https://www.cga.ct.gov/2019/lcoamd/pdf/2019LCO09302-R00-AMD.pdf>); Oregon (H.B. 2005, 80th Legis. Assemb., Reg. Sess. (Or. 2019). The full text of the law can be found at <https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2005/Enrolled>); 11 Md. Code Ann., Lab. & Empl. § 8.3-101; Colo. Rev. State §8-13.3-503(11); Minn. Stat. 268B.01(23) (2023); 1 M.R.S. §850-A(19) (2023).

<sup>44</sup> 28 R.I. Gen. Laws Ann. § 28-41-34(1) (West 2019); Cal. Unemp. Ins. Code § 3302(c); N.J. Stat. Ann. § 43:21-27(k) (West 2019); N.Y. Workers’ Comp. Law § 201(16) (McKinney 2019); D.C. Code Ann. § 32-541.01(7)(A) (West 2020); Wash. Rev. Code Ann. § 50A.05.010(1) (West 2020); Mass. Gen. Laws Ann. ch. 175M, § 1 (West 2019); 458 Mass. Code Regs. 2.02 (2019); S.B. 1, 2019 Gen. Assemb. § 17(6), (15) (Conn. 2019); H.B. 2005, 80th Legis. Assemb., Reg. Sess. § 2(18)(b), (6) (Or. 2019); 11 Md. Code Ann., Lab. & Empl. § 8.3-101; Colo. Rev. State §8-13.3-503(11); Minn. Stat. 268B.01(23) (2023); 1 M.R.S. §850-A(19) (2023).

<sup>45</sup> While Rhode Island, California, New Jersey, Washington, D.C., Washington State, and Oregon require that domestic partners be registered, New York and Massachusetts both have flexible domestic partner definitions that do not require legal registration. 28 R.I. Gen. Laws Ann. § 28-41-34(6) (West 2019); Cal. Unemp. Ins. Code § 3302(d) (West 2019); N.J. Stat. Ann. § 43:21-27(l) (West 2019); D.C. Code Ann. § 32-541.01(7)(C) (West 2020); Wash. Rev. Code Ann. § 50A.05.010(22) (West 2020); H.B. 2005, 80th Legis. Assemb., Reg. Sess. § 2(18)(g), (9) (Or. 2019); N.Y. Workers’ Comp. Law § 201(17) (McKinney 2019); Mass. Gen. Laws Ann. ch. 175M, § 1 (West 2019); 458 Mass. Code Regs. 2.02 (2019); 11 Md. Code Ann., Lab. & Empl. § 8.3-101; Colo. Rev. State §8-13.3-503(11); Minn. Stat. 268B.01(23) (2023); 1 M.R.S. §850-A(19) (2023).

<sup>46</sup> Cal. Unemp. Ins. Code § 3302(f) (West 2019); Mass. Gen. Laws Ann. ch. 175M, § 1 (West 2019); N.J. Stat. Ann. § 43:21-27(n) (West 2019); D.C. Code Ann. § 32-541.01(7)(E) (West 2020); Wash. Rev. Code Ann. § 50A.05.010(10) (West 2020); S.B. 1, 2019 Gen. Assemb. § 17(6) (Conn. 2019); H.B. 2005, 80th Legis. Assemb., Reg. Sess. § 2(18)(d) (Or. 2019).

<sup>47</sup> Cal. Unemp. Ins. Code § 3302(f) (West 2019); Mass. Gen. Laws Ann. ch. 175M, § 1 (West 2019); N.J. Stat. Ann. § 43:21-27(n) (West 2019); N.Y. Workers’ Comp. Law § 201(20) (McKinney 2019); Wash. Rev. Code Ann. § 50A.05.010(10) (West 2020); S.B. 1, 2019 Gen. Assemb. § 17(6) (Conn. 2019); H.B. 2005, 80th Legis. Assemb., Reg. Sess. § 2(18)(f) (Or. 2019); 11 Md. Code Ann., Lab. & Empl. § 8.3-101; Colo. Rev. State §8-13.3-503(11); Minn. Stat. 268B.01(23) (2023); 1 M.R.S. §850-A(19) (2023).

<sup>48</sup> N.J. Stat. Ann. § 43:21-27(n) (West 2019) (“Family member” means . . . any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship.”); S.B. 1, 2019 Gen. Assemb. § 17(6) (Conn. 2019) (“Family member” means . . . an individual related to the employee by blood or affinity whose close association with the employee shows to be the equivalent of those family relationships.”); H.B. 2005, 80th Legis. Assemb., Reg. Sess. § 2(18)(h) (Or. 2019) (“Family member” means . . . [a]ny individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship”); Colo. Rev. Stat. § 8-13.3-503(11).

<sup>49</sup> Minn. Stat. 268B.01(23) (2023); 1 M.R.S. §850-A(19) (2023).

<sup>50</sup> The relevant language covers “any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.” Absence and Leave: Funeral Leave, 34 Fed. Reg. 13,655 (Aug. 26, 1969) (codified at 5 C.F.R. pt. 630) (first implemented during the Vietnam War, allowing federal workers to take funeral leave for the combat-related deaths of loved ones); Absence and Leave: Voluntary Leave Transfer Program, 54 Fed. Reg. 4749 (Jan. 31, 1989) (codified at 5 C.F.R. pt. 630); Absence and Leave; Sick Leave, 59 Fed. Reg. 62,266 (Dec. 2, 1994) (codified at 5 C.F.R. pt. 630).

<sup>51</sup> A Better Balance, *The Business Case for Paid Family and Medical Leave*, (Dec. 12, 2023), <https://www.abetterbalance.org/resources/the-business-case-for-paid-family-and-medical-leave/>.

<sup>52</sup> A Better Balance, *The Case for Paid Family and Medical Leave for Foster Placement*, (Dec. 1, 2023), <https://www.abetterbalance.org/resources/fact-sheet-the-case-for-paid-family-and-medical-leave-for-foster-placement/>.

<sup>53</sup> Joan Williams, *Unbending Gender: Why Work and Family Conflict and What to Do About It*, (2001).



- <sup>54</sup> Zachary Campell et al., *The Impact of Paid Leave: Evidence From Temporary Disability Insurance In Rhode Island* 30 (July 2017), <https://www.mathematica-mpr.com/-/media/internet/conferences/2017/drc-annual-meeting2017/summaries/hastings.pdf?la=en>; Ann P. Bartel et al., *Support for Paid Family Leave among Small Employers Increases during the COVID-19 Pandemic* (Dec. 2021), Socius: Sociological Research for a Dynamic World, <https://journals.sagepub.com/doi/full/10.1177/23780231211061959>; Ann P. Bartel et al., *The Impact of Paid Family Leave on Employers: Evidence from New York* (Nat'l Bureau of Econ. Rsch., Working Paper No. 28672, 2021), p.3, [https://www.nber.org/system/files/working\\_papers/w28672/w28672.pdf](https://www.nber.org/system/files/working_papers/w28672/w28672.pdf).
- <sup>55</sup> Small Business Majority, California Small Business Owners Support Expanding Paid Family Leave Protections, Increasing Paid Sick Days, (July 12, 2023), <https://smallbusinessmajority.org/sites/default/files/research-reports/ca-small-business-support-paid-family-leave-and-paid-sick-days.pdf>.
- <sup>56</sup> Ann P. Bartel et al., *Support for Paid Family Leave among Small Employers Increases during the COVID-19 Pandemic* (Dec. 2021), Socius: Sociological Research for a Dynamic World, <https://journals.sagepub.com/doi/full/10.1177/23780231211061959>.
- <sup>57</sup> Benjamin Bennett et al., *Paid Leave Pays Off: The Effects of Paid Family Leave on Firm Performance* (Nat'l Bureau of Econ. Rsch., Working Paper No. 27788, 2021), [https://www.nber.org/system/files/working\\_papers/w27788/w27788.pdf](https://www.nber.org/system/files/working_papers/w27788/w27788.pdf).
- <sup>58</sup> *Id.*
- <sup>59</sup> Bipartisan Policy Center, *Barriers to Work: A Recent BPC-Artemis Survey of Non-working Americans and the Need for Paid Family and Medical Leave* (2023), <https://bipartisanpolicy.org/report/bpc-artemis-survey/>.
- <sup>60</sup> *Id.*
- <sup>61</sup> Panorama & Am. Sustainable Business Council, *The Business Impacts of Paid Leave* (2019), [https://www.asbcouncil.org/sites/main/files/file-attachments/panorama\\_report\\_-\\_business\\_impacts\\_of\\_paid\\_leave.pdf](https://www.asbcouncil.org/sites/main/files/file-attachments/panorama_report_-_business_impacts_of_paid_leave.pdf).
- <sup>62</sup> Michelle M. Arthur & Alison Cook, *Taking Stock of Work-Family Initiatives: How Announcements of "Family-Friendly" Human Resource Decisions Affect Shareholder Value*, 57 *Industrial & Labor Relations Review*, 608-10 (2004).
- <sup>63</sup> Brito, N. H. et al. (2022). Paid maternal leave is associated with infant brain function at 3 months of age. *Child Development*, 93, 1030-1043. <https://doi.org/10.1111/cdev.13765>; Kozak, K. et al. (2021), Paid maternal leave is associated with better language and socioemotional outcomes during toddlerhood. *Infancy*, 26: 536-550. <https://doi.org/10.1111/infa.12399>.
- <sup>64</sup> Pac J. et al., Paid family leave and parental investments in infant health: Evidence from California. *Econ Hum Biol.* 2023 Dec;51:101308. doi: 10.1016/j.ehb.2023.101308; Perry et al., Association Between State Paid Family and Medical Leave and Breastfeeding, Depression, and Postpartum Visits. *Obstetrics & Gynecology* 143(1):p 14-22, January 2024. | DOI: 10.1097/AOG.0000000000005428.
- <sup>65</sup> Chen, F. (2023) Does paid family leave save infant lives? Evidence from California's paid family leave program. *Contemporary Economic Policy*, 41(2), 319-337. <https://doi.org/10.1111/coep.12589>; Heymann, J. et al. Creating and using new data sources to analyze the relationship between social policy and global health: the case of maternal leave. *Public Health Rep.* 2011 Sep-Oct;126 Suppl 3(Suppl 3):127-34. doi: 10.1177/00333549111260S317.
- <sup>66</sup> Mandal, B. The Effect of Paid Leave on Maternal Mental Health. *Matern Child Health J* 22, 1470-1476 (2018). <https://doi.org/10.1007/s10995-018-2542-x>; Van Niel MS et al. The Impact of Paid Maternity Leave on the Mental and Physical Health of Mothers and Children: A Review of the Literature and Policy Implications. *Harv Rev Psychiatry.* 2020 Mar/Apr;28(2):113-126. doi: 10.1097/HRP.0000000000000246. PMID: 32134836.
- <sup>67</sup> Public Opinion Strategies, "Key Findings—National Surveys of Cancer Patients, Survivors, and Caregivers," (Dec. 2017) <https://www.fightcancer.org/sites/default/files/ACS%20CAN%20Paid%20Leave%20Surveys%20Key%20Findings%20Press%20Memo%20FINAL.pdf>.
- <sup>68</sup> Asfaw A et al. Paid sick leave and nonfatal occupational injuries. *Am J Public Health.* 2012 Sep;102(9):e59-64. doi: 10.2105/AJPH.2011.300482. Epub 2012 Jun 21.
- <sup>69</sup> Thea Garon et al., *Unpaid And Unprotected: How The Lack Of Paid Leave For Medical And Caregiving Purposes Impacts Financial Health 5* (Sept. 2021), <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-leave/unpaid-and-unprotected-how-lack-paid-leave-impacts-financial-health.pdf>; Small Business for America's Future, *Paid Leave Policies on Main Street*, <https://www.smallbusinessforamericasfuture.org/small-business-for-america-s-future-releases-paid-leave-survey-results>.
- <sup>70</sup> *Paid Leave Pays Off: The Effects of Paid Family Leave on Firm Performance* (Nat'l Bureau of Econ. Rsch., Working Paper No. 27788, 2021), [https://www.nber.org/system/files/working\\_papers/w27788/w27788.pdf](https://www.nber.org/system/files/working_papers/w27788/w27788.pdf); *The Economic and Social Impacts of Paid Family Leave in California: Report for the California Employment Development Department*, (Oct. 13, 2016), [https://edd.ca.gov/siteassets/files/disability/pdf/PFL\\_Economic\\_and\\_Social\\_Impact\\_Study.pdf](https://edd.ca.gov/siteassets/files/disability/pdf/PFL_Economic_and_Social_Impact_Study.pdf); Select Subcommittee on the Coronavirus Crisis, House of Representatives, *America's Pandemic Workforce: Persistent Structural Inequities Harm Workers & Threaten Future Crisis Response* (Oct. 2022), p. 41, <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2022.10.25%20Persistent%20Structural%20Inequities%20Harm%20Workers%20and%20Threaten%20Future%20Crisis%20Response.pdf>.
- <sup>71</sup> Benjamin Bennett et al., *Paid Leave Pays Off: The Effects of Paid Family Leave on Firm Performance* (Nat'l Bureau of Econ. Rsch., Working Paper No. 27788, 2021), [https://www.nber.org/system/files/working\\_papers/w27788/w27788.pdf](https://www.nber.org/system/files/working_papers/w27788/w27788.pdf).
- <sup>72</sup> Sarah Jane Glynn, *The Rising Cost of Inaction on Work-Family Policies*, Center for American Progress (2020), <https://www.americanprogress.org/article/rising-cost-inaction-work-family-policies/>.
- <sup>73</sup> Sarah Jane Glynn, U.S. Department of Labor, *The Cost of Doing Nothing, 2023 Update: The Price We STILL Pay without Policies to Support Working Families* (Nov. 2023), <https://www.dol.gov/sites/dolgov/files/WB/paid-leave/CostofDoingNothing2023.pdf>.
- <sup>74</sup> Diana Montoya-Williams et al., The Impact of paid family leave in the United States on birth outcomes and mortality in the first year of life, 55 *Health Services Research* 52, 807-814, at 812 (April 5, 2020), <https://onlinelibrary.wiley.com/doi/10.1111/1475-6773.13288>.
- <sup>75</sup> Jody Heymann et al., *Creating and Using New Data Sources to Analyze the Relationship Between Social Policy and Global Health: The Case of Maternal Leave*, 126 *Public Health Rep. Suppl. 3*, 127-134 (2011), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3150137/>.
- <sup>76</sup> Julia M. Goodman et al., Racial/Ethnic Inequities in Paid Parental Leave Access, 5 *Health Equity* 1, 738-749 at 738, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8665807/pdf/heap.2021.0001.pdf>.
- <sup>77</sup> MetLife Mature Mkt. Inst., *The MetLife Study of Caregiving Costs to Working Caregivers* (2011), <https://www.caregiving.org/wp-content/uploads/2011/06/mmi-caregiving-costs-working-caregivers.pdf>.
- <sup>78</sup> Houser & Vartanian, *supra* note 8.
- <sup>79</sup> March of Dimes Center for Social Science Research, *New Study Reveals Paid Family Leave Policies Lead to 20% Fewer Women Leaving the Workforce*, (Jan. 3, 2020), <https://www.marchofdimes.org/about/news/new-study-reveals-paid-family-leave-policies-lead-to-20-fewer-women-leaving-workforce>.
- <sup>80</sup> Cal. Senate Office of Research, *California's Paid Family Leave Program: Ten Years After the Program's Implementation, Who Has Benefited*

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and *What Has Been Learned?* 6 (July 1, 2014), [http://sor.senate.ca.gov/sites/sor.senate.ca.gov/files/Paid\\_Family\\_Leave\\_FINAL\\_A1b.pdf](http://sor.senate.ca.gov/sites/sor.senate.ca.gov/files/Paid_Family_Leave_FINAL_A1b.pdf); Andrew Chang & Co., *Paid Family Leave Market Research*, Cal. Emp. Dev. Dep't 86 (July 13, 2015), [https://www.edd.ca.gov/Disability/pdf/Paid\\_Family\\_Leave\\_Market\\_Research\\_Report\\_2015.pdf](https://www.edd.ca.gov/Disability/pdf/Paid_Family_Leave_Market_Research_Report_2015.pdf).

<sup>81</sup> Susan C. Reinhard et al., *Valuing the Invaluable: 2023 Update, Strengthening Supports for Family Caregivers*, AARP Public Policy Institute, (March 2023), <https://www.aarp.org/content/dam/aarp/ppi/2023/3/valuing-the-invaluable-2023-update.doi.10.26419-2Fppi.00082.006.pdf>.

<sup>82</sup> Chantel Boyens, *State Paid Family and Medical Leave Programs Helped a Surge of Workers Affected by the COVID-19 Pandemic*, The Urban Institute, (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.pdf>.

<sup>83</sup> For a series of fact sheets related to the need for paid family and medical leave for young workers, specifically, see *A Better Balance*, “*Highlighting the Work-Family Supports Young People and Their Families Need*,” (August 21, 2023), <https://www.abetterbalance.org/highlighting-the-work-family-supports-young-people-and-their-families-need/>.

<sup>84</sup> *A Better Balance*, *The Health Case for Paid Family and Medical Leave*, (Nov. 30, 2021), <https://www.abetterbalance.org/resources/the-health-case-for-paid-family-and-medical-leave>.

<sup>85</sup> See, *Washington Paid Family and Medical Leave, 2022 Annual Report to the Legislature*, at p. 42, [https://app.leg.wa.gov/ReportsToTheLegislature/Home/GetPDF?fileName=paid-family-and-medical-leave-2022-annual-report-to-legislature\\_6a68f749-2d7d-4566-bc4f-6094bcca44d2.pdf](https://app.leg.wa.gov/ReportsToTheLegislature/Home/GetPDF?fileName=paid-family-and-medical-leave-2022-annual-report-to-legislature_6a68f749-2d7d-4566-bc4f-6094bcca44d2.pdf); *Washington Paid Family and Medical Leave, 2021 Annual Report to the Legislature* (<https://media.esd.wa.gov/esdwa/Default/ESDWAGOV/newsroom/Legislative-resources/2021-paid-family-and-medical-leave-annual-report-to-legislature.pdf>); CDC, *Vital Statistics Rapid Release, Births: Provisional Data for 2021*, (<https://www.cdc.gov/nchs/data/vsrr/vsrr020.pdf>)

<sup>86</sup> Office of the New York State Comptroller, DiNapoli: *State’s Paid Family Leave Program Helping Millions of New Yorkers: Employees Earning Under \$40k Had Largest Number of Claims*, (April 28, 2023) <https://www.osc.state.ny.us/press/releases/2023/04/dinapoli-states-paid-family-leave-program-helping-millions-new-yorkers#:~:text=An%20analysis%20of%20claims%20data,%2Dto%20moderate%2Dincome%20employees.>;

CDC, *Vital Statistics Rapid Release, Births: Provisional Data for 2021*, <https://www.cdc.gov/nchs/data/vsrr/vsrr020.pdf>;

<sup>87</sup> Name changed to protect the worker’s anonymity.