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.
# Family and Medical Leave Act of 1993

<table>
<thead>
<tr>
<th>FMLA</th>
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<tr>
<td>12 weeks of unpaid, job-protected leave</td>
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<tr>
<td>For use for oneself or one’s family members (i.e. parent, spouse, child)</td>
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<tr>
<td>To address serious health condition</td>
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<tr>
<td>Eligibility: 1) Establishments of 50 or more employees 2) Worked at least 1250 hours in the 12-month period preceding leave</td>
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41% of workforce not covered by the FMLA (U.S. Department of Labor 2014)
# Types of leave right expansions

<table>
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<tr>
<th>FMLA</th>
<th>Expansions</th>
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<td>12 weeks of unpaid, job-protected leave</td>
<td>- Wage replacement/paid leave</td>
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<td>For use for oneself or one’s family members (i.e. parent, spouse,</td>
<td>- Extend duration</td>
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<td>child)</td>
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<tr>
<td>To address serious health condition</td>
<td>- Care for domestic partners, grandparents,</td>
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<td>parents-in-law, and siblings</td>
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<tr>
<td>Eligibility: 1) Establishments of 50 or more employees 2) Worked at</td>
<td>- Cover minor illnesses (sick leave)</td>
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<td>least 1250 hours in the 12-month period preceding leave</td>
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<td>- Cover smaller establishments</td>
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<td>- Lower tenure-based eligibility requirements</td>
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The state of leave policy in 2017

Leave provisions
- Pregnancy/childbirth
- Parental
- Family
- Family and medical
- Paid family leave insurance
- Paid sick leave
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 in 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

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...
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

Temporary disability insurance (TDI), 1942-1969

Pregnancy and childbirth leave, 1972-1985

Pre-FMLA policy choices, 1987-1993

Implementation years, 1993-2001
Historical landmarks and trends

Temporary disability insurance (TDI), 1942-1969

Pregnancy and childbirth leave, 1972-1985

Pre-FMLA policy choices, 1987-1993

Implementation years, 1993-2001

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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