



Updated FMLA Survey Results

www.familyvaluesatwork.org

DOL SURVEY FINDS MANY REASONS TO CELEBRATE THE FMLA

[Researchers who conducted the survey](#) found that both employees' use and employers' administration of law appear to have "achieved a level of stability."

The FMLA has been a huge boost for American families.

Thanks to the FMLA, most of those needing leave were able to care for themselves or a family member without jeopardizing their job or health insurance.

Among those eligible, 16 percent used FMLA.

- More than half (57 percent) used FMLA for their own illness.
- 22 percent took FMLA for a pregnancy or new child.
- 19 percent took time to care for a seriously ill child, spouse or parent.
- 2 percent used FMLA to care for a wounded warrior or other reason.

A significant portion of leaves (40 percent) lasted 10 days or less. 70 percent were back at work within 40 days. Only women who took leave to care for a new child reported longer leaves, averaging about 58 days. The average time taken by men for a new child was about 20 days.

While more women than men used FMLA (56 percent female, 44 percent male), the percentage of men taking leave has grown since the first survey in 1995 (16 percent now, 13 percent in 1995). Men are almost as likely as women to do so in order to care for a child. Yet, 70 percent of men took less than 11 days to care for a newborn, compared to only 23 percent of women.

Employers have integrated FMLA into their operations.

90 percent of covered worksites reported that compliance with the FMLA has had a "positive effect" or "no noticeable effect" on "employee productivity, absenteeism, career advancement and morale, as well as the business' profitability." More than one-third (37 percent) reported a positive effect.

Employers report very little suspicion of misuse (2.5 percent); even fewer report actual misuse (1.6 percent).

Concern about intermittent leave, an area of major employer complaint in 1995 (37%), has almost disappeared. Use of this kind of leave is down to 6% of all leaves.

Most employers (74.1 percent) assign the work of those on leave to other employees.

According to the researchers, "Employers appear to have efficiently integrated the administration of the FMLA into their ongoing operations without undue burden."

SURVEY RESULTS ALSO SHOW THE NEED TO EXPAND FMLA PROTECTIONS TO INCREASE ACCESS AND AFFORDABILITY

The FMLA doesn't cover enough people.

The law as written excludes two-fifths of the workforce.

The lack of pay makes the FMLA out of reach for too many people.

A higher percentage of leave-takers than in previous years have had to turn to public assistance to cover the basics while using FMLA. This is likely a reflection of the recent recession.

Nearly one in 10 eligible workers (9.8 percent) deal with lack of pay by going on public assistance. This is more than in 2000 (8.7 percent) and 1995 (8.9 percent).

Two and a half times as many people as in 2000 need leave and are not taking it (6.1 percent compared to 2.4 percent in 2000). Two-thirds of these respondents say that's because they can't afford unpaid time (46 percent) or fear of losing their job (17 percent).

Nearly half of those not taking leave need it for their own illness. As a result, many defer or forego treatment. Not surprisingly, those needing but not taking leave are more likely to be female (64 percent), non-white, unmarried, young and with kids.

Many also cut short their leaves - 43 percent of those who take leave for 10 days or less, and 37 percent of those taking more than 10 days say they take less than they need, mostly because they can't afford the time.

Those who receive pay during leave are mainly using earned sick time (46.8 percent) or vacation (17.5 percent) or PTO. Only 13.3 percent get paid maternity; 8.8 percent paid paternity.

Lower-income workers are less likely to receive any form of pay - 54 percent of workers in middle and lower income families compared to 18 percent of workers in higher income families.

More education and enforcement needed.

A third of those in covered firms have not heard of FMLA. While the percentage who have heard of it (66.2 percent) is up from 2000 (59.1 percent), the need for public education remains great.

Almost all (99.1 percent) of covered worksites say they "allow leave" for one or more of the qualifying reasons for FMLA, but 80 percent do not provide leave for all the qualifying FMLA reasons. Care for a newborn, a parent, those acting "in loco parentis" (in place of a parent) and for exigencies related to military deployment are categories where education and enforcement are particularly needed.

More than a quarter (26 percent) of covered worksites may not be following the 2010 administrative ruling that those who act in loco parentis regardless of legal or biological relationship - such as same-sex partners and grandparents - qualify for FMLA leave.

More than half (50.6 percent) of covered worksites have no-fault attendance policies. The survey did not ask whether these employers apply demerit points to FMLA-related absences. Anecdotal evidence suggests this is a common practice.