

Breaking the Liberal-Market Mold?

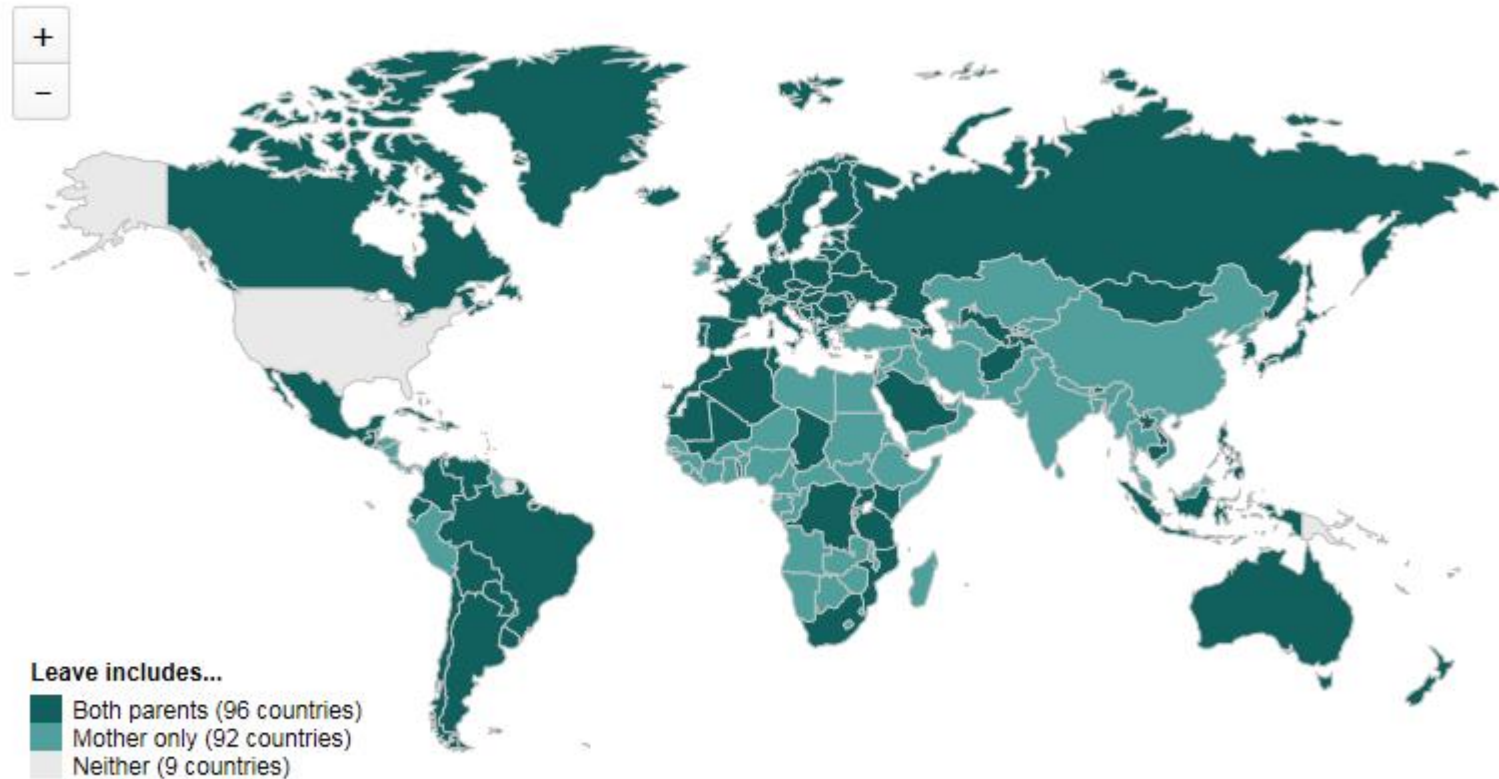
Family policy variation across U.S. States and why it matters

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Does The Government Require That Both New Parents Get Paid Leave?

Nine countries do not officially mandate any paid leave from work for mothers and fathers with newborn children. The United States is the only developed country in this group.



Source: WORLD Policy Analysis Center

Credit: Matt Stiles/NPR

Source: Cole, Diane. 2015. New Dads in Togo are Guaranteed Something that U.S. Dads Aren't. *NPR*, March 14.

Family and Medical Leave Act of 1993

FMLA

12 weeks of unpaid, job-protected leave

For use for oneself or one's family members (i.e. parent, spouse, child)

To address serious health condition

Eligibility: 1) Establishments of 50 or more employees 2) Worked at least 1250 hours in the 12-month period preceding leave

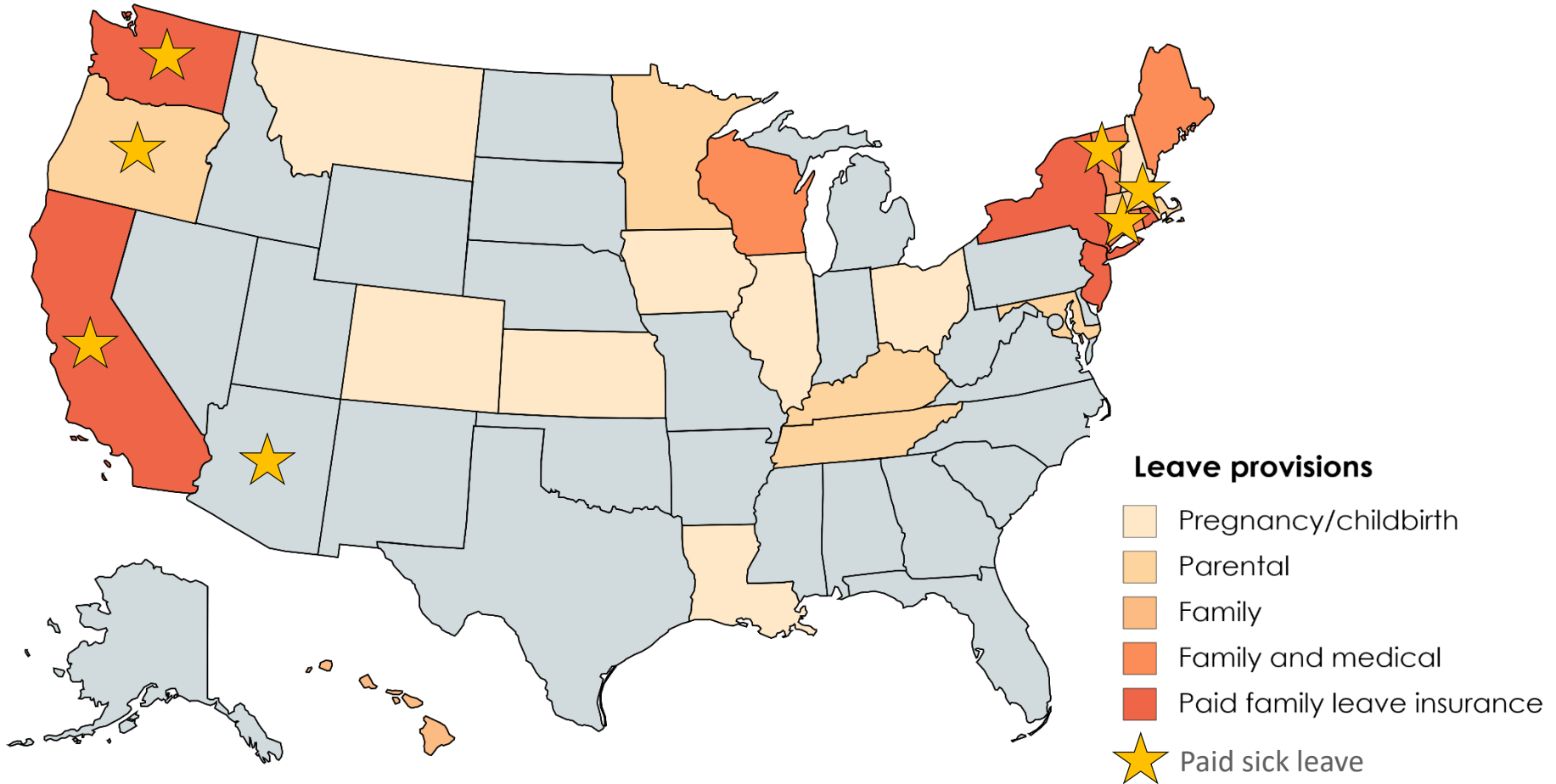


41% of workforce not covered by the FMLA (U.S. Department of Labor 2014)

Types of leave right expansions

FMLA	Expansions
12 weeks of unpaid, job-protected leave	<ul style="list-style-type: none">- Wage replacement/paid leave- Extend duration
For use for oneself or one's family members (i.e. parent, spouse, child)	<ul style="list-style-type: none">- Care for domestic partners, grandparents, parents-in-law, and siblings
To address serious health condition	<ul style="list-style-type: none">- Cover minor illnesses (sick leave)
Eligibility: 1) Establishments of 50 or more employees 2) Worked at least 1250 hours in the 12-month period preceding leave	<ul style="list-style-type: none">- Cover smaller establishments- Lower tenure-based eligibility requirements

The state of leave policy in 2017



Research questions

- How has leave policy developed over time?
- How have leave policy approaches varied across states?
And what models of leave policy have emerged?

Family policy models and development

- Three family policy models (Korpi 2000, Morgan 2013): breadwinner, dual earner-carer, liberal-market
- Gauthier (1996)
 - From maternity leave to parental leave
 - Policies develop in response to structural pressures, e.g., decline in fertility, increase divorce rate/lone-parenthood, increase in female labor force participation

Methods

Parameters:

- Paid leave insurance and unpaid, job-protected leave
- Private & public sectors
- Excludes anti-discrimination, flexible use, small necessities

Codes:

- State, Year
- Type of law, e.g., childbirth, family, family and medical, maternity, parental, pregnancy disability; + amendments

Sources



Expecting Better

A State-by-State Analysis of Laws That Help New Parents

THIRD EDITION | JUNE 2014



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STATE FAMILY AND MEDICAL LEAVE LAWS

7/19/2016

Overview

Family Leave: The federal Family Medical Leave Act (FMLA) provides up to 12 weeks of unpaid leave during a 12 month period to care for a newborn, adopted or foster child, or to care for a family member, or to attend to the employee's own serious medical health condition. The law applies to private employers with 50 or more employees. The FMLA also allows states to set standards that are more expansive than the federal law and many states have chosen to do so. The table below includes the statutory provisions of states with their own family leave laws, including California, Connecticut, D.C., Hawaii, Maine, Minnesota, New Jersey, Oregon, Rhode Island, Vermont, Washington and Wisconsin, most of which have expanded either the amount of leave available or the classes of persons for whom leave may be taken.

Paid Family Leave: Only three states — California, New Jersey, and Rhode Island — currently offer paid family and medical leave. New York will join them effective Jan. 1, 2018, after passing the Paid Family Leave Benefits Law during the 2016 session. All four state programs are funded through employee-paid payroll taxes and administered through their respective disability programs. The state of Washington passed a paid family leave law in 2007, originally to take effect in October 2009, but the law was never implemented and subsequent legislation has indefinitely postponed its implementation. (See our [paid family leave page](#) for more details.)

Paid Sick Leave: Five states currently require paid sick leave. In 2011, Connecticut became the first state to require private sector employers to provide paid sick leave to their employees. California became the second state to enact paid sick requirements, with the passage of the Healthy Workplace, Healthy Families Act of 2014. Massachusetts voters approved the Earned Sick Time for Employees ballot measure during the 2014 election, and the Oregon and Vermont Legislatures enacted paid sick leave laws in 2015 and 2016, respectively (see our [sick leave page](#) for more details.)

School/Parental Leave: A small number of states provide for a limited number of hours annually for parents to attend

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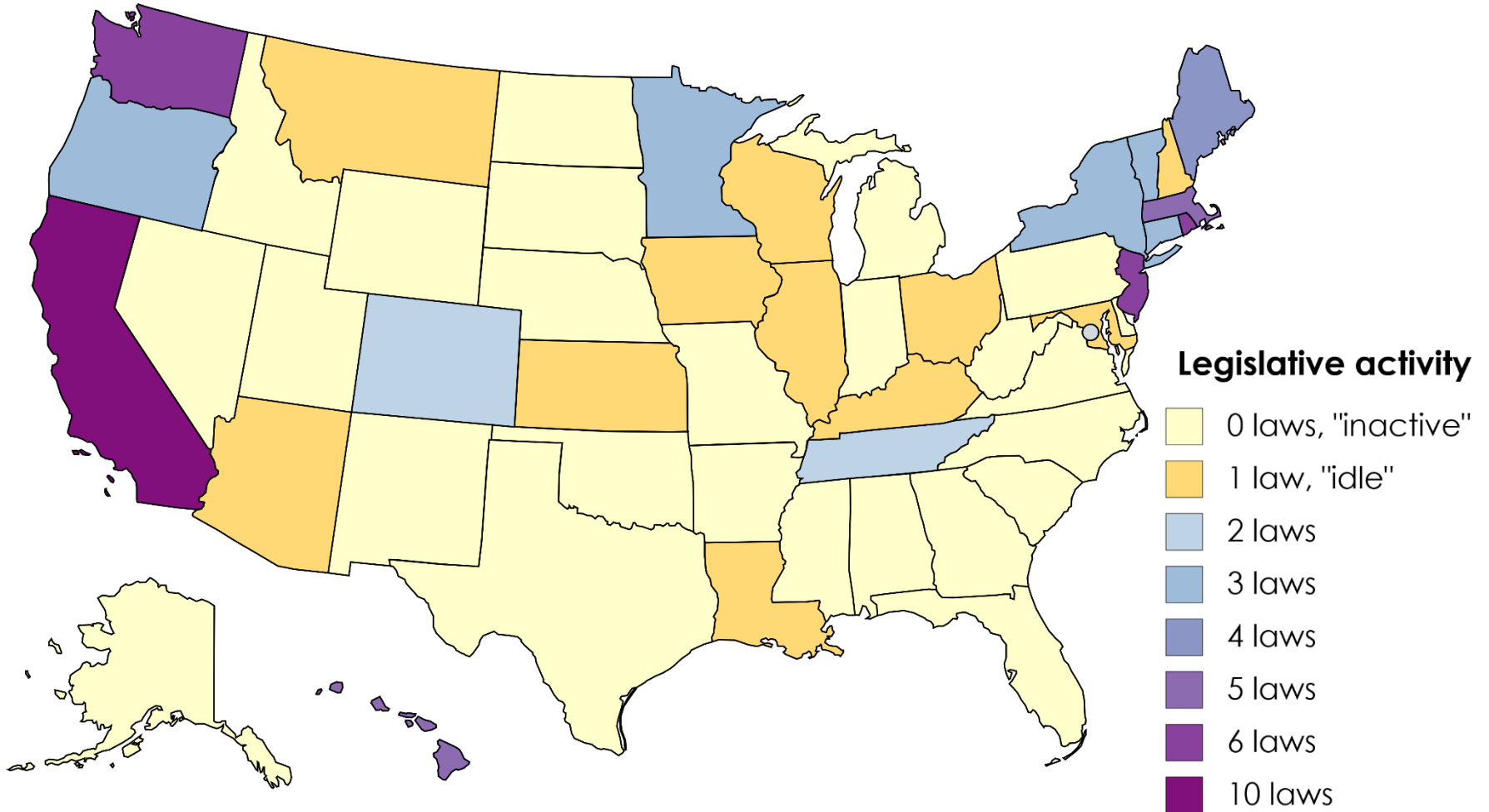
[Jackson Brainerd](#)



Summary of main findings

1. States have historically diverged in their approaches to social policy development.
2. Laws proceed historically from women-targeted policies to gender-neutral provisions to paid leave schemes. By 1993 a consensus emerges for gender-neutral, individual entitlements.
3. Paid leave programs are restricted to a select few - but populous - states.

Incremental, idle or inactive (as of 2017)



Historical landmarks and trends

Temporary disability insurance (TDI), *1942-1969*

- California, Hawaii, New Jersey, New York, Rhode Island
- Medical purposes, not family policy
- Pregnancy and childbirth as disability, *1963-1985*

Historical landmarks and trends

Temporary disability insurance (TDI), *1942-1969*

Pregnancy and childbirth leave, *1972-1985*

- Ten states provide time to address medical issues
- Two states include time for bonding
- First gender-neutral provisions in 1982

Historical landmarks and trends

Temporary disability insurance (TDI), *1942-1969*

Pregnancy and childbirth leave, *1972-1985*

Pre-FMLA policy choices, *1987-1993*

- Two routes:
 - (1) gender-neutral, parental/family leave – 14 laws
 - (2) women-targeted leave (a compromise) – 5 laws

Historical landmarks and trends

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Implementation years, *1993-2001*

Historical landmarks and trends

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Paid leave, *2002-2017*

- Family leave insurance, *starting in 2002*
- Paid sick leave, *starting in 2006*

Why subnational policy matters

California – 6 weeks, 60-70% earnings, incl. grandparents, grandchildren, siblings, parents-in-law, employee-funded

New Jersey – 6 weeks, 66% earnings, employee funded

New York – 12 weeks, 50% earnings*, incl. grandparents and grandchildren, employee-funded

Rhode Island – 12 weeks, 60% earnings, incl. grandparents and parents-in-law, employee-funded

Washington – 12 weeks, 50-90%,* incl. grandchildren, grandparents, siblings, jointly funded by employees and employers

*Rates based on state average weekly wage

Conclusions

Bright spots in U.S. federal leave policy: (1) gender-neutral,
(2) individual entitlements

Main hurdle: Commitment to liberal-market approach

Has the historical moment for paid provisions passed?

A look to Washington state for how to expand policy:



Photo: Before signing paid family leave, Washington Governor Inslee shakes hands with the bill's sponsor, Sen. Fain (R), who is pictured with his 14 month-old son. Source: *The Seattle Times* (July 5, 2017)

Thank you!

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