# **POLICY BRIEF**

Should Chicago businesses be required to provide their employees with paid parental leave for birth/adoption of a child (and if so, how)?

Position taken by the Department of Public Health:

SUPPORT

Shujun Xu

School of Public Health, University of Illinois at Chicago

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#### WHAT IS THE ISSUE?

Paid parental leave refers to "paid leave for use by new-parent employees to recover from the birth of a child and/or to care for or bond with a new child", generally offered to birth mothers, fathers, domestic partners or adoptive parents. In using this form of leave, eligible employee does not need to use or exhaust any other types of partially or fully paid time off such as vacation, sick leave or short-term disability.

The importance of paid parental leave is a pressing question in the U.S. today. Although a 2017 national survey reported that paid parental leave received widely support over the country, with 82% Americans saying mothers should have paid maternity leave, and 69% supporting paid paternity leave2, there's no guarantee from federal law. Actually, the U.S. has long been an outlier in the modern world as "the only country among 41 nations that does not mandate any paid leave for new parents, according to data compiled by the Organization for Economic Cooperation and Development (OECD). The smallest amount of paid leave required in any of the other 40 nations is about two months." The only protection on national level is the Family and Medical Leave Act (FMLA) of 1993 which mandates twelve weeks of unpaid and job-protected leave, allowing eligible workers to attend to family care-giving needs, provided that an employee has been employed with a company with 50 or more employees for 12 months and has worked at least 1,250 hours during that time period before the leave can be taken. "The most recent data indicate that only about 60% of private-sector workers are eligible for FMLA, and 46% of those eligible report not being able to afford taking unpaid time off work."

#### ACCESS TO PAID PARENTAL LEAVE IN THE UNITED STATES

Currently, new parents access paid parental leave mainly through paid parental/family leave voluntarily offered by employers or patchwork of family leave insurance programs in cities and states. These policies or programs may or may not emphasize paid parental leave and often apply a broader use of paid family leave, which not only covers the needs for the arrival of a new child, but also allows care-giving to a close family member who's seriously ill.

A 2017 national study conducted by Pew Research Center suggests that among the family-leave takers surveyed, only "13% say they had access to family and medical leave benefits paid by their employers." This study also indicates that lower-income working families have less access to paid leave and face bigger financial challenges. Consistent with Pew survey results, recent data from the Bureau of Labor Statistics show that "17 percent of all civilian workers had access to paid family leave" (BLS, March 2018) and such access is unequally distributed. Employer-provided paid family leave is more prevalent in high-paying professional occupations, and more likely to be offered to full-time workers and in large companies. However, according to a new Mercer Poll, paid parental leave has gone main-stream and the rise may have been driven by statutory mandates enacted at the state and local level. "In 2018, 41% of survey respondents offer paid parental leave to their employees, up from only 25% of respondents to our 2015 survey." Survey results also suggest that "more employers are offering leave for the adoption of a child" an increase from 25% of respondents in 2015 to 38% in 2018.

As of November 2019, California, New Jersey, New York and Rhode Island have active family leave insurance programs. New programs await implementation in Washington (2020), the District of Columbia (2020), Massachusetts (2021), Connecticut (2022) and Oregon (2023). The latter five states "build on earlier successes with new innovations, including providing more progressive wage replacement rates, extended durations of leave for certain purposes and inclusive coverage of diverse family structures". These programs (TABLE 1) offer between 4 to 12 weeks of benefits and eligibility typically involves minimum duration of in-state employment and minimum earnings. Although the majority of the programs are funded through employee payroll tax, the DC program is set to be financed by employers whereas Massachusetts' and Oregon's are to be jointly financed by employers and employees with some exceptions. Four States (California, New Jersey, New York and Rhode Island) also have State Disability Insurance (SDI) program providing additional income support for birth mothers.

**TABLE 1: Key Provisions of State-run Family Leave Insurance Programs** 

State	Year Effective	Eligibility	Financing of family leave	Weeks of Benefits for family leave	Job Protection
California	2004	Worker has earned \$300 in wages in California that were subject to the insurance tax over the worker's "base period."	Payroll tax on employees.	6 weeks of family care	No
New Jersey	2009	At least 20 calendar weeks in which the worker has covered New Jersey earnings of \$172, or the worker has earned at least \$8,600 in covered New Jersey employment in the 52 calendar weeks preceding the week in which leave began.	Payroll tax on employees	6 weeks for family care. 12 consecutive weeks starting from July 1, 2020	No
Rhode Island	2014	In general, a worker must have earned wages in Rhode Island, paid into the insurance fund, and earned at least \$12,600 in the base period; a separate set of criteria may be applied to persons earning less than \$12,600	Payroll tax on employees	4 weeks	Yes
New York	started in 2018 and to be fully implemented in 2021	Full-time employment for 26 weeks or 175 days of part-time employment.	Payroll tax on employees	10 weeks in 2019 and 2020, and 12 weeks starting in 2021	Yes
Washington	Contributions start January 2019 and benefits payable starting January 2020	Worked at least 820 hours of employment during the qualifying period. Federal employees are not covered	jointly financed by employees and the employer (for employer with at least 50 employees); otherwise, it is employee- financed	no more than 12 weeks	Only for employees that meet certain conditions
District of Columbia	Contributions start July 2019 and benefits payable in July 2020	In general, at least 50% of work occurs in the District of Columbia for a covered DC-based employer. Has been a covered employee for at least one week during the 52 calendar weeks preceding the qualifying event for leave	Payroll tax on covered employers (not including the federal gov.)	8 weeks, of which up to 8 weeks for parental leave, up to 6 weeks for family leave	No
Massachusetts	Contributions start July 2019 and benefits payable in January 2021	Meets the financial eligibility for receiving unemployment insurance. Former employees must meet the same financial eligibility criteria and have separated from employment for no more than 26 weeks.	Payroll tax on employees.	12 weeks	Yes, with some exceptions
Connecticut	Contributions start January 2021 and benefits starting January 2022	No minimum working hour requirement but an employee must have worked for the employer for at least 12 weeks and also have earned \$2,325 within a defined "base period"	Payroll tax on employees	Up to 12 weeks in a 12-month period	Yes
Oregon	contributions begin Jan. 1, 2022, benefits from Jan.1, 2023	earned at least \$1,000 in wages during the defined "base year" or "alternate base year"	jointly financed by employees and the employer (for employer with at least 25 employees); otherwise, it is employee- financed	up to 12 weeks within a 12-month period	Yes

Source: Adapted from Donovan SA. Paid family leave in the United States. Washington (DC): Congressional Research Service; [updated 2019 May 29; cited 2019 Nov.6]. Available from: https://fas.org/sgp/crs/misc/R44835.pdf

The U.S. Cities are marching ahead on paid parental leave as well. A summary from the National Partnership for Women & Families reports that more than 70 municipalities have paid family/parental leave policies, however, most of which funded from the city budget and must run concurrently with FMLA.s

In 2017 San Francisco implemented the Paid Parental Leave Ordinance (PPLO), becoming the first US municipality to mandate that employers offer fully paid parental leave. The San Francisco PPOL builds on the California's Paid Family Leave (CA-PFL) program, and requires that employers with 20 or more workers worldwide provide "supplemental compensation" such that an employee earns full replacement of their weekly salary (up to a cap) during the six-week bonding period. In contrary to the state PFL program which is funded by employees' payroll tax, the PPLO supplemental compensation (raising leave pay from 60-70% to 100%) is self-financed from the employers for their own leave-taking employees. Findings from the survey of Bay Area employers indicate that the "San Francisco PPLO significantly increased the proportion of San Francisco firms offering paid parental leave from 44% in 2016 to 75% by 2018; Few employers reported negative impacts of changing their paid leave policies, and some reported positive impacts (19% reported improved employee morale and 17% reported improved retention)." Although smaller firms reported difficulty in understanding legal requirements and administratively complying with the PPLO, this ordinance won widely support among San Francisco firms (78% support vs. 6% opposition).

# EVIDENCE OF PAID PARENTAL LEAVE ON POPULATON HEALTH AND FAMILY WELLBEING

A review of the literature finds that paid parental leave have wide-ranging benefits for maternal and child health. On one hand, children of the leave-takers may receive more and better parental care. On the other hand, taking time off to recover from childbirth and bond with the new child may improve both maternal physical and mental health. Fathers who take the leave may also benefit from engagement of child care.

For example, several studies have examined the impacts of California's paid family leave policy (CA-PFL) on infant health. Results suggest that paid family leave increases rates and duration of breast-feeding, and "rates of breastfeeding through the first 3, 6 and 9 months of infancy increased by 10–20 percentage points after the PFL".10 Researchers also found that "short duration paid parental leave policies (like the one in California) can improve on-time vaccination of infants" and "the policy had a stronger impact on families that are below the poverty line." 11 Another analysis focused on the effect of paid leave on hospital admissions for infants detected a decline by 3 to 6 percent after the implementation of CA-PFL, and this outcome is "likely to be positively affected by extended or better home-care". 12

Consistent with findings from CA-PFL, a 2017 national survey showed that women ages 18-45 who took paid maternity leave "experienced a 47% decrease in the odds of re-hospitalizing their infants and a 51% decrease in the odds of being re-hospitalized themselves at 21 months postpartum, compared to women taking unpaid or no leave". They also had "1.8 times the odds of doing well with exercise and stress management" compared to women taking only unpaid leave.13

More men and fathers want to be involved in child care nowadays than past, according to Harrington et al.'s 2014 report, over three out of four surveyed fathers expressed their desire to spend more time with their children than they do presently, and researches in European countries demonstrated benefits to the increased well-being for new mothers when fathers take paternity leave, including fewer days of absence due to sickness, less likelihood of depression, and increased earnings.14

There are other positive outcomes from paid parental leave, for example, with the extra resources from PFL benefits, families may be able to afford more nutritious food. By encouraging labor force participation and job continuity of mothers, PFL might also help improve household economic security. There's evidence that among mothers of 1-year-olds, CA-PFL "decreases risk of poverty in the prior year by an estimated 10.2 percent and increases household income over the same period by an estimated 4.1 percent", and "gains concentrate among less-educated and low-income single mothers, who tend to have few other supports for combining employment and care-giving." 15

#### CONCERNS OF GOVERNMENT INTERVENTION

The 2017 Pew Research found that public was sharply divided over whether the government should mandate (51%) paid family leave or let the employers decide for themselves (48%).16 There are two main concerns cited or mentioned by the opponents.

First, mandate paid family leave may potentially increase employers' costs include financing of payments, hiring a temporary replacement, productivity losses related to an absence, and administrative costs, etc. This might be particularly challenging for small business.

Evidence suggests that employers have adapted well to paid family leave mandates. A study based on 18 indepth interviews with employers in a variety of industries throughout New Jersey concludes that the paid family leave law has had little impact on how employers do business. 17 Appelbaum and Milkman (2011, 2013) surveyed approximately 250 California firms in 2010 and also conducted more in-depth interviews at 20 firms. "Roughly 90 percent of firms in their survey said the (CA-PFL) law had either a positive effect or no effect on productivity, profit, morale, and costs. And, perhaps surprisingly, small firms reported even fewer problems than large firms." 18 Moreover, new scientific opinion polling found small businesses support the creation of publicly-administered family and medical leave insurance programs, and "sixty-one percent support state paid leave programs funded by both employer and employee contributions, with each contributing approximately two-tenths of 1% of an employee's wage. Fifty-six percent support program funded entirely by employee contributions—approximately two-fifths of 1% of an employee's wages". 19

Cost-shifting was observed for some ordinance which requires employers' funding contributions. For example, during the implementation of San Francisco's PPOL, the most commonly reported changes from the employers were "raising prices or otherwise passing on costs to consumers (16%), decreasing sick or vacation time (7%), converting sick or vacation time to paid time off or paid parental leave (6%), and changing hiring practices (6%)". However, "no employers reported reducing paid leave benefits for non-parents, and very few reported decreasing pay raises or bonuses (3%)".20

Second, "Young women are more expensive than mother workers under government-supported leave, so employers may be less likely to hire women or may limit training and leadership opportunities. In this case, government-supported leave increases gender-based discrimination in the labor market."21

Evidences of paid parental leave on the employment rates of young women are mixed. Although some study shows the association of CA-PFL with higher work and employment probabilities for mothers22, "Reed and Vandegrift (2016) estimate that implementing paid family leave in New Jersey reduced employment rates for 22- to 34-year-old women 8 to 9 percent, and Sarin (2016) finds that the cost (and reduced employment) is greater for those with job-protected leave." Some policies make attempts to increase fathers' share of parental leave in order to correct for unequal labor market outcomes, however, current data suggests fathers often forgo parental leave or take shorter leave to avoid losing income or facing workplace stigma. Policymakers may consider the need to address barriers to leave-taking for fathers.

#### POLICY IMPLICATION FOR CITY OF CHICAGO

Although more and states are considering legislation on paid family leave, and advocates proposed to expand access through a national insurance program, the universal mode is not likely to work towards a more family-friendly paid leave policy in the United States. Currently, Illinois has no statewide program to support distinct paid parental leave and employers must comply with the federal Family and Medical Leave Act (FMLA). Moreover, following the failure on the house bill of creating Family Leave Insurance Program early this year, Illinois' recent initiative on paid leave is to expand sick leave benefits.

The situation for Chicago is, although city ordinance does not require all businesses to provide paid parental leave and employers, under former Mayor Rahm Emanuel's policy, non-union city employees who are FMLA-eligible can have six weeks of maternity leave for birth via C-section & four weeks for vaginal birth, and two weeks for fathers and adoptive parents. This benefit was funded from the city budget and must run concurrently with FMLA.25 Otherwise, new parents may access paid parental leave if offered by their employers, or store up vacation days and unused sick leave, or take advantage of temporary disability insurance benefits to get at least some pay for the time off with the birth or adoption of a child.

In February 2019, Mayoral candidate Gery Chico proposed a more generous paid parental leave policy "even if it means saddling beleaguered Chicago taxpayers with an added burden" and when "the city faces a \$ 1 billion spike in pension payments and twice that much to replace lead service lines that carry water from the street to individual homes." 26 Chico suggested 12 weeks of paid leave to all moms, dads and adopting couples, and an extension of the leave policy to all city employees.

It's true that we need to expand our parental policy to better support working families and new parents, but how can we develop the program in a more sustainable way without adding higher burden to our taxpayers? Certain key questions need to be addressed or clarified prior to legislation and implementation. The magnitude and distributions of costs and benefits will depend on size and duration of benefits, how benefits are financed, and other policy factors. Below are some evidences and choices for policymakers' reference.

Duration of leave: The state programs in TABLE 1 offer 4-12 weeks of benefits. Research shows that "having less than 12 weeks of maternal leave and having less than 8 weeks of paid maternal leave are both associated with increases in depressive symptoms, and having less than 8 weeks of paid leave is associated with a reduction in overall health status.27 Although longer maternity leave may be associated with greater health improvement, studies from Canada and Europe suggests "decreasing marginal health benefits from increasing paid leave entitlements beyond 6-12 months."28 For paternity leave, "nearly three quarters of the fathers believed that the most appropriate amount of time for fathers to have off for paternity leave is between two and four weeks." 29

Wage replacement rate and maximum caps: The wage replacement for state programs in TABLE 1 ranging from 50% to 100%, often with some adjustment on income level (e.g. higher rate to assist low-wage workers). Fathers seem to be more sensitive to the payment rate, and "five out of six fathers in the U.S. said that they would only take time off if they were paid at least 70% of their salary and 45% wanted full salary during their leave." 30 "Trade-offs between higher wage replacement rates and higher caps also shape who is likely to benefit from policies and who will take them up. A higher wage-replacement rate but lower maximum benefit cap, as in New Jersey, is more favorable to low-wage workers because they are less likely than other workers to be affected by the cap." 31

**Funding and administration:** To ease the administration and make benefit more affordable, building on the existing social insurance infrastructure (e.g. temporary disability programs, unemployment insurance programs or any other similar type) may be a best choice. The benefits can be employee-financed or jointly funded by employers and employees on a contribution portions agreed by both sides, with certain exemptions.

**Job protection:** Return to the same or near-identical job may promote job attachment and security. This benefit is particular important to lower-educated and low-income workers, who are less likely to otherwise qualify FMLA and do not risk losing their jobs, if the paid parental leave policy does not offer this guarantee.

The factors mentioned above often affect employers and employees differently, thus a public hearing from both parties is a must to achieve the maximum befits and reduce advent effects. City Hall may also conduct a survey to gather public opinion (currently no sufficient open-resource data available) on paid parental leave and gain insight on when to prioritize this issue into calendar.

## **EXPECTED ALLIES**

Motivated by the wide-ranging benefits to population health and family wellbeing, there's a growing movement of organizations and businesses calling for Paid Parental/Family Leave policy. For example, since the introduction of Family and Medical Insurance Leave (FAMILY) Act (H.R. 1185/S. 463) in congress in 2013, "the proposal has the support of a growing list of employers and a diverse coalition of more than 430 organizations in all 50 states and the District of Columbia." Organizations that endorsed the legislations include (but not limited to) 2020 Mom, American Academy of Nursing, American Public Health Association, Every Child Matters, National Partnership for Women & Families, National Alliance for Care-giving, and Parents Together etc.

At local level, we may have advocates from Democrats, maternal and child health advocates, family caregivers and health care providers, to name just a few. Thus our expected allies are *Chicago Foundation for Women, Illinois Action for Children, EverThrive Illinois, New Moms, Women Employed, Ounce of Prevention Fund, Citizen Action* and so on.

#### POTENTIAL OPPONENTS

The voices against the paid parental leave policy might be from economists or "free-market" advocates who believe government intervention may have minimal effect (due to cost-shifting) or even adverse effects (e.g. workforce discrimination and benefit reductions), and equity advocates who argue that the paid parental leave might actually "threaten to worsen wide disparities in children's health and early learning". 33

#### RECENT MEDIA COVERAGE ON PAID PARENTAL LEAVE

Summary: Federal legislation on paid parental/family leave seems to be a hot topic on the national level. Now that the concept has bipartisan support, and with the recent influx of female representation in the House and Senate, it looks like we are really getting closer to passing a national policy. However, the disagreement on definition and payment might still eventually put off the implementation of any law. News from Forbes raised concerns in the barriers to paternity leave, and suggested the importance of encouraging greater sharing of childcare between parents to reduce gender wage gap. There's no recent local news to shed light on this topic.

Goldman Sachs upped the ante for paid parental leave on Wall Street by offering 20 weeks of paid leave to all parents, regardless of gender or caregiver status. Unlike Goldman Sachs and Bank of America, many other major Wall Street banks have different policies for primary and secondary caregivers, and require employees to formally choose their status. Despite excellent national and company-specific benefits, worry to jeopardize their careers and "femininity stigma" seem to have discouraged paternity leave-taking. 34 (Nov. 5, 2019 Forbes)

A recent study of California's Paid Family Leave Act produced a surprising result that first-time mothers who took advantage of paid leave under the law suffered long-term adverse employment consequences. Martha J. Bailey, an economist at the University of Michigan, pointed out that the California law "does little to encourage dads to spend more time with their kids and few dads took up paid leave." Bailey said reducing the gender wage gap "is fundamentally about encouraging greater sharing of childcare between parents." [Nov. 5, 2019 Forbes]

After years of inaction in the US, national conversation around the issue of paid family leave has started to gain political ground. On the national stage, it looks set to become an important policy point in the 2020 US election. For the first time, paid family leave gains a bipartisan support. Ruth Martin, vice-president of workplace justice campaigns at Moms Rising, said this progress is partly down to the recent influx of female representation in the House and Senate. The New York representative Kirsten Gillibrand, who reintroduced the Family Act with the Connecticut representative Rosa DeLauro in February, is convinced the momentum is finally with them. A potential sticking point is that the Republican proposals are strictly for new children, and none of them cover sickness, whereas the Democrats expect a more comprehensive plan. Fragmentation over how the plan should be defined and paid for mean implementation of any law is still likely to be years-away.36 (Oct.28, 2019 Yahoo)

President Donald Trump's daughter and adviser Ivanka Trump met with Reddit Inc. co-founder Alexis Ohanian (and husband to tennis star Serena Williams) at the White House to discuss federal legislation that would provide additional paid parental leave after the birth of a child. "Working families across the Country need Paid Family Leave and we've developed strong bipartisan support and momentum in Congress on this issue over the past three years." said Ivanka Trump. Previously, French Open announced not to give a seeding to Williams when she returned from maternity leave because "she dropped in the World Tennis Association's rankings while off the court." The president's daughter tweeted in 2018 that "No person should ever be penalized professionally for having a child!" 37 (Oct.22, 2019 Bloomberg)

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