

ACKNOWLEDGEMENTS

The Commission on Leave wishes to thank many individuals and organizations for their part in making this report possible. Woven from multiple threads, this report is a work of the mind and of the heart: some contributed scientific expertise and data; others contributed very personal and sometimes painful family stories. Through the efforts of many people from diverse perspectives, who willingly gave of their time and experience, we have created a document which explores how a new public policy is affecting the lives and livelihoods of many Americans.

First, the Commission would like to thank the many people who came forward through the public hearing process to share with the Commissioners their own view of how the Family and Medical Leave Act has affected their family or business. Their voices and testimony are an important component of this report.

The Commission wishes to acknowledge the dedication and professionalism of the two organizations that conducted the Commission's scientific research. We want to thank David Cantor of Westat, Inc., not only for guiding the development and completion of the Employer Survey, but also for his continuing interest and contributions to this report. And our appreciation goes to Kerry Levin, Jeffery Kerwin, Susan Heltemes and David Becher of Westat for their efforts on the Employer Survey. We also want to thank Robert M. Groves and Katherine A. McGonagle of the Institute for Social Research, Survey Research Center at the University of Michigan for their significant contributions in the development and completion of the Employee Survey, and express our gratitude to their colleagues Judith Connor, Stephen Heeringa and Patricia Veerkamp for their work as well.

There are a number of government agencies and other organizations that responded with generosity and enthusiasm when asked to contribute data and information to the Commission on Leave. We especially wish to thank Maria Echaveste and her staff at the Wage and Hour Division of the Department of Labor; Jane Malloy of the Department of Commerce and Ruth Runyan at the Census Bureau; Ellen Galinsky and James T. Bond of the Families and Work Institute; Sheila Wellington and Marcia Brumit Kropf of Catalyst; Paula Rayman and Francoise Carre of the Radcliffe Public Policy Institute; John Abraham of the American Federation of Teachers; and Stan Wisniewski of the National Education Association. And a special note of appreciation goes to Deborah Phillips, Director of the Board on Children and Families at the National Academy of Sciences, who graciously hosted a workshop to assist the Commission in analyzing the data from the Employer and Employee Surveys at a critical point in the development of this report.

This report could not have been completed without the efforts of many hard working staff members, each of whom played an important part in different phases of the Commission's work. The Commission's first Executive Director, Irasema Garza, and Hermelinda Pompa who served as Acting Executive Director after her, effectively laid the foundation for the

Commission's work: assessing existing data sources and linking the Commission to multiple resources and researchers. Susan King, the Commission's second Executive Director, brought dynamic leadership and energy to the launching of two national surveys and the organizing of three public hearings. She was ably assisted in these tasks by Diane Quinn, Linda Paris, Jean Coyle, and Kathleen Denny. Finally Ann Bookman, the Commission's third Executive Director, provided invaluable research guidance to the Commission throughout its life, and skillfully led the preparation and writing of this report.

Essential to the background research, analysis and writing in this report were the talents and tireless efforts of Kirsta Millar, Miriam Szapiro and Kirsten Wever - the Commission is most grateful to each of them. Administrative support from Rebecca Griffin, Stacey Oliphant, Tracy Reed and Lynette Shelton have greatly aided the day to day work of the Commission. The Commission also thanks Angelique Larsen, Carrie Cyphert, Gail Blachly, Sarah Varela, Gretchen Wright, Lisa Lederer, Jim Blackmon, Lionel White and Howard Waddell for their creativity and careful attention to detail in the design, graphics production, and copy editing process.

The Commission also wishes to acknowledge the special contributions made by members of its own bipartisan Technical Task Force. The extra effort, long hours and genuine commitment of Commission Vice Chair Donna Lenhoff, Commissioner Mary Tavenner, Suzanne Day representing Commission Chair Dodd, and Damon Tobias representing Commissioner Craig, added immeasurably to the Commission's research efforts and the completion of this report.

A final word of appreciation to the U.S. Department of Labor which provided significant resources and technical support to the Commission's work all along the way. Two agencies in particular have made this report a reality: first, thanks are due to the Women's Bureau which, under the leadership of Karen Nussbaum, housed the Commission and wholeheartedly supported its work in countless ways; second, a debt of gratitude goes to the Bureau of Labor Statistics, and especially to Clyde Tucker who has contributed enormously to the rigor of the Commission's research and the quality of this final report.



TABLE OF CONTENTS

EXECUTIVE SUMMARY	xiii
CHAPTER I. INTRODUCTION	3
A. Families and Employers in a Changing Economy	3
CHAPTER II. HOW THE COMMISSION WENT ABOUT ITS WORK	15
A. Mission of the Commission on Leave	15
B. Organization of the Commission	16
C. Assessment of Existing Data Sources	17
D. Public Hearings	20
E. Commissioned Research	21
F. National Academy of Sciences Workshop	31
G. Summary	32
CHAPTER III. OVERVIEW OF LEAVE POLICIES PRIOR TO THE PASSAGE OF THE FAMILY AND MEDICAL LEAVE ACT	35
A. Voluntary Leave Policies	35
B. State Statutes	45
C. Employee Utilization and Experience	49
D. Summary	54
CHAPTER IV. ACCESS TO FAMILY AND MEDICAL LEAVE SINCE THE PASSAGE OF THE FMLA: COVER- AGE, KNOWLEDGE AND USE OF THE NEW LAW	57
A. Introduction	57
B. New Data on the Extent of the FMLA Coverage	58
C. Changes in Employer Leave Policies Since the FMLA	66
D. Knowledge of the New Law	76
E. Rate of Utilization of the FMLA	83
F. Compliance Under the FMLA	85
G. Summary	87

CHAPTER V. EMPLOYERS' AND EMPLOYEES' EXPERIENCES WITH LEAVE SINCE ENACTMENT OF THE FMLA	91
A. Introduction	91
B. Who Needs and Takes Leave?	91
C. Reasons for Taking Leave	93
D. Length of Leave	96
E. Employees Who Needed but Did Not Take Leave	98
F. Expectations of Needing Leave Within the Next Five Years	101
G. Methods Used to Cover Work	102
H. Continuation of Benefits and Wage Replacement During Leave	105
I. Job Protection and Returning to Work	112
J. Summary	114
CHAPTER VI. ASSESSING THE IMPACT OF FAMILY AND MEDICAL LEAVE POLICIES ON EMPLOYERS	119
A. Introduction	119
B. Administration of and Compliance with the FMLA	119
C. Costs to Employers	125
D. Benefits to Employers	127
E. Business and Employee Performance	130
F. Comparisons of Covered Worksites' Experiences	134
G. Small Worksites Experiences and Expectations.....	137
H. Summary	144
CHAPTER VII. ASSESSING THE IMPACT OF FAMILY AND MEDICAL LEAVE POLICIES ON EMPLOYEES	149
A. Introduction	149
B. Overview of Leave-Takers and Leave-Taking.....	149
C. Employees Views of Leave	156
D. Portraits of Leave-Takers	162
E. Summary	167

**CHAPTER VIII. ANALYSIS AND RESPONSES
TO STATUTORILY MANDATED QUESTIONS** 171

A. to H. - Responses to Questions posed by Congress to the Commission on Leave 171

**CHAPTER IX. FUTURE DIRECTIONS:
COMMISSION ON LEAVE RECOMMENDATIONS** 193

Public Education and Technical Assistance 194

Directions for Future Research 195

Policy Directions 198

APPENDICIES 201

A. Federal Law: The Family and Medical Leave Act of 1993 201

B. Commissioner Biographies 207

C. Commission on Leave Activities 213

D. Additional Views 219

E. Tables 253

F. Information on Survey Instruments 305

G. Bibliography 307