**The Effects of FMLA Eligibility and Awareness on Family Leave-Taking**

Issue Brief—Worker Leave Analysis and Simulation Series[[1]](#footnote-1)

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The Family and Medical Leave Act (FMLA) enables employees to take up to 12 weeks of unpaid, job-protected leave. However, while FMLA has increased leave-taking among eligible workers[[2]](#endnote-1), overall effects have been modest, perhaps because much of the workforce is ineligible for FMLA, and many who are eligible are unaware of the law’s benefits and eligibility requirements.[[3]](#endnote-2) A little over half of U.S. workers – an estimated 56% to 60% – are covered by FMLA, meaning they both work for an employer covered by its provisions and meet the law’s employee eligibility requirements.[[4]](#endnote-3)

**In this Issue Brief, we use data from the 2012 DOL Family and Medical Leave Act (FMLA) Employee Survey to examine the effects of FMLA eligibility and awareness on whether workers utilize leave when faced with significant life events. This brief also examines the sources that typically inform employees about the FMLA and explores differences in FMLA awareness within and across subpopulations of the U.S. workforce.**

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Awareness of the FMLA’s benefits has increased slowly since the law’s passage in 1993[[5]](#endnote-4), with 70.9% of workers at FMLA-covered worksites and 53.1% of workers at non-covered worksites reporting in 2012 that they were aware of the law’s benefits.[[6]](#endnote-5) This brief examines the effects of the awareness of FMLA eligibility on leave usage for FMLA-qualifying reasons. Using data from the 2012 U.S. Department of Labor (DOL) Family and Medical Leave (FMLA) Employee Survey, the analysis examined the effect of FMLA eligibility and awareness on an outcome variable of whether a worker took leave for an FMLA-qualifying reasons[[7]](#footnote-2) (see the Technical Appendix for more details on the survey).

# **WHAT IS THE EFFECT OF FMLA ELIGIBILITY AND AWARENESS ON WHETHER WORKERS TAKE LEAVE FOR FMLA-QUALIFYING REASONS?**

***Key Finding: Workers who were Eligible and Aware of FMLA were One and a Half Times More Likely to Take Leave***

Among workers who were eligible and aware of FMLA the probability of taking leave was 55.1%, compared to the probability of workers that were FMLA-eligible but unaware of the law, who took leave at a rate of 45.3%.

**WHERE DO WORKERS TYPICALLY LEARN ABOUT THE FMLA?**

The majority of U.S. workers who are both eligible and aware learn about the FMLA from their employers or a human resource office (56.6%). The second most common information source for workers consisted of a category of ‘other sources’ (16.6%) that did not include common information sources, such as employers, the media, or other co-workers. Media, including both print and electronic, were the third most common information source, with 11.0% of aware workers receiving their information from such sources. The other five types of information sources were considerably less likely to inform workers about the FMLA, with less than 5% of eligible workers learning about the law through these sources (see *Figure 1*).

**Figure 1. Where Do FMLA-Aware Workers Typically Learn about the FMLA?**

# **WHICH WORKERS ARE LESS LIKELY TO BE AWARE OF THE FMLA?**

Workers in seven sub-populations were found to be significantly less likely to be aware of the FMLA when compared to their peers. These sub-populations include important groups of workers, including younger workers, lower income workers, and racial minorities, who are as likely to need FMLA as their peers, but are least aware of the law. Increased efforts to inform these sub-populations about FMLA, its benefits, and its eligibility requirements could play a critical role in allowing larger number of U.S. workers to utilize the FMLA benefit available to them to achieve an effective balance between healthy careers and healthy families (see *Figure 2* on the following page).

**Figure 2: Differences in FMLA-Awareness within Key Sub-Populations of Eligible Workers**

Figure 2 is a bar chart that shows which sub-populations of eligible workers we significantly less likely to be aware of FMLA when compared to their peers. The x-axis is the worker subgroups and the y-axis is the percent of FMLA-eligible workers. The results are significant at the p<0.01 level. 

By subgroup, the chart has the following data:
1. Non-High School Graduates: -48.5%
2. Family Income-Less than $20,000: -38.7%
3. 18-24 Year Olds: -35.10%
4. Family Income $20,000-$30,000: -27.3%
5. Hispanic Ethnicity: -27.7%
6. Low Levels of Paid Leave Access: -23.8%
7. Race- Other: -22.4%
8. Race- Asian: -17.4%
9. Pay Type- Piecework/Commission: -14.7%
10. Pay Type- Hourly: -14.6%


*Note: All differences are statistically significant at the p<0.01 level.*

# **IMPLICATIONS**

These findings demonstrate that:

* FMLA-eligible workers who did not graduate high school had levels of FMLA awareness that were 48.5% lower than workers with higher levels of education.
* FMLA awareness among workers 18 between 24 years of age was 35.1% lower than workers of other ages.
* Workers with family incomes of less than $20,000 (-38.7%) and less than $30,000 (-27.3%) were also considerably less likely to be aware of the FMLA.
* Hispanic workers (-27.7%), Asian workers (-17.4%), and other racial groups (-22.4%) were less aware of the FMLA than their peers.
* FMLA-eligible workers with lower levels of access to paid leave had FMLA- awareness rates that were 23.8% lower than their peers with greater access to paid leave.
* Workers who were paid hourly or via a piecework/commission basis or some other combination of pay, were significantly less likely (-14.6% to -14.7%) to be aware of the FMLA than salaried workers.



# **TECHNICAL APPENDIX**

Data for the analysis consisted of employee data from the 2012 DOL FMLA Employee Survey[[8]](#endnote-6). Employee data was collected via nationwide random-digit dialing and computer-assisted telephone interviews, with sampling weights used to adjust for stratified sampling methods and survey non-response. Interviews were conducted with one employee per household (with the self-employed excluded), and a total of 1,359 employee surveys were completed. The surveys included employees who were and were not eligible to receive the protections of FMLA. Based upon their answers, the survey classified respondents as members of one of four groups: employees who took leave (‘leave-takers’), employees who had a need for leave but did not take leave (‘leave-needers’), employees that took leave but needed additional leave that they could not take, and employees that did not need nor take leave. This brief restricts its focus to ‘leave-takers’, those workers who took leave for FMLA-eligible reasons, and compares the use of leave among that sub-population to the other three groups.

The analysis employed a logistic regression model that examined the relationship between the explanatory variables and the outcome variable of whether a worker took leave for FMLA-eligible reasons. The outcome variable, as constructed, examines whether a worker took leave for FMLA-eligible reasons, but does not examine the types of leave that a worker used, such as sick leave, FMLA leave, vacation leave, or short- or long-term disability. The explanatory variables used in this model consisted of eight factors that were previously identified within the peer-reviewed literature as having statistically significant effects on whether a worker took leave for FMLA–eligible reasons. In addition, a collection of control variables were included within the model. The control variables consisted of worker- and organizational-level variables that were not consistently identified as explanatory factors within previous research, but were expected to affect whether a worker took leave.

Exhibit A1 on the following page presents the full results for the factors associated with utilization of leave for FMLA-eligible reasons. The first column specifies the explanatory and control variables included in the model. The ‘Odds Ratio’ column provides the odds ratio coefficients and level of statistical significance for each variable. Odds ratios calculate the odds of an explanatory outcome occurring for one categorical group divided by the odds of that outcome occurring for another categorical group. For instance, the odds ratio for leave-taking among female workers is calculated by dividing the odds of leave-taking for female workers by the odds of leave-taking for male workers. The third column reports the robust standard errors for each variable included within the model, with smaller errors indicating higher model precision. The final columns report the 95% confidence intervals for each variable. The column provide another measure of model precision, with a 95% confidence level that the figures in the columns include the true point estimator.

# **Exhibit A1. Factors Associated with Utilization of Leave for FMLA-Eligible Reasons**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Odds Ratio** | **Robust Std. Err.** | **[95% Conf.**  **Interval]** | |
| *FMLA Eligibility & Knowledge (Reference: FMLA Eligible)* |  |  |  |  |
| FMLA Eligible & Knowledgeable | 1.4686\* | 0.254 | 1.062 | 2.078 |
| *Age Groups (Reference: 18-24 Years)* |  |  |  |  |
| 25-29 | 0.829 | 0.318 | 0.391 | 1.758 |
| 30-34 | 0.726 | 0.264 | 0.355 | 1.482 |
| 35-39 | 0.739 | 0.273 | 0.358 | 1.525 |
| 40-44 | 0.535 | 0.197 | 0.260 | 1.100 |
| 45-49 | 0.582 | 0.210 | 0.287 | 1.180 |
| 50-54 | 0.748 | 0.268 | 0.371 | 1.508 |
| 55-59 | 0.769 | 0.280 | 0.377 | 1.570 |
| 60-67 | 0.859 | 0.319 | 0.415 | 1.780 |
| 68 or Older | 0.837 | 0.383 | 0.342 | 2.051 |
| *Education (Reference: Did Not Graduate High School)* |  |  |  |  |
| High School Graduate | 1.023 | 0.411 | 0.465 | 2.250 |
| Some College | 0.966 | 0.387 | 0.440 | 2.120 |
| College Graduate | 0.642 | 0.265 | 0.286 | 1.440 |
| Graduate School | 0.642 | 0.275 | 0.278 | 1.485 |
| *Family Income* |  |  |  |  |
| $20,000-$34,999 | 1.445 | 0.566 | 0.670 | 3.116 |
| $35,000-$49,999 | 1.870 | 0.730 | 0.870 | 4.018 |
| $50,000-$74,999 | 1.577 | 0.614 | 0.736 | 3.380 |
| $75,000-$99,999 | 1.959 | 0.782 | 0.896 | 4.283 |
| $100,000+ | 1.637 | 0.655 | 0.747 | 3.588 |
| *Hispanic Ethnicity (Reference: Non-Hispanic)* | 1.139 | 0.300 | 0.680 | 1.907 |
| *Race (Reference: Caucasian)* |  |  |  |  |
| American Indian/Native American | 1.086 | 0.437 | 0.494 | 2.388 |
| Asian | 1.191 | 0.396 | 0.621 | 0.284 |
| Black/African American | 1.000 | 0.180 | 0.705 | 1.426 |
| Other Race | 0.511\* | 0.172 | 0.264 | 0.988 |
| *Marital Status (Reference: Married)* |  |  |  |  |
| Living with Partner | 1.134 | 0.286 | 0.692 | 1.858 |
| Separated | 1.942 | 0.819 | 0.850 | 4.441 |
| Divorced | 1.090 | 0.204 | 0.755 | 1.574 |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Odds Ratio** | **Robust Std. Err.** | **[95% Conf.**  **Interval]** | |
| Widowed | 1.230 | 0.420 | 0.630 | 2.401 |
| Never Married | 0.867 | 0.166 | 0.596 | 1.262 |
| *Female* | 1.268\* | 0.147 | 1.010 | 1.590 |
| *Parenthood* | 1.576\*\* | 0.232 | 1.181 | 2.103 |
| *Labor Union Member* | 1.259 | 0.183 | 0.947 | 1.674 |
| *Government Worker* | 1.417\* | 0.197 | 1.079 | 1.862 |
| *Pay Type (Reference: Piecework/Commission/Combination)* |  |  |  |  |
| Salaried | 0.884 | 0.320 | 0.435 | 1.797 |
| Hourly | 1.124 | 0.406 | 0.553 | 2.283 |
| *Access to Paid Leave* | 0.891 | 0.095 | 0.722 | 1.098 |
| *Constant* | 0.696 | 0.500 | 0.170 | 2.847 |
| Observations | 1,359 |  |  |  |

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3. Jorgensen, H., and Appelbaum, E. (2014). *Expanding Federal Family and Medical Leave Coverage: Who Benefits from Changes in Eligibility Requirements?* (No. 2014-02). Center for Economic and Policy Research (CEPR).

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5. Waldfogel, J. (2001). Family and medical leave: Evidence from the 2000 surveys. *Monthly Lab. Rev.*, *124*, 17. [↑](#endnote-ref-4)
6. Klerman, J. A., Daley, K., and Pozniak, A. (2012). Family and medical leave in 2012: Technical report. *Cambridge, MA: Abt Associates Inc*. [↑](#endnote-ref-5)
7. Family and medical leave is defined in the FMLA survey as leave for one’s own serious health condition; caregiving for a serious health condition of a parent, spouse, relative, or child; for a new child; or to respond to the military deployment of a family member. [↑](#footnote-ref-2)
8. Klerman, J. A., Daley, K., and Pozniak, A. (2012). Family and medical leave in 2012: Technical report. *Cambridge, MA: Abt Associates Inc*. [↑](#endnote-ref-6)