Working Families Need NICU Leave: The Stand By NICU Babies and Families Act

The Stand By NICU Babies and Families Act to be introduced in Congress would update the existing Family and Medical Leave Act (FMLA) to provide vital support for families with a baby receiving care in the neonatal intensive care unit (NICU). While NICU parents are eligible to use the FMLA to care for their seriously ill baby, the FMLA fails to fully meet their needs during a stressful and critical time in their lives. Working parents with an infant in the NICU can easily use up most or all of their FMLA leave while their infant is receiving NICU care and then have little or no time left when the baby returns home.

How will the Stand By NICU Babies and Families Act help American families?

- **NICU leave improves health outcomes for babies and their parents.**
  - Parental engagement and care is associated with better developmental and health outcomes for NICU babies. NICU leave also promotes successful long-term lactation, with proven benefits for a baby's health.
  - Without having to worry about losing a job, parents can focus on their own post-partum recovery and managing their wellbeing during a stressful time.
  - Dedicated NICU leave means that parents would still have time to bond with their babies, adjust to their new normal, and address any ongoing infant health needs when they come home from the hospital.
- **NICU leave promotes economic stability.**
  - Businesses retain valuable employees when they are not forced to choose between their job and caring for their new baby. Employee turnover leads to high costs for businesses, from lost productivity and training new staff.
  - Employees are more likely to remain in the workforce when they have the assurance of continued health insurance and the guarantee of a job awaiting their return.
- **NICU leave particularly addresses the needs of rural families.**
  - Rural families often have to travel long distances to a higher-level NICU, sometimes even out of state. Dedicated NICU leave allows these families the time to travel to and from the hospital—and juggle care for any older children at home—without the added stress of fearing job or health insurance loss.

What would the Stand By NICU Babies and Families Act do?

- **Amend the FMLA to provide *up to* 12 additional weeks of unpaid job protection to parents for use while their child is admitted to the NICU.**
  - Employers would not be required to pay eligible employees during their leave. However, as under the existing FMLA, eligible employees could not be fired for taking leave while their baby is in the NICU, and their health insurance benefits must be maintained under the same terms as if they had not taken leave.
  - Most NICU parents will use much less than the full 12 weeks (the average NICU stay is about 14 days). Nevertheless, this 12-week duration cap will support the families of babies with more complex and critical health situations.
- **Retain the *same* eligibility criteria as currently exist under the FMLA for other purposes.**
  - The Act would not expand the FMLA's current eligibility: employees must work at businesses with at least 50 employees, have worked for the employer for at least one year, and have worked at least 1,250 hours in the past 12 months.

For detailed research on the benefits of NICU leave, see A Better Balance's resource hub here. For questions regarding the legislation, please contact Gabrielle Wynn at gwynn@abetterbalance.org.