



**The Nelson A. Rockefeller Center at Dartmouth College**

*The Center for Public Policy and the Social Sciences*

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**PAID FAMILY LEAVE:  
NEW HAMPSHIRE FEASIBILITY**

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Presented to the NH House Labor, Industrial and Rehabilitative  
Services Committee, Rep. Steve Schmidt, Chair

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## **EXECUTIVE SUMMARY**

Paid family leave is an issue that has taken the spotlight at the national level and in states across the country. In March 2016, only 13 percent of private employees in the United States had access to paid family leave.<sup>1</sup> Three U.S. states have paid family and medical leave plans. California, New Jersey, and Rhode Island have plans put in effect in 2004, 2009, and 2014 respectively.<sup>2</sup> New York State has just passed a new paid leave legislation in 2016 which will go into effect in 2018.<sup>3</sup> The District of Columbia enacted legislation in 2017 that will be effective in 2020. The State of Washington enacted legislation in 2017 which will begin effect in 2019. This report will focus on the paid family leave programs in California, New Jersey, and Rhode Island, as those programs are already in effect and have been in effect long enough to study their results on families, businesses, and the states at large.

### **1. METHODOLOGY**

Paid family leave programs are becoming more common in the United States, with six states currently having active programs and more developing legislation. In order to fully understand the impact of Paid Family Leave (PFL) in the State of New Hampshire, an analysis on PFL across the nation, in similar states, and in New Hampshire itself is required. In order to better understand the context of a paid family leave program in New Hampshire, a state by state comparison of the six states with implemented Paid Family Leave programs is conducted. This analysis relies primarily on bill texts, and is supplemented by interviews with bill sponsors. This overview allows for easy comparisons across states, and allows for patterns in legislative changes to be clearly seen.

The State of Vermont is similar to New Hampshire in terms of both size and demographics, and the Vermont House introduced a bill regarding Paid Family Leave in January 2017. An in-depth study of the legislative process, the proposed bill and influential players is conducted in order to gain more insight into the debate over Paid Family Leave in small, rural states. This information is collected through numerous interviews with legislators in the Vermont House and Senate, as well as from the text of HB 196. Finally, an analysis of the public opinion and the stance of the influential Business and Industry Association in New Hampshire is carried out, in order to investigate the political climate on Paid Family Leave in the state. This segment of the report utilized a study conducted at the University of New Hampshire and interviews conducted with interested parties.



## **2. BACKGROUND**

### *2.1 Legislation in New Hampshire*

HB 628 was introduced in the New Hampshire House of Representatives in 2017. This bill lays out a plan that would provide family and medical leave insurance for up to 12 weeks at 85 percent pay, funded by a 0.50 percent payroll tax.<sup>4</sup> Childbirth, adoption, and a serious illness in the family are all eligible for coverage by this act. Additionally, caring for a family member with a medical addiction is also covered by this program.<sup>5</sup> The costs of this program have not been calculated. The New Hampshire Business and Industry Association has not taken a public stance on this legislation, although the tax does fall on the employer.<sup>6</sup> The Governor of New Hampshire has not released a public statement on this bill, although there may be executive opposition to increased taxes.

### *2.2 Legislation in Other States*

The three states that offer paid family leave vary in how they define many key parts of the programs including: acceptable reasons for taking paid leave, definition of a family member, maximum length of compensated leave, employee eligibility requirements, method of funding the insurance system, size of employer covered, benefit amount, and waiting period.

Paid family leave plans in California, New Jersey, and Rhode Island all function through a payroll tax. The California plan is funded completely by the employee. Employees currently contribute less than 0.9 percent of their annual earnings, up to the first \$104,000.<sup>7</sup> Once they pass \$104,000 in annual income they are no longer taxed—the maximum tax is about \$1,100.<sup>8</sup> In New Jersey, the state family leave program is funded entirely by the employee as well. Currently, workers pay just 0.09 percent of their salary to fund the paid family leave program.<sup>9</sup> The state temporary disability insurance program is financed jointly by employer and employee through payroll contributions. Workers contribute 0.24 percent of their salaries to pay for the Temporary Disability Insurance Program, up to \$80.40 per year.<sup>10</sup> The contribution rate for employers in New Jersey varies from 0.1 percent to 0.75 percent.<sup>11</sup>

The three states that currently have paid family leave plans implemented these plans by building on existing insurance plans in the state. California was able to successfully build on existing structures to create a payroll tax, without creating extra burdens for employees or the government. California first mandated a payroll tax to pay for its Temporary Disability Insurance program in 1946. The program provided insurance to individuals who were temporarily unable to work due to non-work-related injury or illness. In the 1990s, the California State Legislature passed a “study bill” to study the effect of the payroll tax and found that increasing the tax by only one percent would raise enough money to expand the existing Temporary Disability Insurance (TDI) program and fund a statewide paid family leave program. New Jersey and Rhode Island present similar



histories of implementing paid family leave; both states built paid family leave programs on top of existing TDI programs, allowing workers to take both medical and family leave with a small increase in taxes. In Rhode Island, an employee's own disability and family care are both funded by the employee only. As a result, the payroll tax rate is a bit higher in this state. The current rate is 1.2 percent of worker wages up to \$68,000.<sup>12</sup>

While California, New Jersey, and Rhode Island were able to build on existing disability insurance programs, New York legislators have passed a paid family leave program that will be housed in the same department that operates workers' compensation. The effects of this program are unclear as of yet since the New York State program will not be implemented until 2018.

The states vary in how they define employee eligibility requirements. In California, to be eligible for paid family leave, an employee must have been paid \$300 in wages before asking for leave, during the "base period."<sup>13</sup> In New Jersey, employees must have worked for at least 20 weeks, either earning \$168 per week or earning \$8,400 in the base period before receiving compensation for leave.<sup>14</sup> The Rhode Island plan is slightly more complicated. In Rhode Island, employees must have earned \$11,520 in the base period from which temporary disability insurance deductions were withheld. Employees who have earned at least \$1,920 in a quarter of their base period, their total base period taxable wages were at least 150 percent of their highest quarter of earnings, and their taxable wages during their base period are \$3,480 or more are also eligible for receiving paid family leave benefits.<sup>15</sup>

All paid family leave programs have clearly defined reasons for paid leave. All three states, California, New Jersey, and Rhode Island, list in their legislation the "reasons for paid leave" as bonding with a new child (birth, adoption, or foster), care for a family member with a serious health condition, and care for own disability, though the definitions of "own disability" vary somewhat. These programs also define "family member" in slightly different ways. For example, New Jersey includes "civil union partner" as a family member, which the other states do not, while Rhode Island includes "grandparent" as a family member, which the other states do not. Of course, the states also vary in the maximum length of paid leave employees can take. California and New Jersey offer up to six weeks of paid family leave while Rhode Island offers only four weeks of paid leave.

The attached chart in Appendix B further highlights the key differences and most important information about eligibility, funding, and benefits.

### **3. RESULTS**

There is ample evidence to suggest that parents who take paid family leave after the birth of a child experience better economic and social outcomes than parents who did not take paid leave. Many studies have shown that providing parents with paid leave has led to



increased health for both mother and child, and more studies are suggesting increased economic benefits for families, businesses, and the public.

A study commissioned by the National Partnership for Women and Families and conducted by the Center for Women and Work at Rutgers University, used data from the National Longitudinal Survey of Youth from 1997 to 2009 reported more specifically on some of these findings. Both men and women who return to work after taking paid leave have much lower likelihoods of receiving public assistance and food stamps in the year following the birth of a child—women who take paid leave are 40 percent less likely to need food stamps in the year following a childbirth.<sup>16</sup> Studies have also suggested that paid family leave benefits have positive effects on health and developmental outcomes by increasing the likelihood of breast-feeding, reducing parental stress, and giving parents time to bond with children that helps children develop important cognitive and executive function skills and promotes healthy parental relationships.<sup>17</sup>

Receiving paid family leave benefits is very beneficial for helping men and women keep their jobs post childbirth. Parents who receive paid family leave benefits are likely to keep steadier jobs and consequently make increasingly higher wages. The National Partnership for Women and Families study found that women who take paid leave after the birth of a child are more likely to return to the work force and be fully returned nine to twelve months after the birth of a child, when compared to women who took no paid leave.<sup>18</sup> The positive effects of paid family leave on returning to work are strongest for low income workers. One study found that women in New Jersey and California who did not have a bachelor's degree were likely to have an increase in the number of weeks "with a job" in the time around childbirth and a significant decrease in hours spent looking for a job six to twelve months after taking leave.<sup>19</sup> Another found that providing paid family leave for women increases their wages. Women who reported taking 30 or more days of leave were 54 percent more likely to report a wage increase in the following year.<sup>20</sup>

All of these findings shape the push for state-mandated paid family leave programs. Looking at case studies of the states that are currently operating paid family leave provides and examining the state level data provides important evidence on the effectiveness of having state paid family leave programs. As California, Rhode Island, and New Jersey have already implemented their paid family leave programs, there is a wealth of data we can draw on to assess these programs.

### *3.1 California*

In 2004, California became the first state to implement a paid family leave program. This program provides up to six weeks of partially paid wage replacement for workers who have chosen to take time off to care for a newborn child or sick family member. The program was expanded in 2016 to provide a higher percentage of weekly wages to the lowest income earners. In 2015, California commissioned the consultant Andrew Chang



and Company, LLC to conduct a market research study to look into the usage and awareness of the program in California.

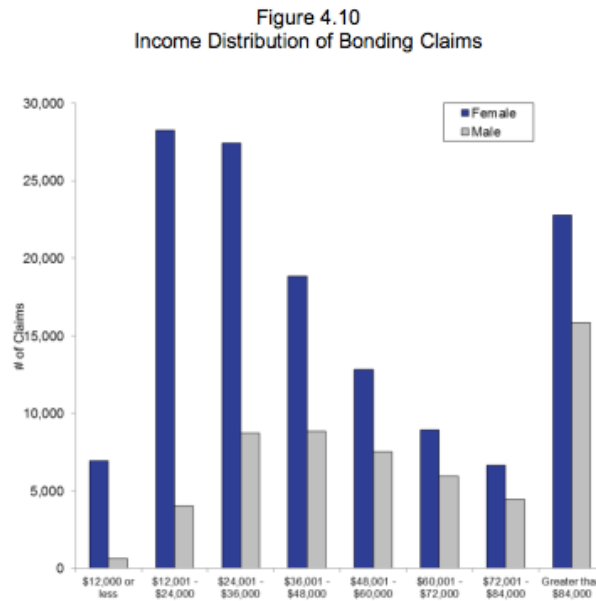
In its first 10 years, the California Employment Development Department approved 1.8 million PFL claims for \$4.6 billion in benefit payments with 90 percent of claims for bonding with a new born children and 10 percent of claims for caring for a sick family member.<sup>21</sup> California's paid family leave plan tends to be most often used by mothers, particularly in disadvantaged communities. Approximately 84 percent of bonding claims were made by biological mothers.<sup>22</sup> A study in 2011 found that the California paid family leave program had more than doubled the overall use of maternity leave from three to six or seven weeks, and that less advantaged groups saw a particularly large boost in usage of paid leave.<sup>23</sup> Though findings were not conclusive from this study, it appeared that adoptive and foster parents used the paid family leave available to them at very low rates. Female employees who took paid leave tended to be lower income, but with higher income than the average working mother in California. While women typically used all six weeks of paid leave available to them, men typically used about two thirds of that available leave. Two thirds of care claims were women and one third of claims were men.<sup>24</sup> Most of the care claims were used for taking care of relatives with cancer and birth defects.

The study also looked into why certain employees might not be choosing to take paid family leave or medical care benefits. A 2015 poll conducted by the California Field Poll found that only 46 percent of voters were currently aware of the state paid family leave program.<sup>25</sup> The study found that awareness of the program varied by location and also varied in what parts of the program employees knew about. Awareness of paid family leave benefits appeared to be higher than awareness of paid family leave medical care benefits, and employees suffered from misinformation which was a serious barrier to making claims. Those workers who were most likely to need paid family leave most—low wage workers, young workers, and disadvantaged minorities—were most likely to be unaware of their eligibility for the program. The survey indicated some ways that California could mitigate this misinformation and lack of awareness would be to make the information on the EDD website clearer and more concise, especially on matters of eligibility, job protection, and how to make claims. Integrating training for employers would also be an important next step. According to the survey, 78 percent of Human Resources professionals agreed that training in paid family leave benefits would be helpful.<sup>26</sup> The state also needs to think of ways to integrate public education about paid family leave in a manner that will reach the most disadvantaged communities who know the least about the program.

Figure 1 below provide a sense of income distribution of employees taking paid family leave benefits in California.



Figure 1: Income Distribution of Bonding Claims in California,



2014.<sup>27</sup>

Source: 2014 EDD Data

### 3.2. New Jersey

According to a 2016 State of New Jersey Department of Labor and Workforce Development Report, workers filed nearly 217,000 leave claims through the family leave insurance program between the program implementation in 2009 and December 2015.<sup>28</sup> The main findings from recent studies that have looked at New Jersey's paid family leave program are that the program has had mainly positive economic effects, workers and businesses alike are happy with the program, and yet, the awareness of the program remains lower than expected.

Over 81 percent of claims in New Jersey were filed to bond with a newborn child or newly adopted child, with the remainder of the claims used to care for an ill family member. In 2012, the average duration of time off for paid leave was about 5.2 weeks.<sup>29</sup> The age ranges for people taking paid leave are very specific. Virtually all of the claimants for paid family leave for newborn care (99 percent) were under the age of 45, while 60 percent of claimants for family care were over the age of 45.<sup>30</sup>

The New Jersey plan has struggled with increasing utilization of the program, perhaps partly because the New Jersey program does not offer nearly as much weekly pay as the other programs in California or Rhode Island. Only 12 percent of eligible workers use the

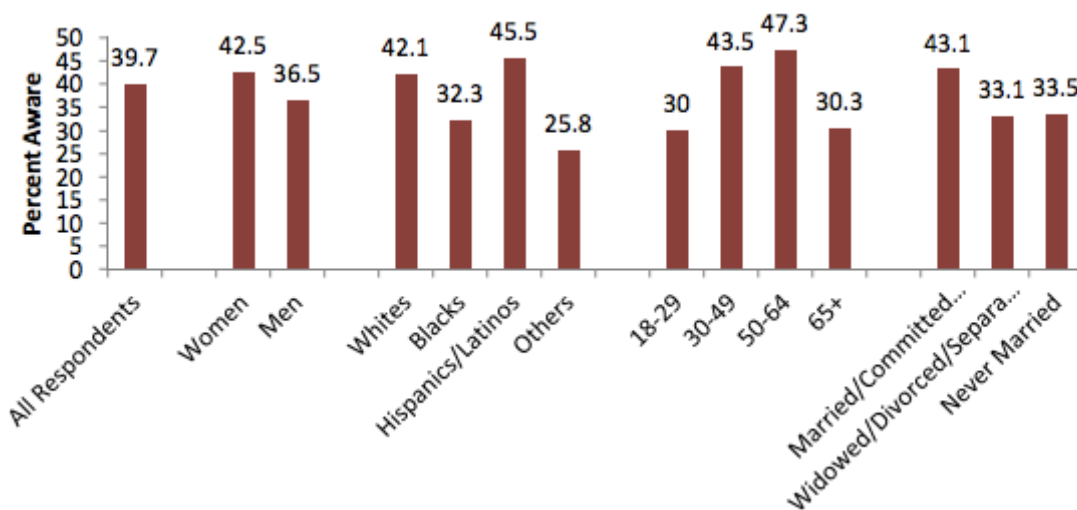




benefit in New Jersey, while both Rhode Island and California see higher percentages of workers using the benefit.<sup>31</sup> This may be because the benefit in New Jersey maxes out at \$633 weekly, while the California weekly cap is \$1,173 and Rhode Island weekly cap is \$817.<sup>32</sup> The low weekly cap puts additional strain on families who may not be able to live on \$633 per week, especially with the new financial stresses of a child. New Jersey Policy Perspective, a New Jersey think tank, recently made the following suggestions in order to increase usage of the program: to increase the current 2/3 wage replacement, raise the cap on earnings, include job protection for those taking leave, increase public education, allow for 12 weeks of paid leave, and expand the definition of “family” for eligibility purposes.<sup>33</sup>

A recent study of the New Jersey paid family leave program found that about 76 percent of workers say they view the program favorably, and support for the program crosses gender, race/ethnicity, age, marital status, union affiliation, employment status and income.<sup>34</sup> However, another study said that roughly six out of every ten residents of New Jersey said that they had not “seen or heard anything about” the state program.<sup>35</sup> The majority of New Jersey residents who were aware of the program, but ultimately decided not to take paid leave made this decision because of financial reasons. Financially disadvantaged adults, with incomes below \$50,000, were most likely to decide not to take leave because the wage replacement rate would not be enough to support a family.<sup>36</sup> It seems that New Jersey will need to invest in public education and also raise the weekly wage replacement in order to increase utilization rates. Figure 2 below gives a sense of the low rates of awareness of the New Jersey paid family leave program.

*Figure 2: Percent Aware of Family Leave Insurance by Demographic Group, New Jersey, 2012.*<sup>37</sup>



The majority of both small and large business owners say they have adjusted easily.<sup>38</sup>



### *3.3 Rhode Island*

In the year following the implementation of PFL in Rhode Island, nearly 13,000 claims were filed with the state, or 0.68 percent of eligible workers.<sup>39</sup> Of the approved claims, more than 75 percent were filed to take time off to bond with a child. Interestingly, men in Rhode Island were more likely to take leave time in order to bond with children than in California or New Jersey. Men were also more likely to take time off to care for an ill family member in comparison to other states with PFL programs.<sup>40</sup>

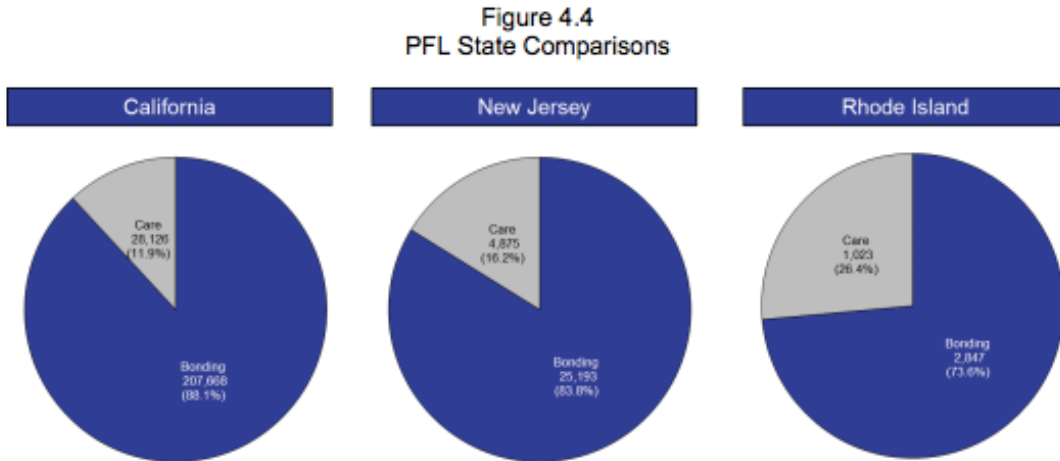
While the majority of claims were related to growing families, 24 percent of claims were filed to care for an aging parent or other family member, a higher percentage than seen in other states. This has been attributed to more awareness that this program covers serious family illnesses, as well as the higher median age in Rhode Island in comparison to California and New Jersey. Additionally, Rhode Island allows for workers to take paid leave to care for parents-in-law, which allows for increased utilization.

The Paid Family Leave law in Rhode Island protects workers taking leave from actions of their employer, ensuring that they will get their job back, and that there will be no punishment for taking leave time. This provision addresses an issue seen in California, where 38 percent of workers were concerned about consequences for taking paid leave.<sup>41</sup> However, despite this mandate on businesses, a survey of Rhode Island business owners showed solid support for the program, and a strong sentiment among business owners that there was no significant negative impact on the Rhode Island economy.<sup>42</sup>

Figures 3 and 4 below show a state by state comparison in the number of claims per 1,000 residents and the breakdown of bonding vs. care claims in the three states.

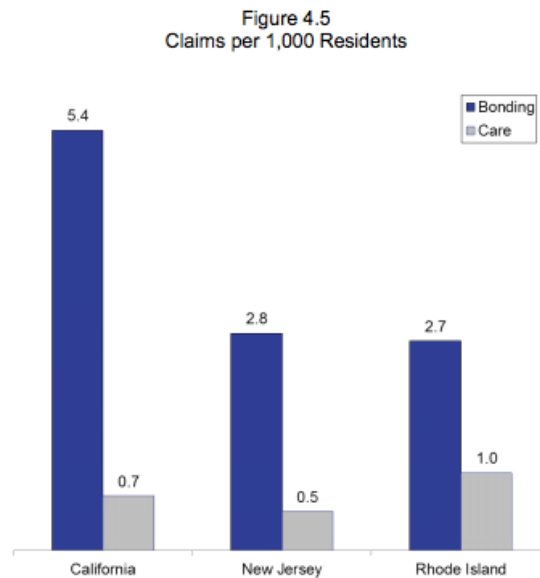


Figure 3: State Comparisons of Bonding vs. Care Shares in Paid Family Leave Claims, 2014.



Source: 2014 EDD, 2014 New Jersey Department of Labor and  
 2014 Rhode Island Department of Labor and Training

Figure 4: Bonding Claims per 1,000 Residents in California, New Jersey, and Rhode Island, 2014.



Source: 2014 EDD, 2014 New Jersey Department of Labor,  
 2014 Rhode Island Department of Labor and Training and  
 2013 U.S. Bureau of the Census



#### 4. BUSINESS EFFECTS

State Paid family leave programs appear not to harm businesses, as many have feared they would. Instead, evidence has shown that paid family leave has actually led to positive effects for recruitment, retention, and productivity of employees. In California, Eileen Appelbaum of the Center for Economic and Policy Research and Ruth Milkman of the Graduate Center at the City University of New York surveyed 253 employers and 500 individuals about their experiences with the program and found that most of the fears of paid family leave hurting businesses did not materialize in this study conducted 10 years after the bill was passed. One of the largest concerns of employers was concern about abuse of the program before the implementation of the law, but ten years later, 91 percent of employers answered “no” to the survey question are you aware of any instances in which employees that you are responsible for abused the state Paid Family Leave program. According to their report, most employers report that PFL had either a “positive effect” or “no noticeable effect” on productivity (89 percent), profitability/performance (91 percent), turnover (96 percent), and employee morale (99 percent).<sup>43</sup> Owners of small businesses were more likely to report dissatisfaction with paid family leave, but overall, even small business employers were generally satisfied with the program. Paid family leave may also allow small businesses to compete with larger businesses by offering this benefit at a more equal rate to larger businesses now that the employees will be paying for the program via payroll tax.<sup>44</sup> Figure 5 provides a summary of the findings regarding employer assessments of paid family leave programs.

*Figure 5: Employer Assessments of PFL Effects, by Number of Employees, 2010.*<sup>45</sup>

“No noticeable effect” or “positive effect” on:	Less than 50 Employees	50–99 Employees	100+ Employees	All Employer Respondents
Productivity	88.8%	86.6%	71.2%	88.5%
Profitability/Performance	91.1%	91.2%	77.6%	91.0%
Turnover	92.2%	98.6%	96.6%	92.8%
Morale	98.9%	95.6%	91.5%	98.6%

Not only is paid family leave viewed as positive in the effects it has on worker recruitment, morale, and productivity, it also has not caused cost burdens for employers, as many employers feared it would. In New Jersey, about six in 10 medium and large sized business owners reported no significant increase in administrative costs after implementing paid leave.<sup>46</sup> In California, 87 percent of businesses owners said they had no increased costs as a result of the program and nine percent said that they had actually



generated cost savings because of fewer instances of employee turnover, and cost savings from combining government benefits and privately given benefits.<sup>47</sup> Sixty percent of employees in California are coordinating their own benefits with the state paid family leave system in order to cut costs.<sup>48</sup>

## **5. PUBLIC EDUCATION**

An integral component of paid family leave implementation and success is education. In order to fully understand the system of extended leave and its benefits, the population must be educated on the legislation and how to take advantage of it. California has tried to tackle the issue of public awareness through the new “Moments Matter” campaign. The California Employment Development Department (EDD) launched the media campaign in 2017 to raise awareness. The campaign highlights important moments in life when individuals can use the partial wage replacement benefits to care for a new child or care for a seriously ill family member. The media campaign features radio content, public service announcements in Spanish and English, as well as additional digital and print materials.<sup>49</sup> The California Work and Family Coalition helped the EDD secure funding and provide input.<sup>50</sup> The State of New York has also undertaken an effort to educate the public on paid family leave legislation. The state has dedicated a website to answering questions on the policy with section for employers, health care providers and employees.<sup>51</sup> The site also explains the four-year adoption phase in which the state will adopt and expand paid family leave.<sup>52</sup>

## **6. NEW HAMPSHIRE CLIMATE**

In order to assess the current climate regarding state-mandated paid family leave in New Hampshire, we have focused our attention on the survey research conducted by the Carsey School of Public Policy at the University of New Hampshire.

### *6.1 Carsey School of Public Policy Survey*

The Carsey School of Public Policy at the University of New Hampshire released two surveys in 2016 that addressed the current state of paid family and medical leave in New Hampshire that included levels of support for such policies among respondents. The “Paid Family and Medical Leave in New Hampshire” study by Kristen Smith and Nicholas Adams found that approximately one-third of New Hampshire workers have jobs that do not have extended paid leave for their own medical needs and around two-thirds lack similar access to care for an ill family member. In addition, half of New Hampshire workers lack access to parental leave.<sup>53</sup> Smith and Adams also discovered that while women were more likely to take leave, they were also less likely to have jobs that provided paid family and medical leave. Approximately 60 percent of employed women have taken paid or unpaid family and medical leave compared to 40 percent of employed men. Family income also impacts the ability of families to have access to and utilize paid family and medical leave benefits. Workers living in households earning less than



\$60,000 a year have notably less access to extended leave benefits compared to those with higher incomes. As noted earlier, extended paid leave can encompass or exclude various forms of leave, such as personal illnesses, parental leave and care for a family member. In New Hampshire, less than a third of workers have access to the three types of extended paid leave mentioned.<sup>54</sup>

A second survey by Smith highlighted the climate of support for paid leave policies. A poll conducted in the winter of 2016 revealed that 82 percent of New Hampshire residents support paid family and medical leave insurance.<sup>55</sup> There were gender discrepancies in this support, with approximately nine in 10 women and three in four men in support of such insurance. For respondents who identified as male, extended paid leave policies were less supported by those who are married, employed, have higher education levels, or live in higher-income families relative to comparable women. In regard to tangible policy structure, 69 percent of employed respondents said that they would be willing to pay five dollars per week into a paid family and medical leave insurance program.<sup>56</sup>

## **7. RECOMMENDATIONS AND NEXT STEPS**

If the committee desires to move forward with introducing Paid Family Leave Insurance in New Hampshire, more in depth research is the most promising next step. Working with an economist in order to estimate the proper tax rate and estimated utilization would be a useful approach. In addition to this, the committee would be well served to speak with the Insurance Commissioner, as this would allow insight into the best method and location for integration of Paid Family Leave Insurance. Additionally, there will likely be in depth reports on PFL in other states, and these will reveal more intricate details about the impact and utilization of PFL programs, most importantly broken down by demographics. In essence, the most crucial next steps are to conduct more research on the impact of PFL programs, specifically in New Hampshire.

## **APPENDICES**

### *Appendix A: Interviews*

#### *1. New Hampshire Business and Industry Association Interview*

The Business and Industry Association is neutral on paid family leave. In regard to the BIA neutrality, David Juvet, Senior Vice President of Public Policy, cited a number of reasons that prompted the decision. The main motivation behind this stance concerned ensuring that the employer did not suffer any potential negative consequences as a result of providing paid family leave. Concerning what form the legislation would take Juvet noted that the BIA would most likely oppose any plan that posed additional burdens on employers. Juvet also believed that a mandatory tax would not be politically viable, but in



regard to an opt-in system he had no comment on concerns related to a large enough insurance pool. In addition, Juvet voiced concerns for the potential burdens paid family legislation could have for small business owners. The main concern of BIA in any legislation that may arise is that the best interests of employers are incorporated into any effort.

## *2. New York Interview*

In 2016, Governor Cuomo signed paid family leave into law in New York State. New York's paid family leave program starts January 1st, 2018 and gets phased in over the next four years. By 2021, once the program is fully phased in, it will be the most comprehensive paid family leave program in any U.S. state. The policy will provide up to eight weeks of paid leave starting in 2018 and up to twelve weeks of paid leave by 2021.<sup>57</sup> Paid family leave benefits will provide works with a percentage of their weekly earnings. Benefits will start as 50 percent of weekly earnings in 2018 and rise over the four years of implementation until they are capped at 67 percent.<sup>58</sup> As for eligibility, employees who regularly work 20 or more hours per week are eligible to take leave and receive benefits after 26 weeks of employment. Employees with a regular work schedule of less than 20 hours per week are eligible to take leave and receive benefits after 175 days of work.<sup>59</sup>

Since the New York plan has not yet been implemented, we cannot use New York as a case study on the effects of the program. However, New York does provide a case of the political process for getting a bill of this sort passed. We spoke with New York State Senator Joseph Addabbo who has worked on paid family leave legislation in New York State since 2008 and has extensive knowledge of the New York State political climate. Senator Addabbo sponsored paid family leave legislation (S.3004/A.3870) along with Assembly member Cathy Nolan, and has been a proponent of paid family leave since his position in the New York City Council. When he was running for State Senate in 2008 he made paid family leave a priority issue. The initial bill he sponsored was written in 2009, though the final bill passed in New York in 2016 incorporated elements of all of the bills that have been sponsored in New York on the idea of implementing a paid leave bill. He said that all of the sponsors of the final bill were happy with how the final bill was compiled. The one part of this final bill that Senator Addabbo has criticized is the three year implementation period, but he said that he recognizes the need for this implementation period due to the funding costs of such a program.

Senator Addabbo stressed the importance of having the support of the Governor. In New York, a bill can pass in the House and the Senate, but can then be vetoed when it reaches the governor's desk. It is very difficult to overturn a veto and even if it did happen, the governor has the majority of control over the funding and implementation processes of all laws. This was particularly relevant in the passing of paid family leave policy in New York because just a year before the program was passed, Governor Cuomo stated that there was "no appetite for paid family leave in New York." Instead of discouraging paid



family leave proponents, Senator Addabbo said that this statement served to energize advocates. Proponents of the policy increased advocacy efforts and Addabbo stressed the importance of sharing personal stories at this time. An interesting and someone unexpected ally in the advocacy movement was the healthcare industry. Doctors and other healthcare professionals stood behind paid leave and stressed the necessity of a healthy workforce in their campaign efforts.

Less surprisingly, the major challenger to this bill was the business industry. The business council had the ear of Republicans who were not in favor of passing the bill. Senator Addabbo said it was very hard to convince any business council leaders of the positive effects of a bill like paid family leave, claiming that once business leaders stated they opposed such legislation, they were not looking to be convinced otherwise. Talk of increasing the minimum wage also got mixed up in the debate over paid leave, which many proponents of paid leave policy were hoping to avoid, in order to keep the two issues separate. Although the business council did oppose the bill, they ended up not having enough influence to significantly affect the progress of the bill. Another challenge in passing this legislation was overcoming a split legislature.

The policy will be phased in over the next three years. Senator Addabbo stated that this is purely a funding issue, as many are not sure yet how much it will cost and raising funds for the program will be crucial. An important step now in the months leading up to the first implementation is educating both employees and employers on how this program will work. The state is working on this education now to be sure that employees are fully aware that they can take advantage of the program and employers are aware of the details of how the program will work. There is a concern of under-awareness and subsequent under-utilization of the program, as reports have shown this to be an issue in states that currently have paid leave programs. This education over the next six months and beyond will be crucial. There is also a concern, voiced mainly by business owners, of abuse of the program. Senator Addabbo stated that this program is inevitably going to have to be changed and improved as it is implemented and enforcing stricter mechanisms to prevent abuse might be an example of a change that would be made in response to a phenomenon seen when the program goes into effect.

### *3. Vermont Interviews*

Currently, less than twenty percent of Vermont businesses provide paid family leave, and there has been a recent bipartisan push to create a state level program to provide this service. These representatives and senators cite the need for families to spend time with young children and the possible incentive for young families to move to states with paid family leave, boosting the Vermont economy and combatting the issue of an aging population.<sup>60</sup>

House Bill 196, and act relating to paid family leave, was introduced in the beginning of the 2017 session, in the Vermont House of Representatives. This bill would allow for 12





weeks of paid family leave at full pay for individuals to care for family members such as parents or dependent children. This program was funded by a 0.93 percent payroll tax split between the employee and the employer.<sup>61</sup>

After debate in the committee of Ways and Means and the committee of Appropriations, an amended version providing up to six weeks of paid parental and family leave at 80 percent of pay, capped at \$1,042 per week was introduced to the House as a whole. The amended plan would be funded by a 0.141 percent payroll tax on the employee and would begin in 2019. Administrative costs are estimated to be \$1.2 million, paid for by the payroll tax.<sup>62</sup> These changes have been largely attributed to the opposition of business groups to the original bill, due to its possible adverse effects on employers, most importantly on small businesses.<sup>63</sup>

This bill would provide paid leave for individuals who were forced to leave work in order to care for a family member, but does not cover disability leave and does not operate as an extension of the disability leave program in the state of Vermont. This bill was passed by the House on May 3, 2017 and has been introduced in the Vermont Senate, where it has been referred to the Committee on Rules.<sup>64</sup>

The Governor of Vermont, Phil Scott, has indicated that he will not support any initiatives that would raise taxes in the state of Vermont, a possibly insurmountable block to the paid family leave bill, even if it does pass in the Senate. Currently, Senate leaders are unsure about the future of the bill and what changes will be proposed, with only a promise of improvement of the bill in the future, with the possibility of shifting some tax burden to the employer.

In the full house debate on H.196 an amendment to make the paid family leave program voluntary, introduced by Representative Anne Donahue, a Republican from Washington County.<sup>65</sup> Her motivation to propose this amendment was based on the ideal that taxes should not be raised for those who would not benefit from this program, especially as Paid Family Leave insurance solely operates to protect the individual, not others who may be affected by the actions of that person. Unfortunately, Rep. Donahue was unable to conduct research on the feasibility of an opt-in program, and was unable to comment on the feasibility of an opt-in paid family leave program, especially given the problem of adverse selection.<sup>66</sup> However, multiple representatives have voiced their opinions that an opt-in paid family leave program would not be feasible due to large payouts and a small insurance pool.<sup>67</sup>



*Appendix B. State by State Comparison Charts*

	<b>California</b>	<b>New Jersey</b>
<b>Policy Status</b>	<ul style="list-style-type: none"> <li>- Policy enacted in 2002, effective in 2004.</li> <li>- Policy expanded in 2016, will be effective in 2018.</li> </ul>	<ul style="list-style-type: none"> <li>- Policy enacted in 2008, effective in 2009.</li> </ul>
<b>Maximum length of leave</b>	<ul style="list-style-type: none"> <li>- Family leave: six weeks</li> <li>- Own disability: 52 weeks</li> </ul>	<ul style="list-style-type: none"> <li>- Family leave: six weeks</li> <li>- Own disability: 26 weeks</li> </ul>
<b>Employee eligibility requirements</b>	<ul style="list-style-type: none"> <li>- Must have earned at least \$300 in wages from which SDI deductions were withheld during the 12 month base period before claim was filed.</li> </ul>	<ul style="list-style-type: none"> <li>- Must have worked for at least 20 weeks earning \$168 or more each week, or must have been paid \$8,400 or more during the base period.</li> </ul>
<b>Funding</b>	<ul style="list-style-type: none"> <li>- Funded by employee only</li> <li>- 0.9% payroll tax on annual wages combined for family leave and disability</li> </ul>	<ul style="list-style-type: none"> <li>- Family Leave: funded by employee only. Employee contributes 0.1% of taxable wage base (first \$33,500 in calendar year) up to \$33.50 per year.</li> <li>- Disability: Temporary Disability Insurance (TDI) program financed by employee and employer payroll contributions. Employee contributes 0.24% of taxable wage base (first \$33,500 in calendar year) up to \$80.40 per year. Contribution rate for employers varies from 0.10% to 0.75%.</li> </ul>
<b>Employers covered</b>	<ul style="list-style-type: none"> <li>- All private sector employers</li> <li>- Self-employed individuals can opt in</li> <li>- Some public sector employers</li> </ul>	<ul style="list-style-type: none"> <li>- All private and public employers</li> </ul>
<b>Leave benefits</b>	<ul style="list-style-type: none"> <li>- For employees whose quarterly earnings are at least \$929 but less than 1/3 of the state average, weekly benefit is 70% of weekly wage</li> <li>- For employees whose quarterly earnings are at least 1/3 of the state average, weekly benefit is 23.3% of state average weekly wage or 60% of employee's weekly wage, whichever is greater.</li> <li>- Weekly benefit cannot exceed the maximum set yearly by the Department of Industrial Relations</li> </ul>	<ul style="list-style-type: none"> <li>- Weekly benefit rate is 66% of employees weekly wage</li> <li>- Maximum benefit is \$633 in 2017 and subject to change depending on statewide earning per year</li> </ul>



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	<b>Rhode Island</b>	<b>New York</b>
<b>Policy Status</b>	- Policy enacted in 2013, effective in 2014.	- Policy enacted in 2016, effective starting in 2018 and phased in over three years.
<b>Maximum length of leave</b>	- Family leave: four weeks - Own disability: 30 weeks - Combined own disability and family leave cannot exceed 30 weeks per year	- Eight weeks family leave in 2018 - Ten weeks family leave in 2019 - Twelve weeks family leave in 2021
<b>Employee eligibility requirements</b>	- Must have been earned \$11,520 in the base period from which TDI/TCI deductions were withheld. - Or, employees who have earned at least \$1,920 in a quarter of their base period, their total base period taxable wages were at least 150 percent of their highest quarter of earnings, and their taxable wages during their base period are \$3480 or more.	- Paid family leave: Must be employed for 26 or more consecutive weeks or 175 days for part time employees - Own disability: Must be employed for four or more consecutive weeks of 25 days of employment for part time employees
<b>Funding</b>	- Funded by employee only. Payroll tax on employees is 1.2% of the employee's first \$68,000 earnings.	- Paid family leave: funded by employee only. Maximum employee contribution in 2018 will be 0.126% of weekly wage. - Own disability: funded jointly by employee and employer payroll tax. Employee contributes 0.5% up to 60 cents per week. Employer contributes the balance of the cost not covered by employee.
<b>Employers covered</b>	- All private sector employers - Some public sector employers	- Most private sector employers - Self-employed individuals can opt in - Some public sector employers can opt in
<b>Leave benefits</b>		- Paid Family Leave: Employees earn up to 50% of weekly wages in 2018. Increased to 55% in 2019, 60% in 2020, and 67% in 2021. - Own Disability: 50% of weekly wage, up to maximum of \$170. If an employee makes less than \$20 per week, the benefit will be there full weekly wage.

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