

**POLICY  
BRIEF**  
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# Paid Family Leave



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The decisions and investments we make today determine whether Kansas kids have a rock-solid foundation for growth and development and are able to build upon it in decades to come. Kansas Action for Children has identified three policy areas that will transform the lives of children and families and allow our communities to thrive:

- **Affordable child care**
- **Paid family leave**
- **Infant and maternal health.**



# PAID FAMILY LEAVE: POLICY BOOSTS FAMILIES, BUSINESSES, AND CHILDREN'S HEALTH

Every day, Kansans juggle responsibilities: succeeding at work, responding to family commitments, and maintaining their health. Workers without paid family leave face an impossible choice. They either do not focus on caring for a family member—a new child or ailing relative—or they do not work. That means lost wages or lost employment. Paid family leave can increase economic and health outcomes for families across the state.

The United States is the only developed country that does not ensure paid family leave. In the United States, 85% of workers have no paid family leave.<sup>1</sup>

## BENEFITS EXTEND BEYOND A CONTINUED PAYCHECK

Paid family leave allows families to take time off from work while continuing to generate income. But paid family leave has a wide assortment of economic and health benefits as well. Paid family leave is associated with healthier babies and fewer low-weight births, premature births, and infant mortality.<sup>8,9</sup> Researchers conservatively estimate that providing 12 weeks of job-protected paid leave in the United States would result in nearly 600 fewer infant and post-neonatal deaths per year.<sup>10</sup>

When parents have paid family leave, their children are “more likely to receive recommended preventive newborn care in the first year of life, including well-baby visits, important vaccinations, and screenings for developmental delays and disabilities.”<sup>11,12</sup> Paid family leave can also bolster maternal health. New Jersey’s paid leave program was strongly associated with improvements in new mothers’ physical health.<sup>13</sup> Mothers who receive paid family leave are more likely to breastfeed and less likely to report depression and stress.<sup>14,15</sup> One study found that “mothers who had 12 or more weeks of paid maternity leave had nearly three times the odds of initiating

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## WITHOUT PAY GUARANTEES, THE FAMILY AND MEDICAL LEAVE ACT LEAVES OUT MANY

In 1993, the United States passed the Family and Medical Leave Act (FMLA), the only federal legislation related to employee leave. FMLA “guarantees eligible employees up to 12 weeks of unpaid, job-protected leave for the birth, adoption, or fostering of a child or to care for themselves or a family member due to a serious health condition.”<sup>2</sup> However, contingencies in the legislation limit which employees FMLA covers, meaning only 59 percent of employees were eligible for unpaid leave through FMLA in 2012.<sup>3</sup> As a result, many workers are less likely to share FMLA benefits. For example, “fewer than half of workers with family incomes of less than \$40,000 per year are eligible, compared to 60 percent of those with family incomes of more than \$40,000.”<sup>4</sup>

Many workers eligible for FMLA cannot afford to take unpaid leave. Among FMLA-eligible workers who need leave, but don’t take it, 46 percent “cited inability to afford to take leave as their reason for missing the needed leave. Additionally, 17 percent of these workers attributed their decision not to take leave to fear of losing their job.”<sup>5</sup> Nationally, more than 6.3 million workers in 2012 “found it difficult to make ends meet while on leave. These workers were either on unpaid leave or were losing income while on leave, despite drawing on some existing benefits.”<sup>6</sup> More than one-in-five (22 percent) retirees report leaving the workforce “earlier than planned because a family member needed care.”<sup>7</sup>

breastfeeding and two times the odds of breastfeeding for six or more months when compared to mothers who had no paid leave.”<sup>16</sup> In low-income families in New Jersey, new mothers who use the state paid leave program breastfeed, on average, one month longer than those who do not use the program.<sup>17</sup>

Family economic security is enhanced when fathers take paid family leave by facilitating sustained labor force participation among women and encouraging gender equity in the home.<sup>18, 19</sup> While mothers are more likely than fathers to take time off from work to care for new or sick children, fathers who take longer periods of leave following a birth are “more involved in household chores and routine caregiving for their infants over time compared to fathers who take shorter leave or none at all.”<sup>20, 21</sup>

Studies of two-parent, opposite-sex households show a number of positive outcomes when fathers take leave. Fathers who take two or more weeks off after the birth of a child are more involved in that child’s direct care nine months after birth than fathers who take no leave. Involved fathers also promote children’s educational attainment and emotional stability. A father’s involvement in a newborn’s care in the first six months can mean both mother and baby sleep better.<sup>22</sup>

Research shows “it takes time to become a responsive caregiver to a young child, establishing a pattern that will promote the child’s long-term cognitive, social, and emotional development.”<sup>23</sup> Preliminary research in California suggests that paid leave may also help prevent child maltreatment, perhaps by reducing risk factors such as parental stress and depression.<sup>24</sup> Paid family leave provides new parents the opportunity to gain skills that will continue to benefit their child’s development.<sup>25</sup>

California’s statewide paid family leave program, in effect since 2004, is associated with improved health outcomes for children in early elementary school, including reduced issues with maintaining a healthy weight, ADHD and hearing-related problems, particularly for less-advantaged children.<sup>26</sup> Parents who use California’s paid leave program report that leave has a positive effect on their ability to care for their new children and arrange child care.<sup>27</sup>

In Rhode Island, which implemented a paid leave program in 2014, parents who use the state program are much more likely to report higher satisfaction with their ability to care for their new children and arrange child



care, better health and lower general stress, compared to parents who do not use the program.<sup>28</sup> Time for parents to provide care facilitates the early detection of potential developmental delays at a time when problems can be most effectively addressed and interventions identified to minimize them.<sup>29</sup>

## CURRENT POLICY DENIES KANSANS OF COLOR THE ABILITY TO CARE FOR THEIR FAMILIES

People of color are less likely than their white counterparts to have access to paid family leave. Roughly half of all white working people have access to paid parental leave, compared with 43 percent of Black and one-quarter (25 percent) of Latinx working people.<sup>30, 31</sup> The difference in paid parental leave results in lower rates of breastfeeding for Black infants compared to white infants.<sup>32</sup>

Research shows that “households of color are also more likely than white households to be multi-generational, which suggests they are more likely to have elder care responsibilities despite being less likely to have access to leave for elder care.”<sup>33</sup>

Due to historical legal and policy exclusions targeting people of color, Kansans of color continue to face barriers to full economic participation in the state.<sup>34</sup> As a result, more live in poverty and have accumulated less wealth to rely on during and immediately following the birth of a child or when required to respond to other health or family emergencies.

Among those in the lowest 25 percent of workers, just five percent have paid family leave.<sup>35</sup>

- Low-income people are not just less likely to have paid family leave, but are also less likely to have health insurance, sick leave, paid vacation, or retirement plans.<sup>36, 37</sup>
- As a result, one in seven low-wage workers says they have lost a job in the previous four years due to sickness or family responsibilities.<sup>38</sup>
- In 2016, more than four-in-10 Kansas children under age 9 (42 percent) lived in families living below 200 percent of the federal poverty line.<sup>39</sup> Families like these struggling to make ends meet have the least access to paid family leave.

As people of color face additional barriers to building assets and job security, they are more likely to face economic consequences without paid family leave. Women of color consequently are “more likely to take short leaves and experience job loss after childbirth.”<sup>40</sup> However, when paid leave programs are available, women of color take similar periods of leave as their white counterparts. In California, before the state implemented its program, Black women took an average of one week of maternity leave, while white women took an average of four weeks. After paid leave program implementation, both Black and white new mothers took seven weeks of maternity leave on average.<sup>41</sup>

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## PAID FAMILY LEAVE HAS FOUND SUCCESS IN IMPLEMENTED STATES

Four states (California, New Jersey, New York, and Rhode Island) have implemented paid family leave, while two other states and the District of Columbia have passed legislation to implement paid family leave in the coming years.<sup>42</sup> When Rhode Island implemented its program, it went beyond California and New Jersey by “guaranteeing workers reinstatement to their jobs and offering protection from workplace retaliation for taking paid leave.”<sup>43</sup> In 2020, Washington’s paid family leave program will go into full effect. It provides a full 12 weeks of paid time off and includes a progressive financing mechanism so that low-income workers will receive a higher percentage of their income in paid family leave benefits than higher-income workers.<sup>44</sup> Twenty-five additional states are considering paid family leave legislation.<sup>45</sup> In general, these states provide “55 to 67 percent of wages for 10 to 12 weeks.”<sup>46</sup>

States that implemented paid family leave realize positive results for individuals, employers, and the economy overall, including:

- Boosted employee morale.<sup>47</sup>
- In California, paid family leave “accounted for an 11 percent relative decline in elderly nursing home usage.”<sup>48</sup>
- When parents can attend to a child’s early medical needs, infant mortality and the occurrence and length of childhood illnesses are reduced, which in turn lowers private and public health expenditures.<sup>49</sup>
- Employer satisfaction, reporting minimal costs and limited effects on business productivity.<sup>50, 51</sup>
- Lower employee turnover, particularly among low-wage workers,<sup>52</sup> which turns into “lower costs and higher productivity for business.”<sup>53</sup>
- Small businesses report paid leave legislation can “make the benefit affordable, reduce business costs, protect small business owners themselves, and increase their competitiveness.”<sup>54</sup>
- Increased labor force participation among new mothers, particularly among less-educated women.<sup>55</sup>
- Decreased use of anti-poverty programs, including public assistance and SNAP.<sup>56, 57</sup>

## NEXT STEPS FOR IMPLEMENTING PAID FAMILY LEAVE IN KANSAS

To develop state paid family leave, policymakers must decide how to address certain important issues such as what situations to cover, how long to offer coverage, and how to fund paid leave. However, with many states and countries that have implemented paid leave, policy makers can access guidance.

- States vary as to whether their programs include parental leave, family leave, and sick leave. Kansas should follow Rhode Island’s example to implement work protections.
- When developing a paid family leave policy, policymakers must consider how a program will support low-income families. States such as Rhode Island, which have implemented paid family leave, are working to expand the number of weeks and benefits to increase participation among low-income workers.<sup>58</sup>
- Among the states that have implemented paid family leave, the program is funded through payroll tax.<sup>59</sup>
- 85 percent of countries providing paid maternity leave (of 185 countries) provide 12 or more weeks of paid leave.<sup>60</sup> The American Academy of Pediatrics advocates for legislation to create a “social insurance program that enables eligible workers to take up to 12 weeks of paid leave to care for themselves or a family member.”<sup>61</sup>

To build on governmental and private sector commitments to implementing paid family leave, a first next step is funding pilot programs across Kansas. The pilot programs could partner with large employers or anti-poverty programs. For example, Kansas could use TANF funds to increase access to paid family leave for low-income families. It will also be instructive to watch the experience of the state government employees, who can now take paid parental leave thanks to a limited program instituted by former Gov. Jeff Colyer.

Kansas should implement paid family leave to reduce maternal and infant mortality and ensure that Kansans are able to take care of their health and the health of their families. Paid family leave can increase positive outcomes for families, employers, and the state economy.

<sup>1</sup>National Partnership for Women and Families. “Paid Family and Medical Leave: A Racial Justice Issue – and Opportunity.” August 2018. <http://www.nationalpartnership.org/research-library/work-family/paid-leave/paid-family-and-medical-leave-racial-justice-issue-and-opportunity.pdf>

<sup>2</sup>U.S. Department of Labor, Wage and Hour Division, Fact Sheet #28: The Family and Medical Leave Act, 2012, <https://www.dol.gov/whd/regs/compliance/whdfs28.pdf>.

<sup>3</sup>Abt Associates, Family and Medical Leave in 2012: Technical Report, 2014, <https://www.dol.gov/asp/evaluation/fmla/FMLA-2012-Technical-Report.pdf>

<sup>4</sup>Helene Jorgensen and Eileen Appelbaum, Expanding Federal Family and Medical Leave Coverage: Who Benefits from Changes in Eligibility Requirements?, Center for Economic and Policy Research, 2014, <http://www.cepr.net/index.php/publications/reports/expanding-federal-family-medical-leave-coverage>.

<sup>5</sup>Jacob A. Klerman, Kelly Daley, and Alyssa Pozniak, “Commonly Cited Reasons For Not Taking Leave Exhibit 6.4.1,” Family and Medical Leave in 2012: Technical Report, USDOL, 2014, <http://www.dol.gov/asp/evaluation/fmla/fmla-2012-technical-report.pdf>.

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<sup>8</sup>Maya Rossin, “The Effects of Maternity Leave on Children’s Birth and Infant Health Outcomes in the United States,” *Journal of Health Economics* 30 (2011).

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<sup>10</sup>Patton, D., Julia F. Costich, J. F., & Lidströmer, N. (2017). Paid Parental Leave Policies and Infant Mortality Rates in OECD Countries: Policy Implications for the United States. *World Medical and Health Policy*, 9(1), 6-23.

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<sup>12</sup>The American Academy of Pediatrics recommends eight pediatrician visits for well-child check-ups in a child’s first year.

<sup>13</sup>Pal, I. (2016). *Work, Family and Social Policy in the United States - Implications for Women’s Wages and Wellbeing*. Doctoral thesis, Columbia University. Retrieved 8 November 2018, from <https://academiccommons.columbia.edu/doi/10.7916/D87W6C74>.

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<sup>16</sup>Mirkovic, Kelsey et al. “Paid Maternity Leave and Breastfeeding Outcomes.” *Birth*, vol. 43, no.3, 2016, pp. 233-9. <https://www.ncbi.nlm.nih.gov/pubmed/26991788>

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