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COLLABORATION IN ACTION:
REFLECTIONS FROM THE 2024
CLASP/FV@W PAID LEAVE CONVENING

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Fourteen states (including Washington, D.C.) have passed paid family and medical leave laws. These state paid leave programs have collectively enabled millions of workers to take the time needed for their health and family without compromising their economic security. As efforts toward passing a national, comprehensive paid leave policy continue, more states look to create their own paid leave laws, building on the strong foundation laid by these nation-leading states.

In June 2024, Family Values @ Work (FV@W) and the Center for Law and Social Policy (CLASP) brought together more than 100 paid leave stakeholders from across the country, including state program administrators, state and national paid leave advocates, Congressional staff, and other partners for the Paid Family and Medical Leave Collaborators Convening. The event included representatives from 18 states, including D.C., ranging from states that have provided paid leave benefits for decades to those working to pass programs. This report reflects critical themes and lessons learned from the convening.

STATES ARE ALWAYS LEARNING FROM ONE ANOTHER

Participants from states working to pass or build programs spoke about how much they have learned from states with established programs. As Elliot Schreur, Assistant Secretary of the Maryland Department of Labor and leader of the state's Family and Medical Leave Insurance program, put it, "We in Maryland are fortunate to be able to learn from the states that led the way in setting up new paid leave programs before us. We can build on their successes, avoid mistakes, and, eventually, pass on our experiences and lessons learned to help the states that will follow us in making paid leave more accessible to workers across the country." As laws continue to pass and new programs begin paying benefits, administrators and advocates are building on what has worked elsewhere.

This learning is a two-way street: those from states with long-established programs were similarly inspired by peer states to improve their existing programs. Pioneering paid leave states like California, Rhode Island, and New York have active campaigns to amend their statutes in response to the lessons learned from newer states. While each state is different, paid leave programs often confront shared challenges, from engaging hard-to-reach stakeholders to structuring effective technical solutions to balancing competing needs.

The convening provided fertile ground for this collaboration, prompting spontaneous, invaluable state-to-state information exchanges while fostering lasting connections. Many participants spoke to the value of the cultivated space providing both information and inspiration. For those newer to the issue, like Camila Rivera-Tinsley, CEO of Pennsylvania's Women and Girls Foundation, "Reading about the issues and strategies is great, but making real-world connections helped me to gain a more complete understanding of my role and how I can contribute to this amazing initiative into the future. It was especially helpful for me as a woman of color, to connect with diverse leaders behind the movement." Enock Rodriguez of Greater Boston Legal Services, who is actively supporting workers with paid leave claims in Massachusetts, related that "[B]eing in the room with other

advocates and administrators motivated me to find new creative ways to tackle challenges affecting clients in receiving medical leave benefits.”

Takeaway: Continued collaboration with peers in other states is a critical resource for state paid leave agencies and advocates that should be supported and fostered.

EQUITABLE IMPLEMENTATION REQUIRES ACTIVE, ONGOING PARTNERSHIPS BETWEEN ADVOCATES AND ADMINISTRATORS

Participants emphasized the need for advocates and other stakeholders who fight to pass paid leave laws to remain actively engaged throughout the implementation process. In particular, this includes active participation in the formal regulations process to ensure that worker perspectives are heard in addition to those of business and insurance groups that may be more familiar with—and have more resources to devote to—regulatory engagement. Beyond regulations, participants highlighted how paid leave advocates and community groups can offer perspective and guidance to ensure that each aspect of the program’s structure, from educational materials to website design to the claims application process, is inclusive, accessible, and intuitive.

As some advocates move onto new projects after a law passes, the need for continued, intensive participation in implementation may be overlooked. Moreover, for nonprofits with limited resources, a lack of funding to support the time- and resource-intensive work of implementation can be a barrier to engagement. When paid leave advocates cannot afford to participate in implementation actively, workers’ voices are less likely to be heard, and their perspectives are less likely to be reflected in outcomes.

The convening showed that administrators see the value of investing in solid partnerships with advocates who can provide crucial perspectives and invaluable community relationships. Participants highlighted how program boards can be an essential tool for fostering collaboration. States like Washington¹ and Oregon² have created advisory boards, while in Connecticut³ and Maine⁴ boards have more of a governance role. These bodies institutionalize ongoing advising and support from key stakeholders, including the organizations that fought to pass paid leave laws. Moreover, monthly or quarterly board meetings are generally open to the public, including via services like Zoom. This fosters greater transparency and regular public communication of program information.

Takeaways:

- Agencies and advocates should prioritize building lasting relationships with one another.
- Continued advocate engagement throughout the implementation process is essential to equitable, effective implementation that meets the laws’ goals. This engagement requires sufficient funding to be sustainable.
- Program boards are an important tool for collaboration, transparency, and accountability.



EFFECTIVE PAID LEAVE MUST PROTECT WORKERS' JOBS THE RIGHT WAY

The inclusion of statutory provisions protecting workers' jobs is one of the most powerful trends in state paid leave policies. Without this essential right, too many workers will be unable to use the paid leave benefits they have earned. Advocates in states where protections are more limited spoke at the convening about their ongoing efforts to legislatively expand access to job protection, noting how much of a barrier the *lack* of job protection is to accessing paid leave benefits.

Both advocates and administrators highlighted the challenges of having job protection rights and cash leave benefits administered by different agencies or provided through different laws. This separation creates challenges in effectively communicating relevant rights and confusion for workers and employers, especially where different eligibility requirements apply.

Takeaways:

- Paid leave policies should protect workers' jobs in a way that, as closely as possible, mirrors the rules of and processes for accessing cash wage replacement benefits.
- Where cash benefits and employment protections have different eligibility requirements or are administered through different agencies, outreach and education efforts should prioritize clarifying the relationship and reducing confusion.

OTHER POLICY TRENDS CREATE MORE INCLUSIVE PROGRAMS AT THE STATUTORY LEVEL

Participants also highlighted other structural program design elements essential to ensuring paid leave meets the needs of all workers. The wage replacement rate in a paid leave program is the percentage of a worker's income the worker receives while on leave. If this rate is too low, many workers cannot afford to take leave. This creates substantial equity issues because workers earning low wages, who are less likely to be able to use a program with lower wage replacement, must still pay into a program they may never be able to use. Many states have sought to balance the need for robust wage replacement with the program costs—which are typically paid in whole or in part by workers themselves—through progressive wage replacement rates, which give workers with lower incomes a higher percentage of their income while on leave while providing a robust benefit to all workers.

Similarly, several participants spoke about the importance of allowing workers to use their leave to care for all they consider family. A key trend highlighted at the convening was increasing coverage for care of grandparents, siblings, and extended family members, as well as loved ones to whom workers may not have a legal or biological relationship.⁵ Coverage of the full range of family relationships is essential for LGBTQI+ workers, immigrant workers, and workers of color.

Takeaways:

- Wage replacement rates must be sufficient to ensure all workers can afford to use the program, especially workers with low incomes.
- Progressive wage replacement is a powerful tool for ensuring wage replacement that meets workers' needs while keeping costs in check, which states can adjust to meet their needs.
- Paid leave laws should cover care for all workers considered family, including extended family and those to whom workers may not have a legal or biological relationship.

SPOTLIGHT ON SAFE LEAVE

The newest purpose included in many paid leave programs is safe leave, which addresses the impacts of violence, most commonly sexual assault, domestic violence, and stalking. Four states currently provide safe leave through their paid family and medical leave laws, while two more will do so when their programs come online.⁶ Administrators and advocates spoke passionately at the convening about the importance of this protection for the safety and economic security of both people and communities. Stakeholders are working toward safe leave policies that genuinely meet survivors' needs, including trauma-informed staff training, thoughtful documentation requirements, and strategic outreach and education

EQUITY AND ACCOUNTABILITY REQUIRE STRONG DATA TRACKING AND REPORTING WITHOUT COMPROMISING OTHER PROGRAM VALUES

States cannot identify and rectify access gaps without understanding who is and is not using paid leave programs. Equity requires regular public reporting of program demographics, including race, ethnicity, gender, sexual orientation, zip code and location, age, employment characteristics, and income level. Agencies must consistently ask for and track demographic information to report this data. This process should be designed to ensure states can compare the demographic profiles of initial applicants versus successful claimants to identify discrepancies rather than only collecting data from successful claimants.

Paid leave statutes should include data tracking and reporting requirements. While agencies may wish to do more, including baseline requirements ensures that agencies feel confident in their authority to provide this information and will prioritize doing so. Statutory requirements should also set a baseline for how often this information will be publicly disclosed, such as in annual reports or regular meetings. Consistent reporting is essential to ensure lawmakers, researchers, and the public can evaluate program trends and seek changes where needed.

At the same time, data collection practices must consider potential burdens on program users and ensure that information collection does not become a barrier to program use or discourage workers from seeking needed benefits.⁷ In addition, programs must carefully guard the confidentiality of individual worker information, including health information, while providing the transparency into aggregate trends needed for accountability.

Takeaways:

- To ensure equity, paid leave programs must consistently collect data along multiple demographic axes and consistently and publicly report that data.
- State paid leave statutes should include baseline data collection and reporting standards.

CLAIM DOCUMENTATION CAN BE A SUBSTANTIAL BOTTLENECK IN ACCESSING PAID LEAVE

All state paid leave programs require workers to provide documentation demonstrating the circumstances that necessitate their leave. If workers cannot easily and quickly access the necessary documentation, this requirement can become a barrier to using leave. Workers and providers may often be confused by the relationship between paid leave claims certification and certification requirements for other protections, such as the federal Family and Medical Leave Act (FMLA). This distinction can be crucial when workers take state paid leave concurrently with FMLA leave. Securing and submitting documentation can also delay when workers receive their benefits.

States shared multiple approaches to addressing these barriers. For example, Washington passed legislation in 2024 requiring health care providers to provide requested certifications for free within seven calendar days of the request.⁸ The same law also prohibits providers from charging a fee to provide that certification.⁹ Other states noted ongoing revisions of certification forms and working closely with health care providers to better integrate the forms with existing work processes.

Takeaways:

- Agencies should work with a range of health care providers to develop medical certification approaches that work for providers, integrating existing practices where possible.
- States should consider accepting alternative certification forms, such as FMLA certification forms, while streamlining their forms to be as easy to complete as possible while providing the needed information.

OUTREACH AND EDUCATION ARE ESSENTIAL

Both administrators and advocates underscored the need for effective outreach and education to workers, employers, health care providers, and other stakeholders as critical components in a program's success. The outreach must be both plain language and multilingual, culturally sensitive, and designed to address the needs of varied audiences. In particular, programs must engage in thoughtful, targeted outreach to people and communities that most need paid leave but may not otherwise be reached or realize that they have coverage, such as immigrant workers, domestic workers, and workers in rural areas.

As convening participants stressed, the scale and breadth of outreach needed to achieve program goals requires sufficient dedicated funding to create capacity and allow using all available tools, from staffing events and training to creating materials to targeted use of paid media. While outreach and education are especially important when a new program launches, paid leave programs must conduct outreach throughout their lifespan to ensure workers have the necessary information when a need for leave arises.

This funding should include cash to compensate trusted community partners, recognizing the irreplaceable value of established trusted messengers. Connecticut recently launched its Community Education Coordinators program to identify and provide funding to targeted community partners to reach populations facing particular barriers to learning about and using paid leave.¹⁰ Similarly, the first cycle of New Jersey's CARE Grant program provided over \$1 million to organizations across the state, reaching nearly 50,000 workers directly and many more through mass messages.¹¹

Takeaways:

- States should dedicate funding and capacity to outreach and education throughout the program's lifetime.
- Outreach materials, strategies, and hiring should deliberately include and target the needs of vulnerable communities, including multilingual outreach.
- States should create community partnership programs where community-based organizations that are trusted messengers receive state funding for outreach and education in their communities.



CONCLUSION: PROGRESS HAS BEEN MADE, BUT THERE IS FURTHER TO GO

This conversation was built upon past convenings. In October 2019, CLASP, FV@W, and other partners brought together paid leave program administrators, advocates, and other stakeholders in Tacoma, Washington, for a similar conversation.¹² As many 2024 participants noted, the five years since the Tacoma convening saw unprecedented growth in paid leave, underscored by the impact of a global pandemic. Since the Tacoma convening, five states have passed new paid leave laws, while four programs have begun paying benefits.¹³ In 2024, advocates from states with active campaigns to pass paid leave, including Pennsylvania, Illinois, New Mexico, and Michigan, expressed hopes to attend the next convening with laws on the books in their states, continuing the path of progress paved by the states that came before.

Moreover, while the convening focused on state-level paid leave programs, the ongoing fight for national paid leave was never far from the conversation. State leaders see their work as closely connected to the fight for national paid leave, a connection that the convening only underscored. As Rebecca Glinn, Policy Manager for the New Jersey Department of Labor, remarked, “I have a reinvigorated appreciation for how championing improvements to paid leave in NJ contributes toward the movement for a national policy.” State paid leave programs provide life-changing benefits to workers each day while testing and refining paid leave policy in ways that provide crucial building blocks toward the national system we need.

Congresswoman Rosa DeLauro, lead sponsor of the FAMILY Act and a long-time paid leave champion, provided the keynote at the convening. She shared her story of using leave as a Congressional staffer dealing with ovarian cancer. Rep. DeLauro aptly stated, “Paid leave is essential—and we must expand it to all Americans.” Through continued collaboration, like that reflected and created at this convening, much-needed and long-sought universal expansion can become a reality.



ENDNOTES

¹ “Advisory Committee,” Washington Paid Family and Medical Leave, <https://paidleave.wa.gov/advisory-committee/>.

² “Creating Paid Leave Oregon,” Paid Leave Oregon, last accessed August 2024, <https://paidleave.oregon.gov/creating-paid-leave-oregon/>.

³ “Board of Directors,” CT Paid Leave, last accessed August 2024, https://www.ctpaidleave.org/about-us/board-of-directors?language=en_US.

⁴ “The Paid Family and Medical Leave Benefits Authority,” Maine Department of Labor, last accessed August 2024, <https://www.maine.gov/paidleave/>.

⁵ For more on inclusive family definitions, see Family Values @ Work and A Better Balance, “The Importance of Inclusive, Realistic Family Definition in Paid Family and Medical Leave and Paid Sick Time Policies,” updated October 5, 2023, <https://www.abetterbalance.org/resources/fact-sheet-importance-of-broad-family-definitions-for-paid-leave/>.

⁶ For more on safe leave, see Molly Weston Williamson, “The State of Safe Leave,” Center for American Progress, May 28, 2024, <https://www.americanprogress.org/article/the-state-of-safe-leave/>.

⁷ Pronita Gupta, Michael Vorgetts, and Gayle Goldin, “Equity Matters: Lessons for Paid Family and Medical Leave,” Family Values at Work and Center for Law and Social Policy, June 2021, p. 12-13, https://www.clasp.org/wp-content/uploads/2022/01/2021_Equity-Matters-003.pdf.

⁸ Ch. 150, Laws of 2024, Washington State Legislature, <https://lawfilesexternal.wa.gov/biennium/2023-24/Pdf/Bills/Session%20Laws/House/2102-S.SL.pdf#page=1>.

⁹ Ch. 150, Washington State Legislature.

¹⁰ CT Paid Leave, “CT Paid Leave Seeks Community Organizations for Community Education Coordinators Program,” Medium, May 6, 2024, <https://ctpaidleave.medium.com/ct-paid-leave-authority-seeks-community-organizations-for-community-education-coordinators-program-ff1ceac93f31>.

¹¹ “NJDOLE, Community Partners Reach Nearly 47K Workers in First Year of Grant Program to Improve Access to State Benefits, Protections,” New Jersey Department of Labor and Workforce Development, December 4, 2023, https://www.nj.gov/labor/lwdhome/press/2023/20231204_caregrant.shtml.

¹² For more on the Tacoma convening, see Gupta, Vorgetts, and Goldin, “Equity Matters,” Family Values at Work, https://www.clasp.org/wp-content/uploads/2022/01/2021_Equity-Matters-003.pdf.

¹³ Following the Tacoma convening, paid leave programs began paying benefits in Washington State and Washington, D.C. in 2020; Massachusetts in 2021; Connecticut in 2022; Oregon in 2023; and, most recently, Colorado in January 2024. Paid leave laws were passed in Colorado in 2020; Delaware and Maryland in 2022; and Minnesota and Maine in 2023.