SUMMARY REPORT

FAMILY VALUES at WORK: It's About TIME!

Why We Need Minimum Standards To Ensure A Family-Friendly Workplace

You shouldn't have to risk your job to take care of your family, and you shouldn't have to put your family at risk just to do your job. Unfortunately, millions of Americans face these terrible predicaments every day.

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Why We Need Minimum Standards To Ensure A Family-Friendly Workplace

We begin with a simple proposition: You shouldn't have to risk your job to take care of your family, and you shouldn't have to put your family at risk just to do your job.

And a stark reality: Millions of Americans face this terrible predicament all the time.

Every day, millions of workers can be, and some are...

- fired for refusing a last minute demand to stay at work for a "mandatory overtime" shift rather than leaving on time to care for their children.
- suspended for leaving work early to take a child to the emergency room.
- called back to work immediately after childbirth because a worker already took leave due to a pregnancy-related medical complication.
- written up by an employer for escorting an elderly parent to weekly cancer treatments because the employer has less than the 50 employees required for coverage under the federal Family and Medical Leave Act.
- forced to send a flu-ridden toddler to preschool because their company's sick days policy only allows workers to take off for their own illnesses.
- unable to attend a parent-teacher conference because the employer won't grant the two hours off that parent would need to participate.

Why must workers make such wrenching, impossible choices between their jobs and their families? One reason is that our nation's labor laws, written 70 years ago when most families had a working father and a stay-at-home mom, have never been augmented by complementary laws to address the changing needs of workers and their families. The second reason is that, in the absence of government rules, too few employers have adapted to the shifting workforce.

What can our nation do to protect workers and ensure their right to protect their families while doing their jobs? We can pass new rules ensuring workers a minimum level of paid sick days for routine illnesses and medical appointments, paid leave for longer-term family care, and flexibility to deal with personal and family health emergencies.

FAMILY AND MEDICAL LEAVE ACT: A Positive But Limited First Step

The Family and Medical Leave Act, enacted in 1993, allows workers to take up to 12 weeks of leave per year to deal with a personal illness, bond with a new child, or care for an ill or disabled relative. Since 1993, more than 50 million workers have taken job-protected leave under the FMLA.

Yet, FMLA covers only workers employed by companies with 50 or more employees and those who work at least 25 hours per week and have been with their employer at least 12 months – leaving more than half of the private sector workforce unprotected. The definition of family is narrow. Also, FMLA leave is unpaid, making it an unrealistic option for many workers. According to a national survey in 2000, roughly 3.5 million eligible workers needed but did not take family or medical leave.

No Time to Care

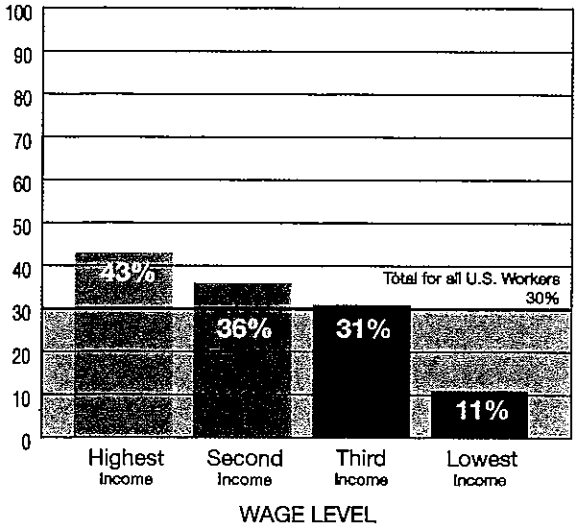
Unlike any other advanced democracy on earth, and even many developing nations, the United States does not guarantee workers time off — including paid time — to weather an illness, tend to a sick child, care for a newborn baby or newly adopted child, or escort an elderly or disabled parent to a medical appointment. These inflexible work rules frequently threaten the health and well-being of workers' families.

Caring for a sick child... Nationwide, only 52 percent of private sector employees are entitled to paid sick days, and just 30 percent are entitled to stay home with pay when a child is sick. Among low-income workers, these percentages are much lower still.

Without paid sick days, many parents are caught between a rock and a hard place when a child gets sick - damned if they stay home with their sick child, and damned if they don't. In a 2002 survey, nearly half of the low-income working parents interviewed had been fired, suspended, denied a promotion, or warned at least once by an employer for taking time off to meet family needs. In a recent study, 40 percent of working parents reported that their job schedules negatively affect their children's health by forcing them to miss a medical appointment or delay access to timely care.

CARING FOR A SICK CHILD

Percentage of U.S. Workers — and Low-Income Workers — Authorized to Take Paid Sick Days to Care for a Sick Child



Source: Institute for Women's Policy Research, *No Time to Be Sick*, 2004.

In January 2007, Jodis Passmore's son Joseph (left) broke his arm. He had to wait two hours for his grandmother to get him to the emergency room because Passmore's manager at this Arkansas cardboard factory refused his request to arrive late to work.

Caring for an elderly parent or disabled family member... Nationwide, 21 million full-time and 5 million part-time workers provide unpaid care for an elderly, disabled, or chronically ill family member or friend. Looking ahead, the number of informal caregivers will rise 85 percent between 2000 and 2050. More than 60 percent of employed caregivers report that caregiving responsibilities had forced them to miss work time, take a leave of absence, or cut back from full-time to part-time work schedules.

Under the Family and Medical Leave Act, U.S. workers have the right to job-protected leave to care for a seriously ill spouse or parent — but only if they qualify for FMLA and can afford to forego their income while on unpaid leave. (See text box.) As a result, many workers cannot take advantage of FMLA when serious health problems arise in their families.

Dana Wilson lost her job with a Milwaukee insurance company in 2006 for taking time off work to care for her ailing 77-year-old father.

Coping with your own health problem... In some industries, and among better-educated and higher-paid workers, paid sick days remain a standard employment benefit. In other industries, however, paid sick days are scarce. For instance, just 18 percent of construction workers and 22 percent of security guards receive any. Sometimes the lack of paid sick days can pose grave consequences for public health: just one of every seven food service workers (14 percent) has access to paid sick days. As a result, restaurant cooks and wait staff often show up for work ill because they can't afford to stay home.

Where Family Values Fear to Tread

Despite our nation's strong belief in families, our embrace of family values often ends at the workplace door. Consider the stories of these workers, who like millions of Americans, have been forced to make wrenching choices between the jobs they need and the families they love.

Vickie Underwood at home with her family.

■ On August 10, 2005, the only day she could register her two kids for school for the upcoming academic year and sign them up for an after-school program, **Vickie Underwood** left work at the end of her regular 8-hour shift at an Atlanta-area printing plant, politely refusing her boss' demand that she remain for three hours of "mandatory overtime." Despite 20 years of service for the company, including dozens of previous mandatory overtime shifts and an unblemished work record, she was fired.

Monalisa Bush with son, Juliano.

■ When **Monalisa Bush**'s 7-year-old son, Juliano, had a severe asthma attack in the fall of 2005, she left her desk at a Milwaukee-area cable company to rush him to the hospital. Following doctor's orders, Bush stayed home two additional days to make sure the boy's airways remained clear and he didn't suffer an adverse reaction to his medications. When she returned to work, Bush, who had been on the job for eight months and wasn't yet covered by family and medical leave laws, was suspended without pay for poor attendance.

■ By the time she became pregnant with her first child at age 34, **Julia Panley-Pagetti** was a successful New York City communications executive earning a nearly six-figure salary. After giving birth to a baby daughter, Panley-Pagetti went out on maternity leave. But within days her bosses were bombarding her with calls, emails, and work-related requests. Then, even before her maternity leave expired, Panley-Pagetti was laid off. Without her salary, the family lost their home and had to move into her grandfather's apartment.

■ In May 2006, **Alan Gales'** father suffered a heart attack. Gales rushed to the hospital, missing a scheduled shift at the Rock Tenn cardboard box factory in Conway, Arkansas. When he returned to work for his next shift, Gales was written up with an "occurrence" for bad work attendance. Nine months earlier, Gales had received another occurrence after getting into a serious car wreck on the way to work. Gales suffered a concussion in the crash, and recalls sitting in the ambulance, with a big knot on the side of his head, calling in to tell his supervisor he wouldn't be in that night. Gales didn't get a lot of sympathy: "I was told if I miss any more work, I could be fired," he says.

Monique Evans

■ When **Monique Evans** called her supervisor at a Wendy's fast food franchise in Portland, Maine, to explain that her two-year-old had the flu, so she couldn't come to work that day, the supervisor told her to come in anyway. When Evans refused, the supervisor cut her hours from 40 per week to 15 and demoted her to mopping floors and cleaning toilets. More than a month passed before a regional manager intervened and restored Evans back to her normal shifts.

Having a baby... American working women frequently pay an enormous but often camouflaged cost when they become pregnant and bear a child, even if they're employed by firms large enough to be covered by the federal Pregnancy Discrimination Act and Family and Medical Leave Act.

Child care worker Stacey Calvin's supervisor threatened to write her up for insubordination in 2002 when she left work to take her son, Jevon (right), to the doctor with a 104-degree temperature.

Unless she qualifies for the Family and Medical Leave Act and agrees to unpaid leave, no law prevents an employer from firing a worker who cannot fulfill all of the responsibilities of her job due to pregnancy. And if she does take unpaid leave during pregnancy, even a new mother covered by FMLA may not have a right to any time off to recover after childbirth.

In virtually every other nation, new mothers are entitled to job-protected leave plus maternity pay and/or a generous one-time birth payment. In the United States, those who don't qualify for unpaid FMLA may have no legal right to any time off whatsoever. In practice, more than 60 percent of working mothers return to work in less than 12 weeks, and more than half of them don't receive any pay during their maternity leaves — no maternity pay, no disability insurance, no accrued vacation or sick days.

SICK DAYS LAWS IN THE WORLD'S TEN MOST COMPETITIVE ECONOMIES

Rank	Country/ Economy	Sick Days Required	More than 10 Days/Year
1.	Switzerland	YES	YES
2.	Finland	YES	YES
3.	Sweden	YES	YES
4.	Denmark	YES	YES
5.	Singapore	YES	YES
6	United States	NO	NO
7.	Japan	YES	YES
8.	Germany	YES	YES
9.	Netherlands	YES	YES
10.	United Kingdom	YES	YES

Source: Rankings are from the World Economic Forum's *Global Competitiveness Report 2006-07*. Information on paid sick days is taken from the *Work, Family & Equity Index, 2007: How Does the U.S. Measure Up?*, McGill Institute for Health and Social Policy.

Trying to support your child's school success... The research is unequivocal: family involvement is critical to children's educational success. Grades, attendance, behavior, promotion, graduation, and enrollment in colleges or universities are all associated with parental involvement. However, despite our nation's stated goal to "leave no child behind," many parents are routinely prevented by their employers from participating in parent-teacher conferences and other school events.

The Case for Government Action

While balancing work and family has become an urgent challenge for most households, and a harrowing tightrope walk for many, U.S. laws have not kept pace. Our nation's central labor law remains the Fair Labor Standards Act — written in 1938.

What workers in the United States want today, what families need, are new employment rules that meet the needs of modern families. For the six reasons detailed below, **IT'S ABOUT TIME** for our government to step in and rewrite our laws to address the needs of today's dual-income workforce.

REASON #1: Not Many Families Have a Wife At Home Full-Time

Over the past century, an unprecedented wave of women — and especially mothers — has moved out of the home and into the workforce. Today, just 30 percent of families with children have a stay-at-home parent, down from 70 percent in 1960.

Few Protections for Workers and Their Families

Number of states in the United States where workers are guaranteed a minimum number of paid sick days: **0**

Number of states where it is illegal for employers to fire a worker who refuses to work "mandatory overtime": **0**

Number of states in the United States where it is illegal to discriminate against workers due to family responsibilities like being a parent or caring for an elderly relative: **1 (Alaska) plus the District of Columbia**

As a result, workers are under increasing stress as they attempt to manage work and family. In a nationwide survey in 2002, workers with families reported significantly more interference between their jobs and their family lives than did similar employees in 1977.

REASON #2: The Lack of Time to Care Harms Families

Families most impacted by these work-related time pressures are suffering.

- Newborn children whose mothers return to work within 12 weeks after childbirth are less likely to receive regular medical check-ups, less likely to complete their recommended immunization schedule, and less likely to be breastfed than children whose mothers remain home for 12 weeks or longer — all leading to worse health outcomes.

- The pervasive lack of flexibility faced by many low-wage workers — and single mothers especially — frequently results in lost income and even lost jobs.

- Parents who must leave their children unsupervised after school are far more likely to suffer psychological problems when employers don't allow them to adjust their schedules or make family-related phone calls on the job.

Affordable Family-Friendly Policy Options

Estimated cost to employers of a national law guaranteeing seven paid sick days to all full-time employees working for employers with 15 or more workers: **$20.2 billion**

Estimated benefit to employers from the same national paid sick days law by reducing job turnover, spread of illnesses, and lost productivity when workers come to work sick: **$28.4 billion**

Average amount deducted per month from the pay of California workers to support that state's first-in-the-nation paid family and medical leave program: **$2.25**

Amount paid by California employers to fund the paid family and medical leave program: **$0**

REASON #3: It's the Government's Job

History has shown repeatedly that setting minimum standards to protect workers is a legitimate and necessary role of government.

Slavery. Child labor. Hazardous workplaces. Sweatshop labor conditions. Employment discrimination against racial minorities and women. At one time, each of these practices was commonplace in our society, considered normal, often justified as essential to our nation's economic health. As these practices grew more dissonant with public values, each was prohibited by government.

After their baby boy arrived three months early in 2005 weighing one pound, seven ounces, John and Holly Maudsley took advantage of California's first-in-the-nation paid family leave law to take extra time off to care for him.

Today, the terrible work-family dilemmas facing many working families have created yet another deep divide between the realities of the workplace and our values regarding basic fairness. Once again, government intervention is required. As the saying goes, *"there oughta be a law."*

REASON #4: Flexibility Works for Families

Even small doses of flexibility on the job make a large difference in workers' ability to balance work and family. Flexibility also benefits taxpayers and society as a whole.

Workers whose employers offer few or no paid sick days, options for working part-time, and other flexible work arrangements are nearly twice as likely as workers in more flexible workplaces to suffer high levels of work-family conflict. Workers in less flexible workplaces also suffer poorer mental health and lower levels of overall life satisfaction.

Among young, low-income women, those with paid sick days are five times less likely than similar parents without sick days either to leave their child home alone sick or take them to school or day care sick. Research finds that laws providing paid maternity leave for new mothers reduce infant mortality and that laws ensuring

workers paid sick days and paid maternity leave lower welfare usage.

REASON #5: Flexibility Also Pays Off for Employers and Taxpayers

Workers who receive paid sick days, paid family leave, freedom from mandatory overtime, and flexibility to deal with family needs on the job routinely are more committed to their jobs than workers who don't. They are also far more likely to retain their jobs over time.

In a recent national survey, employees in workplaces with a high degree of flexibility were much less likely than those with little flexibility — 27 percent vs. 46 percent — to say they plan to leave their job in the next year. U.S. Labor Department data show that mothers who receive no pay during their maternity leaves are twice as likely to leave their job as workers who do receive pay.

Lower employee turnover rates produce substantial cost savings for employers. Replacing a salaried worker typically costs 150 percent of the employee's annual salary. Even for an $8 per hour worker, the average employee replacement cost exceeds $5,500. Also, paid sick days limit the costs of "presenteeism" — the loss in productivity when ailing workers come to work but cannot perform with their usual efficiency. And paid sick days limit the spread of flu and other contagious illnesses to other employees.

Enhancing workplace flexibility also yields important benefits for taxpayers and society — healthier and better-educated children, stronger families, less need for public assistance, and more support for the elderly.

REASON #6: Voters Want Action

In a nationwide telephone poll in June 2007, nearly nine in ten likely voters supported guaranteeing all workers a minimum number of paid sick days to care for themselves and/or immediate family members.

Three-quarters of likely voters also expressed support for establishing a family leave insurance fund, created through a small deduction from workers' paychecks or a combination of worker and employer payments. Workers could draw partial wages from the fund while on leave to bond with a newborn child or care for a seriously ill family member.

Support for both proposals crossed party lines and geographical regions and was strong in virtually every demographic.

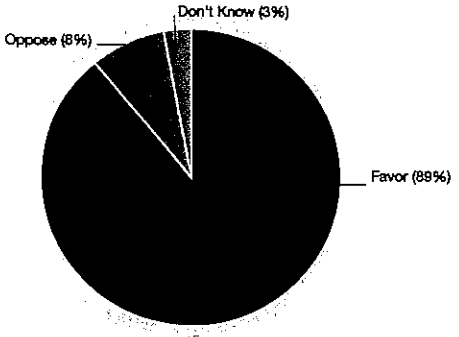
A series of other recent national and state-level polls also found strong voter support for proposals requiring employers to offer paid sick days for routine illness and for establishing insurance funds to provide income for workers who need time away from work for family or medical leave.

U.S. VOTERS SUPPORT FAMILY-FRIENDLY WORKPLACE REFORMS:

Results of a June 2007 Nationwide Poll of 1,200 Likely Voters

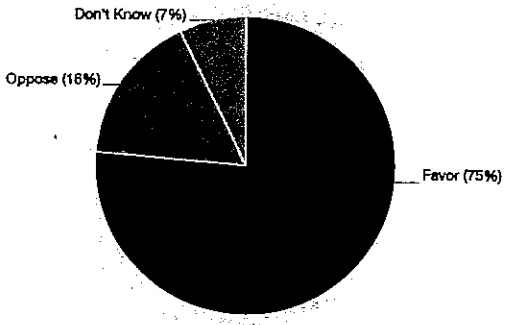
PAID SICK DAYS FOR ALL WORKERS

Voters response to the question: "Overall do you favor or oppose a basic labor standard that would guarantee all workers a minimum number of paid sick days to care for themselves or immediate family members?"



PAID FAMILY AND MEDICAL LEAVE

Voters response to the question: "Would you favor or oppose expanding the Family and Medical Leave Act to offer PAID family and medical leave for a set number of weeks paid for by both the employer and employee, at an average cost of $1 for the employer per week and an average cost of $1 to the employee per week?" The response was similar when the option was "paid for by the employee at an average cost of $2 per week."



Source: Lake Research Partners

A Policy Agenda to Promote Family-Friendly Workplaces

The time has come for states and the federal government to enact a modest set of minimum standards to ensure workers some time off and flexibility to meet their family needs. Specifically, these minimum standards would:

1. Guarantee a minimum number of paid sick days — seven to nine — for all workers, and allow workers to use this paid sick time not only when they become ill themselves, but also to care for a sick child or relative or to attend prenatal check-ups, pediatric appointments, and other routine medical appointments.

2. Increase the share of workers guaranteed coverage under the Family and Medical Leave Act by extending the law's provisions to more employers. Currently, the law only covers firms with 50 or more workers. As a first step to expanding coverage, Congress should extend the provisions of FMLA to employers with 25 or more workers, which would extend FMLA protection to an additional 13 million workers nationwide.

3. Establish family and medical leave insurance programs that provide full or partial pay for needy workers while they're out on leave to recover from an illness or to care for a new child or seriously ill relative. In 2004, California launched the first family leave insurance program nationwide, providing up to six weeks of partial pay for workers on family or medical leave. The program is funded entirely through employee contributions, deducting an average of just $2.25 per worker per month. Washington State passed a similar law in 2007, and family leave insurance laws are being considered by Massachusetts, New Jersey, and New York in the current legislative session.

4. Guarantee working parents the right to take a few hours or days off each year to participate in parent-teacher conferences and other events at their children's schools. Ten states have enacted this type of law, guaranteeing working parents the right to anywhere from 8 to 40 hours per year to attend school activities.

In addition to these minimum standards, Congress (or state legislatures) should seriously consider a **new law granting workers the right to formally request flexible work schedules from their employers** — a process that has proven highly successful in the United Kingdom since it was enacted in 2003. Over time, worker protections should be improved by extending FMLA to all workers, curtailing mandatory overtime, requiring pay and benefit equity for part-time workers, protecting working mothers' right to take breaks for breastfeeding, including family responsibility among protected categories in anti-discrimination laws, ending the so-called "at-will" employment standard that allows employers to fire workers at any time and for any reason, and removing barriers to workers' right to organize and bargain collectively.

And why must we take these steps? Because if we believe in family values, it's time to value families.

An Outlier Nation

Of 177 countries worldwide, names of the four that do not guarantee paid leave and/or a substantial birth payment for parents to care for their newborn babies: **Liberia, Papua New Guinea, Swaziland, United States**

For more information and detail, please see the full *Family Values at Work: It's About Time* report at www.9to5.org.

This report is a product of the MultiState Working Families Consortium, a partnership of coalitions in eight states seeking to reform workplace rules in ways that support families and benefit workers and their employers. It is being published in conjunction with ACORN, AFL-CIO, A Better Balance, Center for Law and Social Policy, Moms Rising, The National Partnership for Women and Families, 9to5, National Association of Working Women, National Employment Law Project, Service Employees International Union, and Take Care Net. This research was funded by the Annie E. Casey Foundation. We thank them for their support but acknowledge that the findings and conclusions presented in this report are those of the authors alone, and do not necessarily reflect the opinions of the Foundation.

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