



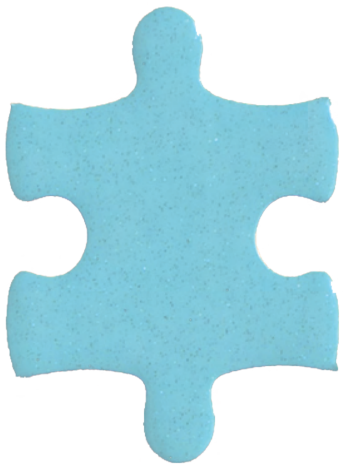
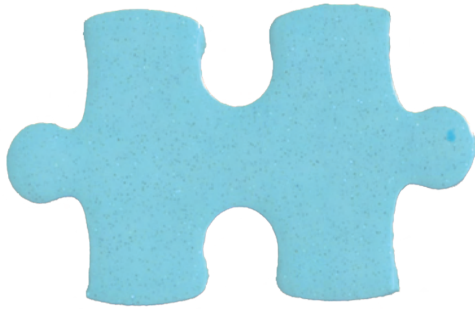
# Paid Family & Medical Leave:

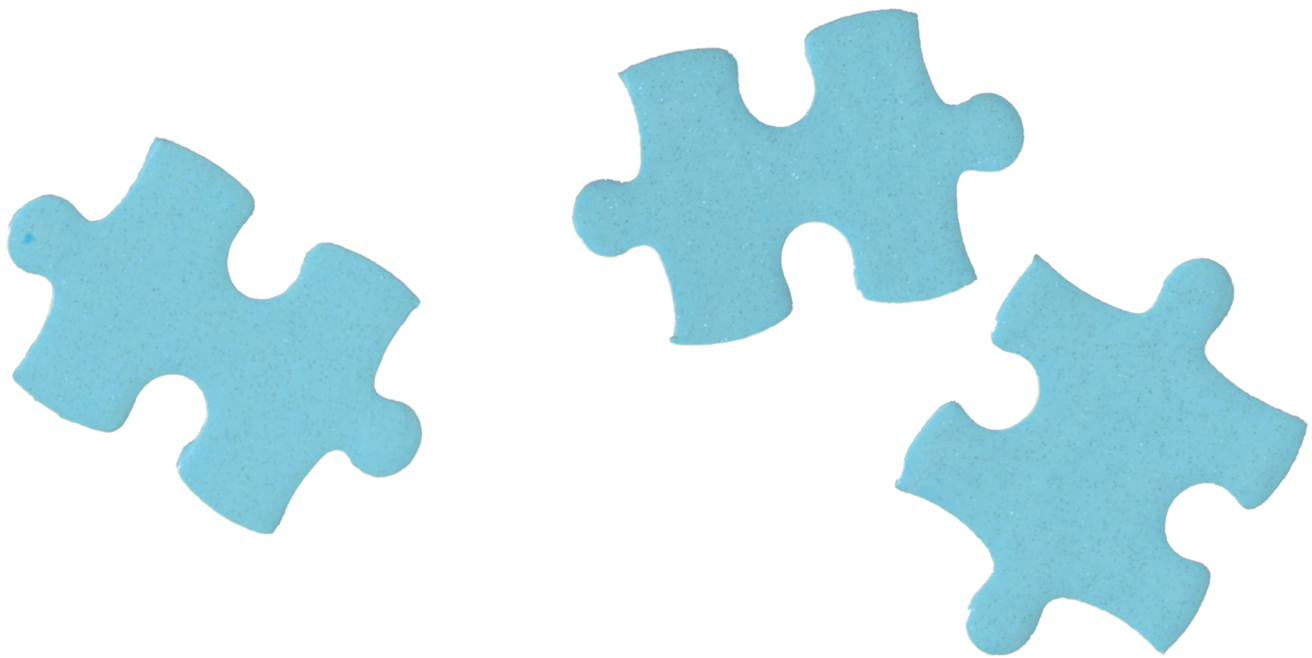
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**An Essential Investment in Pennsylvania  
Business and Their Employees**

September  
2023







## Introduction

Across the country, businesses are realizing that providing paid leave pays off. That's why more than a dozen states have already passed paid leave laws that give their employers a leg up. But the Keystone State has yet to make the same commitment. It is time to invest in our employers and our economy by providing the paid leave program Pennsylvania needs. **A state paid leave program will boost the capacity of businesses to recruit and retain talent and increase productivity and profitability<sup>1</sup>.**

Approximately 90,000 of Pennsylvania's private employers offer some level of paid family and medical leave benefits to their workforce. Yet, **71% of all private companies, employing 3.5 million workers, are not offering paid family and medical leave benefits at all.** As such, the enactment of a state paid family and medical leave program will improve the business conditions in the vast majority of the state's private employers, thereby boosting the retention and productivity of 66% of the private sector workforce.

# Paid leave is an essential investment in Pennsylvania businesses.

**For businesses, providing paid leave doesn't just make sense – it makes dollars and cents.** The data shows that when states invest in paid leave programs, their businesses reap the benefits, translating into better employee recruiting and retention alongside higher productivity.

***Paid leave boosts productivity – and, with it, the bottom line.***

Paid leave can mean increased productivity. One study compared businesses in states with new paid family leave laws (California, New Jersey, and Rhode Island) with neighboring states without such laws. Controlling for other factors, **those businesses in the paid-leave-covered jurisdictions saw statistically significant increases in productivity compared to their neighbors without paid leave laws.**<sup>2</sup> In other words, businesses in paid leave states saw the benefits of increased productivity, while those in states without paid leave laws were left out.

The Human Capital Management Institute found that most companies that created or expanded paid leave policies reported increases in revenue per full-time employee as well as profit per full-time employee, alongside improvements in return on human capital. **The average increase in profit per full-time employee where paid leave is offered was 6.8% – a direct bottom line benefits to employers.**<sup>3</sup>

Paid leave is also an important recruiting tool that will help Pennsylvania businesses hire the best employees. In a tight labor market, many employers are struggling to attract the people they need for their businesses to grow and thrive. **Employees with access to paid leave are 22% more likely to recommend their job to a friend than those without,** opening up new networks of opportunity to recruit talent.<sup>4</sup>

Business owners already see the recruiting benefits. In one survey, **small business owners who already offered paid leave reported that they saw it as a business imperative necessary to attract quality employees, while those who do not offer paid leave have found it harder to hire.**<sup>5</sup> In the same survey, cost was the most frequently cited barrier to offering paid leave.<sup>6</sup> Pennsylvania can pass a paid leave program that would address that problem head on, providing quality paid leave benefits at *little or no cost to employers.*<sup>7</sup> That's one of the key reasons guaranteed paid leave is especially important for small and new businesses that may lose the best employees because they can't compete with larger, established companies that can afford to provide attractive paid leave benefits out of pocket.

***Paid leave helps businesses recruit the best employees.***

***Paid leave saves businesses money by improving retention and reducing costly turnover.***

Businesses don't just need to recruit – they also need to retain talent. As the **Boston Consulting Group (BCG) report puts it, "talent retention is one of the primary reasons cited by employers to provide paid family leave," including that "paid leave . . . makes it more likely that women will return to work for the same employer."**<sup>8</sup> BCG identified prominent employers, from Google to Accenture to Aetna, that saw substantial decreases in turnover among women after expanding their paid leave policies.<sup>9</sup> The same kind of data prompted the Department of Defense to improve its own leave policy to help attract and retain valued personnel.<sup>10</sup>

The hiring process itself takes time and money, from advertising to interviewing to onboarding. At the same time, new employees getting up to speed are likely to be less productive than an existing employee who delivers proven, experienced results tailored to the business' needs. As one New Jersey employer put it, in explaining why he gave an employee an extended leave, "A valued employee is an asset. Not having to go through that change over and train [a replacement employee] is a real positive."<sup>11</sup> On average, turnover costs represent nearly 40% of a position's annual wages, money that is coming directly out of employers' pockets.<sup>12</sup>

Paid leave can help combat turnover, keeping valued employees on the job. **When California's paid family leave law took effect, employee turnover dropped compared to neighboring states without such laws.**<sup>13</sup> **Ten years after paid family leave went into effect, the average California firm had a lower turnover rate than before the law and a lower per worker wage bill.**<sup>14</sup> Pennsylvania employers deserve this critical tool to retain their best employees.

Over the course of 2019 to 2022, **employees who had access to and used family or caregiving leave were less likely to quit than those who did not use leave,** according to research from the U.S. House of Representatives.<sup>15</sup> Those who took leave were more likely to receive raises and promotions following leave, strongly suggesting that access to paid leave helped keep exactly those employees employers most want to retain.<sup>16</sup>

Today, employers are especially struggling to hire and retain workers in industries with low wages and limited benefits, like hospitality and retail.<sup>17</sup> Paid leave may be especially beneficial for retaining these employees. One study found that employees in low-wage jobs without health benefits but with state paid leave returned to their employer 10% more often than workers without state paid leave.<sup>18</sup>

In states with paid family leave benefits, employer fears about the anticipated downsides didn't materialize. For example, **one year after New York's paid family leave benefit began, there were no adverse effects on employee attendance, commitment, cooperation, productivity, or teamwork.**<sup>19</sup> Similarly, a Rhode Island study found no significant negative changes in employer reports about employee cooperation or attendance after the implementation of the state's paid family leave law.<sup>20</sup> In New Jersey, employers worried that other employees would resent those on leave, but when

***Paid leave's business benefits are not accompanied by negative impacts employers often fear.***

employees actually took leave they saw no such resentment. As one human resources professional put it, “People understand that ‘it could be me,’ . . . I’ve never heard a grumble.”<sup>21</sup>

## Pennsylvania’s paid leave program would offer the familiar advantages of short-term disability policies – at no or limited cost to employers.

**State paid family and medical leave insurance programs have many features familiar to employers already providing short-term disability coverage.** Commercial short-term disability insurance policies provide covered employees with a percentage of their income during a period of inability to work due to illness or injury, separate from those needs that would be covered through workers’ compensation. A typical policy provides 60% of an employee’s income, up to a cap, for a period of up to 26 weeks.<sup>22</sup>

Similarly, state paid family and medical leave programs replace a percentage of an employee’s income (either a fixed percentage or a sliding scale based on income), up to a cap.<sup>23</sup> Among existing state paid family and medical leave programs, half guarantee medical leave or disability benefits for less time than a standard short-term disability policy, typically around 12 weeks;<sup>24</sup> half provide these benefits for 26 weeks or more.<sup>25</sup>

State paid medical leave programs and short-term disability policies also cover similar health needs. Employees use short-term disability coverage when they are unable to work for a period of weeks or months due to an illness, injury, or health condition, excluding those covered by workers’ compensation. These benefits could cover time to recover after an accident or to heal after surgery. One common use of short-term disability coverage is for disability during pregnancy or recovery from childbirth, which could be covered by state paid medical leave programs.

## Once state paid leave laws are in place, employers adjust easily and support the programs.

Employers report adapting easily to new state paid leave laws while enjoying the advantages detailed above. The New Jersey Business and Industry Association found that “[r]egardless of business size, based on survey results, New Jersey businesses have had little trouble adjusting to requirements of the Paid Family Leave law.”<sup>26</sup> In California, the vast majority of employers reported no negative effects from the

**state's paid family leave law; small businesses were even less likely to report negative effects.**<sup>27</sup>

Similarly, most California employers reported coordinating state paid family leave benefits with their own existing benefits – in effect, reducing their costs to provide paid leave through the state's 100%-employee-funded insurance program, benefiting the bottom line.<sup>28</sup>

Once state paid leave laws are passed, employers see how state paid leave laws make their lives easier with benefits that employers in states without paid leave lose out on. In the first year of New York's paid family leave program, employers reported that handling employee absences was easier than the prior year, a result that was statistically significant as compared to the non-paid leave control state, Pennsylvania.<sup>29</sup> In New Jersey, employers reported improvements in employee morale and reductions in employee stress due to the paid leave program;<sup>30</sup> happier, less stressed employees, in turn, have direct benefits for the bottom line.<sup>31</sup> In the same focus group, **an employer with locations in both New Jersey and Pennsylvania reported that when employees "find out they can't get the [paid leave] benefit in Pennsylvania, they freak out. We've had a lot of people who were not too happy about that."**<sup>32</sup>

**Six out of ten Rhode Island employers, notably smaller employers, supported the law within a year of it taking effect.**<sup>33</sup> When times get tough, these programs only become more valuable to employers. Among small employers in New York and New Jersey, already-high support for state paid family leave programs rose to more than 70% at the height of the COVID pandemic, while opposition was cut in half.<sup>34</sup> Increases in support were even higher among employers whose employees actually used the benefit, showing that personal experience bolstered employer support.<sup>35</sup>

## State paid leave programs keep dollars in employers' accounts to use as they see fit to cover an absence or invest for the future.

At the same time, **providing paid leave through a state program can give employers new resources to keep their business flourishing during employee leaves.** Because the insurance system, rather than the employer, pays employee benefits during leaves, employers retain the money in their bank accounts they would otherwise have used to pay the leave-taking employee's wages. Thus, employers can offset the impact of an employee's leave by paying overtime, adding extra hours for existing employees, or hiring temporary help. Providing insurance benefits that are covered in part or all by employees gives employers flexibility to manage leaves in a way that supports employees and businesses without hurting the bottom line.

***Most employers cover employee absences by reassigning work to other employees.***



Moreover, covering the work of an employee on leave often comes at no additional cost at all. Most California employers report reassigning work to existing employees as their most commonly used method for covering leaves, especially for overtime-exempt employees.<sup>36</sup> Similarly, in a New Jersey Business and Industry Association survey, three out of four employers reported covering continuous leaves by assigning work to other employees; for intermittent leaves, the rate was 83%.<sup>37</sup> When employers can cover leave-taking employees' work without additional costs – as most employers are able to do – they hold onto the money they would have paid the leave-taking employee in wages to use however is best for their business.

# Without paid leave, Pennsylvania employers – and Pennsylvania's economy – are getting left behind.

**Thirteen states and the District of Columbia have passed paid family and medical leave laws.**<sup>38</sup> Of those, nine are currently paying benefits and five more will begin doing so over the next few years. As a result, nearly one in three Americans now live in states that have passed paid leave laws.<sup>39</sup> These numbers will continue to grow as other states are poised to pass their own laws soon.<sup>40</sup>

Because of the way these laws are structured, employers in these states will receive the recruiting, retention, and morale upsides – and with them, benefits to the bottom line – of providing paid leave at little to no cost. Pennsylvania employers, in contrast, would have to pay much more to provide similar benefits out of pocket or else risk losing out as in-demand employees choose jobs elsewhere. Unless the Commonwealth makes the same investment as other states, Pennsylvania employers will continue to be at a significant disadvantage in hiring.



**This competitive challenge is particularly profound for Pennsylvania: four of its six borders are shared by states that have already passed paid leave laws.**<sup>41</sup> More than nearly any other state in the country, Pennsylvania employers face situations in which desirable candidates can guarantee themselves paid leave benefits by taking a job in a neighboring state, even without relocating. Employers in Erie risk losing out to employers across the New York border to the north, while employers in Bucks County are competing against New Jersey's paid leave benefits. With newer states coming online soon, this problem will only spread, as employers from Uniontown to West Chester will be up against attractive paid leave programs in Maryland and Delaware.

Moreover, as the Keystone State competes to be a national and international economic leader, employers must compete for the best talent across the country. In healthcare, for example, talented professionals are guaranteed robust paid leave at Mass General, Cedars-Sinai, and Johns Hopkins at little to no cost to employers, while Pennsylvania hospitals must pay out of pocket to provide competitive paid leave. Whether it is engineers, accountants, or sales representatives, the most talented employees will always have options. Pennsylvania's prosperity depends on offering its employers a fair shot at hiring the best.



For the state's economy as a whole, paid leave is also part of the picture as entrepreneurs consider where to start their business. Consider the start-ups that will build the technology – and the jobs – of the future. Employers are able to provide the benefits employees demand for free in Palo Alto or at a low cost in Portland, but must pay a much higher cost to do so in Pittsburgh. That is an attractive part of the package (with bottom line implications) to new and growing employers in other states that Pennsylvania currently can't match.

## **Paid leave programs can be structured to give employers flexibility while maintaining administrative ease.**

**Twelve of the fourteen existing state paid leave laws are structured such that state and private options coexist to give employers options.** In these systems, employers can provide benefits through private plans or use the insurance fund provided by the state, allowing employers to choose the solution that works for them.

In a typical state system, there are three main options for employers.

1. Employers can select from commercial insurance carriers (all certified by the state) to find competitive pricing, convenience, or flexibility that is best for their business.
2. Employers can self-insure, which may appeal to larger employers that would prefer to maintain more control.
3. Employers will always have the option of using the state fund. And in any option, employers who want to can always decide to offer more generous benefits to keep their competitive edge.

This structure means flexibility, recognizing that different employers have different needs. Those who would rather go to a commercial carrier to get coverage can do so, providing opportunities to bundle coverage with other policies. Employers who would rather operate their program in house can also do so, allowing them maximum opportunity to customize policies to provide even greater protections as a recruiting and retention tool. And for those who want the simplest option, the state fund offers easy and automatic coverage they can rely on without having to shop around or take extra steps.

For whatever route they choose, employers will not have to deal with administering claims or reviewing applications if they don't want to. For those using the state fund, as most employers do in existing states, the state will handle the paperwork, review medical certifications and other documentation, calculate benefit rates, and keep track of durations – taking those tasks off employers' plates. For those opting for private insurance, the carrier the employer selects will handle the day-to-day work of processing claims and cutting checks.

***Like short-term disability policies, state paid leave programs take the administrative weight off employers' shoulders and the financial pressures off employers' bottom lines.***

**Paid leave isn't a new idea – it is a natural evolution of what many employers are already doing.**

Both state paid leave laws and commercial short-term disability policies can take administrative burdens off employers' shoulders while verifying the need for leave. When an employee needs short-term disability benefits, they apply to the insurance carrier and provide medical documentation. The carrier then reviews the claim and supporting

documentation and, if the claim is approved, pays the benefits to the employee. Similarly, in a state paid leave program, when an employee needs benefits, they apply to the state or private plan and provide medical or other appropriate documentation. The state or private plan then reviews the claim and supporting documentation and, if the claim is approved, pays the benefits to the employee. In both cases, employers get the upsides of providing paid leave without having to review claims themselves or pay benefits from their own bank accounts.

Adopting a paid leave program would build upon this existing infrastructure, giving all employers the advantages those who currently purchase short-term disability coverage enjoy. From their experiences in other states that have adopted similar laws in recent years, insurance carriers are very familiar with how to adapt existing disability insurance policies to qualify as private plans for paid medical leave benefits. This means that depending on the exact structure of the state law, employers that wish to can still choose to purchase an insurance policy that fulfills their obligations under the law from the carrier who currently provides their short-term disability coverage—or another carrier who better meets their needs.

Paid family leave benefits are currently not an authorized line of coverage for insurers in Pennsylvania, meaning that employers who want to buy an insurance policy to cover new parent or caregiving needs for their employees cannot do so. Instead, employers who want the advantages of providing paid leave for these needs – or simply see the benefits to taking care of their employees – must do so by paying employees their salaries (or a portion thereof) fully out of pocket, a *much* more expensive proposition.

***Paid family leave insurance can open new opportunities for insurers and new options for employers.***

**At a minimum, passing a paid family and medical leave law would make it possible for Pennsylvania employers to provide robust parental and caregiving benefits at no or limited cost, rather than having to pay workers 100% out of pocket as they do now.** If it chose to, Pennsylvania could also authorize insurance policies to meet these needs under the auspices of the paid leave law, jumpstarting a brand-new market to give employers options.

More broadly, the insurance industry is an important part of Pennsylvania's economy, as well as employers in their own right, with a key stake in the future of paid leave. **A universal paid leave program with a private plan component is a unique opportunity for insurers, potentially creating an overnight expansion in interest and demand for both new and existing products.** That opportunity allows carriers to compete to offer the best solutions, giving employers more options and insurance carriers new business opportunities.

As Jamie Kalamarides, past president of Prudential Group Insurance and current CEO of Bear North puts it:



***For insurers, state PFML provides three major benefits: new opportunities for fee and premium revenue growth using existing technology and processes; reduced duration of longer-term disability claims by enabling earlier interventions for return to work; and coordination of claims intake and management across health, workers compensation and supplement health policies.***<sup>42</sup>

State paid leave laws open the door for insurance carriers to offer new and expanded lines of business, while providing cost savings and efficiency benefits. All employers will benefit from paid leave, but the insurance industry has a unique and powerful stake in its success.

Employers who wish to can always choose to offer more generous benefits than the state minimum, giving them an edge in recruiting and retention for the best employees, just as many employers already offer strong paid leave benefits.

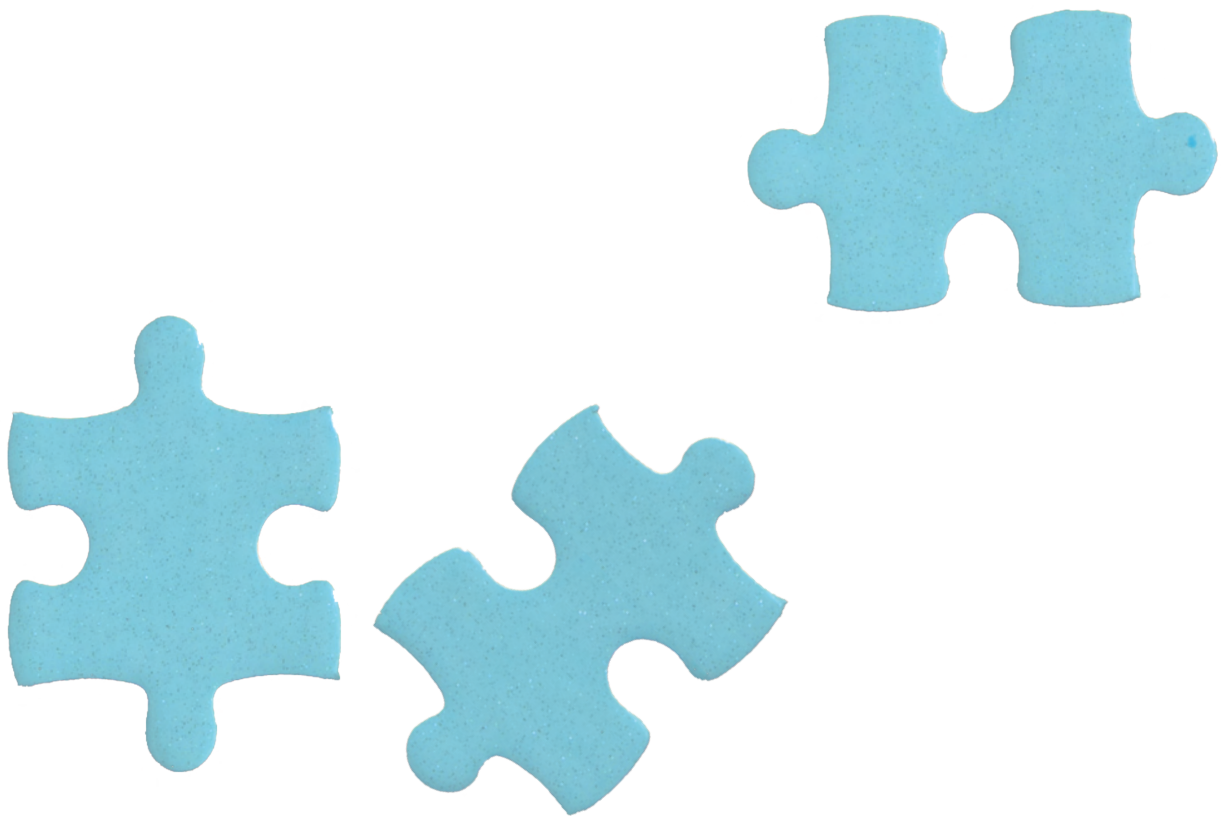
If Pennsylvania adopts a paid leave law, the state benefit will provide baseline coverage for many, if not most, needs that employers are currently covering voluntarily. This means employers already providing generous paid leave benefits can continue to do so at a significantly lower cost; they could also choose to offer even better benefits for the same or less than they are spending now. Either way, the strong foundation of a state guarantee is a win-win for employers, whether they already provide paid leave benefits or would be empowered to do so for the first time.

***State paid  
leave laws set  
a floor, not a  
ceiling.***



## Conclusion

Paid leave is the investment Pennsylvania businesses need to recruit and retain the best employees and boost productivity, morale, and the bottom line. **As more and more states adopt their own paid leave laws, including most of the Commonwealth's neighbors and biggest economic competitors, Pennsylvania must step up to keep our economy from being left behind.** Paid leave is a policy that will make the Commonwealth's economy more competitive, its companies more profitable and its employees more productive.



# Endnotes

<sup>1</sup> Author’s calculation based on the data provided by insurance industry expert Jamie Kalamarides, past president of Prudential Group Insurance and current CEO of Bear North who estimates that employers with more than 5000 employees in certain industries routinely offer paid family and medical leave to employees based on his experience. He reviewed the 57 employers that meet this threshold and based the industries represented estimated that 50% of the largest employers in the state are likely to be offering paid family and medical. Additional data found in the National Compensation Survey of private employers indicates that 36% of employers with 500 or more employees report offering paid family leave, although that survey does not specify exactly the share of lost wages paid to employees for the length of time for which the benefit is paid. That survey also finds that 24% of all private employees in small and large firms are receiving some sort of paid family and medical leave; [National Compensation Survey: Employee Benefits in the United States, March 2022 : U.S. Bureau of Labor Statistics \(bls.gov\)](#). Although the survey is not disaggregated by state the share of employees receiving this benefit working in small businesses (under 500 employees), the share of employees in these smaller firms receiving these benefits is likely a result of the robust state requirements for paid leave in California, New York, Massachusetts and New Jersey.

To estimate the availability of paid leave benefits offered in PA the Pa Department of Labor and Industry, Center for Workforce Information and Analysis for Q4, 2022 found the following distribution of private employers and employees by size.

## Employers and Employees by Employment Size Group, Pennsylvania, 2022 Q4 Initial

Employment Range	Employers	Employees
Total	309,251	5,277,305
Fewer than 500	308,044	3,347,224
500 to 4,999	1,153	1,310,076
5,000 or more	54	620,005

Source: PA Center for Workforce Information & Analysis, 6/15/23

Other national data finds that about 43% of private sector employees across the United States already have access to short-term disability coverage through an employer.<sup>1</sup> In some industries, rates are much higher: for example, six out of ten workers in professional and technical services and seven out of ten employees in the information sector currently have access.<sup>1</sup> Roughly two-thirds of that coverage comes through commercial insurance policies, with the rest coming in other ways (such as employer self-insurance).<sup>1</sup> In the vast majority of cases, employers are covering the full cost – only 14% of employer-provided short-term disability plans require an employee contribution.<sup>1</sup> This means that in more than a third of the private sector workforce, employers are paying 100% of the premium costs to acquire short-term disability coverage for their employees.<sup>1</sup> This data was not used for this analysis since companies may restrict the use of short term disability to personal health care needs, not the full suite of FMLA protected leave categories.

<sup>2</sup> Benjamin Bennett et al., *Paid Leave Pays Off: The Effects of Paid Family Leave on Firm Performance* (Nat’l Bureau of Econ. Rsch., Working Paper No. 27788, 2021),

[https://www.nber.org/system/files/working\\_papers/w27788/w27788.pdf](https://www.nber.org/system/files/working_papers/w27788/w27788.pdf).

<sup>3</sup> Panorama and American Sustainable Business Council, *The Business Impacts of Paid Leave* (September 2019), p. 11, [https://www.asbcouncil.org/sites/main/files/file-attachments/panorama\\_report\\_-\\_business\\_impacts\\_of\\_paid\\_leave.pdf](https://www.asbcouncil.org/sites/main/files/file-attachments/panorama_report_-_business_impacts_of_paid_leave.pdf).

<sup>4</sup> Thea Garon et al., *Unpaid And Unprotected: How The Lack Of Paid Leave For Medical And Caregiving Purposes Impacts Financial Health*, p. 5 (Sept. 2021), <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-leave/unpaid-and-unprotected-how-lack-pa-id-leave-impacts-financial-health.pdf>.

<sup>5</sup> *Small Business for America’s Future, Paid Leave Policies on Main Street* (2021),

<https://www.smallbusinessforamericasfuture.org/small-business-for-america-s-future-releases-paid-leave-survey-results>.

<sup>6</sup> *Id.*

<sup>7</sup> Pennsylvania House Bill No. 1200, Section 306,

<https://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=HTM&sessYr=2021&sessInd=0&billBody=H&billType=B&billNbr=1200&pn=1478>.

<sup>8</sup> Trish Stroman et al., *Why Paid Family Leave is Good Business*, The Boston Consulting Group (February 2017), p.14,

<http://media-publications.bcg.com/BCG-Why-Paid-Family-Leave-Is-Good-Business-Feb-2017.pdf>.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Sharon Lerner and Eileen Appelbaum, *Business as Usual: New Jersey Employers' Experiences with Family Leave Insurance*, Center for Economic and Policy Research, June 2014, p. 22, <https://www.cepr.net/documents/nj-fl-2014-06.pdf>.

<sup>12</sup> Kate Bahn and Carmen Sanchez Cumming, *Improving U.S. Labor standards and the quality of jobs to reduce the costs of employee turnover to U.S. companies* (December 2020), p. 4, Washington Center for Equitable Growth, <https://equitablegrowth.org/wp-content/uploads/2020/12/122120-turnover-costs-ib.pdf>.

<sup>13</sup> Bennett et al., p. 17, *supra* note vv.

<sup>14</sup> Kelly Bedard and Maya Rossin-Slater, *The Economic and Social Impacts of Paid Family Leave in California: Report for the California Employment Development Department*, October 13, 2016, p. 3,

[https://edd.ca.gov/siteassets/files/disability/pdf/PFL\\_Economic\\_and\\_Social\\_Impact\\_Study.pdf](https://edd.ca.gov/siteassets/files/disability/pdf/PFL_Economic_and_Social_Impact_Study.pdf).

<sup>15</sup> Select Subcommittee on the Coronavirus Crisis, U.S. House of Representatives, *America's Pandemic Workforce: Persistent Structural Inequities Harm Workers and Threaten Future Crisis Response* (October 2022), p. 41,

<https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2022.10.25%20Persistent%20Structural%20Inequities%20Harm%20Workers%20and%20Threaten%20Future%20Crisis%20Response.pdf>.

<sup>16</sup> *Id.*

<sup>17</sup> Stephanie Ferguson, *Understanding America's Labor Shortage: The Most Affected Industries*, U.S. Chamber of Commerce, January 19, 2023,

<https://www.uschamber.com/workforce/understanding-americas-labor-shortage-the-most-impacted-industries>.

<sup>18</sup> Eileen Appelbaum & Ruth Milkman, *Leaves That Pay: Employer and Worker Experience With Paid Family Leave In California*, p. 25 (2011), <https://cepr.net/documents/publications/paid-family-leave-1-2011.pdf>.

<sup>19</sup> Ann P. Bartel et al., *The Impact of Paid Family Leave on Employers: Evidence from New York* (Nat'l Bureau of Econ. Rsch., Working Paper No. 28672, 2021), p.3, [https://www.nber.org/system/files/working\\_papers/w28672/w28672.pdf](https://www.nber.org/system/files/working_papers/w28672/w28672.pdf).

<sup>20</sup> Ann Bartel et al., *Assessing Rhode Island's Temporary Caregiver Insurance Act: Insights from a Survey of Employers* (January 2016), p.4,

[https://www.dol.gov/sites/dolgov/files/OASP/legacy/files/AssessingRhodeIslandTemporaryCaregiverInsuranceAct\\_InsightsFromSurveyOfEmployers.pdf](https://www.dol.gov/sites/dolgov/files/OASP/legacy/files/AssessingRhodeIslandTemporaryCaregiverInsuranceAct_InsightsFromSurveyOfEmployers.pdf).

<sup>21</sup> Lerner and Appelbaum, *supra* note xivxiv, p. 16.

<sup>22</sup> U.S. Bureau of Labor Statistics, *supra* note Error! Bookmark not defined.Error! Bookmark not defined..

<sup>23</sup> Rhode Island, New Jersey, New York, and Delaware provide or will provide a fixed percentage of wages (ranging from 50% to 85%), up to a cap. California, D.C., Washington, Massachusetts, Connecticut, Oregon, Colorado, and Maryland provide or will provide benefits as a percentage of wages on sliding scale (up to a cap), where lower-wage workers get a higher percentage of their income (typically 80% to 90%), while higher income workers receive a lower percentage of wages depending on their income.

<sup>24</sup> D.C., Washington State, Connecticut, Oregon, Colorado, and Maryland all provide or will provide medical leave benefits for up to 12 weeks, some with additional weeks available for pregnancy or childbirth-related medical needs. Delaware will provide medical leave benefits for up to 6 weeks.

<sup>25</sup> Massachusetts provides medical leave benefits for up to 20 weeks. New York and New Jersey provide temporary disability benefits for up to 26 weeks, while Rhode Island does so for up to 30 weeks and California for up to 52 weeks.

<sup>26</sup> Miriam Ramirez, New Jersey Business and Industry Association, *The Impact of Paid Family Leave On New Jersey Businesses* (2012), <https://bloustein.rutgers.edu/wp-content/uploads/2012/03/Ramirez.pdf>.

<sup>27</sup> Appelbaum and Milkman, *supra* note xxiixxii, p. 7-9.

<sup>28</sup> *Id.*

<sup>29</sup> Bartel et al., *supra* note xxiiiixxiii, p.2.

<sup>30</sup> Lerner and Appelbaum, *supra* note xivxiv, p. 15-16.

<sup>31</sup> William Craig, *How Positive Employee Morale Benefits Your Business*, August 29, 2017,

<https://www.forbes.com/sites/williamcraig/2017/08/29/how-positive-employee-morale-benefits-your-business/?sh=3a97b50c2549>.



<sup>32</sup> Lerner and Appelbaum, *supra* note xivxiv, p. 16.

<sup>33</sup> Bartel et al., *supra* note xxivxxiv, p.5.

<sup>34</sup> Ann P. Bartel et al., *Support for Paid Family Leave among Small Employers Increases during the COVID-19 Pandemic* (Dec. 2021), Socius: Sociological Research for a Dynamic World, <https://journals.sagepub.com/doi/full/10.1177/23780231211061959>.

<sup>35</sup> *Id.*

<sup>36</sup> 96.6% of employers reported reassigning work to existing employees was their most commonly used method of covering leaves for overtime-exempt employees. Nearly two-thirds of California employers said reassigning work to existing employees was their most commonly used method for covering leaves non-overtime-exempt employees. Appelbaum and Milkman, *supra* note xxiixxii, p. 8-10. ,

<sup>37</sup> For continuous leaves, 70.5% of employers reported reassigning work temporarily to other employees, while 5.9% reported reassigning work permanently. For intermittent leaves, 79.0% of employers reported reassigning work temporarily, while 4.0% reported doing so permanently. Ramirez, *supra* note xxvixxvi.

<sup>38</sup> Benefits are currently available in California, New Jersey, Rhode Island, New York, Washington State, the District of Columbia, Massachusetts, and Connecticut. Benefits will begin in September 2023 in Oregon and then in following years in Colorado (2024), Maryland (2025), and Delaware (2026).

<sup>39</sup> Author calculation based on data from 2022 U.S. Census Bureau, Annual Estimates of the Resident Population of the United States, Regions, States, District of Columbia and Puerto Rico: April 1, 2020 to July 1, 2022, <https://www.census.gov/data/tables/time-series/demo/popest/2020s-state-total.html>.


<sup>40</sup> Daniel J. Chacón, “Paid family and medical leave bill advances” (Feb. 9, 2023), *Santa Fe New Mexican*, [https://www.santafenewmexican.com/news/local\\_news/paid-family-and-medical-leave-bill-advances/article\\_3a110e5c-a894-11ed-b42b-df4322be1c19.html](https://www.santafenewmexican.com/news/local_news/paid-family-and-medical-leave-bill-advances/article_3a110e5c-a894-11ed-b42b-df4322be1c19.html); Matthew Stolle, “DFL pushes Paid Family and Medical Leave program to the finish line,” (Feb. 9, 2023) *Post-Bulletin* (Rochester, MN),

<https://www.postbulletin.com/news/local/dfi-pushes-paid-family-and-medical-leave-program-to-the-finish-line>; Joe Lawler, “Maine could become 12th state to enact paid family leave,” (Feb. 6, 2023) *Portland Press-Herald*, <https://www.pressherald.com/2023/02/06/maine-could-become-12th-state-to-enact-paid-family-leave/>.

<sup>41</sup> The Keystone State is bordered by states with paid leave laws to the north (New York), East (New Jersey), and South (Maryland and Delaware).

<sup>42</sup> Personal correspondence with author, March 7, 2023.





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