



To: Senate and House Bipartisan Working Groups on Paid Family Leave

From: Ben Gitis and Justis Antonioli, Bipartisan Policy Center

Date: January 29, 2024

RE: Request for Information on Paid Family Leave

1. What should the federal role be, if any, in providing, promoting, and/or incentivizing paid leave? And how should this interact with the role of state government programs, and/or employer programs?

To achieve the overarching goal of providing every American worker with access to paid leave, the federal government should play a fourfold role:

- **Enable employers, states, and insurance markets to offer leave.** In the absence of a federal policy, employees access paid leave through three primary channels—state programs, employer plans, and the private insurance market. Federal policy should strengthen these options.
- **Support workers who fall through the gaps.** Although access to paid leave benefits is expanding, many workers remain uncovered. The federal government should develop a solution targeted at those still without access, particularly low-income workers.
- **Promote state harmonization.** The paid family leave landscape is rapidly evolving. There are now 22 state laws, including the District of Columbia, reaching approximately 90 million workers.ⁱ While this expansion has benefited millions, it has also created challenges for multi-state employers that are struggling to comply with multiple, uncoordinated laws across the country. The federal government should promote common standards and coordination across states, which would enable more large employers to offer paid leave.
- **Improve data collection and program evaluation.** While paid family leave programs have evolved, data collection and program evaluation have not kept pace. As the federal government's role expands, prioritizing effective data collection and evaluation of existing benefits and programs is crucial for informed decision-making.

2. What types of leave should a potential federal program cover, at what length, and why? How should different types of leave be prioritized? Should different types of leave be treated differently or does doing so create adverse effects?

Types of Leave Covered

Existing policies vary, but there are generally three qualifying reasons for paid family and medical leave each of which run concurrent with the Family and Medical Leave Act (FMLA):

- Parental Leave—Time away from work for a parent to bond with a newborn, newly adopted, or newly fostered child. This includes paternity and maternity leave.
- Family Caregiving Leave—Time away from work to care for a qualifying family member with a serious illness, injury, or disability.
- Personal Medical Leave—Time away from work to recover from a personal health issue that prevents the employee from working.

Although all three types of leave benefit workers, parental leave is generally the most straightforward for the government and employers to administer, as the instances and reasons for leave are more predictable.

Paid parental leave has been shown to increase labor force participation among new mothers while also supporting the healthy development of children and improving physical and mental health outcomes of new parents. In fact, California and New Jersey, which have the longest-running programs, saw a 20% decrease in the number of female employees leaving their jobs within the first year after giving birth, and this reduction increased to 50% after five years.ⁱⁱ

These findings are significant, as achieving a U.S. female labor force participation rate comparable to other developed countries could produce a 5% boost to the U.S. economy.ⁱⁱⁱ Furthermore, research indicates that women with access to paid leave had improved postpartum well-being and increased breastfeeding rates.^{iv} A 2018 study found that when women take paid parental leave, their infants are 47% less likely to be re-hospitalized.^v Moreover, parental leave not only supports younger workers during their child-rearing years but could foster family formation and encourage population growth, which is essential for long-term economic stability.

In 2019, Congress enacted the Federal Employee Paid Leave Act (FEPLA), which provides parental leave for federal workers. Notably, several states including [Georgia](#), [Louisiana](#), [Oklahoma](#), [Tennessee](#), and [South Carolina](#), have also implemented similar measures to provide paid parental leave to their state and public-school employees since the passage of FEPLA.

Duration

Existing mandatory state programs range in duration from 6 to 52 weeks, with personal medical leave being the longest in most cases. Voluntary state laws display considerable variability, placing the determination of leave duration primarily in the hands of employers and insurance providers. Meanwhile, FMLA provides up to 12 weeks of job-protected, unpaid leave.

3. Please describe your recommended framework/s, focusing on what you believe could be a bipartisan and passable solution/s to expanding paid leave nationally?

There are several bipartisan options to expand access to paid family and medical leave:

Leveraging the private sector. Surveys suggest that helping employers provide leave benefits is highly popular among Americans. A 2017 Pew Research Center survey found that most Americans would prefer to receive paid family and medical leave benefits from their employer than from the government.^{vi} The same survey found that 87% of Americans support providing tax credits to

employers that provide paid family leave.^{vii} Moreover, more than three-quarters (77%) of small business owners also support financial incentives for small businesses that provide paid family leave benefits.^{viii}

There are multiple policy options that would enable more workers to receive paid family and medical leave directly from their employers. These include:

- **Enhancing the 45S employer credit for paid family and medical leave.** The 45S tax credit offsets the costs to employers of providing paid family and medical leave benefits to workers. Reforms such as allowing employers to apply it toward private insurance premiums as well as making the tax credit permanent would increase take-up by making the tax credit more flexible and give employers the confidence that they can rely on it to provide paid leave for years to come. The federal government should disseminate educational materials to businesses and workers to increase awareness of the tax credit.^{ix}
- **Establishing robust insurance markets.** Several states, including [Virginia](#), [New Hampshire](#), and Florida, have authorized the sale of paid parental and family caregiving leave as an insurance product in private markets. As a result, rather than directly self-funding paid family leave benefits, employers in those states can purchase paid leave insurance products and pay monthly premiums to insurance carriers. The federal government should explore ways to strengthen private insurance markets so that more employers can participate.

One option is to strengthen small group pooling, which would allow small employers to pool resources and risk together to receive more competitive premium rates. This has the potential to reduce costs and enhance access for employees. Another option is to allow employers to apply the 45S tax credit toward private insurance premiums.^x Additionally, the federal government could provide funding to support states that are implementing new paid family leave insurance markets.

- **Promote state harmonization.** A federal solution should also promote harmonization among the various state paid leave laws. As of January 2024, thirteen states and the District of Columbia have enacted mandatory paid family leave programs. While these initiatives have provided access to paid leave for millions of workers, the distinct requirements of each present compliance challenges for multi-state employers navigating different sets of laws for each state in which they operate.

The federal government is well-positioned to foster harmonization among state laws by establishing systems that facilitate sharing best practices and developing common standards between states. This approach can enhance existing laws and contribute to the improvement of new ones being developed. Greater uniformity across states could also ease compliance burdens on employers and, as a result, make it easier for them to provide paid leave directly to their workers.

Funding to states for plan development. Federal funding could assist states in plan development and support state program administration. These funds could help states implement new social insurance programs, develop robust private options, collect data, and promote new programs, among other activities. While providing funding to states, it would be important that the federal government

establish standards and best practices for paid family leave policy. Doing so would ensure that states effectively use federal funding to expand access to adequate paid leave benefits and minimize multi-state compliance challenges.

Provide a safety net for individuals falling through the gap. While promoting access to paid family leave through employers and state programs, the federal government could also serve as a vital safety net for those who still lack access to paid leave. In particular, the federal government could directly provide a paid leave benefit to low-income workers. Proposed ideas include amending the Child Care Entitlement to States (CCES) to provide eligible low-income parents with the option of receiving a child care subsidy as partial wage replacement to stay home with a newborn child for up to 12 weeks (recommended in 2021 by House Ways & Means Republican members).^{xi} Another option, suggested by the American Action Forum, is to introduce a federal means-tested benefit for paid family leave that is modeled after the Earned Income Tax Credit.^{xii,xiii}

Data collection and plan evaluation. Centralizing information on paid leave is essential for effective federal efforts. The federal government should assign specific agencies the responsibilities of data collection, analysis, and reporting. Likewise, it is important that lawmakers use this data to conduct periodic evaluation of existing programs and policies.

4. Please describe alternative ways any proposed framework can be financed, including possible payfors. What financial mechanisms should be considered to expand paid leave?

To ensure the sustainability of any new federal paid leave program, it needs to be properly funded. Mandatory state laws generally finance leave benefits through premium deductions in the form of a payroll tax on employers, employees, or both.^{xiv} These recent state paid family leave programs demonstrate the importance of establishing a strong financial footing before paying out benefits. For instance, several states collected payroll taxes for more than a year before accepting claims and issuing benefit payments. In another example, Minnesota—the newest state with a mandatory program—appropriated additional funding to launch the program, allowing premium collections and benefit payments to start at the same time, beginning in 2026.

Notably, federal lawmakers also have several options for expanding access to paid family leave that would require less significant funding than a new social insurance program. These options include: establishing new tools to bolster private insurance markets, promoting state benefit harmonization, and enhancing the 45S tax credit. Although we believe lawmakers should still prioritize offsetting any new costs, each of these incremental steps would expand access to paid family and medical leave without substantial costs.

5. How can proposed paid leave frameworks avoid creating unintended distortions, such as marriage penalties, reductions of private-sector paid leave coverage, etc.?

If not crafted carefully, a paid leave system can result in several distortions, including hiring discrimination against women, unequal treatment of workers, marriage penalties, displacement of private-sector benefits, and additional burdens placed on employers.

It is vital that lawmakers incorporate key parameters that maximize the benefits of paid family and medical leave and minimize the potential adverse consequences. These include:

- **Target workers.** To effectively encourage work and increase workforce participation, paid family leave benefits must be targeted to workers. Avoid overly broad eligibility criteria that could include those who are not working.
- **Treat paid leave as an earned benefit.** Requiring a reasonable minimum tenure or number of work hours would ensure benefits are targeted to those committed to their jobs and, thus, more likely to return to work after going on leave.^{xv}
- **Establish an appropriate duration.** A maximum leave duration of 12 weeks would be consistent with current federal and state laws and provide an incentive for benefit claimants to return to work. Research shows that overly long and generous leave, such as those that run a year or more, can have adverse consequences on careers.^{xvi}
- **Include job-protection and anti-retaliation provisions.** Providing job protection is an essential element of a paid family and medical leave system that aims to increase workforce participation. A paid family leave benefit can only encourage leave takers to return to their previous job if they have a job to which they can return. Likewise, establishing proper protections from retaliation is important to prevent workplace discrimination against leave takers.
- **Promote marriage.** As with any social welfare benefit, a poorly designed paid leave benefit could discourage marriage by reducing benefits for married couples. To avoid penalizing marriage, a paid family leave system should provide fair benefits to two-earner households.
- **Ease burdens on small businesses.** Small businesses face unique challenges when providing paid family and medical leave. When a worker is absent for an extended period, small businesses struggle with decreased productivity and replacement costs. Given these challenges, any federal program should avoid unnecessary regulations or compliance burdens, while prioritizing policy parameters that increase retention, such as treating paid leave as an earned benefit. Lawmakers could seek to empower small businesses with additional tools for providing leave through provisions such as an enhanced 45S tax credit and/or the introduction of small group insurance pooling.
- **Harmonize state laws.** Large, multi-state companies that seek to provide uniform paid leave benefits nationwide often struggle to do so due to the growing patchwork of inconsistent and uncoordinated state leave laws. Creating consistency in state paid leave programs is important to empowering more large companies to provide paid leave benefits to their workers across the country.

6. Should government support for paid leave be focused only on the most vulnerable individuals in our society, or on all Americans regardless of means or need?

Currently, 73% of American workers lack access to an employer-provided paid parental or family caregiving leave benefit, and 59% lack access to personal medical leave.^{xvii} Employees who are less likely to receive a paid leave benefit from their employer often include younger workers, those in lower-wage jobs, and those working for small employers. Many of these workers are also unable to take *unpaid*, job-protected leave because they do not fulfill FMLA's eligibility requirements or because they

cannot afford to miss a paycheck. In contrast, high-wage workers are more likely to receive paid leave from their employer or be able to afford unpaid time off. Specifically, in the lowest-wage quartile, only 13% of workers in the private sector have access to paid family leave compared to 44% of those in the highest-wage quartile.

Private-sector access to paid family leave by wage quartile, 2013-2023

Wage Quartile	2013	2017	2023
Lowest 25 th percentile	5%	6%	13%
Second 25 th percentile	10%	11%	26%
Third 25 th percentile	14%	14%	29%
Highest 25 th percentile	21%	24%	44%
All workers	12%	13%	27%

Source: National Compensation Survey, U.S. Bureau of Labor Statistics. Accessed on January 25, 2024. Available at: <https://data.bls.gov/cgi-bin/dsrv?nb>.

Disparities in access to paid leave also vary when considering employer size. Employees working for companies with fewer than 50 employees, and therefore ineligible for FMLA leave, are less likely to have access to paid leave compared to those in larger organizations.

Private sector access to paid family leave by employer size, 2013-2023

Size	2013	2017	2023
Less than 50 workers	8%	9%	19%
50-99 workers	10%	12%	23%
100-499 workers	12%	13%	32%
500 or more workers	20%	23%	41%
All workers	12%	13%	27%

Source: National Compensation Survey, U.S. Bureau of Labor Statistics. Accessed on January 25, 2024. Available at: <https://data.bls.gov/cgi-bin/dsrv?nb>.

When workers lack access to a defined paid family leave benefit, they often cobble together other benefits to go on leave. In 2018, 66% of workers who took family and medical leave utilized a variety of forms of leave to be paid, at least in part, while on away from work. Of those who received pay, 70% used sick leave, 60% used vacation days, 8% used a state paid family leave benefit, and 30% used temporary disability insurance. However, while low-wage workers took leave for family and medical reasons at similar rates to middle- and high-wage workers (18% vs. 14%), low-wage workers were least likely to receive any pay (39%) compared to their middle- and high-wage counterparts (80%).^{xviii}

7. What support do small and mid-sized businesses need from the federal government to provide paid leave to workers?

Small and mid-sized employers struggle to provide paid leave benefits, and, as a result, struggle to compete for workers with large companies that can provide paid leave.

The departure of a single employee can have a considerable impact on a small business workforce. An absence leads to decreased productivity, lower revenue, and the additional expense of replacing the employee during leave. The federal government can help address this challenge by increasing the 45S tax credit for small employers and allowing employers to apply the tax credit to cover the costs of private insurance premiums and replacement workers.^{xix} Another option is to introduce small group pooling in paid family leave insurance markets. Pooling would permit small employers to join association-style insurance plans that collectively pool resources and risks to receive more competitive insurance premiums.

Lastly, the federal government should promote coordination among states. Harmonizing state programs would ease compliance burdens on small- and medium-sized employers who lack robust Human Resource departments but operate in multiple jurisdictions with paid family leave programs. This is particularly true for many businesses on the west coast (California, Oregon, and Washington) and in the northeast/mid-Atlantic corridor (Maine, New Hampshire, Vermont, Massachusetts, New York, Connecticut, New Jersey, Delaware, Rhode Island, and Maryland), where most states have different paid leave programs.

8. What does research say about the impact of providing paid leave on worker health, job satisfaction, economic mobility, child development, breastfeeding rates and related health outcomes, fertility rate, infant mortality, elderly health, public assistance levels, family income, and recruitment and retention efforts?

Research consistently shows that access to a paid leave benefit has a positive impact on the workforce and on family health.

Workforce and Economic Benefits

According to a July 2023 Bipartisan Policy Center–Artemis Strategy Group survey, most prime-age, non-working Americans (those ages 20-54) face significant caregiving and health-related barriers to working, and paid family and medical leave would be critical for many of them to enter or return to the workforce.^{xx}

- 72% of prime-age adults who are not in the labor force say that either personal health or family caregiving are the main reasons they are not working.
- Prime-age adults who are not in the labor force say that paid family and medical leave is just as important as compensation when considering entering or returning to the workforce.
- Of prime-age adults not in the labor force due to reasons related to caring for children, 39% say they would have stayed in their last job if they had paid parental leave. Meanwhile, 45% say they would be more likely to start or return to work if a future employer offered paid parental leave.
- Of prime-age adults not in the labor force because they are caring for other family members, 46% say they likely would have continued to work in their last job if they had paid family caregiving leave. 47% say they would be more likely to start or return to work if their future employer provided paid family caregiving leave.

This same survey found that prime-age women are substantially more likely than men to remain out of the workforce due to caregiving responsibilities, primarily to care for children full-time, and that most women caring for children reported that access to paid parental leave, among other benefits, would make them more likely to enter or return to the workforce.^{xxi}

A 2022 Bipartisan Policy Center–Morning Consult survey of working moms found that caregiving poses long-term barriers to career advancement and entrepreneurship. Large majorities of mothers in the workforce are not comfortable taking a new job that aligns with their career interests if the job would require more demanding hours (73%), provide less job security (79%), fewer benefits (73%), or less workplace flexibility (61%). Furthermore, among mothers who would like to start their own business, 53% cite caregiving for children as a barrier to doing so.^{xxii}

Child Development and Parent Health Benefits

Paid parental leave for new parents is critical for the healthy development of children. ^{xxiii} To start, paid parental leave is known to reduce infant mortality. One study found that 10 weeks of paid maternity leave is associated with a 10% decline in the rate of neonatal and infant mortality. ^{xxiv} Paid parental leave has also been shown to increase both the likelihood and duration of breastfeeding, and increase the likelihood that newborn children have their regular check-ups and receive all necessary immunizations. ^{xxv,xxvi} Moreover, studies have found that infants whose mothers received 12 weeks of paid leave exhibited more complex brainwave patterns and higher-frequency brain waves. ^{xxvii}

Paid family leave also results in better physical and mental health outcomes for new mothers. ^{xxviii} In 2012, researchers found that women with access to paid leave reported fewer depressive symptoms and better mental and physical health. ^{xxix} Another study found that each week of paid family leave up to 12 weeks reduces the chances that a new mother experiences symptoms associated with postpartum depression. ^{xxx} Additionally, 55% of working moms say that paid family leave would positively influence their mental health and stress levels, including 66% of those with children under 6. ^{xxxi}

Fathers also benefit from paid parental leave. Recent research found that spending quality one-on-one time with a newborn can lead to changes in fathers' brains, corresponding with a similar change in mothers' brains in response to pregnancy. ^{xxxii} Researchers determined that these changes could translate to fathers being better prepared for the emotional and cognitive demands of fatherhood. When new fathers take paid leave they are more likely to dress, bathe, feed, and diaper their children, and new mothers are 14% less likely to require a medical appointment for childbirth-related complications, 11% less likely to need antibiotic prescriptions, and 50% less likely to require anti-anxiety prescriptions. ^{xxxiii}

9. What lessons should the federal government learn from successful or failed attempts at expanding paid leave in U.S. states or other countries?

Thirteen states and the District of Columbia have mandatory paid family leave programs and an additional eight states have voluntary systems. The U.S. is the only country in the Organisation for Economic Co-operation and Development (OECD) without a national paid parental leave program.

Lessons From the States

A key lesson from mandatory state programs is to establish a strong fiscal foundation for any new paid leave program. States that use a social insurance program model commonly begin collecting premium deductions (i.e., payroll taxes) before accepting applications. For example, Washington began collecting payroll taxes in 2019 before accepting claims in 2020. Minnesota adopted a somewhat different approach: collecting payroll taxes and accepting claims at the same time (2026) while appropriating funding to cover initial administrative costs and benefit payments.

State experiences also highlight the critical role that private insurance markets can play in providing paid family leave coverage. In 2023, eight states introduced voluntary paid family leave systems that allow the provision of paid leave benefits in the private insurance market. Within this group, six states adopted a legislative blueprint endorsed by the National Council of Insurance Legislators, which permits the sale of paid family leave insurance.^{xxxiv}

In the remaining two states, New Hampshire and Vermont, the state government plays a more proactive role in establishing the private market. These two states each contract with a single insurance carrier (MetLife in New Hampshire and The Hartford in Vermont) to offer a voluntary paid family and medical leave base plan. Each state established risk pools by purchasing base plan coverage for all state government employees. To further support its MetLife base plan, New Hampshire also provides a premium tax credit to participating employers. In both states, other insurance carriers are authorized to offer paid family leave products. However, neither state purchases coverage for government employees from carriers other than their base plan providers, and companies in New Hampshire are only able to apply the premium tax credit to the MetLife base plan.^{xxxv}

States with mandatory systems are also leveraging the use of private plans. New York provides paid leave using a mandatory private insurance system, in which the state requires employers to purchase paid family and medical leave plans from a private insurance market where insurers offer coverage. Meanwhile, 12 out of 14 states with social insurance models allow for employers to provide state-approved private plans. In 10 states, employers can provide self-funded paid leave benefits or obtain paid leave plans from insurance companies as an alternative to the public benefit. Two states—California and Washington—permit only state-approved self-funded plans and do not allow employers to purchase private insurance coverage for their employees. However, both permit employers to engage private insurers on an Administrative Service Only (ASO) basis. In such cases, employers finance their own plans while contracting an insurance company to serve as a benefits administrator. In contrast, the District of Columbia and Rhode Island do not allow for any private plan, whether self-funded or through private insurance. Instead, employers must provide paid leave through government-run programs.

Lessons From International Peers

While many state programs and federal proposals bundle paid family and medical leave as a comprehensive, uniform benefit, peer countries with long-lasting policies tend to treat each type of leave differently. In these countries, welcoming a new child, bonding with a new child, caring for a sick family member, and tending to one's personal health are distinct events, each administered separately with different benefits, durations, and eligibility requirements. For example, in Germany, a mother is

provided 14 weeks of *paid maternity leave* while welcoming a new child (six weeks before the birth and eight weeks following). Once this time is exhausted, the maternity leave period ends and *paid parental leave* is triggered. Parental leave can then be taken from the time the child is nine weeks old until the child is one year old.^{xxxvi} Notably, the mother in this example is not eligible for any *paid family caregiver leave* or *paid personal medical leave*, which Germany administers as separate benefits.

10. What other information would you like us to consider as we attempt to chart a bipartisan path forward?

As you continue to chart a bipartisan path forward, we encourage you to consider the need to modernize the FMLA.

FMLA Reform:

Unpaid, job protected leave through FMLA is an important element of leave in the U.S. and is a long-standing framework that employers are accustomed to complying with and administering. With its initial enactment dating back to 1993, however, FMLA needs to be modernized.

Effective paid leave has two components—wage replacement and job protection. Many paid family and medical leave proposals focus on wage replacement, but few address job protection. Although wage replacement is vital to providing financial support for those who take leave, the positive workforce effects of paid leave can only be achieved if workers have a job to return to when their leave ends. FMLA provides job protection, but only 56% of workers are covered and businesses have long cited compliance challenges with the law due to its provisions around unplanned intermittent leave.

BPC has put forward recommendations to modernize FMLA by broadening employee coverage and easing compliance burdens on employers.

Recommendations to Expand FMLA Coverage

Adjust employee eligibility requirements. Of the 44% of American workers who lack job protection through FMLA: 21% of workers are ineligible because of the one-year tenure and 1,250 work hour requirements; 15% are ineligible because their employer has fewer than 50 workers within a 75-mile radius; and 7% are ineligible due to a combination of these criteria.^{xxxvii}

Modest changes to FMLA's eligibility requirements can result in a major increase in the law's coverage. BPC recommends:

- Reduce the worker tenure requirement from one year to six months;
- Reduce the work hours requirement from 1,250 hours to 780 hours over a year; and
- Reduce the worksite size requirement from 50 to 30 employees.

Together, these changes would expand FMLA's coverage to 67% of workers, translating to 16.8 million additional workers receiving access to 12 weeks of unpaid, job protected leave.^{xxxviii}

Eliminate the 75-mile rule. The geographic requirement that at least 50 employees work within a 75-mile radius of a worksite excludes many workers from FMLA coverage. It is also out of touch with today's workforce, which has a growing number of remote workers. Eliminating the 75-mile rule would

increase eligibility and allow FMLA to meet the needs of the modern economy. Under this change, while an employer would still need to meet a minimum employee threshold to be required to comply with FMLA, those employees would not need to be within a 75-mile radius of the worksite.

Recommendations to Benefit Employers

Increase the shortest increment of time employees are required to take for unplanned intermittent leave. Currently, FMLA allows workers to take unplanned intermittent leave in increments as short as one-tenth of an hour. Congress should increase the minimum required amount of time for intermittent leave to two hours when the leave is unplanned, or the employee does not provide sufficient notice, eliminating the need for employers to track periods of leave to the minute and reducing abuses of FMLA.

Allow employee transfers in instances of unplanned intermittent leave. Although employers can temporarily transfer employees taking planned intermittent leave to an alternative position, current law does not allow such a transfer when the leave is unplanned. Introducing this option for unplanned intermittent leave would provide employers with greater flexibility.

Adjust the definition of Serious Health Condition (SHC). Under the current definition, many workers receive FMLA protections for health conditions that are not serious in nature, resulting in workers taking unplanned intermittent leave for temporary illnesses such as the common cold. Ensuring that FMLA is reserved for workers with serious conditions would reduce instances of unplanned intermittent leave and target job protection to workers who need it most.

Require employees to provide notice prior to foreseeable leaves. Employees should not be expected to provide notice of leave during personal or family emergencies, but many employees fail to provide proper notice of FMLA leave that is planned or foreseeable. Requiring workers to provide advance notice of foreseeable leave would help businesses plan for a worker's absence.

Additional Opportunities to Improve FMLA

Safe leave. Reps. Stephanie Bice (R-OK) and Haley Stevens (D-MI) introduced the Safe Leave for Victims of Domestic Violence Act, which would amend FMLA to add safe leave as a qualifying absence under the law and extend FMLA coverage to include victims of domestic violence.^{xxxix} Currently, six states recognize safe leave as a qualifying reason to take family and medical leave.^{xl}

Eliminate FMLA's marriage penalty. FMLA penalizes married couples working for the same employer, requiring them to share the law's 12 weeks of job protected leave. In 2023, Reps. Brian Fitzpatrick (R-PA) and Katie Porter (D-CA) along with Sens. Joni Earnst (R-IA) and Kyrsten Sinema (I-AZ) introduced the Fair Access for Individuals to Receive (FAIR) Leave Act, which would ensure two spouses working for the same employer each receive 12 weeks of job protected leave.^{xli}

Definition of family. The definition of family used in FMLA is more stringent compared to many state paid leave and job protection laws. Lawmakers could consider expanding FMLA's definition of family to align more closely with the states. Under FMLA, workers can receive job protection to care for parents, spouses, or children. Lawmakers could expand that list to include more close family members, like grandparents, grandchildren, domestic partners, parents-in-law, and siblings.

End Notes

- ⁱ BPC analysis of December 2023 estimates from “State and Area Employment, Hours, and Earnings,” U.S. Bureau of Labor Statistics. Accessed on January 25, 2024, <https://www.bls.gov/data/>.
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- ^{xiv} Bipartisan Policy Center, “State Paid Family Leave Laws Across the U.S.,” January 16, 2024. Available at: <https://bipartisanpolicy.org/explainer/state-paid-family-leave-laws-across-the-u-s/>.
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