



**A BLUEPRINT FOR AN ECONOMICALLY VIBRANT FAMILY FRIENDLY AMERICA:**

# **A Federal Policy Agenda to Promote Economic Opportunity and Security for Workers and their Families**

**Call to Action**

1. Support a work-family policy agenda as a centerpiece of rebuilding our economy and strengthening our families' financial future
2. Guarantee all workers the opportunity to earn paid sick days
3. Create social insurance funds that provide workers affordable family and medical leave when serious personal or family health needs arise or new children are born or adopted
4. Expand Family and Medical Leave Act (FMLA) job protection to more workers
5. Strengthen protections for pregnant women and family caregivers
6. Create new standards for greater flexibility, predictability and scheduling control in the workplace
7. Improve data collection on work-family challenges and access to workplace benefits and protections

**Initiated and Signed by Members of the Work Family Strategy Council**

9to5, National Association of Working Women  
 A Better Balance  
 Center for Economic and Policy Research  
 Center for Law and Social Policy (CLASP)  
 Family Values @ Work  
 Labor Project for Working Families  
 National Partnership for Women & Families

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# The Challenge

Our nation's economy is on the road to recovery. Yet basic economic security remains out of reach for many workers and their families. The financial and job insecurity that so many workers face is exacerbated by fundamental mismatches between the demands of work and family and the absence of national policies that recognize these work-family demands.

Too many in our nation continue to see work-family challenges as personal and individual, but the reality is that nearly all workers – whether old or young, married or single, parent or not – will face urgent personal and family needs at some point in their lives. Children are born, elderly relatives need care, childcare needs arise and yet there's no national standard for addressing these challenges. As a result, too many workers face impossible choices that jeopardize their finances, their jobs, or their health. Pregnant women and family caregivers continue to face discrimination on the job. In the short run and the long term, work-family conflicts impede economic recovery and long-term growth.

National policies must recognize key demographic realities: most children live in families where all parents work; caregiving demands for elders are on the rise; our workforce is aging. We can no longer accept significant gaps in access to basic protections.

We must bring our public policies in line with the needs of our workforce and to recognize the benefits that would accrue to workers and families, employers and our communities from common-sense policies. Creating an earned paid sick days standard, access to affordable family and medical leave and expanded access to job-protected family and medical leave would:

- Strengthen our economy by giving workers stability and income
  - Reduce turnover and increase worker productivity
  - Reduce contagion and promote public health
  - Reduce national health care costs through decreased use of emergency departments and increased use of preventive care and screenings
  - Promote maternal, child and family health and attachment
  - Allow more seniors to live independently
  - Improve care coordination and support
- More than 40 million workers do not have access to a single paid sick day and millions more can't use the sick time they have to care for a sick child or ill family member.
  - Ninety percent of private sector workers do not have access to paid family leave and more than sixty percent do not have short-term disability insurance provided by an employer.
  - Only about half of first time mothers take any paid leave (from any source and of any length) after the birth of their child.
  - Fewer than half of all workers are protected with the right to take unpaid leave under the Family and Medical Leave Act.
  - Most workers have no right to stable, predictable schedules, the right to refuse overtime, the right to a minimum number of hours or the right to any pay when they report for work but are not needed.

2013 is the 20th anniversary of the historic Family and Medical Leave Act (FMLA). We call on our leaders to use this occasion to develop and pass the next wave of family friendly policies to promote the health and economic security of all our nation's workers and their families.

These measures are an integral part of a broader effort to rebuild family economic security and a prosperous economy. The broader agenda includes pay equity across gender and race; a higher, indexed minimum wage and tipped minimum wage; high-quality childcare, preschool, and public education with well-trained and well-compensated teachers; affordable and high quality health care; protection and expansion of workers' rights to join a union and bargain collectively; a modernized unemployment insurance system; a strong safety net with expanded work supports; retirement security; and protection of workers' rights through guaranteed jury trials and meaningful relief.

## The Solutions: A Working Families Agenda

### **1. Address Work-Family Policies as a Centerpiece of Rebuilding our Economy and Strengthening our Families' Financial Futures**

- The Administration and Congress should develop a set of Family and Medical Leave Act policy proposals based upon the results of surveys conducted among employees and employers in 2012 on access to and utilization; the report of the survey itself should be widely disseminated and discussed throughout 2013. **Transition and 113th Congress.**
- The Administration should immediately finalize the following pending rules:
  - Issue final rules implementing the Family and Medical Leave Act (FMLA) for military families and airline flight crews, so that workers who haven't yet had access to statutory protections can take the time they need to care for themselves and their loved ones without jeopardizing their jobs. **Transition.**
  - Issue final rules extending Fair Labor Standards Act (FLSA) protections to home care workers so that the millions of largely low-wage workers caring for our nation's elderly have better financial security. **Transition.**
- The Administration should use the FMLA's 20th anniversary to launch a major new, inter-department initiative on modernizing work-family policies. **First 100 Days.**
- The Administration and Congress should ensure that job-creation and job-quality initiatives recognize and address workers' need to manage their family responsibilities while still succeeding and advancing on the job. **113th Congress.**

### **2. Create an Earned Paid Sick Days Standard**

Without paid sick days, more than 40 million workers are forced to make impossible choices when illness strikes: stay home; lose pay and risk their jobs; or go to work sick, risk their health and spread disease to their co-workers and communities. Many more cannot use the paid sick time they have earned to care for an ill child or loved one. All workers should be able to earn paid sick days that can be used for preventive care and minor illnesses for themselves and their loved ones. All workers should have access to paid time off to address the effects of domestic violence, stalking or sexual assault. A national paid sick days standard would help working

families meet their health and financial needs, while boosting business productivity and improving worker retention.

- Congress should pass and the President should sign the Healthy Families Act (HFA), which would create a national earned paid sick days standard. The President's Administration endorsed the HFA in 2009. The HFA would allow workers to earn up to seven job-protected paid sick days each year to be used to recover from their own illness, access preventive care or provide care for a sick family member, and to address issues arising out of domestic violence, stalking and sexual assault. **113th Congress.**
- The federal government should become a leader in encouraging family friendly policies, including paid sick days, through federal contracting reform. Federal procurement policies should be updated to reward contractors that offer paid sick days, paid family and medical leave, workplace flexibility practices and other family friendly protections to their workers. **First 100 Days.**

### **3. Create Family and Medical Leave Social Insurance Funds**

At some point in their lives, nearly all workers will need to take time away from work to deal with a serious personal or family illness or to care for a new child, yet too few have the financial resources or the paid leave to be able to take the time they need without jeopardizing their financial security. Workers in a few states have meaningful wage replacement through state-administered insurance programs for the handful of times in their lives when they need time off to care for a new child, a loved one with a serious health condition, or their own serious health condition. These paid leave programs have tremendous benefits for workers and employers. All workers and families across the country should have access to paid leave insurance.

- To seed state innovation in paid leave and develop additional new successful models in payment delivery, education and outreach, the President should propose and Congress should appropriate funds for a State Paid Leave Fund within the U.S. Department of Labor. Funds should be available to states that are investigating, have passed or have implemented paid leave programs. **113th Congress.**
- Because all workers in the United States should have access to family and medical leave insurance, Congress should create a national family and medical leave insurance program which would allow workers to earn a portion of their pay while they take a limited amount of time away from work to care for a newborn, newly adopted child or newly placed foster child, care for a loved one with a serious health condition, or address their own serious health condition. **114th Congress.**

### **4. Expand the Family and Medical Leave Act (FMLA)**

The FMLA is currently the only federal law that helps women and men meet the dual demands of work and family. This groundbreaking legislation has been used more than 100 million times by workers who have taken time off to care for their families or their own serious health conditions. The FMLA was an important start, but the law has significant gaps that leave roughly half of workers ineligible for FMLA leave. The law also fails to recognize that, in today's families, workers are caring for siblings, grandparents, same-sex partners and other close relatives – individuals who are not included in the FMLA. FMLA-type leave should also be available for other pressing family needs.

- The President should ask the Office of Management and Budget and the Department of Labor to

evaluate the impact of the FMLA in loco parentis guidance it issued in 2010 to extend FMLA rights to more workers and family members, and assess outreach and education opportunities. **First 100 days.**

- The White House and the Department of Labor should examine the FMLA survey results and work with stakeholders to determine whether regulatory changes are needed and to assess and improve FMLA enforcement and know-your-rights education and outreach strategies. **First 100 days.**
- Congress should pass and the President should sign legislation in the **113th and 114th Congresses** to:
  - Expand access to the FMLA to cover workers in smaller businesses and those with less time on the job (the current FMLA excludes 50 percent of the workforce through employer size and employee tenure requirements).
  - Expand the reasons a worker is allowed to take FMLA leave to include parental and family involvement leave and routine family medical needs.
  - Expand the definition of family member to allow workers FMLA leave to care for a domestic partner, parent-in-law, adult child, sibling, grandchild, or grandparent.
  - Allow employees to use FMLA leave to address domestic violence, sexual assault, or stalking and their effects, in addition to using leave to care for domestic partners with serious health conditions.

## **5. Strengthen Protections for Pregnant Workers and Family Caregivers**

Despite existing protections against discrimination, pregnant workers in this country still face discrimination every day. In fact, pregnancy discrimination claims are on the rise. Pregnant workers are forced out of their jobs and denied reasonable accommodations that would enable them to continue working and supporting their families. In addition, workers who provide care for ill and elderly family members also face discrimination, harassment, and suffer reduced opportunities because of colleagues and supervisors' assumptions about their commitment to and interest in their work.

- The Administration should enforce Executive Order 11246 to prevent pregnancy and caregiver discrimination as a form of sex discrimination within the federal contractor workforce. The Department of Labor should publish guidance modeled on the Equal Employment Opportunity Commission's 2007 guidance on the unlawful treatment of workers with caregiving responsibilities and should update its Executive Order 11246 compliance manual to address pregnancy and caregiver discrimination. **First 100 Days.**
- Congress should pass and the President should sign the Pregnant Workers Fairness Act, which would prevent employers from forcing pregnant women out of the workplace and help ensure that employers provide reasonable accommodations to pregnant women who want to continue working. **113th Congress.**
- The EEOC should issue updated guidance on employers' existing obligations to accommodate workers pregnancy-related limitations, monitor the rise in caregiving discrimination cases, prioritize enforcement in cases in which employers base decisions about mothers and other caregivers on stereotypical assumptions that these workers are less committed to work, and examine the utility of disparate impact approaches to scheduling, time off and other workplace policies that have a negative impact on women workers with caregiving responsibilities. **Ongoing in 2013-2014.**

## **6. Facilitate Fair Work Schedules**

Just-in-time scheduling and involuntarily reduced work hours are on the rise, and few workplaces offer the flexibility, predictability and stability that working women and men need to meet their family care responsibilities and still succeed at their jobs. Low-wage and hourly workers, who are even less likely than higher income, salaried workers to have flexibility, often have particular struggles managing work and family. All workers should have the ability to have greater control over their work schedules without giving up current labor protections or rights achieved through collective bargaining agreements, so that, consistent with business needs, they can meet their caregiving responsibilities. Workers should also be entitled to some compensation when last-minute scheduling changes mean they are asked not to work during a scheduled shift. Part-time workers should have parity in wages, benefits and government protections.

- The federal government should immediately examine its own flexible scheduling and telecommuting practices and its 2010 Results Oriented Work Environment pilot results to develop a set of guidelines and best practices that can be applied to the private sector, and conduct employer and employee education to spur the implementation of flexibility throughout U.S. workplaces. **First 100 days.**
- Congress should pass and the President should sign legislation allowing workers greater flexibility and more control over their schedules so that they can meet their family responsibilities. **113th Congress.**
- Congress should pass and the President should sign reporting-pay legislation which would guarantee workers some compensation when they've reported for a shift or been told to be available for an on-call shift but are not given the opportunity to work. **113th Congress.**
- Congress should pass and the President should sign legislation establishing part-time parity so that part-time workers are entitled to the same pay rate and benefits as similarly situated full time workers. **113th Congress.**

## **7. Improve Data Collection on Work-Family Issues and Access to Supportive Benefits and Policies**

Data is vital to the creation and implementation of effective public policies, and yet there are significant gaps in available data on work-family challenges. Better and more systematic data collection that is coordinated across agencies is urgently needed. In addition, longitudinal studies should be modified to capture workers' access to and utilization of leave with and without pay, employer practices with respect to employees of various types and more.

- The Administration should undertake a full review of all agencies' and departments' data collection, including surveys conducted by the Department of Labor, the Department of Health and Human Services and the Department of Commerce, to ensure that collection instruments and analysis include work-family issues. To inform this process, the Administration should convene a stakeholder advisory committee to study and monitor government research and surveys. **First 100 days.**
- The Administration should improve regularly-conducted surveys **throughout 2013 and 2014** by:
  - Adding a small battery of questions about paid sick days and paid family and medical leave to the core Bureau of Labor Statistics and Census Bureau surveys.
  - Improving information collected in and reported from the National Compensation Survey to capture demographic information (gender, race/ethnicity) about the workforce to which

employers are or are not providing benefits and to capture whether leave benefits are offered to all or only some of a particular employer's workforce.

- Improving the Survey of Income and Program Participation to recognize that both men and women need and take family leave and to address the full complement of work-family issues.
- Fully funding the American Time Use Survey to add questions to the core survey instrument about access to leave and flexibility.
- Congress and the Administration should prioritize funding for data collection across government agencies in **FY 2014 appropriations**, including:
  - Provide funding to the Health and Human Services Health Resources and Services Administration (HRSA) for research questions about paid sick days and paid leave for caregivers in the National Study of Children with Special Health Care Needs.
  - Provide funding to the Centers for Disease Control for research on paid sick days and paid leave in the Behavioral Risk Factor Surveillance System and the Youth Risk Behavior Survey.
  - Provide funding to the Department of Labor for on-going analysis of data from sources that include questions on work-family conflict and access and utilization of leave and flexibility.