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REPORT BY THE SEX AND LAW COMMITTEE

**A.3870
S.3004**

**M. of A. Nolan
Sen. Addabbo**

**EXTENDING TEMPORARY DISABILITY INSURANCE BENEFITS TO COVER
FAMILY CARE LEAVE FROM THE WORKPLACE**

THIS BILL IS APPROVED

The Sex and Law Committee of the New York City Bar Association believes that New York’s workers’ compensation law and insurance law should be amended to provide partial wage replacement to workers who need time off to care for a seriously ill family member or to bond with a new child. Under proposed legislation, this program would work in conjunction with New York’s existing Temporary Disability Insurance (“TDI”) program. At present, TDI covers leave related to a worker’s own illness or injury, including pregnancy and childbirth, but does not cover any form of leave related to the care of others. With a TDI structure already in place, New York is in position to expand the program to provide limited wage replacement for individuals who need to take a family leave from the workplace. As discussed below, such legislation is critical to the health, wellbeing, and economic security of New York’s working families. Legislation permitting wage replacement for family leave has passed in California, New Jersey, Rhode Island and Washington.

EMPLOYMENT POLICIES SHOULD BE RESPONSIVE TO CHANGING WORK-FAMILY DYNAMICS

Family and work patterns have shifted dramatically over the past several decades, creating an urgent need for more robust family leave policies. The shifting dynamic is evidenced by the fact that, as of 2013, both parents worked in 59% of families.¹ In addition, there continue to be a significant number of single-parent households, most often headed by women.² Thus, workers at all income levels balance family and work. Current employment policies, however, embrace the outmoded concept of a household being run by one parent who is a breadwinner and one who is the primary caregiver.

¹ U.S. Bureau of Labor Statistics, *Employment Characteristics of Families Summary 2013* (April 2014), available at <http://www.bls.gov/news.release/famee.nr0.htm> (last visited Feb. 27, 2015).

² Jonathan Vespa, Jamie M. Lewis, Rose M. Krieder, U.S. Census Bureau, *American Families and Living Arrangements: 2012*, at 23 (August 2013), available at <https://www.census.gov/prod/2013pubs/p20-570.pdf> (last visited Feb. 27, 2015).

There have been important and encouraging steps taken over the past few decades to adapt employment policies to shifting family dynamics. In 1993, Congress passed the Family and Medical Leave Act (“FMLA”), which guarantees up to 12 weeks of unpaid, job-protected leave for employees of covered entities.³ Eligible employees are entitled to 12 workweeks of leave in a 12-month period for (a) the birth of a child and to care for the newborn child within one year of birth; (b) the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement; (c) to care for the employee’s spouse, child, or parent who has a serious health condition; (d) a serious health condition that makes the employee unable to perform the essential functions of his or her job; (e) any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on “covered active duty”; or (f) 26 workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness who is the spouse, son, daughter, parent, or next of kin to the employee.⁴

The FMLA was an important step in adapting policies to the current family-work dynamic, but it does not go far enough.⁵ Because FMLA guarantees only unpaid leave, many eligible workers who need to take family leave are not able to do so. According to the U.S. Department of Labor, almost 78% of employees who needed and were eligible for family leave in 2000 stated that at least one reason they did not take it was because they could not afford to lose pay.⁶ Research shows that only one-fourth of U.S. employers offer fully paid maternity-related leave and that one-fifth offer no maternity-related leave at all, paid or unpaid.⁷

The lack of family leave benefits as well as job protection for persons employed by uncovered entities means that a significant percentage of the U.S. workforce cannot effectively balance work and family responsibilities. Research demonstrates clear benefits for families associated with parental time at home when it is needed. For example, children recover from illness more quickly when cared for by their parents.⁸ One study of California’s experience with

³ FMLA applies to all public agencies, all public and private elementary and secondary schools, and companies with 50 or more employees within a 75 mile radius of the covered employee’s worksite. Employees are eligible for leave if they have worked for at least 12 months or at least 1,250 hours over the past 12 months. *See* 29 U.S.C.A. § 2611(2)(A), (B) (2013).

⁴ *Id.* at § 2612(a)(1).

⁵ It is estimated that, as a result of FMLA’s exclusion of entities with fewer than 50 employees and short-tenure workers, approximately 40% of U.S. workers are not covered by FMLA. *See* Rebecca Ray, Janet C. Gornick, and John Schmitt, *Parental Leave Policies in 21 Countries, Assessing Generosity and Gender Equality*, at 9 (revised June 2009), available at http://www.cepr.net/documents/publications/parental_2008_09.pdf (last visited Feb. 27, 2015). Some researchers posit that only 20% of new mothers are covered by and eligible for FMLA. *See* Sarah Fass, *Paid Leave in the States: A Critical Support for Low-Wage Workers and Their Families*, at 5 (March 2009), available at http://www.nccp.org/publications/pdf/text_864.pdf (last visited Feb. 27, 2015).

⁶ David Cantor et al., *Balancing the Needs of Families and Employers: Family and Medical Leave Surveys, 2000 Update*, table 2.17 (Rockville, MD, Westat, 2001).

⁷ *See* Ray, Gornick, and Schmitt, *supra* n. 5, at 9.

⁸ American Academy of Pediatrics, Committee on Hospital Care and Institute for Patient- and Family-Centered Care, *Patient- and Family-Centered Care and the Pediatrician’s Role*, 129 PEDIATRICS 2, 394, at 397 (January

its family leave law demonstrated that working mothers who are able to stay home after the birth of a child are more likely to start breastfeeding and do so for a longer period of time than working mothers who do not or cannot stay home.⁹ The benefits of breastfeeding – to both the infant and the mother – are well documented.¹⁰ Moreover, without family leave benefits for parents, older children may have to miss school to care for their younger siblings.¹¹ These issues are even more confounding for low-income workers, who are less likely to have employer-provided family leave benefits.¹² Indeed, 73.8% of workers who took family leave in 2000 and who earned less than \$20,000 received no pay during the leave, whereas only 20.6% of workers who took leave in 2000 and who earned more than \$100,000 received no pay.¹³ Thus, it is clear that if some portion of family leave can be covered by wage replacement, it would benefit the lowest income workers the most.¹⁴

LACK OF FAMILY LEAVE BENEFITS PERPETUATES GENDER INEQUITIES

Women are an integral part of the U.S. workforce: almost sixty percent of women work (over 72 million total), mostly in full-time positions.¹⁵ Nearly one-half of these women have children under 18 years old at home, and in general women continue to be the primary caregivers

2012), available at <http://pediatrics.aappublications.org/content/129/2/394.full.pdf+html> (last visited on Feb. 27, 2015).

⁹ Eileen Appelbaum & Ruth Milkman, *Leaves That Pay: Employer and Worker Experiences with Paid Family Leave in California*, at 25-26 (January 2011), available at <http://www.cepr.net/documents/publications/paid-family-leave-1-2011.pdf> (last visited Feb. 27, 2015).

¹⁰ See generally American Academy of Pediatrics, Breastfeeding and the Use of Human Milk Policy Statement, 129 PEDIATRICS 3, e827-e841 (March 2012), available at <http://pediatrics.aappublications.org/content/129/3/e827.full#content-block> (last visited Feb. 27, 2015); U.S. Department of Health and Human Services, *The Surgeon General's Call to Action to Support Breastfeeding* (2011), available at <http://www.surgeongeneral.gov/library/calls/breastfeeding/calltoactiontosupportbreastfeeding.pdf> (last visited Feb. 27, 2015).

¹¹ John Bridgeland, John DiIulio & Karen Burke Morrison, *The Silent Epidemic: Perspectives of High School Dropouts*, at 6 (2006), available at <https://docs.gatesfoundation.org/Documents/TheSilentEpidemic3-06FINAL.pdf> (noting that 22% of U.S. high school dropouts surveyed cited the need to care for a family member as a reason for leaving school) (last visited Feb. 27, 2015).

¹² See Fass, *supra* n. 5, at 5. See also A Better Balance, *Family Leave Insurance: A Priority for Workers in New York!* (May 2012) (noting, “The highest 10% of wage earners are six times more likely to have paid family leave than the lowest 10% of wage earners.”), available at <http://timetocareny.org/wp/wp-content/uploads/2013/12/Family-Leave-Insurance-Fact-Sheet-ABB-2012.pdf> (last visited Feb. 27, 2015).

¹³ See Monthly Labor Review, Jane Waldfogel, *Family and Medical Leave: Evidence from the 2000 Surveys*, at 22, Table 5 (Sept. 2001), available at <http://www.bls.gov/opub/mlr/2001/09/art2full.pdf> (last visited Feb. 27, 2015).

¹⁴ For these reasons, the New York State Department of Health Medicaid Redesign Team (Social Determinants of Health Work Group) included as a final recommendation in its October 2014 report the modernization of New York’s TDI program in order to provide 12 weeks of insurance benefits to partly replace lost wages so that a worker can provide care for a newborn, newly adopted child or seriously ill family member. Report available at http://www.health.ny.gov/health_care/medicaid/redesign/docs/final_recommendations_11-05-14.pdf (last visited March 11, 2015).

¹⁵ U.S. Department of Labor, *Women in the Labor Force in 2010*, available at <http://www.dol.gov/wb/factsheets/Of-laborforce-10.htm> (last visited Feb. 27, 2015).

for sick, elderly, and disabled family members.¹⁶ Because more than 40% of women in the workforce have no paid sick days, they are very likely to face difficulties balancing work and family responsibilities.¹⁷ Poor women are hit even harder: two-thirds of low-income women (defined as below 200% of the poverty line) and 75% of very low-income women (less than 100% of the poverty line) do not get paid when they miss work to care for a sick child.¹⁸ Thus, countless parents are faced with a Hobson's choice: keep your paycheck, or care for your kids. It is, therefore, unsurprising that when family leave benefits are available to parents they are five times more likely to stay home to care for sick children.¹⁹

SALIENT FEATURES OF LEGISLATION EXTENDING TDI BENEFITS TO PROVIDE WAGE REPLACEMENT FOR FAMILY CARE LEAVE

During the last decade in New York, there have been several legislative proposals to provide benefits or wage replacement for family leave.²⁰ The most recent proposal, A.3870/S.3004 passed the Assembly in March 2014 by a vote of 89-40 but did not progress out of the Labor Committee in the Senate. The Committee believes it is important for New York's workforce and families that a family leave benefits program be established as set forth in A.3870/S.3004 (the "Bill").²¹ We discuss some of the salient features of the Bill below.

Cost of Family Leave Benefits. According to the Bill, family leave benefits would be funded through an increase in premiums paid within New York's existing TDI program, as is the case in California, New Jersey, and Rhode Island. Currently, both employees and employers contribute to TDI. New York State law requires employers to provide disability benefits coverage to employees who work in New York State; in order to meet this requirement, a large number of employers pay into the New York State Insurance Fund, which provides disability benefits to employees. Employees also contribute to the existing TDI program. Employees' contributions to the program are currently capped at 60 cents per week.²² The Bill establishes an

¹⁶ Institute for Women's Policy Research, *Women and Paid Sick Days: Crucial for Family Well-being* (2007), available at <http://www.iwpr.org/publications/pubs/women-and-paid-sick-days-crucial-for-family-well-being> (last visited Feb. 27, 2015).

¹⁷ *Id.*

¹⁸ The Henry J. Kaiser Family Foundation, *Women, Work, and Family Health: A Balancing Act*, at 2 (2003), available at <http://kaiserfamilyfoundation.files.wordpress.com/2003/04/3336.pdf> (last visited Feb. 27, 2015).

¹⁹ *Id.*

²⁰ By way of background, on March 11, 2011, Assembly Member Nolan introduced a bill (A.6289) that was substantially similar to A.3870/S.3004 (previously A.1793-B/S.4742-B in 2013-14). That bill was substantially similar to S.5791 and A.8742, which were introduced in the Senate and the Assembly, respectively, on June 5, 2009. A.9245, which was substantially similar to S.5791/A.8742, passed the Assembly on June 22, 2007. The Senate held four hearings on the bill in 2008. The earlier Families in the Workplace Act, S.1501/A.1301, which would have provided 7 days of family leave benefits, was passed in the Assembly in June 2005, but failed to pass the Senate.

²¹ The Senate Independent Democratic Committee ("IDC") has a similar bill, S.3301, which is also pending in the Senate Labor Committee. The Committee supports A.3870/S.3004, which is more comprehensive than the IDC bill and would provide greater benefits and protections to more New York families.

²² Under New York's existing TDI program, an employee's contribution is set at "one-half of one per centum of the employee's wages paid to him on and after July first, nineteen hundred fifty, but not in excess of [] sixty cents per

additional “family care cost” of up to 45 cents per week to be paid by covered employees, which would have to be re-calculated each subsequent year.²³ All New York employers, regardless of number of employees, would be mandated to provide the family leave benefits set forth in the Bill.²⁴

The Bill proposes an increase in the amount of disability benefits available under the TDI program.²⁵ Current workers’ compensation law caps the benefit amount at \$170 per week.²⁶ This cap of \$170 per week has been in effect since 1989 without any cost-of-living adjustment.²⁷ While the Committee supports this increase to bring TDI benefits for all disabilities, especially those related to family care, in line with economic realities for New Yorkers, it is beyond the scope of this memorandum to analyze the cost impact of such an increase in benefits.

Job Protection for Employees who Take Leave. Significantly, the Bill provides job protection for employees who take leave and it contains an anti-retaliation provision to prevent employers from penalizing employees because they choose to take family leave.²⁸ Consistent with the rights granted under the FMLA, the Bill requires employers to restore employees to the position of employment held when the leave commenced or provide a comparable position with comparable pay and benefits.²⁹ Under current New York law, while employers are prohibited from terminating or discriminating against employees because they claim workers’ compensation disability benefits, including those in connection with pregnancy and childbirth as described above, there is no statutory requirement that employers reinstate employees who take time off of work in connection with a disability.³⁰ The Committee supports these additional job protections

week” and the employer’s contribution is “the cost of providing disability benefits in excess of the contributions collected from his employees.” N.Y. WORKERS’ COMP. §§ 209(3); 210(1) (2014).

²³ See A.3870/S.3004, Section 5 (defining “family care cost”).

²⁴ The Committee believes that, consistent with California, New Jersey, and Rhode Island, any New York legislation that extends TDI benefits to provide wage replacement benefits for family care leave should apply to *all* employees – as the Bill does – since all employees would have paid the increased contribution.

²⁵ In the first year in which the legislation would be effective, the weekly benefit is set at two-thirds of the employee’s average weekly wage with a cap of thirty-five percent of the statewide average weekly wage as determined by the New York State Department of Labor. According to the Bill, the benefit amount shall increase each subsequent year. See A.3870/S.3004, Section 8.

²⁶ See N. Y. WORKERS’ COMP. § 204(2).

²⁷ See *id.*

²⁸ See A.3870/S.3004, Sections 6 and 7.

²⁹ The Bill clarifies that family leave benefits are to run concurrently with any leave taken pursuant to the Family Medical Leave Act. See *id.* Section 10. Note that the Bill goes beyond the FMLA, which applies only to employers with 50 or more employees and therefore, as discussed earlier, excludes nearly 40% of the workforce.

³⁰ See N. Y. WORKERS’ COMP. § 120. It should be noted that some protection is available under the Pregnancy Discrimination Act of 1978, which prohibits discrimination against covered employees because of pregnancy, childbirth or related medical conditions. See Pregnancy Discrimination Act, Pub. L. No. 95-555, 92 Stat. 2076 (1978) (codified at 42 U.S.C. § 2000e(k)). Depending on the circumstances of the disability and accommodation requested, there may also be protections available to the employee under the Americans with Disabilities Act, see 42 U.S.C. § 1201 *et. seq.* (2008), and/or state and local human rights laws.

and non-retaliation measures so that employees can meaningfully exercise their rights to family leave benefits.³¹

Duration of Coverage. Other states that have enacted legislation to grant family leave benefits have offered coverage for five to six weeks per year. However, as discussed below, the amount of wage replacement is far higher in those states than in New York. As such, the Committee supports the Bill, which would grant 12 weeks of family leave benefits.³² Moreover, the Bill importantly states that receipt of family care benefits would not affect the receipt of disability benefits for a worker's own illness or injury, which is separately capped at 26 weeks in a given year.³³ This clarification is particularly relevant for employees seeking disability benefits related to pregnancy and childbirth.³⁴ Current New York State Insurance Fund guidelines provide from six weeks (vaginal delivery) to eight weeks (Caesarean) of disability benefits to women in connection with pregnancy and the birth of a child.³⁵ By way of example, if a worker gives birth and has a vaginal delivery, she would be entitled to six weeks of disability benefits under the TDI program and under the Bill, she'd be entitled to an additional 12 weeks of family care benefits. If applicable, her FMLA leave would run concurrent with the 12 weeks of family care leave.

FAMILY LEAVE LAWS IN OTHER STATES

Given the limitations of the FMLA described above, some states have passed family care leave legislation to fill the gap. In 2002, California enacted Senate Bill No. 1661 ("Senate Bill 1661"), becoming the first state to successfully implement a family leave benefits program. Senate Bill 1661 provides wage replacement for leave "to care for a seriously ill child, spouse, parent, domestic partner, or to bond with a minor child within one year of the birth or placement of the child in connection with foster care or adoption."³⁶ Under the law, eligible employees can

³¹ While the Committee supports the provisions of the Bill that extend job protection upon return from family leave to *all* New York employees, it would support a bill that provided job protection only to those New Yorkers working for employers of a certain size, e.g., those with 25 or more employees.

³² See A.3870/S.3004, Section 9. Although the Committee strongly supports the Bill's proposed duration of coverage, it has previously expressed support for a shorter coverage period (e.g., between 6 – 12 weeks) particularly if coupled with a much-needed increase in New York's TDI benefits.

³³ See *id.* Section 10. See also N. Y. WORKERS' COMP. § 205(1) (disability benefits are limited to twenty-six weeks in any fifty-two week period).

³⁴ See New York State Insurance Fund Description of Benefits, available at <http://ww3.nysif.com/DisabilityBenefits/ClaimantServices/ClaimsFAQs.aspx#seventeen> (last visited Feb. 27, 2015). See also N. Y. WORKERS' COMP. § 201(9)(B) ("Disability" is defined to include "disability caused by or in connection with a pregnancy."); § 204(1) (disability benefits commence on the "eighth consecutive day of disability").

³⁵ See New York State Insurance Fund Guidelines, available at http://ww3.nysif.com/~link.aspx?_id=AB0FAD5D4F0E42D38523C2DE93E84906&_z=z (last visited Feb. 27, 2015). Note that there is a one-week waiting period before disability benefits are paid, which effectively shortens the TDI benefits periods related to childbirth to 5 and 7 weeks. See N. Y. WORKERS' COMP. § 204(1) (disability benefits commence on the "eighth consecutive day of disability").

³⁶ CAL. UNEMP. INS. CODE § 3301(a)(1) (2014) (becomes inoperative in its current form on July 1, 2014). On September 24, 2013, California enacted Senate Bill 770 which became operative on July 1, 2014 and expands

receive up to 55% of their normal weekly wages, at a maximum of \$1,075 per week in 2014, for up to 6 weeks per year.³⁷ As would be the case in New York, California’s law builds upon the state’s existing TDI program and is funded by an employee payroll tax, at no additional cost to the employer. The family leave wage replacement law – which covers all employees who pay into the TDI program – supplements an employee’s existing rights under the FMLA and the California Family Rights Act (CFRA), which provides unpaid, job-protected family leave to care for a sick family member or newborn or newly adopted child.³⁸ Leave taken under the wage replacement law runs concurrently with leave taken under the FMLA or the CFRA (except with respect to pregnancy/childbirth leave).³⁹ Employers may require employees to use up to 2 weeks of paid time off as part of the family leave.⁴⁰

In 2008, New Jersey also enacted a family leave benefits law, with benefits available to eligible New Jersey employees as of July 1, 2009.⁴¹ The New Jersey law amends the state’s existing temporary disability benefits law to provide eligible employees up to 6 weeks of wage replacement to care for a sick family member or a newborn or newly adopted child.⁴² Eligible employees are entitled to family leave benefits in the amount of two-thirds of their wages, with a maximum benefit of \$595 per week for 2014 that is adjusted annually.⁴³ The family leave wage replacement law – which covers all employees who pay into the TDI program - supplements an employee’s existing rights under the FMLA and the New Jersey Family Leave Act (“NJ FLA”)⁴⁴, which provides for unpaid, job-protected family leave to care for a sick family member or newborn or newly adopted child.⁴⁵ Family leave runs concurrently with leave taken pursuant to the NJ FLA or the FMLA and employers may require employees to use up to 2 weeks of paid time off as part of the family leave.⁴⁶

In 2013, Rhode Island enacted a “temporary caregiver insurance” law, which became effective in January 2014.⁴⁷ The law operates through the state’s TDI program and is funded

California’s paid family leave program to include leave to care for a seriously ill grandparent, grandchild, sibling or parent-in-law. 2013 CAL. LEGIS. SERV. CH. 350 (S.B. 770) (Westlaw).

³⁷ See Paid Family Leave California, *Fact Sheet*, available at <http://paidfamilyleave.org/ask-us> (last visited Feb. 27, 2015).

³⁸ As with the FMLA, the CFRA applies to employers who have 50 or more employees within a 75-mile radius of the covered employee’s worksite. CAL. GOV’T CODE § 12945.2(b) (2014).

³⁹ See Legal Aid Society, *Know Your Rights: Paid Family Leave Benefits*, available at <https://las-elc.org/fact-sheets/paid-family-leave-benefits> (last visited Feb. 27, 2015).

⁴⁰ *Id.*

⁴¹ N.J. STAT. ANN. § 43:21-27(g)(2) (2013).

⁴² *Id.* §§ 43:21-27(o); 43:21-39(b)(2).

⁴³ *Id.* § 43:21-40; N.J. Dep’t of Labor, *Benefit Calculation and Duration of Benefit*, available at http://lwd.dol.state.nj.us/labor/fli/worker/state/FL_SP_calculating_benefits.html (last visited Feb. 27, 2015).

⁴⁴ The NJ FLA applies to employers with 50 or more employees nationwide during each working day of 20 or more calendar weeks in the current or preceding calendar year. N.J. STAT. ANN. § 34:11B-3(f)(3) (2013).

⁴⁵ *Id.* §§ 34:11B-3(i), 34:11B-4.

⁴⁶ *Id.* § 43:21-39.1(c)-(d).

⁴⁷ R.I. GEN. LAWS § 28-41-35(h).

through employee contributions.⁴⁸ It provides up to 4 weeks of family care leave.⁴⁹ The law provides that all employees exercising their rights to temporary caregiver insurance be restored to a comparable position upon expiration of those benefits.⁵⁰ Further, family leave runs concurrently with leave taken pursuant to the FMLA or the Rhode Island Parental and Family Medical Leave Act.⁵¹

In 2007, Washington State created a family leave program; however, it is not funded through an existing TDI program and has not yet been implemented. Under the law, employees in Washington are entitled to up to 5 weeks of family leave benefits “[b]ecause of the birth of a child of the employee and in order to care for the child,” or “because of the placement of a child with the employee for adoption.”⁵² The wage replacement benefit is capped at \$250 per week.⁵³ The Washington State law requires family leave to be taken concurrently with any leave taken under FMLA.⁵⁴

AVAILABILITY OF FAMILY LEAVE BENEFITS GLOBALLY

Far from being at the forefront of progressive policies to support families’ work-life realities, the U.S. lags far behind most other nations when it comes to supporting working families through family leave. It joins Swaziland and Papua New Guinea as the only countries in the world that do not require employers to provide some form of parental leave benefits in *any* employment sector.⁵⁵ As of March 2010, only 11% of all U.S. workers had access to family leave benefits.⁵⁶ In contrast, as of January 2011, 178 countries offered guaranteed family leave benefits to women in connection with childbirth.⁵⁷ Further, a 2010 study showed that 49 countries provided some family leave for fathers around the birth of a child.⁵⁸ By recognizing that workers’ family responsibilities need not cost them their paychecks, laws such as A.1793-B/S.4742-B would go a long way toward starting to bring the U.S. in line with other nations.

⁴⁸ See R.I. Department of Labor and Training, *Temporary Disability Insurance Fact Sheet*, available at <http://www.dlt.state.ri.us/tdi/pdf/TCIFactSheet.pdf> (last visited Feb. 27, 2015).

⁴⁹ R.I. GEN. LAWS § 28-41-35(d)1.

⁵⁰ *Id.* § 28-41-35(f).

⁵¹ *Id.* § 28-41-35(i).

⁵² WASH. REV. CODE §§ 49.86.010(8), 49.86.050 (2013).

⁵³ *Id.* § 49.86.060.

⁵⁴ *Id.* § 49.86.140. For a description of the state paid family leave insurance laws as of February 2015 see National Partnership for Women & Families, *State Paid Family Leave Insurance Laws* (Feb. 2013), available at <http://www.nationalpartnership.org/research-library/work-family/paid-leave/state-paid-family-leave-laws.pdf> (last visited Feb. 27, 2015).

⁵⁵ Human Rights Watch, *Failing its Families: Lack of Paid Leave and Work-Family Supports in the US*, at 1 (Feb. 2011), available at <http://www.hrw.org/sites/default/files/reports/us0211webwcover.pdf> (last visited Feb. 27, 2015).

⁵⁶ *Id.* at 29 (regarding specific paid family leave benefits, “rather than all forms of paid leave that might be applied during time off work to care for family (such as paid sick and vacation days)”).

⁵⁷ *Id.* at 33.

⁵⁸ *Id.* (citing ILO, *Maternity at Work: A Review of National Legislation* (Geneva: International Labour Office), at 17 (2010)).

CONCLUSION

It is time for New York to provide a meaningful way for employees to fulfill their work and family responsibilities. Providing family leave benefits will promote economic security and support family wellbeing. For these reasons, the Committee urges the Legislature to pass A.3870/S.3004 extending TDI benefits to provide partial wage replacement to all New York employees who need to take family care leave from the workplace, along with job protection upon return from leave.

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