THE PATH LESS CHOSEN: EVOLUTION OF LEAVE IN THE USA
The path less chosen: Evolution of parental leave in the USA

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Policy analysis approach to studying leave...

• Typically begins with higher order government that passes law to lower levels to cover public and private employees.
### U.S. process affecting leave coverage

<table>
<thead>
<tr>
<th>State* laws affecting</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Public employees at state level</td>
</tr>
<tr>
<td>• Private employees within states</td>
</tr>
<tr>
<td>• Public and private employees within state</td>
</tr>
</tbody>
</table>

<table>
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<th>Local laws affecting</th>
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</table>

<table>
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<th>Private initiatives within industries &amp; employers</th>
</tr>
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</table>

*U.S. territories included here*
Bottoms-up or path less chosen

Legal challenges based on discrimination

Disparities

U.S. National Policy

Customary Practice

Private Employer

Local Government

State Government
Following the path less chosen...

- A review of public policies on family leave in the U.S.
  - FMLA, Federal employees
  - State & local initiated maternity and parental leave
- Who gets leave
  - Influence of unions, firm size
- Public and private leave coverage
- Disparities created by this approach leading to public policies
Family and Medical Leave Act 1993

- Up to 12 weeks of **unpaid** job-protected leave
- Individual entitlement
- Eligibility
  - Workplace: 50+ employees
  - Employee: worked for same employer 1+ year and 1,250+ hours previous year
- 59% of US employees meet all requirements
Federal Employees

- Executive order under Obama in 2015
- Federal employees allowed to use up to 6 weeks of paid sick leave to care for a new child or ill family member
- In cases where employee does not have this available, they can get an “advance” in leave
# State Leave Policies

<table>
<thead>
<tr>
<th>State</th>
<th>Year passed/in effect</th>
<th>Length of parental leave</th>
<th>Level of pay</th>
<th>Maximum pay per week</th>
<th>Job protection</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>2002/2004</td>
<td>6 weeks</td>
<td>60-70%</td>
<td>$1,216</td>
<td>No</td>
</tr>
<tr>
<td>New Jersey</td>
<td>2008/2009</td>
<td>6 weeks</td>
<td>66%</td>
<td>$633</td>
<td>No</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>2013/2014</td>
<td>4 weeks</td>
<td>60%</td>
<td>$831</td>
<td>Yes</td>
</tr>
<tr>
<td>New York</td>
<td>2016/2018</td>
<td>8-12 weeks</td>
<td>50-67%</td>
<td>$1,296</td>
<td>Yes</td>
</tr>
<tr>
<td>Washington</td>
<td>2007/2020</td>
<td>12 weeks</td>
<td>90%</td>
<td>$1,000</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Note: When fully implemented in 2021, NY will provide 12 weeks at 67% pay
State & local governments provide paid parental leave for public employees ...

- Alleghany County, PA
- Seattle, WA & King County, WA
- Pittsburgh, PA
- St. Paul, MN & Brooklyn Park, MN
- St. Petersburg, FL
- Chicago, IL
- Austin, TX
- Boston, MA
- San Francisco, CA
- Fairfax, VA
- Washington, D.C.
- Arkansas
- Massachusetts
- and more
Do unions make a difference?

Coverage for paid and unpaid leave between union workers was slightly higher than non-union workers in 2017.

- 19% of union workers are entitled to paid family leave benefits and 93% have unpaid family leave benefits.
- 14% of non-union workers are entitled to paid family leave benefits and 87% have unpaid family leave benefits.

Paid leave coverage for union & nonunion workers was between 1-2% in 1995.
Paid family leave coverage grows as size of the firm increases

- 1 to 49 workers
- 50 to 99 workers
- 100 to 499 workers
- 500 workers or more

National Compensation Survey-Benefits, 2018
Paid leave coverage of Public vs. Private workers, 2008 & 2017

Paid family leave coverage has grown for all employees.

67% increase since 2008 in paid family leave coverage for state and local government employees.

State & local government employees are almost twice as likely to have paid family leave coverage.
Percent of private workforce with paid family leave benefits by type of industry, 2017

- Goods-producing industries: 9%
- Service-providing industries: 14%
- Information: 34%
- Financial activities: 31%
- Real estate and rental and leasing: 10%
- Professional and technical services: 10%
- Administrative and waste services: 27%
- Education and health services: 18%
- Leisure and hospitality: 6%
- Other services: 9%

Service Providing Industries

SG
## Company Policies

### 10 weeks
- Airbnb
- CVS
- Hilton
- Lowe’s
- Walmart

### 12 weeks
- BP America
- CarMax
- Choice Hotels
- Coca-Cola
- DOW Chemical
- Gap
- LinkedIn
- Sallie Mae
- Whirlpool

### 14 weeks
- Kering
- LL Bean
- Nestle
- Nike

### 16 weeks
- Bank of America
- Citi
- Ernst & Young
- Facebook
- Honest
- IKEA
- Levi Strauss
- Mastercard
- PayPal
- Pinterest
- Procter & Gamble
- Shell
- Vanguard
- Zillow

### 18 weeks
- 3M
- Capital One
- GoDaddy
- Hasbro
- Lyft
- Starbucks

### 20 weeks
- Amazon
- IBM
- Microsoft
- Twitter

### 21+ weeks
- Adobe
- American Express
- Deloitte
- eBay
- Etsy
- Mozilla
- Netflix
- Spotify
Availability at Organizational Level

- Participating U.S. organizations
  - 62% do not offer paid parental leave
  - 38% offer paid parental leave
    - 78% offer to ALL employees
    - 22% offer to SOME employees

Of the 38% of organizations that offer paid parental leave to all or some new-parent employees:

- **Legal Requirements**
  - 64% are subject to state/local laws requiring paid parental leave.
  - 88% of those subject to state/local laws offer more/expanded paid parental leave than legally required.

- **Determination of Paid Leave Amounts**
  - 58% offer the same amount of paid parental leave to all qualifying new-parent employees.
  - 25% give more paid parental leave to birth mothers (excluding disability).
  - 15% differentiate amount of paid parental leave for primary versus secondary caregivers.

- **Amount of Paid Leave Offered**
  - 80% provide employees full/normal pay during paid parental leave.
  - Average length of paid parental leave offered to full-time employees at full pay, is 4.1 weeks (median: 3.0 weeks).

Disparities

- By gender
- By income
- By race/ethnicity
Gender differences: 1994-2015

• Number of men and women on leave
  • Changed little for women (around 273,000 per month)
  • Increased from 5,800 per month in 1994 to 22,000 per month in 2015 for men

• Men more likely to be paid at higher levels during their leave
  • Men average 66% of pay
  • Women average 47.5% of pay

• Men with access to paid leave grew almost twice as fast as women

Source: Zagorsky 2017
As income increases, access to paid family leave in the U.S. increases.
## Race/ethnicity differences

<table>
<thead>
<tr>
<th></th>
<th>% of mothers on maternity leave</th>
<th>% of mothers giving birth</th>
<th>Difference</th>
<th>Significant</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>68.8</td>
<td>56.5</td>
<td>+12.3</td>
<td>**</td>
</tr>
<tr>
<td>Black</td>
<td>12.5</td>
<td>14.7</td>
<td>-2.3</td>
<td>**</td>
</tr>
<tr>
<td>Hispanic</td>
<td>12.0</td>
<td>21.7</td>
<td>-9.7</td>
<td>**</td>
</tr>
<tr>
<td>Other</td>
<td>6.7</td>
<td>7.1</td>
<td>-0.4</td>
<td></td>
</tr>
</tbody>
</table>

Access to paid parental leave: 50% of Whites, 48% of Asians, 43% of Blacks, 25% of Latinos

Source: Glynn & Farrell 2012; Zagorsky 2017
In conclusion...

• More progress than generally noted by top-down approach.
• Need to focus more on state, local and private initiatives to accelerate leave policy in the U.S.
• Bottom-up approach takes longer but what are advantages & disadvantages.
• Is the U.S. unique?

• THANK YOU!