

Family and Medical Leave Act: 20 Years Later

Celebrating historic legislation and reflecting on next steps

The Family and Medical Leave Act (FMLA), the first and only legislation written specifically to help workers meet the dual responsibilities of family and work, was signed into law on February 5, 1993. Since its implementation, the law has been used more than 100 million times by working men and women who needed time away from work to take care of a family health crisis or welcome a new baby.¹ The anniversary of the FMLA offers an opportunity to celebrate how far we have come in 20 years, but it also demands that we reflect on how far we have left to go.

The FMLA, which strengthens families and keeps workers in their jobs, is popular among voters and employers.

- A whopping 88 percent of voters have a favorable view of the FMLA.²
- Nearly two-thirds of employers say that complying with the FMLA is very easy or somewhat easy.³
- Mothers who gave birth after the passage of the FMLA were more likely to return to the same employer and took less time away from paid employment than those who gave birth before the FMLA.⁴
- Replacing an employee permanently, rather than providing leave, can cost as much as five times the employee's yearly wages, with additional losses in productivity and employee morale.⁵

Unfortunately, many workers cannot access the FMLA.

- Many part-time workers, workers at companies with fewer than 50 employees, and those who do not meet other eligibility criteria are not covered, leaving out more than half the workforce.⁶
- Only about one-fifth of all new mothers are covered by the FMLA.⁷
- People of color and young adults in their childbearing years are less likely to be covered by the FMLA.⁸
- Care for a sibling, grandparent, grandchild, parent-in-law—anyone other than a child, parent or spouse—is not covered.⁹

Too many families can't afford to use the FMLA.

- Nearly 8 in 10 FMLA-eligible workers who had a qualifying event but did not take leave said the reason was that they could not afford to go without wages.¹⁰
- A majority of new mothers who worked through their pregnancies returned to work before the 12 weeks allowed by the FMLA.¹¹

The FMLA guarantees job-protected, unpaid leave for up to 12 weeks to:

- care for a newborn or newly adopted child
- care for a seriously ill child, parent or spouse, or
- recover from a serious illness.

To be protected by the FMLA, a worker must be employed by a company with 50 or more employees within 75 miles, work at least 1,250 hours per year, and have worked at the company for at least a year.

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Some states have expanded the Family and Medical Leave Act to address its gaps. Others have taken even greater steps toward fulfilling its promise.

States have improved the FMLA by:

- Lowering the employer threshold
- Expanding the definition of family beyond child, spouse and parent
- Increasing the allowable uses under the FMLA
- Establishing family leave insurance programs¹²

California and New Jersey are leading the nation in providing working families with access to paid leave. Family leave insurance programs make family leave more affordable for low- and middle-income workers so they do not have to sacrifice their economic security to take care of a loved one or a new baby.

In North Carolina, 62 percent of voters support the creation of a state family and medical leave insurance program modeled after existing programs in New Jersey and California.

Source: Carolina Issues Poll, September 2012, conducted by Public Policy Polling.

North Carolina's Caregiver Relief Act

North Carolina's Caregiver Relief Act was introduced in 2011 and will be reintroduced this year. It has not passed. The Act would extend the protections of the FMLA to allow eligible employees to care for a sibling, grandparent, grandchild, stepparent, or parent-in-law.

The definition of "family" under the Family and Medical Leave Act is too narrow and does not reflect the realities of North Carolina's families.

- Almost 1.2 million North Carolinians are family caregivers for older and disabled adults.¹³
- By 2030, North Carolina's population of people aged 65 and older is expected to grow by 80 percent.¹⁴
- Almost 100,000 children in the state live in homes where their grandparents are responsible for them.¹⁵

Especially in a struggling economy, North Carolina families rely on broader caregiving arrangements. These caregivers need access to job-protected leave when health issues arise. Research has shown that access to leave can save businesses money associated with reduced incidences of absenteeism, crisis in care, workday interruptions, and decreased hours.

1 Expecting Better: A State-by-State Analysis of Laws That Help New Parents, National Partnership for Women & Families, May 2012.

2 Family and Medical Leave: Making Time for Family Is Everyone's Business, Future of Children, May 2011.

3 Ibid.

4 The Effects of Paid Family and Medical Leave on Employment Stability and Economic Security, Center for American Progress, April 2012.

5 Pay Matters: The Positive Economic Impacts of Paid Family Leave for Families Businesses and the Public, Rutgers Center for Women and Work, Jan 2011.

6 Family and Medical Leave: Evidence from the 2000 Surveys," Waldfoegel, Monthly Labor Review, 2001.

7 Leaves That Pay: Employer and Worker Experiences With Paid Family Leave in California, Center for Economic and Policy Research, Jan 2011.

8 The Effects of Paid Family and Medical Leave on Employment Stability and Economic Security, Center for American Progress, April 2012.

9 Expecting Better: A State-by-State Analysis of Laws That Help New Parents, National Partnership for Women & Families, May 2012.

10 Balancing the Needs of Families and Employers: Family and Medical Leave Surveys: 2000 Update, 2001.

11 Is 40 Weeks the Ideal Maternity Leave Length?, Sharon Lerner, December 2011.

12 State Family and Medical Leave Laws that are More Expansive than the Federal FMLA, National Partnership for Women and Families.

13 Valuing the Invaluable: 2011 Update, The Growing Contributions and Costs of Family Caregiving, AARP Public Policy Institute, 2011.

14 NC Department of Health & Human Services: NC Division of Aging and Adult Services, Aging North Carolina: A Demographic Profile, January 2011.