

California legislators OK paid family leave [US - CA]^[1]

State would be 1st to offer program

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EXCERPTS:

LOS ANGELES -- Despite qualifying for the federal Family and Medical Leave Act, Amy Tucker made the painful decision earlier this year to stay on the job instead of taking unpaid time off to care for her terminally ill father.

Then two months after he died, Tucker again found herself in the difficult position of opting to continue working rather than seek leave time to bond with her newly adopted son. Even though the law requires the child-care agency for which she works to hold her position, Tucker said, the loss of wages over an extended period would have pushed her into financial ruin.

Now California legislators, addressing such personal dilemmas--and what labor advocates call a glaring omission in the federal law implemented in the early days of the Clinton administration--have approved a measure that would make California the first state to introduce a comprehensive paid family leave program.

Following passage of a bill by the state Senate, the California Assembly approved the measure late Tuesday. After going through a conference committee, the legislation will head to the desk of Gov. Gray Davis, who has not publicly stated his position on the matter.

"There's no way we could take time off with no income," said Tucker, who asked that she be identified by her maiden name instead of her married name because her son's adoption is not yet final. "If partial pay were available, it would have been difficult for my husband and me but we would have been able to take off."

California's bill is part of a widespread move by labor advocates to promote paid family leave at the state and federal levels. This year, more than 25 states have introduced paid family leave measures, but most, including one in Illinois, died in committee because of tight budgets. Currently, paid family leave bills are pending in Congress as well as New Jersey and Hawaii.

Interest in paid leave is intensifying, labor experts say, with the record number of women in the workforce and growing number of employees grappling with aging, infirm parents.

Under the California bill, paid leave would become a new benefit under the state's existing temporary disability insurance program, which serves 13 million non-government workers across the state. Currently workers are eligible to receive partial paid leaves to have children and for off-the-job injuries.

The new bill would allow workers needing to care for a severely ill relative to receive 55 percent of their salaries for six weeks off. They also would be able to add two weeks of their vacation time to their leave. Employees would finance the cost of the program through a \$2.10 monthly payroll deduction.

The measure drew strong opposition from some business groups. Opponents say paid leave would put another burden on California businesses, which are struggling to recover from the recent recession.

'130 nations offer program'

The United States was one of the last developed countries to address the issue, adopting its unpaid family leave law in 1993. Paid family leave is the norm in nearly 130 nations, furnishing workers up to 80 percent of their salaries for a year or more for family emergencies.

The federal Family and Medical Leave Act allows employees at firms with 50 or more workers to take up to 12 weeks of unpaid leave to recover from their own medical emergencies, to care for severely ill relatives, or to spend time with a newborn or a newly adopted child.

Over the years, more than 35 million people have taken the unpaid leaves, according to the U.S. Department of Labor.

Still, a Labor Department survey of workers issued in 2000 showed that 78 percent of those qualifying for the leave opted not to take it because they couldn't survive without a paycheck for a prolonged period. Moreover, another Labor Department survey showed that 1 in 10 people who took the leave ended up on welfare to make up the lost income.

Within the last few years, Minnesota, Missouri and Montana have established limited paid leaves of up to a year for low-income women

and men who want to stay at home with their infants. The programs are largely financed through the government child-care subsidy that the parents would have used if they remained in the workforce.

This year, Washington state adopted a measure that allows workers to use their sick and vacation time to care for a severely ill relative.

But the California measure would go much further than other states.

"There have been incremental advances being made by the various states . . . but the California measure is the most comprehensive of the paid leave programs," said Lissa Bell, senior policy associate at the National Partnership for Women and Families, a non-profit group in Washington that studies workplace issues.

Several efforts are under way to clarify and broaden the scope of the federal family leave law.

Two bills pending in Congress would direct the Labor Department to rewrite regulations on the law. The regulations, called confusing and contradictory by labor advocates, have been assailed in nearly 60 court cases.

Moreover, Senate Majority Leader Tom Daschle (D-S.D.) has co-sponsored a bill that would establish a demonstration project, providing federal grants to states interested in offering paid family leave programs. His aides, however, say it is questionable whether the measure will make it out of committee this session.

Daschle "believes the Family and Medical Leave Act has been a success and we ought to look at possibly expanding it to paid leave to see how it would work," said spokeswoman Molly Rowley. "If it doesn't happen in this Congress, my expectation is that he will reintroduce it in the next Congress. This is a need that is not going away."

Among the groups opposing the bill were the California Chamber of Commerce, California Manufacturers and Technology Association, and California Small Business Association.

'Bureaucratic headache'

"Laws already require employers to grant leaves for domestic violence, for parent-teacher conferences and jury duty," said Willie Washington, a lobbyist for the California Manufacturers and Technology Association.

"This is becoming a bureaucratic headache for some employers--you never know when you're going to have someone at work," Washington added. "Training costs [for replacement workers] are going to go up . . . Some jobs aren't conducive to temporary replacement."

Attempting to address some of the concerns, Democratic state Sen. Sheila Kuehl amended the measure, reducing 12 weeks leave to six weeks and dropping a requirement for employers to contribute half the cost of the insurance. "We have answered virtually every objection to the concept," Kuehl said.

"It's important that we find an appropriate balance," she added, "so that people can take time off to care for a sick child or parent and not risk losing their job."

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