

Memorandum in Support

NYSBA Federal Memorandum #4

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By: Senator Gillibrand
By: Rep. Rosa DeLauro

ISSUE: Family and Medical Insurance Leave Act

Introduction

We all have families and most of us will face the responsibility, at some point in our lives, of taking care of our loved ones, whether for the birth or adoption of a child, sudden illness of a family member, or addressing the needs of our aging parents. When the need for caretaking arises, American workers face a heart-wrenching dilemma: wanting to be there for a family member but, at the same time, worrying that doing so will jeopardize their own or their family's economic and job security. The United States is alone among developed countries in failing to guarantee at least some form of paid family leave.

The time is ripe for the United States to join other nations and champion our hard-working workforce when a brief leave is needed to help our loved ones.

Discussion

The lack of paid family medical leave is an issue affecting all workers, not just those who are parents. Many Americans have aging parents or have had a family member with a sudden disability or illness requiring their help and want to do what is right by their family and their employer. Paid family leave promotes good business and family values. It has been found that, “[n]early every other developed country provides these forms of paid leave without damage to their economies; in states and cities that already have paid sick days or paid family leave, the effect on businesses has been either positive or neutral” as was indicated earlier in California, New Jersey and Rhode Island.

Moreover, it is pointed out that “[w]orkers earn their own sick days in states and cities that have passed paid sick days laws, and research has established that it doesn’t hurt the business’ bottom lines.” Likewise, with the Family Act workers, including the self-employed, must work to earn paid leave and contribute through a payroll deduction.

Having a uniform strategic approach, one that “[minimizes] business disruption,” attrition, and “[kept] employees engaged and productive over the long term” saves businesses money.

Disruption is minimized because everyone knows the rules and businesses can plan in advance how the work will get done.

Furthermore, for the small investment by employers and employees, the dividends are great. As pointed out by some business leaders, when paid leave programs are implemented, employee morale is increased and businesses will save thousands of dollars through lower attrition, avoiding loss of thousands of man-hours and dollars expensed on rehiring and training workers.

Conclusion

There is strong and compelling evidence that a national paid leave policy would result in a win-win for businesses, workers, and families. The time is now for the United States to join the over 180 nations worldwide with paid leave policies by modernizing our outdated laws on family leave, thereby addressing the realities of the modern day workforce and our country's aging population that is expected to double within several years. The Family Act creates a measure of economic security during periods of family medical need for all workers – salaried, wage, and the self-employed – and paid leave policies have been found to improve bottom-line outcomes for businesses and health outcomes for children, adults and seniors. Moreover, the Family Act would help family caregivers remain in the workforce, as well as address inequalities and imbalances that many workers face.

In financial planning, there is an old adage “that people do not plan to fail, but fail to plan.” The Family and Medical Insurance Leave Act presents an enormous opportunity for our country to implement a plan that will help and support all American workers and their families, when they need it most.

Based on the foregoing, the New York State Bar Association **SUPPORTS** this legislation.