

FAMILY VALUES at WORK: It's About TIME!

Why We Need Minimum Standards
To Ensure A Family-Friendly Workplace



You shouldn't have to risk your job
to take care of your family, and
you shouldn't have to put your
family at risk just to do your job.

Unfortunately, millions of
Americans face these terrible
predicaments every day.

Published by the
MultiState Working Families Consortium
in conjunction with: ACORN | AFL-CIO | A Better Balance
Center for Law and Social Policy | Moms Rising
The National Partnership for Women and Families
9to5, National Association of Working Women
National Employment Law Project
Service Employees International Union | Take Care Net

NO TIME to CARE:

A [Mom and] Pop Quiz on Family-Friendly Workplaces

A Growing Tension Between Work and Family

Percent of married U.S. mothers with children under six in 1950 who were working or looking for work: 12

Percentage of married U.S. mothers with children under six who were working or looking for work in 2000: 63

Share of U.S. workers under age 60 who will have responsibilities to care for an elderly relative in the next 10 years: nearly two-thirds

Lack of Paid Sick Days

Number of private sector workers in the United States who are not entitled to paid sick days: 55 million (48 percent)

Number of private sector workers who are not entitled to paid sick days to care for an ill child or family member: 86 million (70 percent)

Percentage of low-income workers who are not entitled to paid sick days to care for a sick child: 89

Leave for New Babies or Family Health Crises

Percentage of private sector workers nationwide who are not covered by the Family and Medical Leave Act: 53

Estimated number of workers who were eligible for FMLA and needed family or medical leave in 1999-2000 but did not take leave because they couldn't afford to go unpaid: 2.7 million

Few Protections for Workers and Their Families

Number of states in the United States where workers are guaranteed a minimum number of paid sick days: 0

Number of states where it is illegal for employers to fire a worker who refuses to work "mandatory overtime": 0

Number of states in the United States where it is illegal to discriminate against workers due to family responsibilities like being a parent or caring for an elderly relative: 1 (Alaska) plus the District of Columbia

An Outlier Nation

Of 177 countries worldwide, names of the four that do not guarantee paid leave and/or a substantial birth payment for parents to care for their newborn babies: Liberia, Papua New Guinea, Swaziland, United States

Of the nation's included in the World Economic Forum's list of 20 most competitive economies, number that do not guarantee paid sick days to all workers: 1 (United States)

Of those 20 most competitive economies, number that guarantee 31 or more days of paid sick time per year: 18

Affordable Family-Friendly Policy Options

Estimated cost to employers of a national law guaranteeing seven paid sick days to all full-time employees working for employers with 15 or more workers: \$20.2 billion

Estimated benefit to employers from the same national paid sick days law by reducing job turnover, spread of illnesses, and lost productivity when workers come to work sick: \$28.4 billion

Average amount deducted per month from the pay of California workers to support that state's first-in-the-nation paid family and medical leave program: \$2.25

Amount paid by California employers to fund the paid family and medical leave program: \$0

For information on the sources cited in the [Mom and] Pop Quiz, visit the Family Values at Work page at www.9to5.org/familyvaluesatwork.

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A Note on Sources: In order to maximize the readability of this publication, annotations and source notes have not been included. However, a complete list of source citations is available online at www.9to5.org/familyvaluesatwork.

If We Care About Family Values, It's Time to Value Families.

We begin with a simple proposition: You shouldn't have to risk your job to take care of your family, and you shouldn't have to put your family at risk just to do your job.

And a stark reality: Millions of Americans face these terrible predicaments every day.

■ On August 10, 2005, the only day she could register her two kids for school for the upcoming academic year and sign them up for an after-school program, Vickie Underwood left work at the end of her regular 8-hour shift at an Atlanta-area printing plant, politely refusing her boss' demand that she remain for three hours of "mandatory overtime." Despite 20 years of service for the company, including dozens of previous mandatory overtime shifts, she was fired.



Vickie Underwood at home with her family.

■ When Monalisa Bush's 7-year-old son, Juliano, had a severe asthma attack in the fall of 2005, she left her desk at a Milwaukee-area cable company to rush him to the hospital. Following doctor's orders, Bush stayed home two additional days to make sure the boy's airways remained clear and he didn't suffer an adverse reaction to his medications. When she returned to work, Bush, who had been on the job for eight months and wasn't yet covered by family and medical leave laws, was suspended without pay for poor attendance.

■ By the time she became pregnant with her first child at age 34, Julia Panley-Pagetti was a successful New York City communications executive earning a nearly six-figure salary. After giving birth to a baby daughter, Panley-Pagetti went out on maternity leave. But within days her bosses were bombarding her with calls, emails, and work-related requests. Then, even before her maternity leave expired, Panley-Pagetti was laid off. Without her salary, the family lost their home and had to move into her grandfather's apartment.

■ In May 2006, Alan Gales' father suffered a heart attack. Gales rushed to the hospital, missing a scheduled shift at the Rock Tenn cardboard box factory in Conway, Arkansas. When he returned to work for his next shift, Gales was written up with an "occurrence" for bad work attendance. Nine months earlier, Gales had received another occurrence after getting into a serious car wreck on the way to work. Gales suffered a concussion in



Monalisa Bush with son, Juliano.

the crash, and recalls sitting in the ambulance, with a big knot on the side of his head, calling in to tell his supervisor he wouldn't be in that night. Gales didn't get a lot of sympathy: "I was told if I miss any more work, I could be fired," he says.



Monique Evans

■ When Monique Evans called her supervisor at a Wendy's fast food franchise in Portland, Maine, to explain that her two-year-old had the flu, so she couldn't come to work that day, the supervisor told her to come in anyway. When Evans refused, the supervisor cut her hours from 40 per week to 15 and demoted her to mopping floors and cleaning toilets. More than a month passed before a regional manager intervened and restored Evans back to her normal shifts.

Why are these workers — and countless more like them — forced to make wrenching, impossible choices between their jobs and their families?

One reason is that our nation's labor laws, written 70 years ago when most families had a working father and a stay-at-home mom, have never been augmented by complementary laws to address the changing needs of workers and their families.

The second is that, in the absence of government rules, too few employers have adapted to the changing needs of workers. Half of all workers today, and three-fourths of low-income workers, don't receive a single paid sick day. Few receive any paid leave to care for an elderly parent or newborn child. Many aren't even permitted unpaid leave to deal with a family health emergency or bond with a newborn child. Millions can't attend a parent-teacher conference without losing pay or risking their jobs.

What can our nation do to protect workers and ensure their right to protect their families while doing their jobs?

We can pass new rules ensuring workers a minimum level of paid sick days for routine illnesses and medical appointments, paid leave for longer-term family care, and flexibility to deal with personal and family health emergencies. And we can encourage employers and help them adopt family-friendly personnel policies that address the needs of workers while safeguarding the businesses' bottom lines.

And why must we do these things?

Because if we believe in family values, it's time to value families.

Half of all workers today, and three-fourths of low-income workers, don't receive a single paid sick day.



Despite 20 years of service at an Atlanta-area printing plant, Vickie Underwood, pictured here with her family, was fired in August 2005 for refusing her boss' last-minute demand to stay for a mandatory overtime shift.

Part One: Where Family Values Fear to Tread

Whatever their political persuasion, their religious affiliation, their ideology, or their race, one thing Americans agree on is the importance of family.

Protecting the family, and promoting family values, has been at the core of the conservative movement for a generation. Liberal and progressive leaders, too, have long been loud in their reverence for families. President Lyndon Johnson, who ushered in the Great Society programs of the 1960s, once said:

“The family is the cornerstone of our society. More than any other force it shapes the attitude, the hopes, the ambitions, and the values of the child. And when the family collapses it is the children that are usually damaged. When it happens on a massive scale the community itself is crippled.”

Historians Will and Ariel Durant were more succinct: “The family is the nucleus of civilization.”

To an alarming extent, though, America’s embrace of family values often ends at the workplace door.

On the job, Americans can be and often are subject to harsh and inflexible working conditions that threaten their families’ health and well-being. Unlike any other advanced democracy on earth, and even many developing nations, the United States does not guarantee its workers time off — including paid time — to weather an illness, tend to a sick child, care for a newborn baby or newly adopted child, or escort an elderly or disabled parent to a medical appointment.

Rather, when push comes to shove, employers’ pursuit of profits usually trumps the individual worker’s right to protect the health and safety of his or her family.

When You’re Caring for a Sick Child...

It seems like common sense, common decency. When your child gets sick, you ought to be able to take a day off or two, without losing pay, to care for the child and make sure the he or she is safe. At the very least, you should be permitted to leave work for a couple of hours to take your kid to the doctor.

But for millions of American parents, particularly those at the lower end of the income scale, such common sense and common decency are anything but commonplace.

At the end of her lunch break at an Atlanta day care center in August 2002, Stacey Calvin walked down a flight of stairs from the room where she tended four-year-olds to check in on her own two-year-old son, Jevon, who attended the same facility. “He was sitting on the floor shaking,” Calvin recalls. “I grabbed a thermometer and measured his temperature. It was 104.1.” Immediately, Calvin picked the boy up, carried him toward the door and began dialing her supervisor’s cell phone.

To an alarming extent, America’s embrace of family values often ends at the workplace door.

Calvin’s boss told her to finish the last two hours of her shift — or else. “He said if I clocked out there was a chance I wouldn’t ever clock in again,” she recalls. Despite the threat, Calvin kept right on walking. “As a woman, I can’t take care of somebody else’s child if my child is there shaking and shivering on the floor.” The next day, the supervisor told Calvin he was going to write her up for insubordination, but he later backed down. “He told me, ‘I’m gonna let you off this time,’” Calvin says. (As detailed later, Calvin was less fortunate when she became pregnant with her second child.)

Monalisa Bush, the Milwaukee cable worker, got more than a warning: she was suspended without pay for leaving work to take her asthmatic son for emergency treatment and then taking off two additional days to care for him. “Time-Warner’s concept was, if you get sick, you have to schedule it around your



In January 2007, Jodie Passmore's son Joseph (left) broke his arm. He had to wait two hours for his grandmother to get him to the emergency room because Passmore's manager at this Arkansas cardboard factory refused his request to arrive late to work.

workday," Bush says. "They said it was a professional environment. You're scheduled this day, so you need to be at work — no matter what... They seem to think you can schedule your sick days."

For low-income parents, getting penalized for taking care of your kids is not unusual. In a 2002 survey, researchers at Radcliffe Policy Institute and 9to5, the national advocacy organization for working women, interviewed 97 low-income working parents in three cities: nearly half had been sanctioned at least once by their employers — fired, suspended, denied a promotion, or warned — for taking time off to meet family needs.

For some parents, the fear of being sanctioned — or the inability to forego a day's wages — can trump the health needs of their children.

Before the start of a 7 p.m. to 7 a.m. shift in January 2007, Jodie Passmore called his boss to explain that his son, Joseph, had just broken his arm playing in the yard. Passmore, who works at the same Arkansas box factory as Alan Gales, the worker sanctioned for missing work following his father's heart attack, asked if he could take Joseph to the hospital without being marked with an occurrence for bad attendance. No, Passmore was told, any lateness beyond 30 minutes would be held against him. So Passmore went straight to work, and two painful hours passed before Joseph's

grandmother could scramble home from work and get him to the emergency room.

For many readers, these wrenching stories will come as a big surprise: According to public opinion surveys, 60 percent of Americans believe that workers are already guaranteed paid sick days by law.

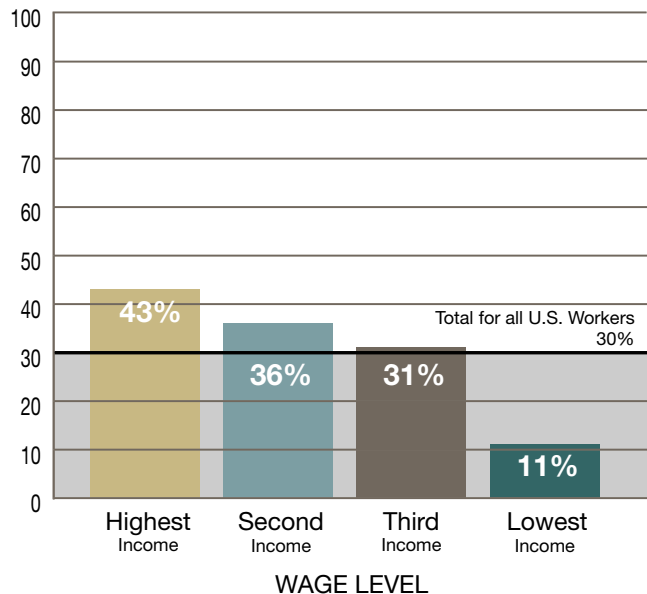
If a poll were taken in Bolivia or Botswana, or anywhere in Europe, this belief would be valid. In fact, 145 of 173 nations worldwide guarantee a minimum number of paid sick days to all workers. In 136 countries, workers are guaranteed at least one week of paid sick time per year.

But here in the United States, there is no law requiring employers to provide paid sick days, and, barely half of all private sector workers nationwide (52 percent) receive them. Among low-wage workers, the share receiving paid sick days is just 21 percent.

Even when workers get paid sick days, they are often permitted to use them only for their own health problems — not to care for a sick child or relative. The Institute for Women's Policy Research estimates that

CARING FOR A SICK CHILD

Percentage of U.S. Workers — and Low-Income Workers — Authorized to Take Paid Sick Days to Care for a Sick Child



Source: Institute for Women's Policy Research, *No Time to Be Sick*, 2004.

nearly 86 million workers — 70 percent of the U.S. workforce — are not covered by leave policies providing paid time off to care for a sick child. Only 11 percent of low-income workers are authorized to take paid sick days to care for a child.

One Maryland mom, whose husband is a U.S. soldier serving in Iraq, recently told the Maryland General Assembly about the struggles she faced when her one-year-old son suffered a series of fevers. Her job with a federal contractor provided sick days if she got ill. But it did not allow her to take sick days to care for her child. “Knowing that I could lose my job, I decided to take my son to day care even though he was still sick,” she told legislators. Soon she was sick herself: “The guilt, the worries, and pain of not being able to fulfill my responsibilities as a parent caught up with me.”

Of course, it’s not only the parents who suffer when children are left home alone or sent sick to school or a child care center. The children suffer as well, as do classmates and teachers exposed to their contagious illnesses — and their family members who may be infected as well.

Medical researchers have found that sick children have shorter recovery periods when their parents participate in their care, as well as better vital signs and fewer symptoms. The presence of parents has been shown to reduce hospital stays by 31 percent and to speed up recovery from outpatient procedures as well.

In one recent study, 40 percent of working parents reported that their job schedules had negatively affected their child’s health — either because they had missed a medical appointment, or because they had allowed an illness to worsen by failing to access timely care.

When You’re Caring for an Elderly Parent or an Ill or Disabled Family Member...

Corean Todd, a single mom in Oakland, California, could be a flagbearer for the sandwich generation: the growing number of adults struggling to care not only for their own children, but also for aging parents.

In 2003, Todd was placed on bed rest for the final two months before the birth of her first child. While

on bed rest, she received short-term disability benefits through her employer, an insurance carrier. But days before giving birth to a baby boy on June 19, Todd received a certified letter threatening her job if she didn’t report back to work by July 7 — just 18 days into her child’s life.

Then in November 2006, Todd’s 58-year-old father was diagnosed with multiple myeloma, a form of cancer that attacks the bone marrow. Quickly, Todd’s father packed up his Arkansas home and moved to the Oakland area, found a new doctor, and began weekly treatment sessions. Todd accompanied him to the treatments, and she soon ran into trouble with her new employer — a nonprofit agency that supports small, home-based day care providers. (Todd’s previous job disappeared when the company moved to another city.)

“What am I supposed to do? He’s my dad and he needs me. [But I] have a three-year-old to support so I need my job.”

Oakland area mom, Corean Todd, whose employer threatened her job when she took time off to assist her cancer-plagued father.

“When my dad was diagnosed, I brought it to my boss’ attention, and she was okay at first,” Todd recalls. “She said her dad had cancer too.” But after the third absence, Todd was told that she needed to request time off in advance. Todd did, requesting leave each Tuesday for her dad’s treatments. But when her request came back, it had a big circle around the word, “denied.”

Because she’d been at this job only nine months — not a full year as required for protection under the federal Family and Medical Leave Act — Todd’s employer was not obligated to offer her unpaid leave. A supervisor told Todd that if she took off any additional time to care for her father, she could be suspended or terminated. Soon after, Todd arrived 15 minutes late at work for

an unrelated reason. She was swiftly suspended for three days without pay for excessive tardiness — even though she’d never been warned for lateness.

“What am I supposed to do?” Todd asks. “He’s my dad and he needs me.” Then again, she adds, “I have a three-year-old to support so I need my job.”

Rebecca Pipes’ employer, a transitional housing agency in New Jersey, was more sympathetic when she took off three months to care for her mother following a heart attack and stroke in 2005. But because the agency couldn’t pay her for the time off, Pipes had to put her wedding on hold and go into debt. Two years later, she told state legislators, “I am still paying off credit card debt from the months I lived without any income.”

Nationwide, more than 44 million adults provide unpaid care for an elderly, disabled, or chronically ill family member or friend. Of these caregivers, 21 million work full-time and 5 million more work part-time. As America’s population ages, the share of workers who must care for aging parents or other elderly relatives is rising rapidly. The U.S. Department of Health and Human Services estimates that the number of informal caregivers will rise 85 percent between 2000 and 2050.

For those facing illness, disability, or old age, the proximity and support of a family member can provide enormous comfort. Informal caregiving can also be a financial lifesaver — both for families and for taxpayers. The average cost of nursing home care today is \$70,000 per year — a crippling sum for all but the most affluent families, and a big burden for taxpayers when the nursing home resident is poor enough to qualify for Medicaid.

The high cost of nursing homes is one reason why nearly four of every five people requiring long-term care remain at home. The vast majority in home-based care rely exclusively on family and friends — rather than formal care providers.

“Family and other informal caregivers play a critical role in supplying the bulk of long-term care to disabled persons,” the Government Accountability Office (GAO) noted in a 2002 report. The GAO urged that “effective policy must create incentives and

supports for enabling informal caregivers to continue providing assistance.”

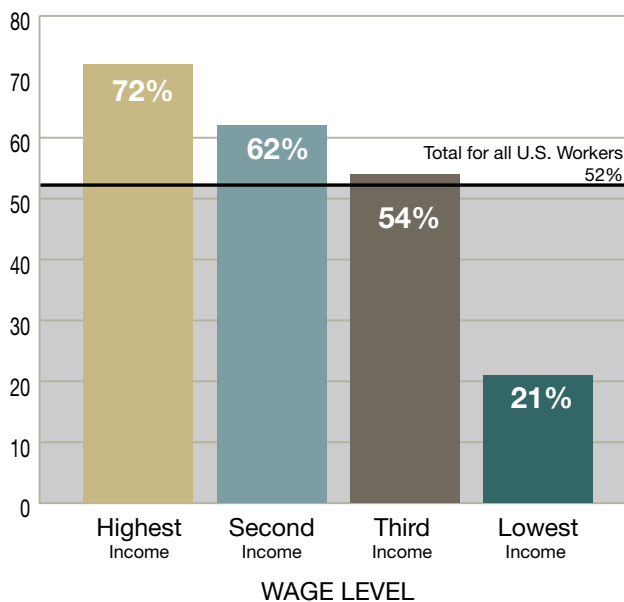
Unfortunately, the reality is often just the reverse. In a 2004 survey, more than 60 percent of employed caregivers reported that their caregiving responsibilities had forced them to miss work, take a leave of absence, or cut back from full-time to part-time work schedules.

The Family and Medical Leave Act, enacted in 1993, allows workers to take up to 12 weeks of leave per year to deal with a personal illness, bond with a newborn child, or help care for an ill or disabled relative. Since 1993, more than 50 million workers have taken job-protected leave under the FMLA law, roughly 20 percent of them to care for a seriously ill spouse or parent.

Yet, FMLA’s utility is limited by two critical gaps. First, as Corean Todd learned, the law covers only workers employed by companies employing 50 or more people and those who work at least 25 hours per week and have been with their employer at least 12 months — leaving more than half of the private sector workforce unprotected. Second, the leave is entirely unpaid, making it an unrealistic option for many workers.

PAID SICK DAYS IN THE UNITED STATES

Percentage of Private Sector Workers in the U.S. Covered by and Eligible for a Formal Paid Sick Days Policy, By Wage Level



Source: Heidi Hartmann, Institute for Women’s Policy Research, Testimony Before the U.S. Senate Committee on Health, Education, Labor, and Pensions, February 13, 2007.



Dana Wilson lost her job with a Milwaukee insurance company in 2006 for taking time off work to care for her ailing 77-year-old father.

According to a national survey in 2000, 78 percent of the roughly 3.5 million eligible workers who needed but did not take family or medical leave said they didn't apply for leave because they couldn't afford to lose their income.

Though she lives on a tight budget, Milwaukee resident Dana Wilson did

seek unpaid leave in 2006 after her 77-year-old father began suffering health problems — a cyst on his liver, stomach pains, breathing problems, headaches, and other ailments. Wilson felt she needed to accompany her father to his medical appointments. “He’s always been there for me,” she says, “so whenever he needs me I’m there.”

But her employer, a local insurance company, felt differently. “They basically told me it was your father or your job.”

In September, Wilson’s supervisor warned her not to miss any more work. The company’s Human Resources department told Wilson that she didn’t yet qualify for FMLA, she recalls. “‘If you hang in there a little longer,’ they said, ‘it’ll be a year and then we can help you.’”

But Wilson was unable to “hang on.” Early one November morning, Wilson took her father to the hospital before work. He fell down in the entryway to the hospital and became disoriented, and Wilson stayed to take care of him. She never worked another day for the company.

Before she could find a new job, Wilson was evicted from her apartment and fell far behind on her utility and car payments. “It makes no sense to me that you have to be on the job for one year, and then unplanned events can happen in your life,” she laments.

When You’re Coping With Your Own Health Problem...

In May 1996, guests at the Hilton resort and casino in Reno, Nevada, began falling ill. Really ill. They vomited, suffered diarrhea. Not just a few of them, but more than 600. The victims included infants, children, and pregnant women. Scores were rushed to nearby hospitals for intravenous fluids. Others collapsed, and one guest suffered a stroke.

Where did this illness, later identified as a “norovirus,” come from? An investigation by the local county health department and the U.S. Centers for Disease Control and Prevention traced the outbreak to the Hilton’s own employees.

Like many hotels and casinos, the Reno Hilton did not offer its workers any paid sick days. Moreover, that very month the Hilton had instituted a new attendance policy assigning workers a demerit every time they called in sick. New workers were to be terminated if they missed more than three days in an initial 120-day probation period. The new rules also required workers, many of them uninsured, to produce a doctor’s note whenever they missed a workday due to illness.

Just one of every seven food service workers (15 percent) has access to paid sick days.

Once the outbreak began, Hilton managers ordered workers to remain on the job even if they caught the virus. Some supervisors threatened to fire employees who refused to keep working despite their symptoms. In all, 55 percent of the 365 employees who became infected continued to work during the outbreak — helping spread the illness to countless more hotel guests.

While harsh attendance policies and the lack of paid sick days don’t often reap the havoc and suffering experienced in Reno, the same dynamic plays out on a smaller and less dramatic scale thousands of times every day.

Nationwide, just 15 percent of food service workers receive paid sick days. As a result, despite the dangers of infecting their customers, countless waiters, cooks, busboys, and fast food workers routinely show up to their jobs sick.

Carrie, an Applebee’s waitress in South Portland, Maine, was forced to work a double shift in December 2006, despite being sick. She pleaded with her manager to let her go home at the end of her first shift, but he refused because the restaurant was short-staffed. Carrie suspected that the supervisor didn’t believe she was really ill, but that changed quickly when — half an hour into shift number two — she began vomiting in front of the customers.

Nor is the problem limited to the restaurant, accommodation, and food service industries. Just 18 percent of construction workers and 22 percent of security guards get paid sick days. By contrast, more than four of every five workers in law, management, architecture, or engineering get paid when they stay home ill. Overall, 42 percent of all employees in the United States — and 48 percent of all private sector workers — do not receive paid sick day benefits.

Stacy Colvin's doctor said she could go back to work in her last month of pregnancy, but her boss refused, telling her that “women don’t know their limitations.”

Among those with the lowest earnings, only 21 percent get paid sick days. Contrary to popular perceptions, this group is not made up of middle-class teenagers flipping hamburgers after school. Nearly half of all low-wage workers nationwide are married or in a committed relationship, and nearly half of low-wage working women have at least one child at home under the age of 18. In 2004, the Urban Institute reported that fewer than half of all workers living below the

SICK DAYS LAWS IN THE WORLD’S TEN MOST COMPETITIVE ECONOMIES

Rank	Country/Economy	Sick Days Required	More than 10 Days/Year
1.	Switzerland	YES	YES
2.	Finland	YES	YES
3.	Sweden	YES	YES
4.	Denmark	YES	YES
5.	Singapore	YES	YES
6.	United States	NO	NO
7.	Japan	YES	YES
8.	Germany	YES	YES
9.	Netherlands	YES	YES
10.	United Kingdom	YES	YES

Source: Jody Heymann, McGill Institute for Health and Social Policy, Testimony Before the US Senate Committee on Health, Education, Labor and Pensions, February 13, 2007.

poverty line receive a single day of paid time off for illness, vacation, or holidays each year.

From 2003 until last year, Naomi Nakamura, an unmarried 20-something in San Francisco, worked in a local video shop that didn’t offer paid sick days. “A lot of people showed up for work sick — I know I did,” says Nakamura, whose job also failed to provide health insurance. “I often spent my breaks lying down on the couch, popping over-the-counter drugs.”

Once, Nakamura caught a sore throat from a co-worker. Knowing how much it could cost her, Nakamura held off going to the doctor for several days. When the illness persisted, Nakamura dragged herself to an emergency room and then took two days off — unpaid — while the antibiotics took effect. After that, she headed back to the video store, still sick, because she couldn’t afford to miss any more work.

On another occasion, Nakamura ran a 103-degree fever for several days before visiting a doctor. The tests and medications cost her upwards of \$3,000 — all of which went on her credit card. On top of that, Nakamura was too sick to work and lost a full week’s wages.

When You're Having a Baby...

"Bringing a new life into this world, my only concerns should be my child's health: 'What pediatrician will I use? What will her name be?'" muses Stacey Calvin, the Atlanta child care worker. "Not, 'Will I have to put my unborn child's health at risk because I can't afford time off?'"

A few months after defying her boss and leaving work to take her feverish son to the doctor, Calvin became pregnant with her second child. Once again, family values ended at the workplace door.

"It was touch and go the whole pregnancy," she says. First, the center director told Calvin to schedule her prenatal check-ups in non-work hours. The only problem was, Calvin worked from 9:00 to 6:30 every day, and her doctor's office was open daily only from 8:30 to 5:30. "I knew I was risking my job when I scheduled appointments during work," she says. "I had an hour for lunch, which I had to use to run — and I do mean run — to my doctor."

Then, when she was eight months pregnant, Calvin slipped and fell on the stairs before work. Calvin began to feel some cramping, but she got herself to work just 15 minutes late and worked the entire day. In the evening, she visited the emergency room, and the doctor told her to take a day off as a precaution.

When Calvin did, her boss called and told her not to work again until after her baby was born. Calvin said she wanted to continue, she recalls, but he refused, telling her that "women don't know their limitations."

Calvin's suspension violated the Pregnancy Discrimination Act, which requires that expectant mothers and their doctors, not employers, decide what's in the mother's and child's best interests. Yet, because the employer claimed to have fewer than 15 employees, Calvin was not protected. Instead, she found herself out of a job, with no income, with a child at home and one on the way.

MATERNITY LEAVE AROUND THE WORLD

■ Nations Which Do Not Provide Some Form of Paid Maternity Leave for Working Mothers



Source: Work, Family & Equity Index, 2007: How Does the U.S. Measure Up?, McGill Institute for Health and Social Policy, plus updated information from Dr. Jody Heymann, Director, McGill Institute for Health and Social Policy.

Calvin's tribulations illustrate the enormous but often camouflaged cost incurred by many American working women — financially, professionally, and emotionally — when they become pregnant and bear a child. Even for those employed by firms large enough to be covered by the Pregnancy Discrimination Act — and the Family and Medical Leave Act — the legal protections for pregnant workers remain strikingly weak.

■ *Unless she qualifies for and is willing to accept unpaid leave under the Family and Medical Leave Act, there is no law to prevent an employer from firing a worker who cannot fulfill all the responsibilities of her job due to pregnancy.*

By the time Tricia Gooding became pregnant in 2000, she'd been working for the Portland (ME) *Press Herald* for going on 20 years. She began delivering newspapers at age 11. At 19, she became a Circulation Helper responsible for training carriers, mapping delivery districts, and handling other managerial tasks. Though Gooding says she usually worked at least 40 hours per week, the paper classified her as a part-time employee, leaving her ineligible for paid sick days and other benefits.

More than 60 percent of working mothers return to work in less than 12 weeks, and more than half of them don't receive any pay during their maternity leaves.

The lack of benefits became critical when Gooding developed gestational diabetes, a pregnancy-related condition. "I had a tough time and was sick a lot," she says, "but I took very few days off from work for fear of losing my job." Six months into her pregnancy, Gooding's doctor ordered her to limit herself to light duty. But instead of reducing the physical demands of Gooding's work, the paper instead cut her hours in half. Because she and her husband were short of money, Gooding had to work right up to her due date.

When Babies Arrive... Even More Problems

For Tricia Gooding, as for many new mothers, the difficulties continued after childbirth. "I was told that if I did not come back as soon as possible my job would be at risk," Gooding recalls. "My pregnancy was difficult and because of that I was left with a lot of physical discomfort." Nonetheless, she returned to work just three weeks after giving birth. "Despite the pain I was in," she says, "I again did not call into work sick for fear of losing my job all together."

Had Gooding been aware of her rights, she could have requested job-protected maternity leave under the Family and Medical Leave Act, but the leave would have been unpaid — a loss of income Gooding and her husband couldn't afford.

In other nations, such a predicament would be unthinkable. With the exception of Australia, every other advanced nation on earth — and virtually every less-developed nation as well — offers new mothers (and fathers too in many nations) months of paid leave following the birth of a new child. And even in Australia's case, the exception proves the rule. While new Australian parents don't receive paid leave per se, they are entitled to 52 weeks of job-protected leave, plus a one-time government-funded maternity payment worth \$3,600 (tax free).

Here in the United States, parents are guaranteed no such maternity benefit, and only 12 weeks of unpaid parental leave if they're lucky to be among the roughly one-half of U.S. workers both covered and eligible under the Family and Medical Leave Act. As with pregnancy, even those covered by FMLA often suffer.

■ *If a worker takes leave during her pregnancy — either because the physical demands of her job become too taxing or to cope with a medical complication — she may have no right to even a single day of maternity leave.*

Amber Walker, an Iowa truck driver whose job required lifting heavy crates and boxes, was forced into unpaid leave during pregnancy when her employer refused to assign her to light duty. The firm provided Walker a total of 18 weeks of unpaid leave — six more

weeks than required under FMLA. But the leave period ended soon after the baby was born. Walker was fired from her job just six days after giving birth.

■ *When a baby is born prematurely or has other health problems, no law requires employers to provide any paid leave for the mother (or father) or to provide unpaid leave beyond the standard 12-week period stipulated in the Family and Medical Leave Act.*

On a Sunday morning in December 2005, just six months pregnant, Holly Maudsley woke with a headache. The discomfort worsened during the day, and that afternoon Maudsley's husband John drove her to the emergency room. Doctors diagnosed her with HELLP syndrome, a pregnancy-related condition that can endanger both mother and baby, and by 9:00 p.m. they performed an emergency C-section. The baby weighed just one pound, seven ounces. He was taken straight to Neonatal Intensive Care, where he would spend his first four months of life.

Maudsley, a longtime employee of the 3M Corporation, gets far better leave benefits than most

Americans: three weeks of vacation, sick days, and eight weeks of paid maternity leave after a caesarian birth, plus up to three months of additional unpaid leave to bond with a new child.

But even with this generous benefit package, Maudsley struggled. Because the baby would need her when he left the hospital, Maudsley went back to work just eight weeks after the birth, in order to save her paid maternity leave. That left her scrambling between the office and hospital at least twice a day. "I found it really stressful," she recalls.

When the baby finally left the hospital, Maudsley began three months of maternity leave — eight weeks of it paid. But the family would have faced another crisis at the end of that period had they lived anywhere but California, which passed a law in 2002 providing paid leave for workers to bond with a new baby or care for an ill or disabled relative — the first such law in the nation.

Funded through worker contributions to the state's temporary disability program, the program offers 60 percent of a worker's salary for up to six weeks. The

Servants, Masters, and the Unbalanced Scales of American Justice

Why do workers so often find themselves powerless against their employers when they seek time off to convalesce from an illness or to deal with a family health crisis?

The answer can be traced in part to the year 1877, when a legal scholar named Horace Wood penned an essay that has since become the bedrock of American employment law. In the essay, entitled *Treatise on the Law of Master and Servant*, Wood invented an entirely new legal concept of "at-will employment," which was quickly adopted across the nation and has been interpreted by courts to allow employers to fire any worker at any time "for good cause, for no cause, or even for cause morally wrong." Thus, at-will employment shields non-unionized employers from the basic responsibilities of good faith and honest dealing that are upheld in virtually every other area of contract law.

Consider the case of Joanna Upton, a single mother in Cape Cod who took a new job in the early 1990s managing an office supplies store. Before taking the job, Upton was assured that her workdays would span from 8:15 to 5:30, with overtime required perhaps once or twice per month. In fact, the job required Upton to stay until 6:30 or 7:00 p.m. each night, and — once the store was taken over by new owners a few months later — Upton was ordered to work until 9 or 10 p.m. every night, plus every Saturday, for at least several months. When Upton refused, citing the need to care for her son, she was fired.

Upton filed a suit against the employer for wrongful termination. When the case reached the Massachusetts Supreme Court in August 1997, the justices granted summary judgment in favor of the employer, dismissing Upton's suit. The court expressed sympathy for workers "reconciling parental responsibilities with the demands of employment," but ruled that parents had no rights to hold employers accountable "in the at-will employment context."

Maudsleys' budget was stretched thin already, and the paid leave program provided the financial cushion needed for Maudsley's husband to take off an additional six weeks in June and July 2006.

"Because the safety net was there, we were able to make the choices to be with him," Maudsley says. "It was incredible. Once [my husband] took the time to be with him, I could see a marked difference. He was able to form that bond."

■ *Despite the proven health advantages associated with breastfeeding, no law requires employers to accommodate mothers who need to pump milk at the workplace in order to sustain breastfeeding.*

Medical research has clearly established that breastfed children are less susceptible to allergies, diarrhea and other digestive ailments, respiratory infections, Sudden Infant Death Syndrome, and juvenile diabetes. For mothers, breastfeeding lowers risks for osteoporosis

"My parent didn't come to my sixth, seventh, or eighth grade award night," he wrote. "The only day my parent came to my school was when my mother first registered me. That's the first and last time my parent came to school.... My mom couldn't come to my award night because of her job. If they find out that she is not there she would be fired from her work.... I can't remember the last time my mom came to my school for something, good or bad."

Qasim Ghulam-Ali, an Afghanistani immigrant who attends 8th grade in DeKalb County, Georgia

and hip fractures as well as breast, ovarian, and cervical cancers. Yet U.S. courts have repeatedly rejected discrimination claims made by new mothers against employers who prohibited them from using a breast pump on the job.

In September 2006, the *New York Times* reported the experience of Tacoma dental hygienist Marlene Warfield. Soon after she began bringing a breast pump to work, her boss wore a Halloween costume consisting of a silver box with a cutout labeled "insert breast here." In addition to mocking her with this breast pump costume, the dentist told Warfield to stop bringing her pump to the office. She soon quit the job and complained to a local human rights agency, but she learned quickly that none of the dentist's actions were illegal.

■ *Perhaps the most important gap facing parents of newborns is the lack of any right to paid leave following childbirth.*

Overall, less than half of all employed new mothers — and just one-third of new mothers without any college education — receive any pay at all during their maternity leaves. Among workers who become pregnant (or whose spouses become pregnant), only about one in twelve continues to receive a salary from their employer while on maternity or paternity leave. Two in five working women are covered by short-term disability policies (which typically provide new mothers with the equivalent of three-to-six weeks of their normal income while recovering after childbirth).

When You're Trying to Support Your Child's School Success...

"The evidence is consistent, positive, and convincing," concludes a recent 241-page synthesis of research on parents' impact on children's educational success. "Families have a major influence on their children's achievement in school and through life," the authors reported. No matter their income or background, the study found, students with involved parents, were more likely to:

- earn higher grades and test scores, and enroll in higher-level programs
- be promoted, pass their classes, and earn credits
- attend school regularly
- have better social skills, show improved behavior, and adapt well to school
- graduate and go on to postsecondary education

However, despite our nation's stated goal to "leave no child behind," many parents are routinely prevented from participating in parent-teacher conferences and other school events by employers.

Or like Vickie Underwood — the Atlanta-area parent who was dismissed for refusing a mandatory overtime shift in order to enroll her kids in school and after-school programs — parents are forced to put their jobs on the line to meet their children's educational needs. (After filing a union grievance, Underwood was

ultimately reinstated by her employer. But not until a year had passed and a year's wages were lost.)

Qasim Ghulam-Ali, an Afghanistani immigrant who attends 8th grade in DeKalb County, Georgia, recently won a writing contest for his essay lamenting his mother's inability to visit his school and participate in his education.

"My parent didn't come to my sixth, seventh, or eighth grade award night," he wrote. "The only day my parent came to my school was when my mother first registered me. That's the first and last time my parent came to school.... My mom couldn't come to my award night because of her job. If they find out that she is not there she would be fired from her work.... I can't remember the last time my mom came to my school for something, good or bad."



Child care worker Stacey Calvin's supervisor threatened to write her up for insubordination in 2002 when she left work to take her son, Jevon (right), to the doctor with a 104-degree temperature.



After their baby boy arrived three months early in 2005 weighing one pound, seven ounces, John and Holly Maudsley took advantage of California's first-in-the-nation paid family leave law to take extra time off to care for him.

Part Two: A Flexible, Family-Friendly Workplace — The Case for Government Action

As these disturbing examples make clear, many workers in the United States are routinely denied the time and flexibility they need to take care of their families while doing their jobs.

These stories challenge our deep-seeded beliefs in family and in fairness. Taken together, they underscore the reality that while reconciling the demands of work and family has become an urgent challenge for most households, and a harrowing tightrope walk for many, our nation's laws have not kept pace.

The American family has experienced a seismic cultural shift over the past half century as an unprecedented wave of women — and especially mothers — moved out of the home and into the workforce. Most of this shift has occurred since World War II. Yet America's central labor law remains the Fair Labor Standards Act — written in 1938.

- As it has for 70 years, the Fair Labor Standards Act requires employers to pay hourly workers time and a half for overtime; but no law stops employers from demanding that a worker remain for mandatory overtime — even if the worker, a new mother, is given just an hour's notice and her infant is sitting in a day care center that's about to shut its doors.

- Likewise, the Fair Labor Standards Act prohibits employers from hiring child laborers; but no law prevents employers from turning teenage children into unpaid child care workers by refusing even to consider a working parent's request to start his workday early, so he can be home with his younger children after school.

- No federal — and only one state — law ensures paid leave when a worker's child or elder parent falls ill and she needs time off to provide care.

What workers in the United States want today, what families need, are additional employment laws that complement the basic workplace protections

guaranteed under the FLSA. These rules should ensure working adults at least a handful of paid days off each year to handle routine illnesses and also the right to take leave or reduce work hours temporarily when faced with major life events like the birth of a new child, a diagnosis of cancer, or the tragedy of an elderly parent with Alzheimer's.

For the six reasons detailed below, IT'S ABOUT TIME for our government to step in and update the social contract between employers and workers. IT'S ABOUT TIME to rewrite our laws in ways that acknowledge the needs of families and address the realities of our new, dual-income workforce.

Family and medical leave protection remains an empty promise for those who cannot afford to forego their paychecks.

REASON #1: Not Many Families These Days Have a Wife At Home Full-Time

The entry of married women and mothers into the workforce has radically altered America's economy and reduced the time available to take care of family needs.

The numbers speak for themselves. At the turn of the last century, in 1900, less than 6 percent of all married women in the United States were in the labor force. By 1950, that figure had climbed to 24 percent. In 2000, labor force participation among married women was 61 percent.

The shift has been particularly dramatic for married women with children, especially those with young children. Back in 1950, just 12 percent of married mothers with children under age six participated in the labor force. By 2005, three-fifths of married moms with young children — 60 percent — were part of the labor

force. From 1975 to 2001, the average number of hours worked nationwide doubled among married mothers with children under six.

Meanwhile, the prevalence of single-parent families has mushroomed from 13 percent of all families with children in 1970 to 32 percent in 2003. Single parents — mostly mothers — are also working many more hours today than in past years.

Why the increase in women’s work participation? The trend has been powered primarily by two factors:

Pent-up demand among women for career opportunity and economic independence. Through most of American history, women were subjected to pervasive and punitive workplace discrimination. They were segregated into low-paying professions (teaching, nursing, clerical), paid less than men for the same or similar work, and expected to leave the workforce as soon as they had children. Often, getting married was enough to disqualify a woman from employment. As these barriers receded, many more women sought to develop

Wanted: Quality Part-Time Jobs

In July 2007, the Pew Research Center released a survey asking a representative sample of U.S. adults “what would be the ideal situation for you—working full-time, part-time, or not at all outside the home?” The response was striking: half of all mothers with children under 18 identified part-time work as the ideal option, including one-third of non-working moms and half of moms working full-time. Only 20 percent of mothers — and just 29 percent of mothers employed full-time — called full-time work their ideal option.

Yet nationwide, only one-fourth of working mothers — and just one-sixth of mothers overall — work part-time.

Why the disparity? Two reasons.

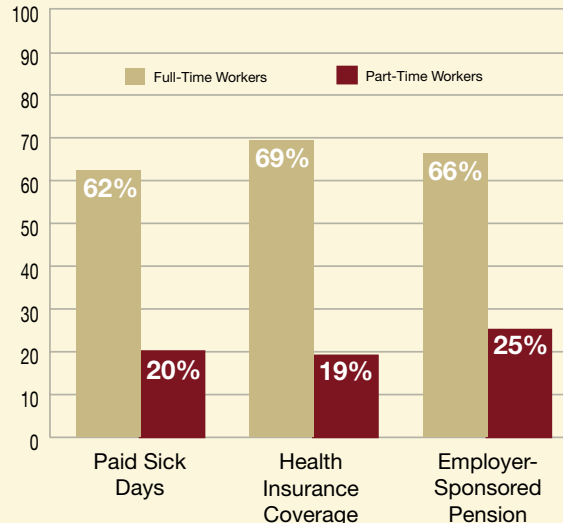
First, part-time workers are paid substantially less and receive substantially fewer benefits than full-time workers for the same work. After adjusting for personal factors such as age, experience, and local wage scales, part-time workers earn \$3.97 per hour less than full-time workers. For women, this part-time wage penalty represents 15 percent of their salaries. In addition, part-time workers are far less likely than full-time workers to receive health insurance coverage (19 percent vs. 69 percent) or pension benefits (25 percent vs. 66 percent) through their employers.

Second, few part-time opportunities are available in many occupational fields. Of the ten leading industries employing women part-time, nine pay less than \$10 per hour (and seven pay less than \$8.00 per hour). Meanwhile, the Institute for Women’s Policy Research has found that among professionals and managers employed part-time, the vast majority “do not receive generous salaries or pensions or health insurance benefits... [meaning that] part-time work involves an enormous financial sacrifice.”

Likewise, men are less likely to work reduced hours, and participate more fully in caregiving, when the wage and benefit penalties of part-time work are severe. In a 2002 survey, the Families and Work Institute found that among all employees who would like to work part-time but do not — men and women — 80 percent said they could not afford to go part-time and/or they would not be allowed to do so.

PART-TIME PENALTY

Percentage of Full-Time and Part-Time Workers Receiving Paid Time Off and Other Benefits



Sources: For Paid Sick Days, Institute for Women’s Policy Research, *No Time to Be Sick*, 2004. For Health Coverage and Pensions, Economic Policy Institute, *Share of Workers in ‘Nonstandard’ Jobs Declines*, 2003.

their talents and pursue careers. Meanwhile, as notions of gender equality spread, fewer and fewer women were willing to remain dependent on their husbands financially or — in the face of a rapidly rising divorce rate — to risk financial ruin should their marriages ever fail.

Economic necessity. Simply put, women's increased work and earnings have been the only avenue available for millions of families to maintain or improve their standard of living over the past 35 years. After rising rapidly in the decades after the Second World War, the typical income of an American man stalled in the 1970s. In fact, the median inflation-adjusted annual income of American men today is no higher than it was in 1973. Women, on the other hand, are earning 80 percent more than they did in the early 1970s — the result of more women working more hours and earning higher wages. Today, the pocketbook realities of most families dictate that the woman of the house has to earn a paycheck.

How to Care for the Children?

Given these societal forces, the dramatic increase in women's labor force participation was probably inevitable — and in many ways beneficial. However, this flood of women into the workforce has created an obvious challenge for parents: how to provide all of the care, support, and supervision their children need.

In 1960, before the women's work revolution hit full stride, 70 percent of children lived in homes with at least one stay-at-home parent. Today, only 30 percent of children have a stay-at-home parent. The changes have been especially acute for infants. In the early 1960s, one of every seven mothers giving birth to their first child (14 percent) was working within six months. In the 1990s, more than half of all first-time moms were working six months after childbirth. In fact, among women employed during pregnancy today, nearly two-thirds (63 percent) return to work in less than 12 weeks.

Contrary to the dire predictions of some critics, the dramatic increase in mothers' work time has not damaged the well-being of this nation's children. Indeed, problem behaviors such as delinquency and drug

addiction have declined substantially over the past generation, while academic achievement has held steady or increased modestly.

Clearly though, American workers are feeling increasing stress as they attempt to manage work and family. In 2002, the Families and Work Institute completed a nationwide study involving some 3,500 American workers — replicating a similar survey conducted 25 years earlier. Not only did the number of dual-earner families increase, but dual-income couples in 2002 also worked substantially more hours than dual-income couples in 1977. In fact, all employees were working longer hours, working faster and harder, enduring longer commutes, and bringing more work home from the job. Not surprisingly, workers with families reported significantly more interference between their jobs in 2002 and their family lives than did similar employees in 1977.

On the job, Americans can be and often are subject to harsh and inflexible working conditions that threaten their families' health and well-being.

REASON #2: The Lack of Time to Care Harms Families

When you look closely at workers most affected by these work-related time pressures — and especially those whose employers don't provide paid time off or flexibility — it's apparent that many families are suffering significant harm.

The most powerful evidence of this harm comes from the wrenching but all-too-common experiences of workers — like those detailed in the previous chapter — who are forced to choose between their jobs and their families.

In addition, the toxic combination of increased work hours and inflexible workplaces has created several disturbing trends:

■ *Newborn children whose mothers return to work quickly have worse health outcomes than other newborns.* Children whose mothers take less than 12 weeks leave after childbirth are less likely to receive regular medical check-ups, less likely to complete their recommended immunization schedule, and less likely to breastfeed than children whose mothers remain home for 12 weeks or longer. These children are also more likely to exhibit problem behaviors when they reach four years of age.

■ *The pervasive lack of flexibility faced by many low-wage workers — and single mothers especially — frequently results in lost income and even lost jobs.* Half of all working mothers nationwide — and nearly two-thirds of low-income working mothers — lose pay whenever they stay home with a sick child. According to Corporate Voices for Working Families, an organization funded by large corporations to examine the needs of entry-level workers



After missing one day of work with pregnancy complications, Stacey Calvin's employer told her not to come back to work until she'd given birth to her daughter, Jaela, leaving her without income for two months.

and their families, "For low wage workers, adjusting one's work schedule often means leaving one's current job and finding another."

■ *Parents who must leave their children unsupervised after school are far more likely to suffer psychological problems when employers don't allow them to adjust their schedules or make family-related phone calls on the job.* Among parents whose kids are home alone after school, those who work in inflexible workplaces are 4.5 times more likely to suffer low psychological well-being than workers in flexible workplaces.

Despite the dramatic change in America's workforce, however, and despite these serious hazards facing America's families, our government has as yet taken little action.

REASON #3: It's the Government's Job

History has shown repeatedly that setting minimum standards to protect workers is a legitimate and necessary role of government.

Consider the list of practices that were once commonplace in our society, considered normal, often justified as essential to our nation's economic health.

■ *Slavery:* In 1860, just before the outbreak of the Civil War, nearly 4 million men, women, and children of African descent were living and working in servitude within the United States.

■ *Child Labor:* As of 1900, 1.75 million children between the ages of 10 and 15 nationwide were working in farms, factories, or other workplaces.

■ *Hazardous Workplaces (without safety regulations or guaranteed compensation for injured workers):* In 1900, an estimated 2 million industrial workers were injured on the job nationwide, and 35,000 workers died in industrial accidents.

■ *Sweatshop Labor Conditions (with no minimum wage or overtime rules):* In 1910, the typical garment worker in New York City's Lower East Side worked 56 hours per week and earned a grand total of \$6 per week (about ten cents per hour).

■ **Employment Discrimination Against Racial Minorities:**

As of 1940, three-fourths of all African-American workers (but only one-eighth of white workers) in Washington, D.C., were employed as domestics, service workers, or laborers; meanwhile only one-eighth of African-American workers (but two-thirds of white workers) were employed as clerks, salesmen, managers, proprietors, or professionals.

■ **Employment Discrimination Against Women:**

A 1938 report from the U.S. Department of Labor found that in clothing, hosiery, candy, cardboard, and baked goods factories throughout the nation, “women in occupations requiring considerable skill or dexterity were paid less than men in the least skilled jobs.”

Over time, as these practices grew more and more dissonant with public values, each was prohibited by government (though, sadly, none has been fully eradicated).

Slavery was banned with the Emancipation Proclamation. The Fair Standards Labor Act of 1938 outlawed most forms of child labor, and it eliminated most sweatshops, too, by establishing the minimum wage and requiring overtime pay for non-supervisory workers. From 1911 through 1921, 46 states passed worker compensation laws to protect workers injured on the job. (By 1948, every state had such a law.) The Civil Rights Act of 1964 banned discrimination on the basis of race and gender. And in 1970, Congress and

the Nixon administration created the Occupational Safety and Health Administration to establish and enforce national workplace safety standards.

Today, it is rare to hear anyone argue that government intervention wasn't necessary and long overdue in all of these cases. Yet, at the time, these reforms were vehemently opposed by many business leaders and public officials. Congressman Arthur Phillip Lamneck, an Ohio Democrat, denounced one proposed reform this way:

“[This bill] would create chaos in business never yet known to us... It sets an all-time high in crackpot legislation. Let me make clear that I am not opposed to the [goals of reform]... What I do take exception to is any approach to a solution of this problem which is utterly impractical and in operation would be much more destructive than constructive to the very purposes it is designed to serve.”

Lamneck, made the argument in 1937 against proposed rules outlawing child labor and establishing a minimum wage. Seventy years later, these humane standards clearly haven't destroyed the American economy.

When it was first proposed in the late 1980s, the Family and Medical Leave Act also sparked vehement opposition from business — as well as two vetoes from the first President Bush after Congress passed FMLA legislation in 1990 and again 1992. In a veto statement, Bush wrote, “I strongly object... to the Federal Government mandating leave policies for America's

The Union Advantage

How can workers gain greater access to paid sick days, paid leave, and other forms of flexibility on the job? One of the best ways is to join a union. Many union contracts include provisions for paid family leave, child care benefits, and flexible work schedules. And with a union contract, workers cannot be fired without just cause.

According to the Bureau of Labor Statistics' National Compensation Survey, 60 percent of union workers had short-term disability insurance through their employers in 2006, versus only 35 percent of nonunion workers — meaning they're more likely to be compensated while out on medical leave to recover from an illness or injury, or on family leave following the birth of a new child. Union workers are also more likely than nonunion workers to have paid sick leave, paid holidays, paid vacations, paid personal leave, and employer assistance for child care.

Unions especially raise the living standards and access to flexibility and paid time off for low-wage workers, who are the least likely to receive paid sick leave or family leave from their employers.

Avoiding a Race to the Bottom

According to Heather Boushey, senior economist for the Center for Economic and Policy Research, the lack of strong government work rules has allowed a perverse form of competition to flourish in U.S. labor markets – a “race to the bottom,” she calls it – among employers afraid to provide more flexibility for workers out of fear that they will lose out to competitors who treat their workers more harshly.

“Relying on the goodwill of employers has meant that many workers, especially low-wage workers, do not have access to any kind of flexibility,” writes Boushey. Government intervention would create a level playing field, she argues. “Employers who offer workplace flexibility should not bear the full costs of implementing good workplace practices, while other employers are allowed to ignore their employees’ needs.”

employers and work force... We must ensure that Federal policies do not stifle the creation of new jobs, nor result in the elimination of existing jobs.”

Since becoming law in 1993, however, FMLA has clearly not been a drain on American job creation. Rather, the United States experienced rapid job creation from 1993 through 2000. And in two national employer surveys conducted since the passage of FMLA, 90 percent of employers reported that the law has had a neutral or positive effect on both their businesses’ growth and their profits.

The far more serious criticisms of FMLA have been its failure to cover nearly half of all workers nationwide, its failure to guarantee any wage replacement so that cash-strapped workers needing family or medical leave can afford to use it, and its narrow definition of family that excludes coverage for workers to care for grandparents, grandchildren, parents-in-law, domestic partners, or siblings.

Indeed, those weaknesses in the FMLA, combined with the harsh treatment of working families documented in the previous chapter, have created yet another deep divide between the realities of the workplace and our values regarding basic fairness.

Given that few families have a stay-at-home parent to care for newborn babies or tend sick children or assist disabled elders...

It simply defies our nation’s values to continue permitting employers to deny workers even a small number of sick days each year.

It defies our values to let employers prevent workers from taking a day off to care for a sick child or two hours to get a prenatal check-up or attend a parent-teacher conference.

It defies our values to withhold paid leave (or even unpaid leave in many cases) for workers to care for a new baby or tend a seriously ill family member.

Likewise, it defies our nation’s values to continue granting employers the unbridled right to fire, suspend, and threaten workers “at will” without any regard for the well-being of families.

As the saying goes, “there oughta be a law.”

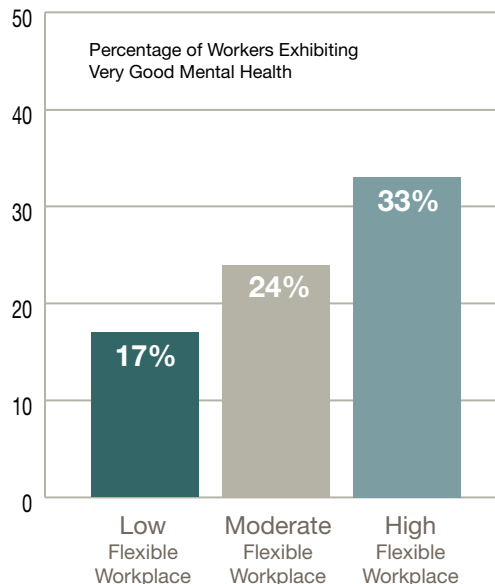
REASON #4: Flexibility Works for Families

Even small doses of flexibility on the job make a large difference in workers’ ability to manage work and family.

In 2002, the Families and Work Institute conducted a national workforce survey asking workers how

FLEXIBILITY WORKS:

Impact of Flexibility on Workers’ Mental Health



Note: Workplace flexibility ratings are based on the availability of 11 specific work arrangements, including flex-time and access to paid sick days to care for a sick child.

Source: When Work Works: A Status Report on Workplace Flexibility, Families and Work Institute, 2004.

much access they had to flexible workplace policies like paid sick days, flex-time, freedom to work from home on occasion, and options for working part-time. The survey also asked workers questions to determine their levels of work-life conflict, mental health, and overall life satisfaction.

The correlations were striking. Workers whose employers offer fewer flexible work arrangements were nearly twice as likely as workers in more flexible workplaces to suffer high levels of work-family conflict. Workers in less flexible workplaces were also far more likely to suffer symptoms of poor mental health and far less likely to report high levels of overall life satisfaction. (See chart on p.22.)

Likewise, a study of parents employed by JP Morgan Chase Bank, the financial services conglomerate, found that parents were half as likely to experience high stress over leaving their children home unsupervised after school when they could: adjust their schedules to deal with family matters; leave work at a regular time each day; rely on their supervisor to be understanding about family matters; make and take telephone calls at work to deal with family matters; or collect information or referrals at work on local after-school programs.

Looking at thousands of low-wage workers employed by large U.S. corporations, Corporate Voices for Working Families found that those in flexible working environments had 45 percent less stress and burnout than workers in inflexible work settings and were 50 percent more committed to their jobs. “The presence or absence of flexibility may be more critical for lower wage workers than other employees because [it] can mean the difference between keeping or losing one’s job, economic security, or poverty,” the study found.

Jody Heymann of Harvard and McGill Universities found that young, low-income women with paid sick days were five times less likely than similar parents without sick days either to leave their child home alone sick or take them sick to school or day care where they might infect other children as well as teachers and other staff. “Availability of paid leave,” Heymann found, “was the key determinant in these parental choices” about whether to stay home with a sick child.

Working with national data, Heather Boushey calculated that women with no more than a high school education who received pay while on leave following the birth of their first child had higher earnings and a

Family-Friendly Workplace Flexibility: Two Win-Win Stories

FIRST TENNESSEE NATIONAL CORPORATION. In the mid-1990s, First Tennessee National, a mid-sized regional bank chain, scrapped many of its scheduling procedures and attendance rules. Instead, First Tennessee began allowing workers to customize their schedules in consultation with their co-workers and supervisors, and the company put 1,000 of its managers through three-and-a-half days of training on work-family balance. The results, *Business Week* magazine reported, were remarkable. Supervisors rated by their employees as supportive of work-family balance retained employees twice as long as the bank average and retained 7 percent more of their retail customers. After making these changes, the company realized a 55 percent gain in profits in just two years.

SAS INSTITUTE. Over the past 30 years, the SAS computer software company has grown from a fledgling start-up with 5 workers and \$138,000 in annual revenues to an industry giant with 10,000 employees worldwide and revenues of \$2 billion. All the while, SAS has offered its workers a generous benefit package and the flexibility they need to care for their families: unlimited paid sick days, at least three weeks of paid vacation per year, plus paid family and medical leave. The standard work week at SAS is just 35 hours per week, and employees are free to take time during workdays to attend medical appointments or their children’s school events. The annual job turnover rate is just 3 to 4 percent – versus an industry average of 22 percent – saving SAS an estimated \$60 to \$80 million per year. Perhaps most telling, despite the volatility of the high tech sector, SAS has turned a profit every year since 1976.

higher employment rate than similar women who received no pay.

Overall, reports the Families and Work Institute, “The importance of supportive work-life policies and practices ... is clear — when they are available, employees exhibit more positive work outcomes, such as job satisfaction, commitment to employer, and retention, as well as more positive life outcomes, such as less interference between job and family life, less negative spillover from job to home, greater life satisfaction, and better mental health.”

However, flexibility programs are not all alike. In many workplaces, workers perceive that shifting to a flexible schedule will dramatically reduce their chances of a promotion or raise, or even put their jobs at risk. In other cases, alternative schedules offered by employers don’t actually allow workers to adjust their schedules around family needs. Real flexibility expands workers’ choices, giving them some control over work schedules without penalizing their compensation, career advancement, or job security.

REASON #5: Flexibility Also Pays Off for Employers and Taxpayers

There is strong evidence that rather than burdening employers, offering paid sick days and other forms of workplace flexibility actually boosts profits. Workplace flexibility also benefits taxpayers and society as a whole.

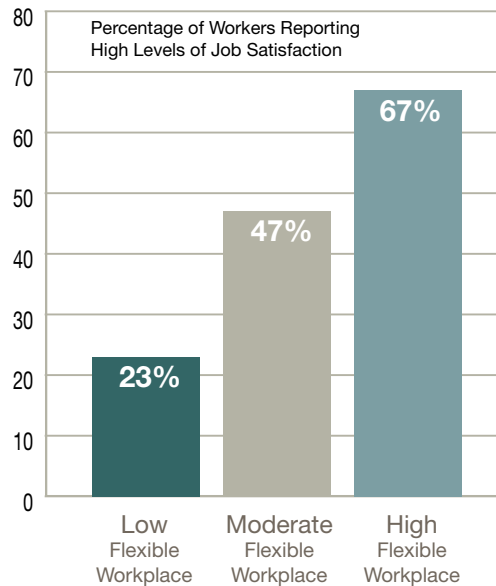
Surveys repeatedly find that workers with a lot of flexibility on the job — paid sick days, flex-time, permission to take time off during the day to address family matters, freedom from mandatory overtime — have far greater job satisfaction than workers with little or no flexibility. They’re also far more likely to stay in their current jobs. (See chart this page.)

That’s not just good for workers: it’s a boon as well for employers.

Each time an employer has to replace a lost worker, it faces two distinct sets of costs. First are direct costs to advertise, recruit, interview, hire, process, orient, train, and supervise the new worker, and perhaps also to pay temporary workers and/or overtime for other workers to pick up the slack before a new worker is hired.

FLEXIBILITY WORKS:

Impact of Flexibility on Workers’ Job Satisfaction



Note: Workplace flexibility ratings are based on the availability of 11 specific work arrangements, including flex-time and access to paid sick days to care for a sick child.

Source: *When Work Works: A Status Report on Workplace Flexibility*, Families and Work Institute, 2004.

Second are indirect costs resulting from lost productivity, lost sales, lost customers, and lower morale among remaining employees.

How much can turnover cost employers? All told, the costs of replacing a salaried worker average 150 percent of the employee’s annual salary. For hourly workers the cost is lower, but still substantial. The Sasha Corporation, a consulting firm, has reviewed 15 studies estimating the cost to replace an \$8 per hour employee. The average for the 10 lowest estimates was \$5,506 per worker. *Harvard Business Review* estimates that Sam’s Club — Wal-Mart’s warehouse shopping subsidiary — spends an average of \$12,167 to replace each lost employee and that the company, which offers minimal flexibility for workers, loses 44 percent of its employees every year — resulting in \$612 million per year in annual employee turnover costs. That compares to just \$244 million for its main rival Costco, which provides far more workplace flexibility (as well as higher wages and better health benefits) and loses just 17 percent of its workforce each year. A 2000 study by the Coca Cola

Retailing Research Council estimated that — due to the high turnover rates — “the annual cost of employee turnover in the supermarket industry exceeds the entire industry’s annual profit.”

Providing paid leave while workers recover after childbirth or care for a seriously ill relative can also reduce costly turnover costs. According to U.S. Department of Labor data, 92 percent of new mothers who receive pay during their maternity leaves return to their old jobs; only 8 percent quit. But among those receiving no pay during maternity leaves, 20 percent don’t return to work.

In addition to reducing turnover, offering flexibility and paid time off rewards employers in others ways.

1. Paid sick days limit the costs of “presenteeism” — the loss in productivity when workers with allergies, illnesses, pain, or other medical problems come to work but cannot perform with their usual efficiency. The *Harvard Business Review* has noted that “presenteeism appears to be a much

more costly problem [for employers] than its productivity-reducing partner, absenteeism.” A 2003 Cornell University study estimated that presenteeism costs U.S. employers \$180 billion every year.

2. Paid sick days also limit the spread of flu and other contagious illnesses to other employees. On average, employees who show up for work with the flu infect 1.8 of every 10 nearby co-workers, and each incidence of flu leads to an average of two missed workdays and at least one more day of sub-par productivity.

3. By sharply improving the mental health of employees, enhanced workplace flexibility reduces the incidence of clinical depression — which is a major cause of lost productivity among workers. A 2003 *Journal of the American Medical Association* study found that depression among workers costs U.S. employers \$44 billion per year — \$35.7 billion in lost productivity on the job, and \$8.3 billion in increased absenteeism among depressed workers.

A Winning Cost-Benefit Equation

In addition to the general evidence that workplace flexibility saves employers money and boosts profits, focused cost-benefit analyses have found that laws requiring paid sick days and creating statewide paid family leave programs are also likely to benefit employers’ bottom line.

Paid Sick Days: In 2005, the Institute for Women’s Policy Research conducted a cost-benefit analysis on a proposal from Senator Edward Kennedy (D-Mass.) to require that all employers nationwide with 15 or more employees offer seven paid sick days to all employees working 30 or more hours per week — either for their own illness or that of a child, parent, or other close relative. The study found that, if implemented, this “Healthy Families Act” would provide sick days for 46 million workers who currently don’t get them, costing employers an estimated \$20.2 billion in wages, payroll taxes, and administrative expenses. At the same time, IWPR calculated that the law would save employers money by reducing presenteeism; limiting the spread of flu, and thereby reduce productivity losses caused by absenteeism; and substantially lowering job turnover rates. Together these benefits would yield savings of \$28 billion for employers, IWPR estimated, eclipsing the costs they would pay to provide sick day benefits.

Paid Leave: Similarly, a cost-benefit study was conducted in 2002 on a proposed version of California’s paid family leave law — the one that enabled John Maudsley to take time off work and care for his seriously premature baby in 2006. (See page 33.) The authors found that by boosting the job retention rates of workers taking family or medical leave, the program would save employers \$89 million per year through reduced worker turnover. And because the California program is funded entirely through employee payroll deductions, this windfall came at no cost to the employers (other than administration).

4. By enhancing employees' job satisfaction and commitment to the job, workplace flexibility can boost productivity. In a recent study involving 1,400 workers, 87 percent of those surveyed (along with 70 percent of their managers) reported that workplace flexibility enhanced on-the-job productivity. When Corporate Voices for Working Families reviewed internal management studies from 29 U.S. corporations in 2005, it found that "individuals who have even a small measure of flexibility in when and where work gets done have significantly greater job satisfaction, stronger commitment to the job, and higher levels of engagement with the company, as well as significantly lower levels of stress" — all of which lead to greater productivity.

Ultimately for businesses, the bottom line on workplace flexibility is literally the bottom line: return on investment. Here, too, the evidence strongly suggests that providing workplace flexibility is a winning proposition. From 1998 to 2006, the companies listed in *Fortune Magazine's* "100 Best Companies to Work for in America" — almost all of which provide extensive flexibility for workers — have seen their stock values grow an average of more than 14 percent per year, compared with an average growth rate of just 6 percent for all companies in the Fortune 500.

"I had a tough time and was sick a lot [during my pregnancy], but I took very few days off from work for fear of losing my job. Then I was told that if I did not come back as soon as possible [after the birth], my job would be at risk."

Tricia Gooding, a newspaper circulation worker in Portland, ME.

Taxpayers and Society Benefit Too

Enhancing workplace flexibility also yields important benefits for taxpayers and society — healthier and better-educated children, stronger families, and more support for the elderly.

In addition to these obvious benefits, recent research finds that:

Paid family leave saves babies' lives. A recent study examining the impact of paid maternity benefit programs in 18 advanced nations found that providing 10 weeks of paid family leave reduces a nation's infant mortality rate by 2.6 percent. In the United States, which suffers 28,000 infant deaths per year, the study implies that a universal 10-week paid parental leave benefit might save more than 700 infants every year.

Paid sick days and family leave lower welfare usage and save tax dollars. The U.S. Department of Labor's 2000 national worker survey found that new mothers who receive any kind of pay during their maternity leaves are far less likely than mothers receiving no maternity pay to end up on some form of public assistance (Food Stamps or TANF). A 2002 study in California estimated that a 12-week paid family leave program would result in 29,000 fewer people per year receiving public assistance benefits in the state — resulting in \$23 million of annual savings for state taxpayers. Because they reduce job turnover, rules guaranteeing paid sick days to all or most workers would also reduce the need for public assistance.

Paid family and medical leave reduces the need for nursing home admissions and the use of formal home health care for workers' elderly parents, lowering the tax burden required to pay for long-term care for the elderly. Economists Courtney Van Houtven and Edward Norton have documented that informal care from adult children significantly reduces the health care needs of the elderly. Specifically, a 10 percent increase in the time spent on informal care — just two hours per month on average — leads to a 10 percent drop in home health care usage and an 8 percent drop in the likelihood that elderly parents will enter a nursing home. Reduced use of home health care and nursing care saves taxpayers by limiting spending for Medicare and Medicaid.

REASON #6: Voters Want Action

Addressing workers' need for paid time off and flexibility presents an enormous electoral opportunity for whichever political party and whichever elected officials take the lead.

In July 2004, just as the presidential election was heating up, Republican pollster Frank Luntz sat down for an interview on PBS television. The interviewer, David Branchaccio, asked Luntz to describe the undecided voters who would determine whether President Bush would be reelected or, instead, John Kerry would become the 44th president of the United States.

"First off, they tend to be female and not male," Luntz said of the roughly two million still-undecided voters living in pivotal swing states. "They tend to be younger... They tend to be working women who are both trying to raise a family and hold down a job..."

"And I'll tell you something about these women," Luntz continued. "The number one issue to them is not education, it's not health care, it's not budgets, it's not even the war... [It's] the lack of free time. The number one thing that matters to them is that they don't have the time that they want for their job, for their kids, for their spouse, for themselves, for their friends. The issue of time matters to them more than anything else in life..."

"And right now no one has created ... what I would call the free time agenda. So it's up for grabs. Just like these swing voters are."

Luntz is not alone in this assessment: Democratic political consultant Tom Freedman has described the struggles of "juggler families" trying to balance work and family as "a

sleeper issue" that "both political parties ignore at their peril."

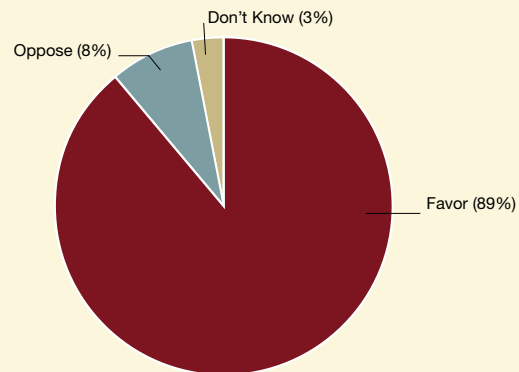
When you consider public opinion, it's hard to disagree. In June 2007, the national polling firm Lake Research Partners conducted a telephone survey of 1,200 voters nationwide, probing their beliefs and preferences on family-friendly work rules. By a ratio of 89 percent to 8 percent, surveyed voters favored "a basic

U.S. VOTERS SUPPORT FAMILY-FRIENDLY WORKPLACE REFORMS:

Results of a June 2007 Nationwide Poll of 1,200 Likely Voters

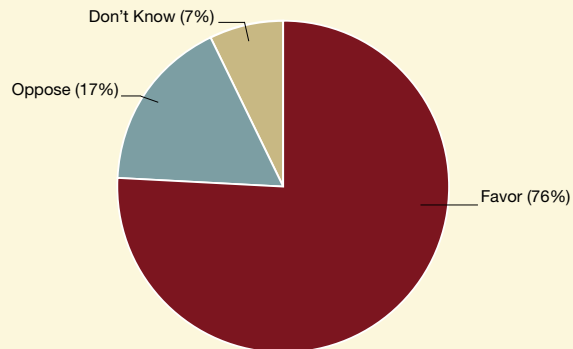
PAID SICK DAYS FOR ALL WORKERS

Voters response to the question: "Overall do you favor or oppose a basic labor standard that would guarantee all workers a minimum number of paid sick days to care for themselves or immediate family members?"



PAID FAMILY AND MEDICAL LEAVE

Voters response to the question: "Would you favor or oppose expanding the Family and Medical Leave Act to offer PAID family and medical leave for a set number of weeks paid for by both the employer and employee, at an average cost of \$1 for the employer per week and an average cost of \$1 to the employee per week?" The response was similar when the option was "paid for by the employee at an average cost of \$2 per week."



Source: Lake Research Partners

labor standard that would guarantee all workers a minimum number of paid sick days to care for themselves and/or immediate family members.” When told the details of a paid sick days law currently before Congress, the polled voters supported the proposal by a similarly overwhelming margin (87 to 10).

In the poll, voters also expressed overwhelming support — 76 percent in favor; 17 percent opposed — for expanding the Family and Medical Leave Act to provide income for workers out on family or medical leave funded through contributions of \$2 per week per employee shared by workers and their employers. (By an almost identical margin, voters also supported paid leave if the \$2 per week is paid entirely by workers.)

“The presence or absence of flexibility may be more critical for lower wage workers than other employees because [it] can mean the difference between keeping or losing one’s job, economic security, or poverty.”

As the table on page 29 illustrates, a host of other recent polls have yielded similar outcomes both at the state level and nationally. In every survey, a strong majority of voters say that every employee should be entitled to sick days, and that government should require employers to provide them. Though women are more supportive than men, minorities are more supportive than whites, and low-income voters are more supportive than those with higher incomes, a majority of voters in virtually every demographic support a guarantee of paid sick days. Likewise, a strong majority of voters believe that so long as the costs are borne at least partly by workers or government, rather than employers alone, all workers should be entitled to paid leave to bond with a newborn child or care for a seriously ill family member.

The Right Side of History

In addition to these powerful polling data, history also suggests that work-family reform can be a potent political issue.

During the 1992 presidential campaign, candidate Bill Clinton highlighted his support for family and medical leave legislation in virtually every stump speech. Karen Kornbluh, a former Clinton administration official and a leading advocate for stronger family leave legislation, recalls that the need for family and medical leave was candidate Clinton’s “best applause line.” Clinton and his running mate, Al Gore, frequently derided President Bush for vetoing the FMLA bill approved by Congress both in 1990 and again in late September 1992, just six weeks before election day, arguing that a president who cares about family values needs to “show that he values families.”

Stung by the criticism, Bush issued his own last-minute family leave proposal, encouraging (but not requiring) employers to provide leave and offering tax credits to help small businesses whose employees take leave. But the proposal generated little public enthusiasm. When election day arrived, Clinton strode to victory thanks in large part to his majority support from married women — a key swing voting group. He signed FMLA into law just three weeks after taking office.

Today, balancing work and family remains a serious personal concern for most voters. In this age of political polling, campaigns strive every day to win voters to the belief that their candidate “cares about voters like me.”

What better way to earn voters’ trust than to show concern for their struggles to care for their families while doing their jobs? What better chance to earn voters’ goodwill than to promote workable solutions to the ubiquitous time squeeze? What better opportunity to be on the right side of history and to cement a working family voter base for a generation?

It’s About Time!

VOTERS WANT ACTION:

Other Recent Public Opinion Surveys on Paid Sick Days
and Paid Family and Medical Leave

National

Polling Organization	Year	Question	Percentage Support
Wall Street Journal Online/Harris Interactive	2007	Favor a proposal “requiring all employers to provide paid sick time based upon the number of hours the employee has worked during that year.”	80%
National Council for Research on Women	2006	More likely or less likely to support a candidate who supports a law requiring employers to provide paid sick days for all workers	By a 3:1 ratio, voters more likely to support candidate who favors paid sick days policy
Peter Hart Research Associates and Wirthlin Worldwide	2004	Require employers to provide paid sick days	77% of all voters 81% of low-wage workers
Lake Snell Perry & Associates	2002	Believe it’s “very important” or “somewhat important” to strengthen family and medical leave laws	Working women: 88% Men: 85%

State and Local

State	Year	Question	Percentage Support
Washington State	2007	Support a statewide insurance program to provide partial wage replacement for workers on family and medical leave	73%
New Jersey	2006	Support a statewide insurance program to provide 12 weeks of partial wage replacement for workers on family and medical leave	78%
New York City	2006	Support a law requiring employers to provide at least seven paid sick days for all full-time workers	70%
New York City	2006	Favor a new program offering up to 12 weeks of paid leave for workers caring for a new baby, newly adopted child, or seriously ill family member	69%
Wisconsin	2006	Favor a law requiring all employers to provide at least one week of paid sick days each year	80%
Maryland	2006	Favor a new requirement that “workers should be allowed to use their sick days to care for their families”	85%
California	2003	Workers should be guaranteed a portion of their pay when they’re out on family or medical leave	85%



After needing bed-rest during the last two months of her pregnancy, Corean Todd was ordered back to work by her employer just 18 days after the birth of her child.

Part Three: A Policy Agenda to Promote Flexible, Family-Friendly Workplaces

American workers want, American families need, and the American economy can easily afford a set of minimum basic standards for family-friendly work.

Working parents need the opportunity to take a few weeks off after the birth of a child without losing their entire income, and they need the freedom to take a paid day off on occasion when their child gets the flu. The American economy can easily afford to grant workers the right to partially paid leave when a new child arrives or an elderly parent falls ill or needs care after a surgery. In fact, the latest research suggests that government rules requiring paid sick days and paid family or medical leave boost productivity and save employers more in reduced turnover and “presenteeism” than they cost in lost pay and work output.

Our values demand reform, voters overwhelmingly support reform. It’s about time.

Defining a Minimum Standard for Workplace Flexibility — A Modest Proposal

In Europe and throughout the advanced industrial world, workers can rely on a host of benefits and protections to balance their work and family lives far beyond those available to most Americans. Other than the United States, every advanced industrial nation provides extended leave for new parents — anywhere from 14 weeks to three years — along with continuing income and/or a generous maternity benefit. Every advanced nation guarantees paid vacation and holidays for its workers (often four to six weeks per year), along with a generous allotment of paid sick days. No advanced nation except the United States follows the “at-will” employment standard allowing employers to fire workers for any reason or no reason with or without any advanced notice or severance pay.

While the economic impact of those work rules is subject to debate among economists, these expansive rules have not ground the economies of other advanced nations to a halt or prevented their citizens from maintaining a decent standard of living. The laws

have allowed workers in these other advanced nations to avoid many of the conflicts between job and family that commonly plague American workers.

Here in the United States, advocates are seeking a much more modest set of minimum standards — rules that would have little or no affect on the many employers who already provide some time off and flexibility for their workers, but would assure that employers who are out of step with American values move onto a level playing field.

Specifically, a minimum standard for workplace flexibility would include four core elements:

- (1) guarantee a minimum number of paid sick days for all workers;
- (2) increase the share of workers guaranteed coverage under the Family and Medical Leave Act by extending the law’s provisions to more employers;
- (3) establish family and medical leave insurance programs that provide full or partial pay for needy workers while they’re out on leave to recover from an illness or to care for a new child or seriously ill relative; and
- (4) guarantee working parents the right to take a few hours off work each year to participate in parent-teacher conferences and other events at their children’s schools.

In addition to these minimum standards, Congress (or state legislatures) should seriously consider a new law granting workers the right to formally request flexible work schedules from their employers — a process that has proven highly successful in the United Kingdom since it was enacted in 2003. And over time, several other steps would also be beneficial for families.

PRIORITY RECOMMENDATION #1: Paid Sick Days

A sensible law to ensure paid sick days should include several features:

- A meaningful but limited number of days for all full-time workers. For instance, Senator Edward Kennedy’s proposed Healthy Families Act would require seven days per year for full-time workers — enough to see workers through an illness or two each year without presenting a major financial burden to employers.

- The right to use sick days not only when workers become ill themselves, but also to care for a sick child or relative or to attend prenatal check-ups, pediatric appointments, and other routine medical appointments.

- Proportionate benefits for part-time employees. Just like full-time workers, those working part-time can ill afford to lose all their income or face sanctions from their employers when they miss work for medical reasons.

- Consideration for very small employers. Though business advocates argue that employers with very few workers will have a hard time meeting the obligation of a paid sick day law, workers in small enterprises should not be left unprotected. However, paid sick day laws can be written to limit the impact on our smallest businesses.

**PRIORITY RECOMMENDATION #2:
Broader FMLA Coverage**

Over the past 14 years, the Family and Medical Leave Act has enabled millions of workers to take needed time away from work to care for new children or cope with medical emergencies. But the law’s inadequacies have always been apparent. Chief among them are restrictive eligibility rules that leave nearly half of all workers nationwide uncovered — particularly the rule that excludes employers with fewer than 50 workers.

As a first step to expanding coverage, Congress should extend the provisions of FMLA to employers with 25 or more workers. A 25-person operation is large enough to sustain operations smoothly if a worker goes on leave, and large enough to handle the modest administrative burdens imposed by FMLA. (In the most recent national survey, virtually none of the employers with 50 to 250 workers reported a serious negative impact from FMLA on either productivity or profits.)

This change would extend FMLA protection to an additional 13 million workers nationwide. In addition, Congress should extend leave protections to part-time workers on a pro-rated basis and grant limited leave rights to workers once they have been with an employer for 90 days.

Also, Congress should expand the uses of FMLA by allowing workers to take job-protected leave to care for domestic partners, adult children, spouses’ parents and children, grandparents, and grandchildren. The current guidelines — which allow FMLA coverage only for a child, spouse, or parent — do not reflect the sometimes complex composition of American families.

**PRIORITY RECOMMENDATION #3:
Family and Medical Leave Insurance**

The second major weakness of FMLA has been the lack of any provision to pay employees while they’re out on family or medical leave. Of the estimated 3.5

**Family and Medical Leave Act:
BOON FOR WORKERS’ HEALTH
BENIGN FOR EMPLOYERS’
COMPETITIVENESS**

Positive Outcomes of Effects of Using FMLA
Percent of Leave-Takers Stating that Leave Had a Positive Effect on Physical Health

Effect on Employee’s or Family Member’s Physical Health	
Quicker recovery time	83.7%
Easier to comply with doctor’s instructions	93.5%
Delayed/avoided need to enter nursing home or other long-term care facility	32.0%
Other effects	17.0%
Number of Leave-Takers Stating that Leave had a Positive Effect on Physical Health	14,513,291

Benign Effects of FMLA on Employers
Percent of Employers Stating that Complying with FMLA Had Positive Effect or No Noticeable Effect

Productivity	83.6%
Profitability	90.2%
Growth	90.3%

Source: *Balancing the Needs of Families and Employers: Family and Medical Leave Surveys, 2000 Update*, Westat, 2001.

million workers nationwide who needed family or medical leave in the previous 18 months but didn't take it, more than three-fourths cited lack of pay as the reason. Moreover, 37 percent of workers who did take FMLA leave cut short their leaves because they couldn't afford to continue.

Family and medical leave protection remains an empty promise for those who cannot afford to forego their paychecks. But many employers would be hard-pressed to continue paying workers on extended leave. Fortunately, there's another option: leave insurance.

For decades, a handful of states (California, Hawaii, New Jersey, New York, and Rhode Island) have operated temporary disability programs providing partially paid leave for workers needing time away from work to recover from medical conditions, including pregnancy complications and childbirth. In 2004, California expanded its program to provide up to six weeks of partial pay for workers requiring leave to care for a new baby, adopted child, or seriously ill family member. California funded this family leave program entirely through employee contributions, deducting an average of just \$2.25 per worker per month.

While other proposals employ alternative mechanisms to pay for family and medical leave insurance, the core concept is simple and appealing:

- Workers who qualify for and take parental or family leave receive partial or full pay for a limited number of weeks.
- This pay is financed through a central, government-administered funding pool like unemployment compensation, workers compensation, or state-run temporary disability programs, with employees funding all or part of the costs through payroll deductions. Some plans also include employer contributions and/or taxpayer subsidies.
- The paid leave is available for a worker's own medical leave, and also to care for a new child or ill family member.

Through this simple approach, our society can provide workers who need time away from work to cope with health emergencies the financial support they need at little or no cost to employers and only a small cost to workers.

A Right to Request Flexible Schedules

How else can we help workers better reconcile their work duties with their family responsibilities while not imposing costly burdens on employers? In 2003, Great Britain pioneered an innovative win-win approach, known as the "right to request." The new law gives workers with young children the right to ask their employers permission to change their work schedules – to reduce their hours, work a compressed work week (e.g., four ten-hour days rather than five eight-hour days), change the time they begin and end their workday (flex-time), or work from home on occasion. In their requests, workers must explain how the new schedule would work and how any inconveniences created by their new schedules could be addressed. Employers must meet with the worker and, if they reject the request, explain why the proposal would impose costs or harm the business.

By 2005, two years after the right to request became law, 22 percent of parents with young children (some 800,000 working parents) had requested a change in their work arrangements. Remarkably, 81 percent of these requests were granted fully or partly, and 80 percent of workers making requests said they were now satisfied or very satisfied with their work arrangements. Meanwhile, employers in the United Kingdom have given the new law favorable reviews. In a 2005 survey, only 14 percent of employers criticized the law as "unnecessary red tape," while more than half said they had seen direct business benefits from the "right to request" law. A large majority (71 percent) of employers reported that it was easy to comply with the new rules. In 2007, the United Kingdom expanded the right to request to workers who are caring for ill or disabled adults.

More Ideas for the Future

The four priority recommendations, plus a “right to request” law, offer an excellent beginning toward creating a minimum standard of workplace flexibility for America’s workers.

But, even if all these laws were enacted nationwide, many workers would still face impossible choices in their struggle to manage work and family — choices no worker should have to make. Following are a handful of additional rule changes that will ultimately be needed to ensure that family values fully penetrate the workplace and that workers are spared the dilemma of choosing between the jobs they need and the families they love.

- Ensure FMLA protection for all workers. While extending FMLA rules to employers with 25 to 49 workers is an important first step, such a change will still leave millions of workers without a right to job-protected leave. Over time, Congress should require all employers to abide by FMLA.

- Guarantee new mothers the right to take breaks in order to breastfeed their babies or express milk with a breast pump, provided they either make up the missed time or lose pay for missed work time. And require larger employers to make private space available for workers to breastfeed or pump. The health benefits of breastfeeding are well documented and considerable – both for babies and mothers. A few states, including California, Georgia, and Tennessee, already have such a rule, but this opportunity should be available nationwide.

- Restrict employers’ use of “mandatory overtime” either by allowing workers to refuse it, or by setting limits on the number of hours, requirements for advance notice, and procedures to resolve disputes when overtime conflicts with family needs. No worker should be punished or fired for leaving work at the end of their scheduled workday when staying would conflict with their family responsibilities.

- End the penalty in pay and benefits faced by part-time workers by ensuring equal compensa-

tion regardless of the number of hours worked. Specifically, a new parity for part-time worker rule should be enacted requiring employers to pay workers a pro-rated share of the salary and benefits they would earn as full-time workers.

- Invest in new public education efforts and create new incentives to encourage the adoption of pro-family work policies. The Center for Law and Social Policy has recommended a national awards program to recognize businesses that adopt family-friendly business practices; a public information campaign and website to popularize the need for and benefits of flexible work schedules; and tax credits to reward businesses for adopting family-friendly schedule and benefits policies. The Progressive Policy Institute has recommended that Congress establish a “Workplace 2020” project to research and promote family-friendly workplace practices.

- Replace the “at-will” employment standard with one requiring “just cause” for dismissal. Currently, when workers are fired, they have no standing to protest unless they have a collective bargaining agreement, or when their dismissal is motivated by unlawful discrimination. Remove barriers to workers’ right to organize and bargain collectively.

- Add “family responsibility” to categories such as race and gender protected under anti-discrimination law. In May 2007, the Equal Employment Opportunity Commission issued an “enforcement guidance” on “unlawful disparate treatment of workers with caregiving responsibilities.” But the guidance made clear that discrimination against caregivers is illegal only if it is rooted in racial or gender bias. Existing law “does not prohibit discrimination based solely on parental or other caregiver status,” EEOC explained. This legal gap needs to close. Our laws should not permit employers to base hiring, pay, and promotion decisions on stereotypes about the dedication and commitment of working parents and caregivers.

PRIORITY RECOMMENDATION #4: Support for School Success

The research evidence is overwhelming: one of the most powerful predictors of children's success in school is the active involvement of their parents. Yet millions of parents are unable to get off work to attend parent-teacher conferences, volunteer or participate in school activities even occasionally, show up for their children's school sports events or performances, or hurry to meet with school counselors when their child is involved in a disciplinary incident.

The problem has an easy, low-cost solution: grant workers the right to take a limited number of hours or days of FMLA leave each year to participate in school activities. Ten states have enacted this type of law, guaranteeing working parents the right to anywhere from 8 to 40 hours per year to attend school activities.

Igniting the Engine of Reform

After years of inaction, state and national political leaders are picking up the mantle of work-family policy reform.

Over the 14 years and seven national election cycles following the 1992 elections, when Bill Clinton made his support for family leave legislation (and President Bush's opposition) a central plank in his drive to the presidency, time to care receded into the background as a political issue.

Despite the deep and growing work-family struggles faced by millions of working families, despite the compelling, affordable, cost-effective policy solutions available, no major legislation passed either house of Congress during this period. None came close. While promising grassroots action campaigns arose in a number of states and began building momentum, few realized major legislative victories before the votes were counted across the nation on Election Day 2006.

Then, suddenly the issue came alive.

In San Francisco, a referendum mandating paid sick days for all workers citywide was approved by 61 percent of city voters — creating the first paid sick day law in the nation.

As Senator Edward Kennedy became chairman of the Senate Health, Education, Labor, and Pensions Committee following the 2006 election, the Healthy

Families Act, which had never received a hearing when it was proposed in 2004 and reintroduced in 2005, moved front and center on the legislative calendar. Kennedy held hearings about the bill on February 13, 2007 — just six weeks into the new congressional session.

Senator Chris Dodd, one of the Family and Medical Leave Act's original sponsors in 1993, has introduced bills to expand FMLA's reach in every congressional session since 1995 — to little effect. But once Dodd took over as chair of a Senate subcommittee on children and families, his proposals began generating momentum — including support from one of the Senate's most conservative members, Republican Ted Stevens of Alaska. Together, Dodd and Stevens have proposed a family leave insurance program that would provide up to eight weeks of partial pay for workers who need family or medical leave but can't afford unpaid leave. In separate legislation, Dodd will propose to expand family leave coverage by requiring employers with 25-49 employees to begin complying with FMLA.

Despite the compelling, affordable, cost-effective policy solutions available, no major legislation passed either house of Congress between 1993 and 2006.

New Media Attention. Together, the San Francisco sick days law and this renewed interest in Congress has prompted a swirl of attention from major media outlets — the first time in years that the news industry has focused on government's potential role in helping American's ease the work-family squeeze. Since the 2006 elections, the *Washington Post* and *New York Times* have run prominent stories about paid sick days and family leave, as have CNN, CBS, and ABC television networks. In May 2007, PBS stations nationwide devoted an hour of prime time to a documentary entitled "The Motherhood Manifesto," which explored the problems of working moms striving to balance job and family.

A Tipping Point for State Action. Arguably the most important action on work-family issues has been taking place at the state level. Since 2002, grass-roots campaigns have come together in a dozen or more states to pursue state-level policy on behalf of time-squeezed workers. These campaigns have different roots, different champions, and different strategies, and their legislative accomplishments prior to 2007 were fairly modest. Only one state — California, with its paid family and medical leave insurance program — enacted a law guaranteeing either paid sick days or paid family and/or medical leave to all or most workers statewide.

Several of the campaigns did enact lesser reforms, and several recruited legislative allies and built substantial momentum toward passage of more ambitious legislation. In 2005, Maine passed a law requiring employers with at least 25 employees to allow workers with paid sick days to use the days to care for a sick family member, not just when they have an illness themselves. Colorado, Georgia, Wisconsin, and several other states considered proposals in 2005 and 2006 assuring workers the right to limited time off to attend parent-teacher conferences and other events at their children's schools.

New rules would have little or no affect on the many employers who already provide some time off and flexibility for their workers. New rules would assure that employers who are out of step with American values move onto a level playing field.

State legislators in Illinois, Massachusetts, New Jersey, New York, Oregon, and Washington State all submitted bills proposing some form of insurance program to provide several weeks of partial pay for workers needing to take family or medical leave.

These state-level efforts began to achieve critical mass in 2007 as state campaigns capitalized on the national mood shift in favor of family-friendly work

policies. Relying on the experience they gained and coalitions they built in prior legislative sessions, several state-level campaigns pushed ambitious proposals through their legislatures.

In March, Washington State passed a family leave insurance program guaranteeing up to five weeks of partially paid leave to new parents — becoming the second state (after California) to offer workers this crucial, family-friendly benefit. Initially, the proposal also provided paid leave for workers to care for seriously ill family members as well, but the bill was scaled back during the legislative process.

In New York, newly elected Governor Eliot Spitzer has lobbied hard for a new paid leave program that would offer 12 weeks of partial pay (50 percent of weekly pay, up to a maximum of \$170 per week) to workers on family or medical leave. The proposal has strong backing in the State Assembly, but as of August 2007, it faces an uncertain future in the State Senate.

In New Jersey, which had narrowly defeated a proposed family leave insurance proposal in 2005, Governor Jon Corzine has endorsed an more expansive family and medical leave insurance proposal that would replace two-thirds of workers' pay (up to \$502 per week) for up to 10 weeks. The bill cleared two committees of the state senate in 2007, and will be taken up by the full state senate and the state assembly in 2008.

Paid leave insurance proposals are also pending in Illinois, Massachusetts, and Texas. In Oregon, a paid family and medical leave bill cleared the state house. But on very the last day of the legislative session in June 2007, the bill fell one vote short of passing the state senate and becoming law.

In the District of Columbia, a proposal requiring all employers to provide up to 10 paid sick days to all workers citywide was introduced with unanimous support in May 2007. With every member of the city council as a co-sponsor, the rule is almost certain to pass in 2007 and will likely take effect in 2008.

New paid sick days proposals are also being debated in the legislatures of Connecticut, Maine, Minnesota, Missouri, North Carolina, and Vermont. In Ohio, the Service Employees International Union is undertaking a signature campaign to place a referendum for paid sick days on the November 2008 state

ballot. A recent poll found that two-thirds of Ohio voters would support the measure. A similar campaign is taking place in the city of Milwaukee.

Conclusion: Why Not Protect and Support Our Nation's Families?

Improved prospects for federal action, renewed media attention, and substantial progress for family-friendly work guarantees at the state level are all welcome developments and long overdue.

Looking forward, the challenge will be to sustain this momentum and transform it into lasting change in our nation's social contract around work and family. Few children today have the luxury of a stay-at-home parent, and millions of workers must care for elderly and disabled relatives. Yet, family needs still weigh less heavily in our nation's laws than employers' right to fire workers at their whim, deny workers any and all paid time off, demand overtime at a moment's notice, and reject out of hand any request for reduced or part-time hours from workers — even when a family's health and safety are at stake.

When new worker protections are proposed, defenders of the status quo commonly put forth several arguments to refute them. But their claims ring hollow.

"Requiring employers to provide sick days and family/medical leave will increase the cost of hiring and destroy jobs." In fact, providing sick days and family/medical leave insurance substantially reduces job turnover as well as lost productivity when employees come to work sick (and infect other employees), both major costs to employers. Many paid leave insurance proposals are funded through employee payroll deduction, so the cost to employers is minimal. Similar criticisms were leveled at the Family and Medical Leave Act when it was first proposed in the late 1980s and early 1990s, but in national surveys few employers have complained that FMLA presents a significant drain on their profits, growth, or productivity.

"New rules requiring sick days and paid leave would damage our nation's competitiveness in the global economy." This argument is belied by two facts. First, of the 20 most competitive national economies as ranked by the World Economic Forum,

19 (all except the United States) offer both paid sick days and paid family and medical leave. Second, the industries with the poorest records of providing sick days and other flexible work conditions in the United States — food service, construction, retail trade — are not subject to international competition. On the other hand, many U.S.-based multinational corporations routinely provide flexible work benefits to foreign workers employed in their overseas offices and production facilities.

"Many employees will abuse whatever leave they are given." National data show that workers receiving paid sick days take an average of 1.8 days per year, just one-half day more per year than workers with no paid sick days. Likewise, passage of the Family and Medical Leave Act has not resulted in a substantial increase in leave-taking by U.S. workers. While it is likely that some individual workers may abuse new leave provisions, a far greater abuse would be to allow employers to continue denying millions of workers the occasional paid time they need to care for themselves and their families when they or a family member falls ill or a serious health crisis strikes.

"Business owners don't need government telling them what to do." With all due respect, history demonstrates that, on occasion, employers really do need government telling them what to do. When employer behavior endangers the public health or contradicts the basic values of society, voters want government to step in and establish standards: banning child labor abuses, ensuring a safe and healthy workplace, preventing discrimination against minorities and women, outlawing sweatshop labor conditions. When employers deny workers paid sick days and flexibility to address family emergencies, their actions conflict with public values and threaten the well-being of American families. In this situation, government intervention becomes not just appropriate but also necessary.

New rules should be crafted to minimize the costs to business. But these concerns should not be an excuse for continued inaction.

If we believe in family values,
it's time to value families.

Part Four: Resources for Action

Family Values at Work: It's About Time!

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ABOUT THIS REPORT

Family Values at Work: It's About Time is a product of the MultiState Working Families Consortium, a partnership of coalitions in eight states seeking to reform workplace rules in ways that support families and benefit workers and their employers. The report was edited by Ellen Bravo, coordinator of the MultiState Consortium, with input from consortium steering committee members, especially Eileen Appelbaum and Sarah Standiford.

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Family Values at Work: It's About Time is being published in conjunction with ACORN; AFL-CIO; A Better Balance; Center for Law and Social Policy; Moms Rising; The National Partnership for Women and Families; 9to5, National Association of Working Women; National Employment Law Project; Service Employees International Union; and Take Care Net.

Research and production of *Family Values at Work* was funded by the Annie E. Casey Foundation. We thank them for their support but acknowledge that the findings and conclusions presented in this report are those of the authors alone, and do not necessarily reflect the opinions of the Foundation. We particularly thank Wendy Chun-Hoon and Connie Dykstra for their invaluable contributions to the report.

Design and Production: Anne Clewell Graphic Design, Baltimore, Maryland; Photography: Leita Cowart, Paul Gachot, Richard Mendel, Stephen B. Thornton; Printing: Woodberry Graphics, Hunt Valley, Maryland.

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September 2007

