



Paid Leave

Background

While the Family and Medical Leave Act (FMLA) of 1993 provides up to 12 work weeks of job protected leave for employees to bond with a new family member or to care for a seriously ill family member or for their own serious health condition, many workers are also eligible for paid-time-off benefits provided by their employer. Many employers offer generous *voluntary* paid leave programs to better assist employees in balancing work and personal needs. In fact, according to Department of Labor data, roughly 75 percent of employers provide some form of paid leave, including paid sick leave. As part of an employee's total compensation package, voluntary paid leave programs work precisely because they are voluntary, thereby offering flexibility to both employees and employers.

Issue Summary

Rather than supporting employer efforts to provide flexible, voluntary leave benefits for their workforce, recent legislative initiatives have proposed various forms of mandated paid leave. This “one-size-fits-all” approach may actually cause more harm than good. Employers, not the federal government, are best situated to know the benefit and compensation needs of their employees. Moreover, the National Coalition to Protect Family Leave is concerned with the practical implementation of various mandated paid leave proposals.

Effect on Employees: Mandated paid leave would come at a significant cost to employers, and these costs would have to be made up elsewhere – perhaps through reduced wages, or reductions in other paid benefits. Any federal initiative that removes or restricts an employer's flexibility in designing and implementing employee benefit plans tends to work against employees.

Effect on Existing Leave Benefits: Provisions in current paid leave proposals would “lock-in” existing employer leave programs and would limit or eliminate an employer's flexibility in making even minor adjustments to their leave benefits. In addition, many employers now combine their traditional sick- and vacation-leave benefits into a comprehensive paid-time-off plan. These types of benefit programs could be in jeopardy if employers are required to provide paid “sick” leave. The overarching concern with mandating paid leave is how these additional requirements would interact with voluntary paid leave programs.

Interaction with Other Statutes: Varying and often conflicting state and federal statutes and regulations that govern leave programs pose significant administrative costs for employers. Proposed paid leave legislation would only add another layer of complexity, requiring employers to expend additional resources.

“Intermittent Leave” and “Qualifying Event”: The Coalition has repeatedly expressed concerns with allowing leave on an intermittent basis under the FMLA. Allowing intermittent leave under paid leave proposals would only exacerbate this problem. In addition, allowing employees to take leave for “an absence for the purpose of caring for a child, a parent, a spouse, or *any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship*” would allow a variety of individuals to take leave under the law.

Position

The Coalition believes that paid leave programs offered *voluntarily* by employers more readily assist employees in accommodating work/life demands than “one-size-fits-all” mandates. In addition, the Coalition is dedicated to strengthening the Family and Medical Leave Act for both employers and employees and preserving the integrity of the Act's leave protections. The Coalition supports the spirit and intent of the FMLA, but believes the Act's implementing regulations need to be improved. Until the issues surrounding the application of the FMLA are resolved, it is premature to consider mandated paid leave proposals.