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Equitable Access to Family and Medical Leave in the U.S.: *How Are We Doing and How Can We Do Better?*

**Webinar
March 16, 2023**



Webinar Topics



- What is leave for a "family or medical reason"?
- What is FMLA and how does it work?
- What inequities have arisen in access to leave under FMLA?
- Who has access to *pay* while on leave for a family or medical reason?
- What strategies can be undertaken to improve access to leave, particularly in meeting the needs of underrepresented groups?

Poll Question for Participants



QUESTION 1

What type of organization do you represent (best answer)?

- a. Employer / human resources
- b. Research organization
- c. Workforce agency/American Job Center
- d. Federal government
- e. State or local government
- f. Nonprofit workforce or human/social services provider
- g. Advocacy or policy organization
- h. Philanthropic
- i. Other

Poll Question for Participants



QUESTION 2

What would you consider to be the biggest challenge with the Family & Medical Leave Act (FMLA), based on your current understanding of the Act?

- a. Proportion of workers who are eligible for FMLA
- b. Proportion of *disadvantaged* workers who are eligible for FMLA
- c. Types of leave that are eligible under FMLA
- d. Lack of pay under FMLA
- e. Risk of job loss or other negative consequences if FMLA leave is taken

Meet the Presenters



Jane Herr
Associate/Economist
Abt Associates



Radha Roy
Senior Associate
Abt Associates



David Kaz
Principal Associate
Abt Associates

Meet the Presenters



Ann Bookman

Senior Fellow,
McCormack Graduate
School,
University of
Massachusetts, Boston



Elisabeth Jacobs

Senior Fellow
Urban Institute



Sophia Mitchell

Policy Attorney
First Shift

What is Family & Medical Leave?



What is the FMLA?



FMLA
Passes
1993

Revised
Regulations
2008

Amendments
2020



What is the FMLA?



12 weeks of job-protected leave

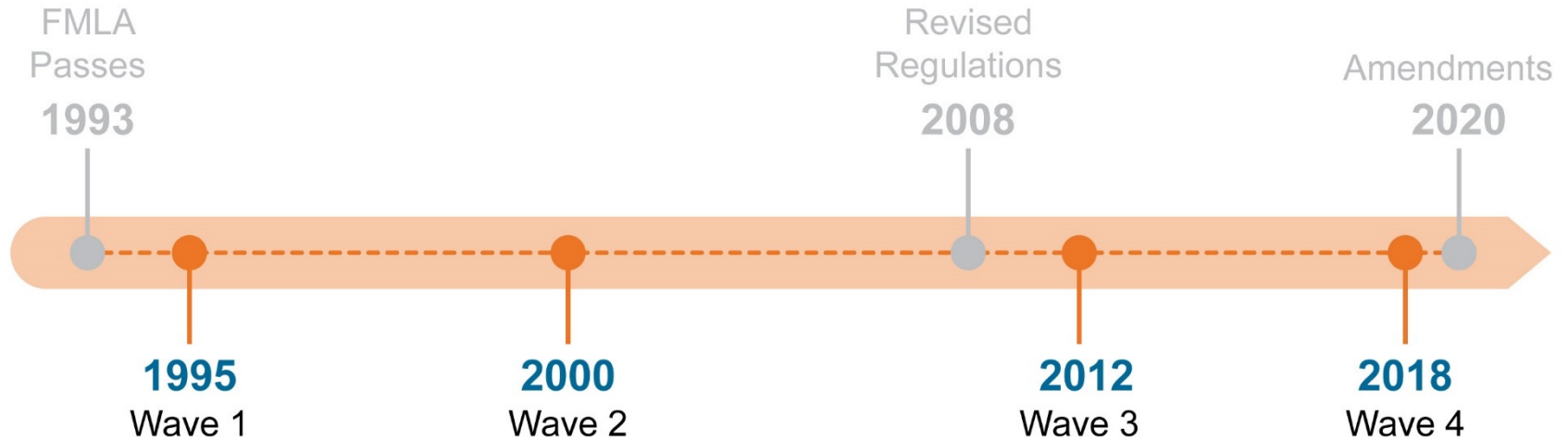


Continuation of health insurance (if available)



No pay, but can combine leave with other sources of paid time off (e.g., paid sick time, paid vacation, disability insurance)

What is the FMLA Surveys study?



What is “Family & Medical Leave”?



Reason for Leave	Person Taking Leave For	Family & Medical Leave?
Minor illness and other (e.g., cold, funeral)	Self or anyone else	X
Serious health condition (includes pregnancy)	Self (Own)	✓
	Immediate family member (e.g., spouse, parent, child)	✓
	Other individuals (e.g., grandchild, aunt)	✓
New child	Birth, adoption, foster child	✓
Serious illness/injury of military servicemember	Servicemember/veteran (who is immediate family or “next of kin”)	✓

What Types of Leave Covered under FMLA?

Reason for Leave	Person Taking Leave For	Family & Medical Leave?	Qualifies for FMLA
Minor illness and other (e.g., cold, funeral)	Self or anyone else	X	X
Serious health condition (includes pregnancy)	Self (Own)	✓	✓
	Immediate family member (e.g., spouse, parent, child)	✓	✓
	Other individuals (e.g., grandchild, aunt)	✓	X
New child	Birth, adoption, foster child	✓	✓
Serious illness/injury of military servicemember	Servicemember/veteran (who is immediate family or “next of kin”)	✓	✓

Who is Eligible under FMLA?

FMLA Eligibility Criteria



Employed by **firm** with at least **50 employees** or a **public agency** (e.g., schools, government)



Works at a **worksite** with at least **50 employees** (onsite, or within 75 miles)



Worked for current firm for at least **12 months**



Worked at least **1250 hours** in past **12 months** (~24 hours/wk)

Who has access to leave under FMLA?

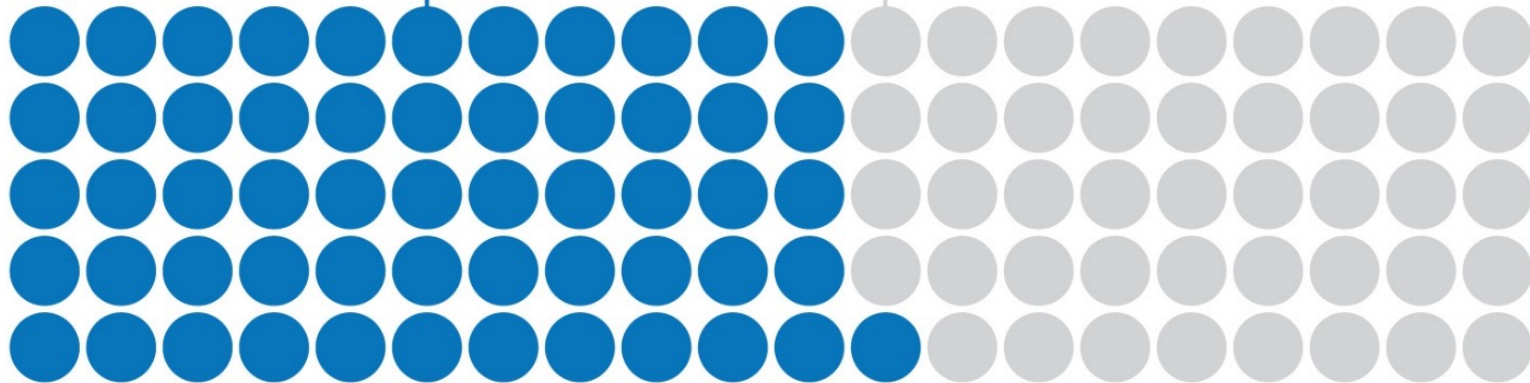


Who is Eligible for FMLA?



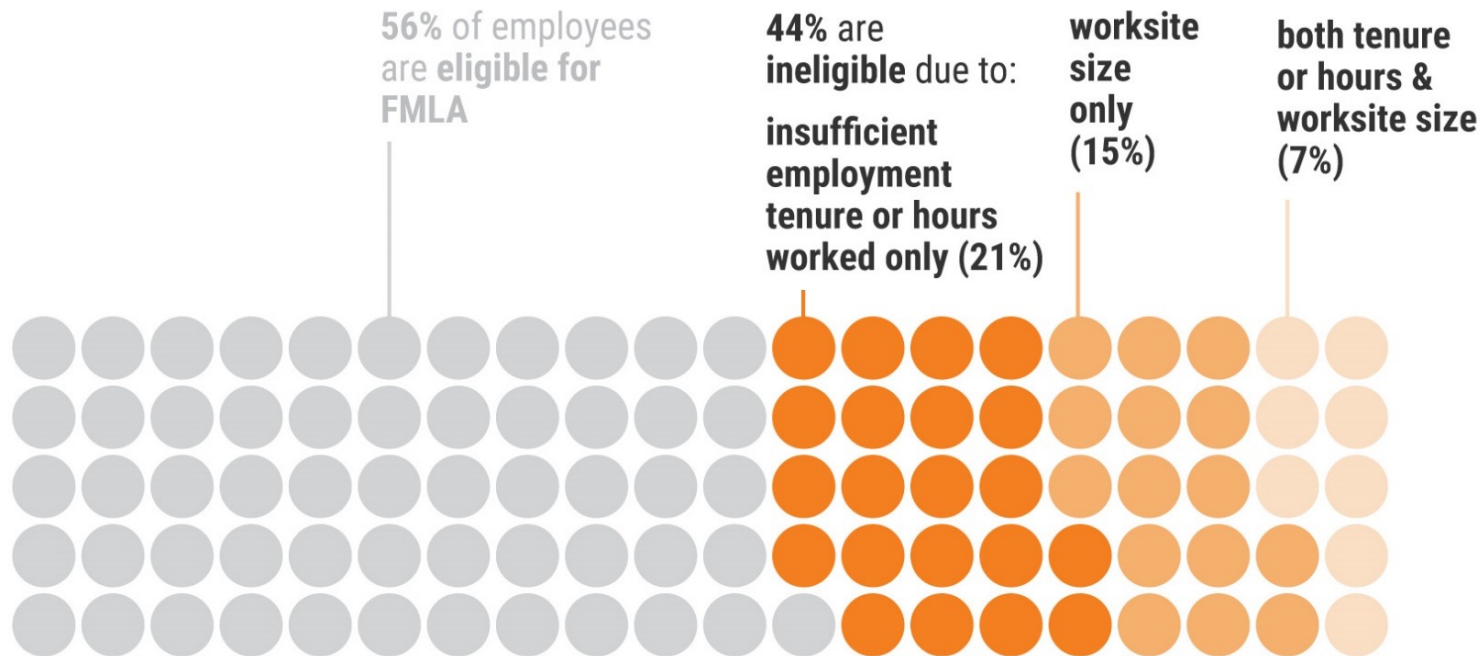
56% of employees
are **eligible for
FMLA**

44% are
ineligible



Note: Extra circle for “both tenure or hours & worksite size due to rounding. 15

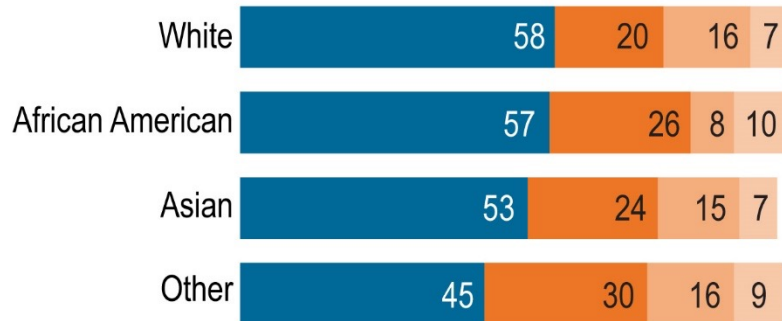
Why are Employees Ineligible?



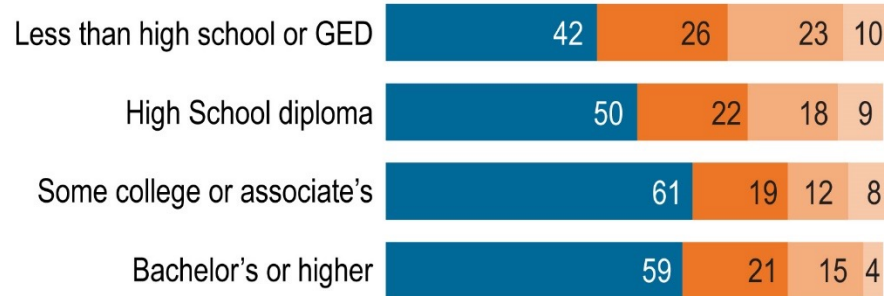
Note: Extra circle for “both tenure or hours & worksite size due to rounding. 16

How does Eligibility Vary?

RACE




EDUCATION




LOW WAGE STATUS




ELIGIBLE

 Sufficient employment tenure or hours worked and worksite size

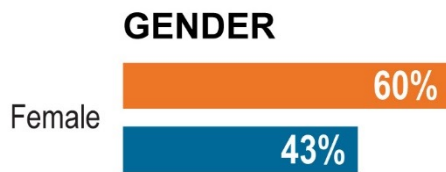
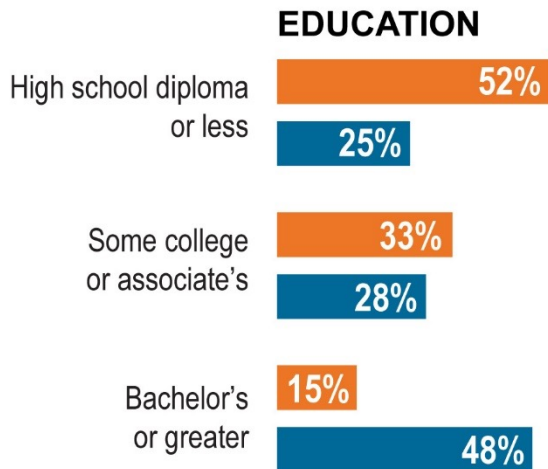
INELIGIBILITY REASON

 Insufficient employment tenure or hours worked and worksite size

 Worksite too small only

 Both tenure or hours and worksite size

Who are Low-wage Workers?



% of Employees



% of Employees

Low-wage worker Non-low-wage worker

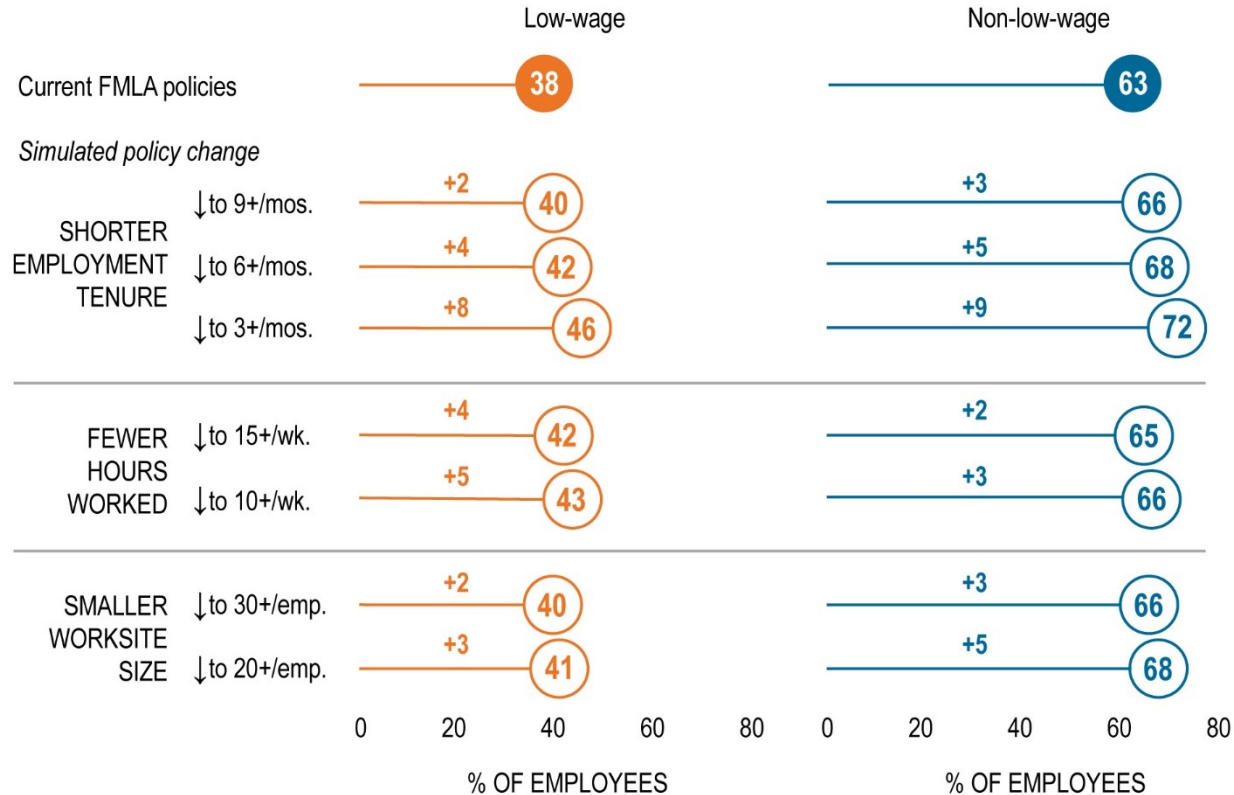
What if Eligibility Requirements Changed?



What if Eligibility Requirements Changed?



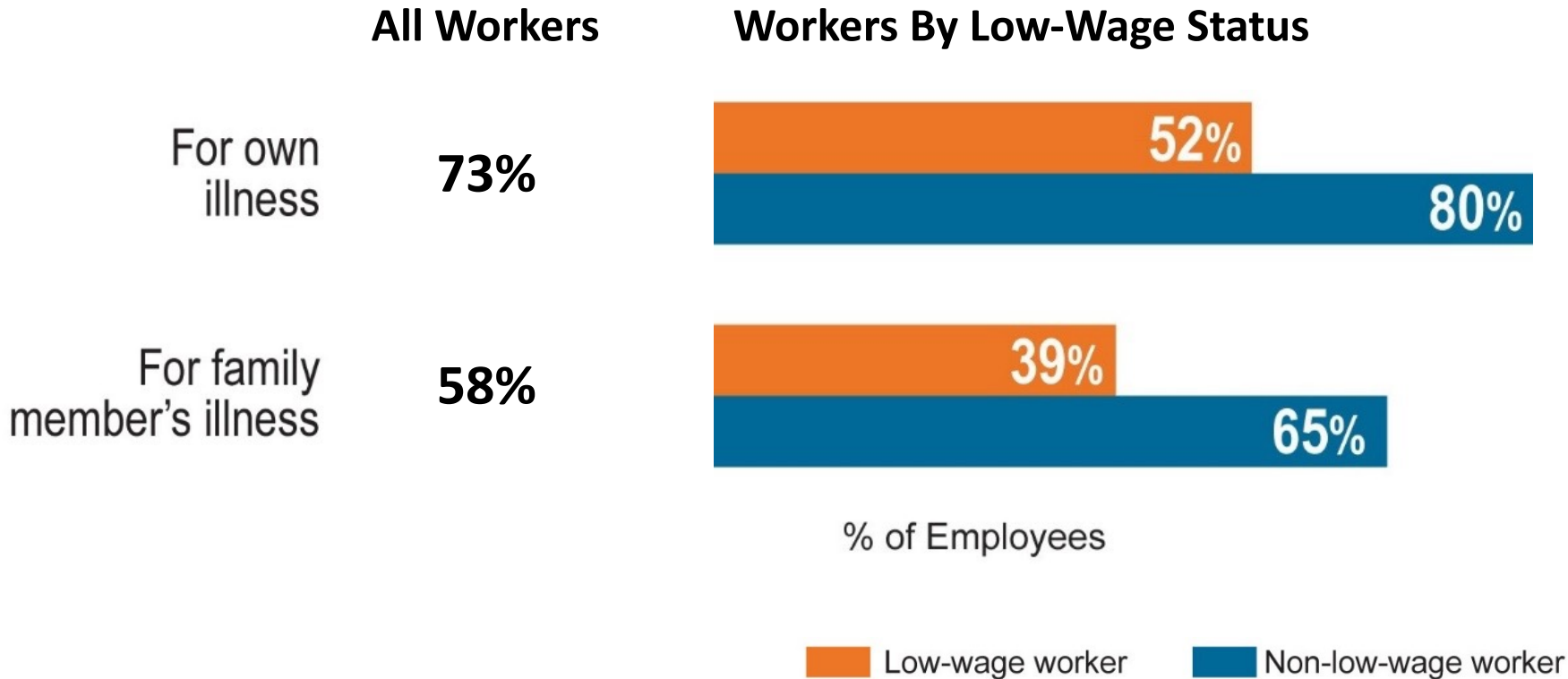
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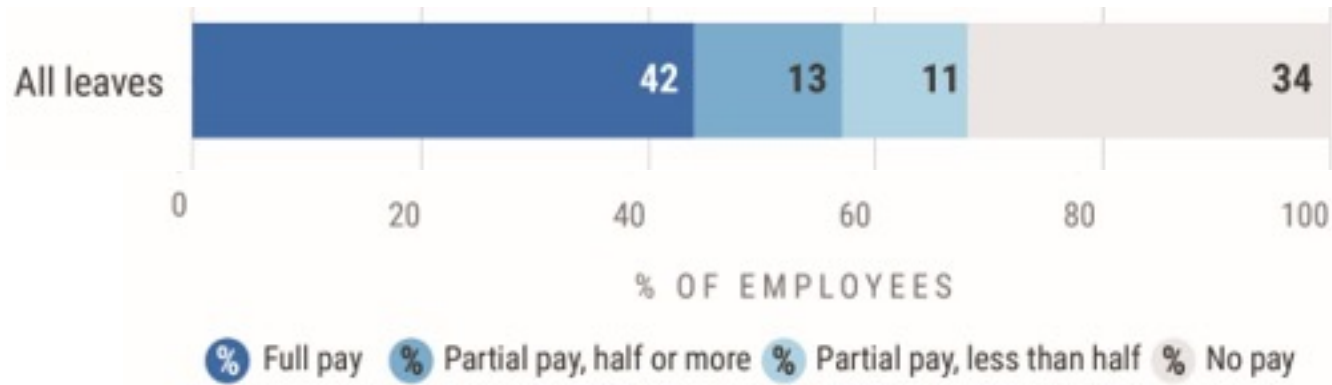
Who Has Access to Paid Leave?



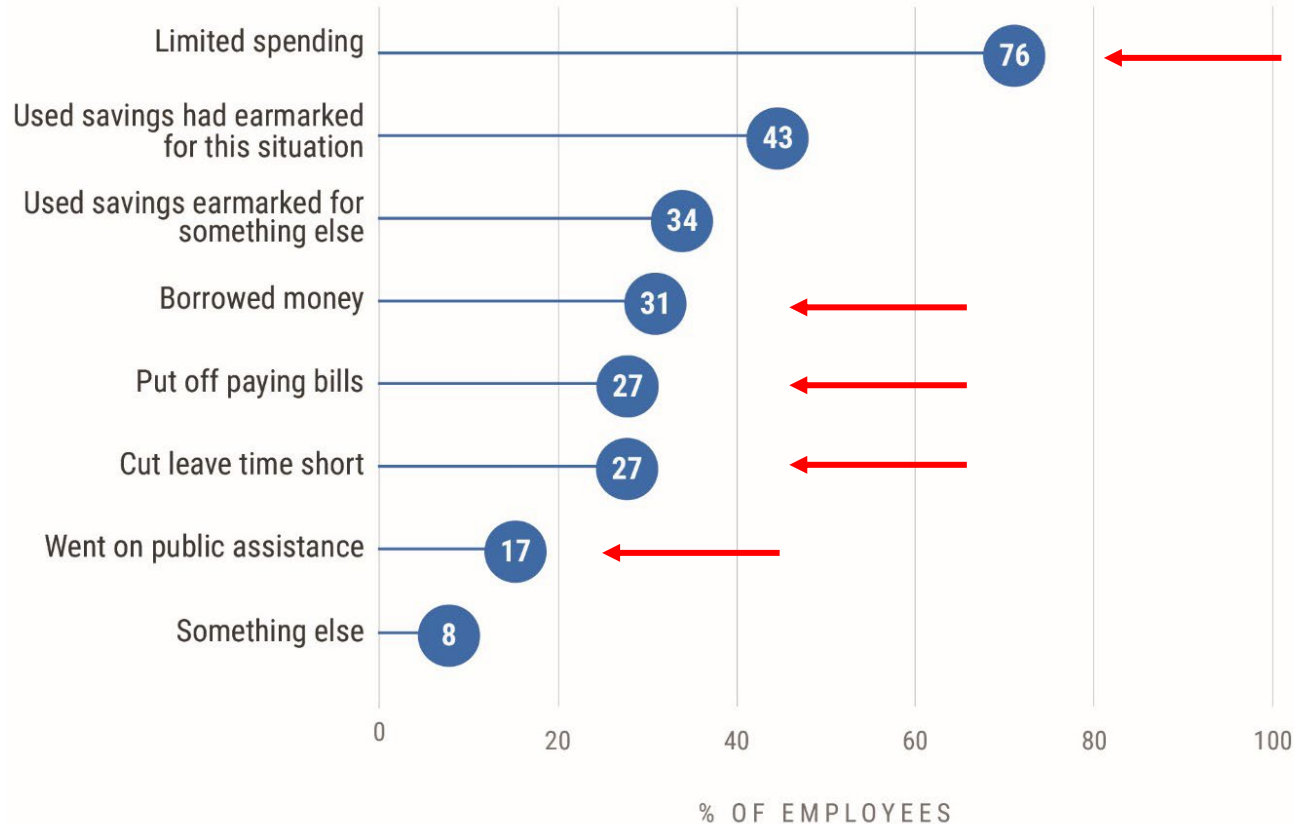
Who has Access to Paid Sick Time?



How Much Pay While on Leave?



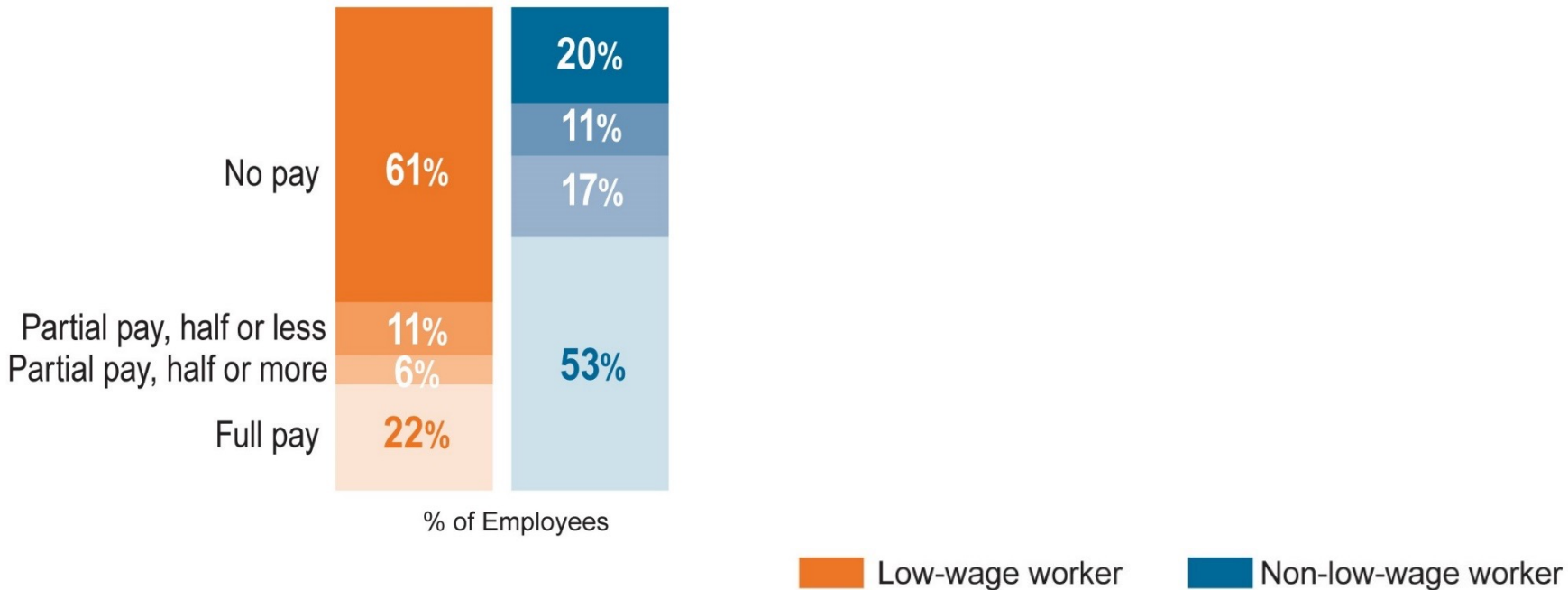
How Workers Cope if Less than Normal Pay?



Does Access to Pay Vary By Wage?

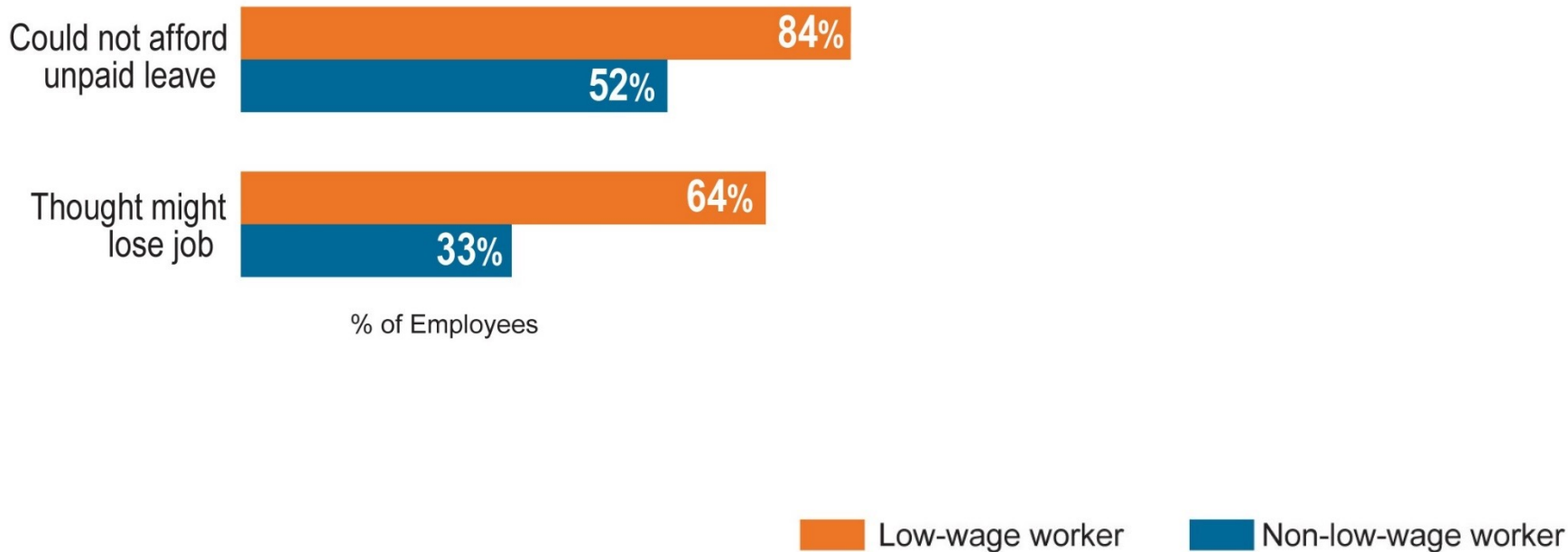


How much pay while on leave?



Does Lack of Pay Affect Leave Taking?

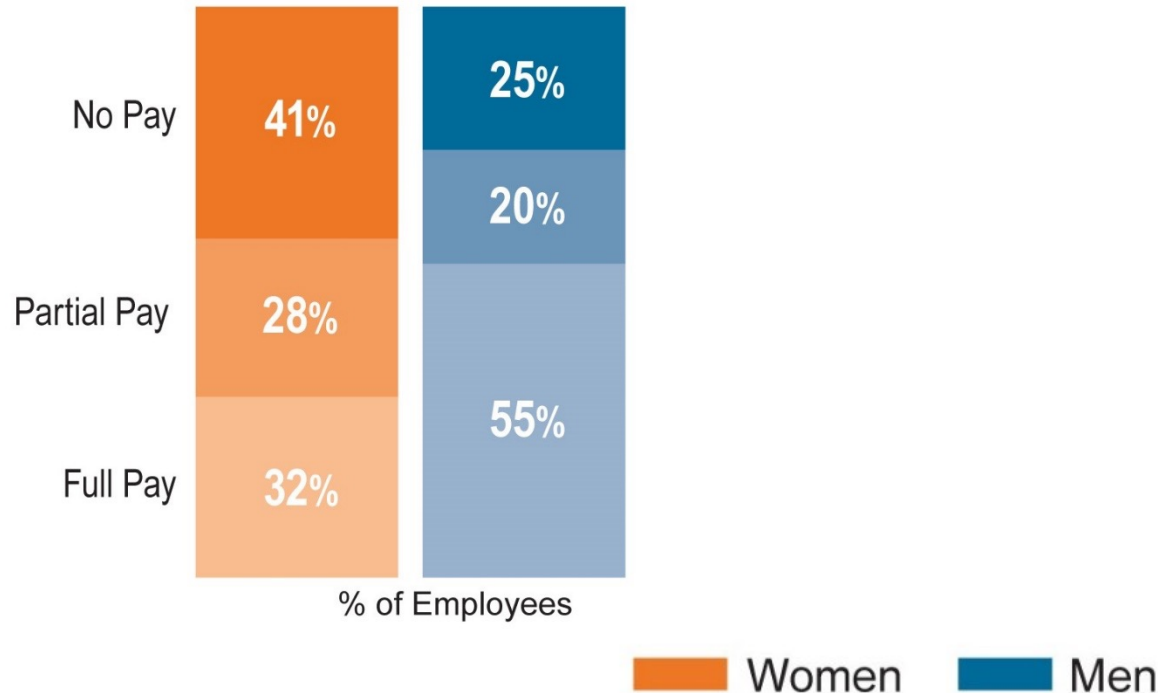
Why not take needed leave?



Does Access to Pay Vary By Gender?



How much pay while on leave?



Key Takeaways



- In 2018, 56% of U.S. workers were eligible for FMLA
- Eligibility rates are much lower among low-wage workers
- Reducing tenure requirements would have the largest impact on increasing eligibility
- Access to pay while on leave is much less common among low-wage workers and women
- Lack of pay is most common reason for forgoing a needed leave

Panel Discussion



Audience Q&A

Add your comments
in the chat box!



Poll Question for Participants



QUESTION 3

What specific topics related to family and medical leave / FMLA do you want to learn more about that would make the biggest difference in your work?

[Word cloud]

Where can I find more
information about these
and other topics?



Resources



- [Assessing the Family and Medical Act | Abt Associates](#)
- [Family and Medical Leave Experiences Vary by Gender and Wages | Abt Associates](#)
- [Leave Experiences of Low-Wage Workers | Abt Associates](#)
- [Gender Differences in Needing and Taking Leave | Abt Associates](#)
- [Employee and Worksite Perspectives of the Family and Medical Leave Act: Results from the 2018 Surveys | Abt Associates](#)
- **Join** the [Abt mailing list](#) (get notified of upcoming webinar(s), reports, etc.)



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Thank you!

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