

How Lawmakers and Advocates Can Help Meet the Promise of Paid Leave

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PAID FAMILY AND MEDICAL LEAVE has become more prominent in state and national legislative debates. Polling shows strong support for paid leave across partisan lines, and lawmakers across the country are drafting and passing paid leave policies. In this fertile environment, it is important to get the policy details right in order to make paid leave work for the people who need it most. Fortunately, the states with the longest-standing paid leave programs – California, New Jersey and Rhode Island – offer a wealth of information about how to design a robust paid leave law. This brief gives state lawmakers and advocates specific recommendations to support paid leave based on research from the report [Meeting the Promise of Paid Leave: Best Practices in State Paid Leave Implementation](#).

Paid leave must be accessible and substantial for the individuals who need it most

- **Workers should receive an adequate level of wage replacement while on leave.** Workers in low-wage jobs, who are the least likely to have access to paid leave through their employers, cannot afford to take leave when the wage replacement rate is too low.
- **Benefits must be paid out in a timely manner.** Delays in benefits create significant challenges for workers who rely on those benefits to pay bills and other expenses.
- **Leave should be available for an adequate length of time.** Before improvements recently enacted in New Jersey's paid family leave program, both workers and small employers indicated that six weeks of paid family leave was too little for many needs. Some workers also reported that low wage replacement rates made it difficult to take the full time they needed.

Paid leave must be secure for the workers who take it

- **Leave should be job-protected.** When leave is not job-protected, people in low-wage jobs are unlikely to take it because they cannot risk losing their income. In addition, workers of color already face the threat of discrimination and harassment, and that threat is magnified without job protection.

Paid leave must be inclusive of all workers

- **Eligibility for paid leave should extend to as many workers as possible.** The most vulnerable workers benefit when laws do not limit eligibility based on the

size of one's employer, part- or full-time status, or stringent requirements regarding work history or prior earnings.

Paid leave must be comprehensive and gender-neutral

- **Paid leave programs should cover parental leave for parents of any gender.** Data projections for women's labor force participation shows a likely increasing need for parental leave for birth mothers. In addition, a growing number of fathers need parental leave. Policies that restrict parental leave based on gender also fail to meet the needs of LGBTQ parents.
- **Paid leave should cover personal medical leave and family caregiving leave.** The aging of the workforce means that more people will need leave to deal with their own serious medical conditions and to care for aging family members.
- **People should be able to take family caregiving leave to care for an inclusive range of family members.** Workers have indicated wide-ranging caregiving responsibilities that often extend beyond a child, parent or spouse.

Paid leave must be affordable and sustainable

- **Premium rates for paid leave should be uniform, rather than based on how much an employer's workforce has utilized leave.** Setting higher contribution rates for employers whose workforces utilize leave more often – known as "experience rating" – would disincentivize employers from allowing and supporting employees' leave.

Paid leave must allow for efficient administration and implementation

- **Programs should draw information from existing data sets rather than requiring new input.** Using the same information that employers already collect for other state programs, such as unemployment insurance, allows employers to more efficiently gather information with fewer opportunities for mistakes.
- **Both electronic and paper applications should be available and accessible to people at a wide range of English proficiency and reading levels.** Different applicants have different levels of access to electronic media. Online materials should be mobile-friendly.
- **Information about the program should be available through multiple channels.** This offers multiple opportunities for people to learn about eligibility and benefits.
- **Laws should include dedicated, ongoing funding for program outreach to the public, to workers and to small employers.** Low awareness of paid leave programs is one of the main reasons existing programs are not utilized by everyone who needs them.

The National Partnership for Women & Families is a nonprofit, nonpartisan advocacy group dedicated to promoting fairness in the workplace, reproductive health and rights, access to quality, affordable health care and policies that help all people meet the dual demands of work and family. More information is available at NationalPartnership.org.

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