



**Written Statement of Judith L. Lichtman
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**Submitted to the U.S. Senate Committee on Health, Education, Labor and Pensions
Hearing on "Beyond Mother's Day: Helping the Middle Class
Balance Work and Family"**

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Good morning, Chairman Harkin, Ranking Member Enzi, members of the Committee and my fellow panelists. Thank you for inviting me to testify on behalf of the National Partnership for Women & Families. I particularly want to thank you, Senator Harkin. As the lead sponsor of the Rebuild America Act, you have been a tireless and effective champion for middle class families.

I am Judith Lichtman, senior advisor at the National Partnership for Women & Families, a nonprofit, nonpartisan advocacy organization. For four decades, we have fought for every major policy advance that has helped women and families. We promote fairness in the workplace, reproductive health and rights, access to quality, affordable health care, and policies that help women and men meet the dual demands of work and family. Our goal is to create a society that is free, fair and just, where nobody has to experience discrimination, all workplaces are family friendly, and every family has access to quality, affordable health care and real economic security.

An Urgent Need for a National Commitment to Working Families

This hearing comes at a critical time for our nation's workers and their families. There is an urgent need for a national commitment to help men and women manage the dual demands of work and family. The economy is recovering unevenly, with a labor market that is failing to create enough jobs for those seeking employment. Fewer jobs, less income and slower economic growth mean workers are stretched thin and face bigger challenges when managing work and family responsibilities. Women now make up half of America's workforce, and their incomes are increasingly important to families' economic survival. At the same time, women continue to have primary responsibility for family caregiving. Between 1975 and 2009, the share of women in the labor force with children under 18 increased from 47.4 percent to 71.3 percent.¹ Working men are also investing more time in child care and are reporting higher levels of work-family conflict. And many more U.S.

¹ U.S. Bureau of Labor Statistics. (2010). Women in the Labor Force: A Databook (2010 Edition). *Employment status of women by presence and age of youngest child, March 1975-2010 (Table 7)*. Retrieved 7 May 2012, from <http://www.bls.gov/cps/wlf-table7-2011.pdf>

workers are assuming eldercare responsibilities – a trend that will intensify as our country’s population ages. These and other demographic changes discussed today point to a perfect storm that demands new national public policies.

Public Policies Are Needed To Reflect Our Changing Society

Our society has changed, but our nation’s workplace policies have not kept pace. Our chief national work-family law, the Family and Medical Leave Act (FMLA), was enacted nearly 20 years ago as an important first step to help workers manage the dual demands of work and family. The law has been used more than 100 million times by workers to care for newborn and newly adopted children, for children, spouses and parents with serious health conditions, and to address their own serious health needs. Laws like the FMLA could not be more important in these tough economic times, and more workers need access to the protections it affords.²

Indeed, there have been recent advances. In 2008 and again in 2009, the FMLA was amended to help military families and to cover flight crews. Senator Merkley’s provision in the 2010 health reform law, which ensures new mothers have the time and space to pump breast milk at work, was another step forward. Yet significant additional progress toward securing national family friendly policies is badly needed.

Adopting strong work-family policies helps families stay in the middle class and helps those with lower incomes gain upward mobility. Workers want and need a comprehensive set of policies that recognize their responsibilities at home as their children grow and their parents or other loved ones age. These policies include job-protected paid sick days, paid family and medical leave, flexible work arrangements, affordable child care and job-protected time away from work to attend school meetings or preventive medical care appointments. Other policies, such as raising the minimum wage, protecting workers’ ability to earn overtime and protecting the right of workers to organize, are also critically important to middle class prosperity and mobility.

Other countries understand working families’ need for family friendly policies. The United States stands alone among industrialized nations in its failure to adopt national policies that help workers take time off for day-to-day medical needs, serious illnesses or to care for new babies. Out of 178 countries, the U.S. is one of just four that fails to provide paid maternity or paternity leave.³ And according to the Center for Economic and Policy Research, the U.S. is the only one of 22 countries ranked highly for economic development that fails to guarantee workers paid time off for illness.⁴

² The U.S. Supreme Court struck down one of the law’s fundamental provisions earlier this year in *Coleman v. Maryland Court of Appeals*. With that decision, the Court deprived millions of state workers meaningful recourse if their request to take leave under the FMLA to recover from serious illness, including pregnancy and childbirth, is wrongly denied. It was a deeply troubling decision, and it sends us in exactly the wrong direction.

³ Heymann, J., & Earle, A. (2009). *Raising the Global Floor: Dismantling the Myth That We Can’t Afford Good Working Conditions for Everyone*. Stanford, CA: Stanford University Press.

⁴ Heymann, J., Rho, H.J., Schmitt, J. & Earle, A. (2009). *Contagion Nation: A Comparison of Paid Sick Day Policies in 22 Countries*. Center for Economic and Policy Research Publication. Retrieved 7 May 2012, from <http://www.cepr.net/documents/publications/paid-sick-days-2009-05.pdf>

False Assumptions Have Impeded Our Progress

False assumptions contribute to our nation's failure to provide working families with the policies they need. The most egregious false assumption is that work-family conflict is a personal problem and that government has no role to play. But let's be clear: Public policies are critically important in setting our nation's course. Minimum wage and overtime laws, laws regulating working conditions and other standards that we now take for granted helped build our middle class. In the 21st century, national standards that build on the success of the FMLA are needed to help working fathers in Iowa, adult daughters caring for elderly parents in Wyoming and workers in every other corner of this nation maintain their short-term financial stability and protect their long-term economic security when illness strikes or medical needs arise. We also need to strengthen our national commitment to child care to be sure that the next generation has the best possible start.

A second false and harmful assumption is that expanding work-family policies harms businesses. In fact, these policies benefit business. Research confirms what working families and responsible employers already know: When businesses take care of their workers, they are better able to retain them, and when workers have the security of paid time off and flexibility, their commitment, productivity and morale increases and employers reap the benefits of lower turnover and training costs and higher retention rates.⁵ Studies show that the costs of losing an employee, including advertising for, interviewing and training a replacement is often much greater than the cost of providing short-term leave to retain an existing worker. The average cost of turnover can range from 25 percent to 200 percent of an employee's total annual compensation.⁶

A third, related misconception is that expanded leave policies are too costly for taxpayers. In reality, these policies provide cost-savings to governments as well as to businesses. A recent study shows that if all workers had paid sick days, 1.3 million emergency room visits could be prevented each year in the United States, saving \$1.1 billion annually. More than half of these savings – \$517 million – would go to taxpayer-funded health insurance programs such as Medicare and the State Children's Health Insurance Program.⁷ In addition, both women and men who take paid leave after a child's birth are significantly less likely to rely on public assistance or food stamps in the following year.⁸ And women

⁵ National Partnership for Women & Families. (2011, March). *Taking Care of Business: The Business Benefits of Paid Leave*. Retrieved 7 May 2012, from http://www.nationalpartnership.org/site/DocServer/W_F_Taking_Care_of_Business_March_Update.pdf?docID=8721

⁶ Sasha Corporation. (2007). *Compilation of Turnover Cost Studies*. Retrieved 26 April 2012, from <http://www.sashacorp.com/turnframe.html>

⁷ Miller, K., Williams, C., & Yi, Y. (2011, October 31). *Paid Sick Days and Health: Cost Savings from Reduced Emergency Department Visits*. Institute for Women's Policy Research publication. Retrieved 21 November 2011, from <http://www.iwpr.org/publications/pubs/paid-sick-days-and-health-cost-savings-from-reduced-emergency-department-visits>

⁸ Houser, L., & Varatanian, T. (2012, January). *Pay Matters: The Positive Economic Impacts of Paid Family Leave for Families, Businesses and the Public*. Rutgers Center for Women and Work Publication. Retrieved 26 April 2012, from <http://smlr.rutgers.edu/paymatters-cwwreport-january2012>

who take paid leave are more likely to be working nine to 12 months after a child's birth and to have higher earnings.⁹

A final false assumption is that work-family policies are of concern to women only. However, with more and more women in the workforce, men are also increasingly managing responsibilities at home as well as in the workplace and seeking better ways to balance work and family responsibilities.

Mr. Chairman, strong majorities of people in the U.S. across the political spectrum support a national paid sick days law and believe that family and maternity leave is an important labor standard. Policies that would provide more flexibility and predictability to workers while recognizing the needs of business are overwhelmingly popular as well. These policies are commonsense solutions to the struggles that working- and middle class families face, and policy innovations in these areas are long overdue.

That is why the National Partnership welcomes the opportunity to work with you and Congress on the Rebuild America Act. We want to commend you for leading this important conversation. The bill is a powerful package that America's working- and middle class families urgently need. In addition to creating a national paid sick days standard, the Act would raise the minimum wage, protect overtime pay and workers' right to band together, as well as strengthen investments in child care assistance. The bill challenges the wrong-headed assumptions discussed above and recognizes that it is time to establish family friendly policies that reflect today's realities.

Workers and Their Families Need Paid Sick Days to Protect Their Health and Economic Security

The Rebuild America Act includes an important first step toward a more family friendly nation – the Healthy Families Act (S. 984/H.R. 1876). The Healthy Families Act creates a national paid sick days standard that would allow workers to earn up to seven paid sick days a year to recover from short-term illnesses, to care for a sick family member, to seek routine medical care or to seek assistance related to domestic violence, sexual assault or stalking. This proposed legislation is about guaranteeing that U.S. workers have access to one of the most basic components of a quality job.

The fact is that today, nearly 40 million workers across the country – about 40 percent of the private-sector workforce – have no paid sick days they can use when they get sick.¹⁰ Millions more have no paid sick time they can use to care for a sick child, spouse or parent. Among the lowest-wage workers, eight in 10 lose income and risk job loss or workplace discipline when they are ill.¹¹

⁹ Ibid.

¹⁰ U.S. Bureau of Labor Statistics. (2011, March). *Employee Benefits Survey Table 33. Leave benefits: Access, private industry workers, National Compensation Survey*. Retrieved 26 April 2012, from <http://www.bls.gov/ncs/ebs/benefits/2011/ownership/private/table21a.pdf>

¹¹ Ibid.

When workers have no paid sick days, their families' economic security is jeopardized. An average worker without paid sick days who takes just 3.5 unpaid days away from work in a month compromises her family's ability to afford the month's groceries.¹² And that assumes the worker is lucky enough to keep her job. Nearly one-quarter of adults in the U.S. report that they have lost a job or been threatened with job loss for taking time off work to recover from an illness or care for a sick child.¹³

There is a direct relationship between parents having access to paid time off and the health of their children. Children get well faster when a parent cares for them. But in nearly two-thirds of families with children, all adults in the household work, and 53 percent of working mothers and 48 percent of working fathers don't have paid sick days to care for an ill child. Parents without paid sick days are five times more likely to take a child or other family member to an emergency room because they cannot take time off during work hours.¹⁴

In addition, as the baby boom generation ages, the 66 million people who serve as caregivers to older adults have an increasingly urgent need for paid sick days.¹⁵ Workers without paid sick days that can be used for family care must choose between caring for a sick parent or spouse and keeping a job. And at a time when record numbers of workers are staying on the job well past traditional retirement age, older workers, in particular, need paid sick days to get the medical care they need to manage their own chronic conditions and other emerging health needs.

Providing paid sick days is cost effective. "Presenteeism" – when employees come to work despite illness – costs our national economy \$160 billion annually in lost productivity, surpassing the cost of absenteeism.¹⁶ Working people with paid sick days are more productive and less likely to leave their jobs, which saves businesses money by reducing turnover.

If we were to decide as a nation that providing paid sick days is a basic right similar to the minimum wage, an additional 30.3 million workers gain access to paid sick days under the proposal in the Rebuild America Act, bringing coverage to 90 percent of the private sector

¹² Gould, E., Filion, K., & Green, A. (2011, June 29). *The Need for Paid Sick Days: The lack of a federal policy further erodes family economic security*. Economic Policy Institute publication. Retrieved 12 August 2011, from <http://www.epi.org/page/-/BriefingPaper319.pdf?nocdn=1>

¹³ Smith, T. & Kim, J. (2010, June). *Paid Sick Days: Attitudes and Experiences* (unpublished calculation). National Opinion Research Center at the University of Chicago Publication. Retrieved 26 April 2012, from <http://www.publicwelfare.org/resources/DocFiles/psd2010final.pdf>

¹⁴ Ibid.

¹⁵ National Alliance for Caregiving. (2009, November). *Caregiving in the U.S.* National Alliance for Caregiving and AARP Publication. Retrieved 16 November 2011, from http://www.caregiving.org/data/Caregiving_in_the_US_2009_full_report.pdf

¹⁶ Stewart, W., et al. (2003, December). Lost Productive Health Time Costs from Health Conditions in the United States: Results from the American Productivity Audit. *Journal of Occupational and Environmental Medicine*, 45(12), 1234-1246. Retrieved 22 November 2011, from http://www.workhealth.org/whatsnew/whnewrap/Stewart%20etal_lost%20productive%20work%20time%20costs%20from%20health%20conditions%20in%20the%20US_%20Results%20from%20the%20American%20Productivity%20Audit%202003.pdf

workforce.¹⁷ Nearly half of the increased access to paid sick leave would accrue to female workers, who continue to be more likely than men to provide care to a sick child or family member.¹⁸ This is what building economic opportunity for families should look like. And perhaps that is why the public strongly favors a law ensuring paid sick days. Three-quarters of the public supports a law guaranteeing all workers a minimum number of paid sick days, according to a 2010 survey conducted by the National Opinion Research Center at the University of Chicago. A full 86 percent favors a proposed law guaranteeing up to seven paid sick days annually.¹⁹

The good news is that there is momentum in the states to provide access to paid sick days. In 2011, Connecticut became the first state to adopt a paid sick days law, and Seattle became the fourth city, joining the trailblazing cities of San Francisco, Milwaukee and Washington, D.C. Active campaigns and growing efforts are underway in many other states and cities across the country. The reality, though, is that we need a national standard. A working mother in Oregon and a working father in North Carolina should have the same right as workers in Connecticut to take a day away from work to care for a feverish child, a parent with a broken hip or to get the medical care they need to stay healthy.

Paid Family and Medical Leave Provides Families Time To Care Without Jeopardizing Their Financial Stability

While providing paid sick days would help address the day-to-day health needs of families by guaranteeing paid, job-protected time off for common illnesses and short-term caregiving needs, we must also expand work-family policies to include wage replacement when workers must take time away from work to address their own serious health condition, care for a family member with a serious health condition, or care for a newborn or newly adopted child.

When such personal or family needs arise, workers frequently have no choice but to take unpaid leave or quit their jobs. As a result, for many workers, the birth of a child or an illness in the family creates a cycle of economic risk. Thirteen percent of families with a new baby become poor within a month.²⁰ Providing paid family and medical leave helps workers to perform essential caregiving responsibilities without risking their economic security.

Parents who are financially able to take leave are in a better position to give new babies the critical care they need in the early stages of life, laying a strong foundation for later development.²¹ In addition, access to paid leave gives parents time to find the child care

¹⁷ Joint Economic Committee of the U.S. Congress. (2010, March). *Expanding Access to Paid Sick Leave: The Impact of the Healthy Families Act on America's Workers*. Retrieved 7 May 2012, from http://jec.senate.gov/public/index.cfm?a=Files.Serve&File_id=abf8aca7-6b94-4152-b720-2d8d04b81ed6

¹⁸ Ibid.

¹⁹ See note 13.

²⁰ Rynell, A. (2008, October). *Causes of Poverty: Findings from Recent Research*. The Heartland Alliance publication. Retrieved 7 May 2012, from <http://www.heartlandalliance.org/whatwedo/advocacy/reports/causes-of-poverty.pdf>

²¹ Skinner, C., & Ochshorn, S. (2012, April). *Paid Leave: Strengthening Families and Our Future*. National Center for Children in Poverty publication. Retrieved 7 May 2012, from http://nccp.org/publications/pdf/text_1059.pdf

they will need in order to return successfully to work. Being forced to go back to work soon after a child's arrival only increases the odds of a child being placed in a poor or unstable child care setting, and this can negatively impact both children and their parents.

Adopting a paid leave standard is not just about caring for a new child. By 2050, there will be 88.5 million older adults – accounting for more than 20 percent of the U.S. population.²² This means that even more workers will need time off work to care for aging family members. Today, approximately one-third of caregivers who provide eldercare end up leaving the workforce or reducing the number of hours they work – taking a financial toll on their current economic stability and impacting their long-term retirement security.²³ The average worker over 50 years of age who leaves the workforce to take care of a parent will lose more than \$300,000 in earnings and retirement income.²⁴ As a nation, we can't afford to ignore the impending eldercare crisis.

Neither employers' policies nor public policies are on pace to meet the caregiving needs of working families. Only half of the workforce has access to job-protected *unpaid* leave under the FMLA; this leaves approximately 75 million workers without any protection under the law.²⁵ A meager 11 percent of workers in the U.S. have access to paid family leave through their employers.²⁶ Among first-time mothers, only about 50 percent can cobble together any form of paid leave, whether sick or vacation days, disability insurance or something else – and that number has been stagnant for a decade. Among women with low levels of formal education, fewer than 20 percent have access to paid leave – and that number has not increased since 1961.²⁷ What's more, fewer than 40 percent of workers have access to short-term disability insurance through their employers; this disability coverage provides partial pay during a worker's medical leave.²⁸ Workers and their families need a national paid leave standard.

To better understand the need for – and the potential power of – a national paid leave policy solution, it is critical to look at the states. I would like to highlight the report the National Partnership released on Tuesday called *Expecting Better: A State-by-State Analysis of Laws That Help New Parents*. This is a comprehensive review of federal and state laws

²² U.S. Census Bureau. (2011, March 23). *Older Americans Month: May 2011*. Retrieved 7 May 2012, from http://www.census.gov/newsroom/releases/archives/facts_for_features_special_editions/cb11-ff08.html

²³ MetLife Mature Market Institute. (2011, June). *The MetLife Study of Caregiving Costs to Working Caregivers* (p. 10). MetLife Mature Market Institute Publication. Retrieved 11 October 2011, from <http://www.caregiving.org/wp-content/uploads/2011/06/mmi-caregiving-costs-working-caregivers.pdf>

²⁴ Ibid.

²⁵ Waldfogel, J. (2001, September). Family and Medical Leave: Evidence from the 2000 Surveys. *Monthly Labor Review*, 17-23. Retrieved 14 December 2011, from <http://www.bls.gov/opub/mlr/2001/09/art2full.pdf>. U.S. Department of Labor, Bureau of Labor Statistics. (2010). *Employment status of the civilian noninstitutional population by age, sex, and race (Table 3)*. Retrieved 27 June 2011, from <http://www.bls.gov/cps/cpsaat3.pdf> (Unpublished calculation)

²⁶ See note 10.

²⁷ Laughlin, L. (2011, October). *Maternity Leave and Employment: Patterns of First-Time Mothers 1961-2008*. U.S. Census Bureau Publication. Retrieved 26 April 2012 from, <http://www.census.gov/prod/2011pubs/p70-128.pdf>

²⁸ U.S. Bureau of Labor Statistics. (2011, March). *Employee Benefits Survey Table 17. Insurance benefits: Access, participation, and take-up rates, private industry workers, National Compensation Survey*. Retrieved 26 April 2012, from <http://www.bls.gov/ncs/ebs/benefits/2011/ownership/private/table12a.pdf>

that help expecting parents manage after a new child arrives. It also includes a special section that details state laws that help workers manage other family caregiving responsibilities.²⁹

As our report explains, two states have created paid leave insurance systems. California created the nation's first statewide paid family leave insurance program in 2002, and New Jersey followed in 2008. These programs were built upon those states' much older and well-established temporary disability insurance systems, which workers have been using for decades to take leave from work to address their own serious health conditions. We believe they provide a model for what a national commitment to paid family leave should look like.³⁰ Other states have expanded upon the federal FMLA by making unpaid family and medical leave available to workers who are not covered by federal law.

California's program demonstrates some of the benefits of paid leave. Women who use California's paid leave program are better able to arrange child care and to breastfeed their children for longer, both of which are associated with improved child well-being.³¹ Men are more likely to take leave now, sharing more equally in caregiving responsibilities with women.³² And California employers have been able to implement the program smoothly. About 60 percent have been able to coordinate their own benefits with the state program, which has likely led to cost savings.³³

Unfortunately, too few states have adopted innovations that help working families meet their responsibilities at work and at home, and that is why national action is so critical and so timely. In our report, only two states, California and Connecticut, receive a grade of A-, the highest grade any state earned, for the policies they've put in place, and we've discussed both of those states' chief innovations here. A handful of states, including New Jersey, Oregon, Washington and Hawaii, get B's for policies that expand upon the federal policy floor set by the FMLA, the 1978 Pregnancy Discrimination Act and the 2010 provision in the Affordable Care Act that guarantees many new mothers a place and break time to express breast milk after they return to work.

Some states have made small improvements in particular policy areas but overall have done very little to improve upon the federal floor. For example, women in Iowa have greater access to pregnancy-related medical leave under state law than under federal law because state law makes leave available to women in smaller businesses and with less time

²⁹ National Partnership for Women & Families. (2012). *Expecting Better: A State-by-State Analysis of Laws That Help New Parents*. Retrieved 8 May 2012, from www.nationalpartnership.org/ExpectingBetter

³⁰ For more information about paid leave programs and research in support of paid leave, see National Partnership for Women & Families. (2012). *Securing Financial Stability & Good Health for Working Families: A Briefing Book on Paid Family and Medical Leave*. Retrieved 7 May 2012, from http://www.nationalpartnership.org/site/DocServer/Paid_Leave_Briefing_Book_FINAL.pdf?docID=10161

³¹ Appelbaum, E., & Milkman, R. (2011). *Leaves That Pay: Employer and Worker Experiences with Paid Family Leave in California*. Center for Economic and Public Research Publication. Retrieved 26 April 2012, from <http://www.cepr.net/documents/publications/paid-family-leave-1-2011.pdf>

³² Ibid.

³³ Ibid.

on the job than the federal FMLA does, yet state law provides for a shorter maximum period of leave (eight weeks maximum, compared to 12 weeks under the FMLA). Pennsylvania provides longer periods of leave to its own state employees but has not adopted laws that expand access to private-sector workers.

Other states – 18 of them, in fact, including Georgia, North Carolina, Utah and Wyoming – receive a grade of F for failing to enact any state laws or policies that help private-sector workers or even state employees better manage their work-family needs when a new child arrives.

We at the National Partnership are convinced that failing to provide paid leave is shortsighted, self-defeating, and a mistake that costs families, businesses and our nation dearly. We urge you to seriously consider paid leave as a policy change that protects the short- and long-term economic security of families, helps businesses and our economy, and saves taxpayer dollars.

Workplace Flexibility Must Meet the Needs of Workers and Employers

Beyond providing paid sick days and paid family leave, we must also look to expand workplace flexibility in a meaningful way. This is important because, in the face of an extremely tight labor market, workers are being asked to be more flexible to help meet business needs. The National Partnership and Family Values @ Work convened a series of discussion groups in Dallas, Atlanta, Los Angeles and New York City and conducted in-depth interviews with workers in the Midwest in 2010 and 2011. These discussions illuminated key challenges that workers across industries and wage levels face. Of particular note, the lower-wage workers we spoke with identified scheduling demands – being required to work unpredictable and constantly changing shifts, and having to work overtime with little or no notice – as key sources of conflict between their responsibilities at work and at home.³⁴

Recent empirical research confirms that “flexibility” can too often take forms that hurt, rather than help, workers and their families.³⁵ For example, workers, and particularly low-wage workers, are too often asked to work unpredictable hours – either more hours than they want through mandatory overtime, or too few hours, which prevents them from affording basic expenses. “Flexibility” too often also means that workers have little or no advance notice of their work schedules on a given day or in a given week. The increase in “just-in-time” scheduling, where a worker only finds out just before a shift whether he or she will be needed that day, means that we have a growing army of underemployed people who are sitting at home just waiting to work and uncertain whether they will have earned any money at the end of the day. “Flexibility” for an employer in planning shifts may also

³⁴ National Partnership for Women & Families and Family Values at Work. (2011, February). *Los Angeles Workers Speak: The Employee Case for Flexibility in Hourly, Lower-Wage Jobs*. Retrieved 7 May 2012, from http://www.nationalpartnership.org/site/DocServer/W_F_Workflex_LA_Workers_Voice.pdf?docID=8241

³⁵ Watson, L., & Swanberg, J. (2011, May). *Flexible Workplace Solutions for Low-Wage Hourly Workers: A Framework for a National Conversation*. Workplace Flexibility 2010 and Institute for Workplace Innovation (iwin) publication. Retrieved 7 May 2012, from <http://www.uky.edu/Centers/iwin/LWPolicyFinal.pdf>

lead to rigid schedules for workers, who are told to report for certain hours without the ability to even slightly vary starting and ending times.

Scheduling practices that provide little advance notice or control to workers create significant practical challenges that are often costly and prevent workers and their families from thriving. Workers who do not know their schedules or shift lengths in advance cannot easily find affordable, high-quality child care; they must either pay for child care they may not use or cobble together last-minute arrangements with family, friends or babysitters. Unpredictable schedules also mean that workers face practical challenges in getting to their jobs because public transportation schedules may not accommodate their work hours; workers who are “on call” may even take a costly bus or car ride across town to get to work, only to find that their shifts have been canceled. Scheduling practices and rigid shift schedules also create barriers to seeking the education and training that can lead to better and more lucrative employment that provides greater financial security down the road.

A growing number of employers and the Administration have recognized that workplace flexibility is a 21st century imperative. The Council of Economic Advisers found that, as more businesses adopt flexibility practices, the benefits to society, in the form of reduced traffic, improved employment outcomes and more efficient allocation of employees to employers, may be greater than the gains to individual businesses and employees.³⁶

Senator Casey’s legislation, the Working Families Flexibility Act, is a good first step that offers some procedural protections to workers who seek flexibility. It puts in place a process for workers to request a temporary or permanent change in their work schedules, such as the number of hours the worker is required to be on the job, the times when the worker is required to be on the job or on notice, the place the worker is required to work, and notice of schedule assignments. This legislation provides workers with job protection when making the request.

We must be certain, however, that policy solutions addressing workplace flexibility work for both employers and employees. Giving employees a greater voice in the workplace, as the Rebuild America Act proposes, is critically important. We firmly believe that collective bargaining provides one of the most effective ways to create a process of meaningful flexibility in the workplace. Laws providing employees the ability to leave work for short periods of time during the workday to attend school meetings are also critically important; some states have taken the lead on this and we urge federal lawmakers to follow.

The FMLA Must Be Expanded

Finally, we would also ask you to consider several ways to expand the Family and Medical Leave Act. Such expansions are necessary to allow more workers to access protections afforded by the law and to recognize the diversity in our nation’s families. For example, we

³⁶ Executive Office of the President Council of Economic Advisors. (2010, March). *Work-Life Balance and the Economics of Workplace Flexibility*. Retrieved 7 May 2012, from <http://www.whitehouse.gov/files/documents/100331-cea-economics-workplace-flexibility.pdf>

should expand the definition of “family member” to allow workers FMLA leave to care for a domestic partner, parent-in-law, adult child, sibling, grandchild or grandparent. We should allow workers to use FMLA leave to address domestic violence, sexual assault or stalking and their effects. Furthermore, in order to deal with one of the most devastating life experiences, we should amend the FMLA to entitle an eligible worker to up to 12 weeks of leave to grieve the death of a son or daughter. And last but not least, we should amend the FMLA to cover businesses with 25 or more employees – currently the FMLA applies to employers with 50 or more employees – and to allow part-time employees to become eligible once they have been on the job for at least 12 months. This is critical in today’s economy, given that millions of Americans are underemployed or relegated to part-time jobs while seeking full-time employment. Enacting these changes to the FMLA would provide much-needed relief to the millions of workers currently ineligible for the leave it provides.

Conclusion

Working families in our country need and want family friendly policies that promote their economic security. Some states and cities have already taken the lead on this, and the time has come for federal action as well. Proposals like the Healthy Families Act, the Rebuild America Act, paid family and medical leave insurance programs, access to child care, expanded access to the FMLA, and increased workplace flexibility would make a tremendous difference to the health and well-being of our nation’s workers and their families.

But perhaps just as important, adopting these policies will help strengthen the middle class, promote economic security for all families regardless of income, and rebuild our economy. These policies are about renewing the American dream for millions of workers who play by the rules and deserve a fair shot.

Chairman Harkin and members of the Committee, we thank you for the opportunity to participate in this important discussion. At the National Partnership for Women & Families, we look forward to working with you to make these policies a reality.