

# TIME

## Millions of Americans Could Finally Get Paid Family Leave-If Lawmakers Can Agree On Who Pays

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For the first five months of Morgan Lyles' high-risk pregnancy with twins, her fiancé Chris Weien was by her side, assembling the double-wide stroller and watching the squiggles of two heartbeats on ultrasound monitors. They'd purchased car seats for their SUVs and confirmed that Lyles would take maternity leave from her job as an attorney for the state of Ohio after the babies were born. But when Weien suffered a series of seizures that sent him to the intensive-care unit for nearly two weeks when Lyles was 20 weeks pregnant, Lyles couldn't afford to be there with him. She had only four weeks of paid family leave from her job—at 70% of her salary—and was terrified of dipping into her paid vacation and sick time, knowing the twins would need her later. "I've got to save what leave I can," she recalls telling a colleague who was shocked to see her in the office while her fiancé was in the hospital.

It still wasn't enough. Maura and Lena were born on March 2, about two months after their dad was discharged. They were just over 3 lb. each, and both suffered from a minor brain bleed. Lyles exhausted her allotted paid maternity leave before the girls even came home from the neonatal intensive-care unit in April. Though the couple is anxious about the coming deluge of medical bills, Lyles has little choice but to use unpaid leave now too, to care for her premature twins.

Taking time off for a newborn isn't as hard in other countries. If Lyles lived in Bulgaria, which has one of the world's most generous paid-maternity-leave laws, she'd get nearly 59 weeks of maternity leave at 90% of her salary and an additional year of parental leave she and Weien could split. If she lived in Chile, she'd receive 18 weeks at 100% of her salary and an additional 12 weeks to split. Even in Iraq, she'd have gotten 14 weeks at 100% of her salary. In fact, the U.S. is the only industrialized nation on the planet that doesn't guarantee paid parental leave through a federal law.

If an attorney like Morgan Lyles can't cobble together enough paid time off to be with her sick fiancé and care for her babies, the challenges can be even starker for the 83% of civilian workers without any paid family leave at all. "We have every incidence of privilege, and it's still incredibly hard," Lyles says as she breastfeeds one baby and Weien bottle-feeds the other in the living room of their three-bedroom home in Columbus. "I have no idea what people who aren't similarly situated do. I can't even imagine."

It's not that the U.S. doesn't recognize the problem. Polls show that voters overwhelmingly back the concept of paid family leave: a 2017 Pew study found that 82% of Americans supported

mandatory paid leave for mothers after a birth or adoption. Now this broad public demand has spurred new efforts to fix it. The White House, Republican Senators and big businesses have recently joined traditional advocates on the left to champion paid family leave. Some states and major corporations have created their own policies, and a variety of proposals are circulating in Congress. It's clear that the odds of Americans getting paid family leave have never been better. What's not clear is whether lawmakers can find a bipartisan solution.

The biggest sticking point is how to pay for it. A handful of Republican Senators have introduced versions of a national paid-family-leave policy over the past year, which would be funded by delaying or reducing a parent's Social Security checks down the road. That's anathema to Democrats like New York Senator Kirsten Gillibrand, who with Connecticut Representative Rosa DeLauro has been pushing a paid-leave bill called the FAMILY Act since 2013. "I don't think it's fair that you have to choose between your retirement and paid leave," Gillibrand, a presidential candidate, tells TIME. Gillibrand's plan would be funded by a 0.2% payroll tax levied on both employees and employers. That idea won't fly with Republicans. "I don't believe we're going to ever be able to pass a bill anytime soon that will pass the House and Senate, be signed by the President, that creates a new government program, a new mandate on business or raises taxes," says GOP Senator Marco Rubio, whose New Parents Act, co-sponsored by Senator Mitt Romney, would offer new parents up to three months of paid leave in exchange for future Social Security payments.

Americans don't want it to come out of their pockets, either. Some three-quarters of Americans would support a federal program offering 12 weeks of paid leave that could be used by both new parents and people dealing with their own or a family member's medical issue, but only 54% back the idea if it came with a \$200 annual tax hike, according to a 2018 public-opinion poll by the Cato Institute, a libertarian think tank.

Whether the two parties can reconcile their differences is what stands in the way of tens of millions more adults in the U.S. labor force getting paid family leave. In the meantime, nearly a quarter of employed moms have little choice but to return to work within two weeks of giving birth, according to a 2015 analysis by In These Times, a nonprofit magazine. It's a far cry from the six weeks or longer that doctors recommend after most births. But the sparks of progress have advocates hopeful that America may finally be on the cusp of solving one of its most vexing policy challenges.

On a mild April afternoon in New Orleans, a group of business leaders and policy advocates gathered around a conference table to sip coffee, nibble on chocolate toffee cookies and talk about the need for paid family leave. The discussion was led by two local bankers and Louisiana Senator Bill Cassidy, a Republican who recently announced he was teaming up with Democratic Senator Kyrsten Sinema of Arizona to look for a bipartisan solution to the problem. "When I looked around that room and I saw fiscal conservatives and progressive policy advocates all nodding their heads in unison, I got excited," says Michael Hecht, the president and CEO of a New Orleans-based economic-development nonprofit. "When rock-solid conservatives and New Deal progressives are agreeing on a policy, it means we are either doing something very smart or it's the apocalypse."

The snubbing of paid family leave didn't start as a partisan fight. While other developed nations, including France and the U.K., began offering or expanding paid maternity leave soon after World War II ended to keep women in the workforce, America's labor force hadn't been as

devastated by wartime casualties. “The U.S. didn’t have the same kind of crisis in its employment,” says Megan Sholar, a political scientist at Loyola University Chicago and the author of *Getting Paid While Taking Time*. A few stateside policies eventually catered to working women: Title VII of the 1964 Civil Rights Act and, later, the Pregnancy Discrimination Act made it illegal to discriminate on the basis of pregnancy. But women still had to take leaves of absence when their children were born, and their jobs were not guaranteed when they returned.

When Democrats brought an unpaid-family-leave proposal to Congress in the 1980s, Republicans urged them to change the language of the bill so fewer small businesses would have to comply. It still didn’t pass. President George H.W. Bush, worried that even a watered-down version of the proposal would worsen a recession, vetoed the Family and Medical Leave Act (FMLA) in both 1990 and 1992. “I want to strongly reiterate that I have always supported employer policies to give time off for a child’s birth or adoption or for family illness and believe it is important that employers offer these benefits,” Bush wrote in his 1992 veto statement. “I object however, to the Federal Government mandating leave policies for America’s employers and workforce.”

After defeating Bush, Bill Clinton made signing the Family and Medical Leave Act one of his first acts as President. Since then, people who have worked at least 1,250 hours over the course of a year at companies that employ 50-plus people in a 75-mile radius have been eligible for 12 weeks of unpaid leave. But more than 40% of Americans don’t work for employers that meet those requirements, according to a 2012 survey conducted by the U.S. Department of Labor.

Most U.S. families struggle to make ends meet if their leave is unpaid. Staci Lowry’s daughter Bailee, now 8, suffered a serious stroke in 2014, and Lowry quickly exhausted all her annual vacation and sick days to be by her hospital bed. When Lowry also ran out of the unpaid leave guaranteed by the FMLA, she lost her customer-service job in Michigan. “They fired me while I was still in the hospital with her,” Lowry says. “You don’t stop being a parent just when the baby is born. You are a parent until your child puts you in the grave, or unfortunately, in some circumstances, you put your child in the grave.”

A lot has changed in the years since Bailee’s stroke. Businesses eager to recruit strong employees and retain talent in a booming economy have increasingly offered more generous paid-leave policies. Though it costs companies to voluntarily provide paid parental leave, many argue it costs more not to provide it. Researchers for the California employment development department found that after a paid-parental-leave law took effect in 2004, turnover rates dropped on average across the state. That can be a huge cost saver given that, according to data from the University of California, Berkeley, replacing a single employee costs firms an average of \$4,000, while the average cost of replacing a white collar professional exceeds \$7,000.

Silicon Valley has led the way, with many companies offering 18 weeks to a year of paid parental leave. “From a recruiting and retention lens,” says Raina Moskowitz, a senior vice president at Etsy, “what’s good for families is really good for business.” Beginning in April 2016, Etsy began providing its employees 26 weeks of fully paid parental leave.

Corporations are increasingly extending more generous benefits to hourly workers too. Walmart, the country’s largest private employer, announced it would dramatically expand its paid-family-leave policy in January 2018, after more than 100,000 people signed a petition pleading that

hourly associates be offered the same benefits as the company's executives. The retail giant previously offered full-time hourly workers a six- or eight-week maternity-leave policy at as little as half pay, and no leave for dads or adoptive parents. Under the new policy, which the company says was made possible by recent tax cuts, full-time associates get 10 weeks of fully paid maternity leave, and an additional six weeks of fully paid parental leave is available to both parents.

In addition to keeping workers happy and productive, paid parental leave improves the health of new mothers and their children, likely reducing costs for businesses that provide health insurance to their workers. As many as 1 in 7 women experiences postpartum depression during the first year of their baby's life, but more generous leave policies can significantly lessen that likelihood, according to a 2014 study published in the *Journal of Health Politics, Policy and Law*.

Breastfeeding—which the World Health Organization recommends exclusively for the first six months of a baby's life—is also significantly easier for moms who are able to spend the first months of their children's lives at home. Paternity leave is crucial for children's development too: those with more involved fathers tend to perform better on cognitive assessments during the early years, according to a 2013 analysis from the Organisation for Economic Co-operation and Development.

Realizing the benefits of paid family leave, states have also stepped in to fill the void of a federal plan. Since California became the first to pass a statewide policy, New Jersey, New York, Massachusetts, Rhode Island, Washington State and the District of Columbia have all followed suit. Several dozen cities have also passed paid-family-leave laws for municipal workers.

For Americans eager to see a national paid-leave policy, the brightest development is that congressional Republicans have begun to come around. In addition to Rubio and Romney's proposal, GOP Senators Joni Ernst of Iowa and Mike Lee of Utah recently introduced the CRADLE Act, which would offer new parents one to three months of paid leave. Like the Rubio-Romney plan, the proposal would be funded by delaying Social Security payments—making them nonstarters with congressional Democrats.

Republican lawmakers have also gotten a boost of encouragement from the White House. “Let us support working families by supporting paid family leave,” President Trump said during his 2018 State of the Union address. Trump's 2018 budget sought to provide “six weeks of paid family leave to new mothers and fathers, including adoptive parents, so all families can afford to take time to recover from childbirth and bond with a new child without worrying about paying their bills.”

Ivanka Trump, the President's daughter and senior adviser, has been a key supporter of the policy. She visits Capitol Hill to discuss paid leave several times a month, the White House says, and has met with more than 60 members of Congress on the issue. “Much progress has been made to advance this important policy over the past two years,” Ivanka Trump tells *TIME*, “and I believe that paid family leave can finally be passed into law if we work across the aisle and encourage honest debate in pursuit of a bipartisan path forward.”

Neither the President nor his daughter has endorsed a specific approach. “The White House and Ivanka have not stepped in and proposed one bill over another, or even a specific approach over another,” says Rubio. A source close to the Trump Administration said the hands-off approach was designed to give legislators the space to hash out the specifics without interference. Critics

have questioned the Trumps' commitment to the issue, but the endorsement of the concept has given the GOP crucial political cover. "The fact that the White House is behind it," Rubio says, "makes it an easier sell to get more Republicans interested."

It's still not clear how the two parties will bridge the gap over the question of funding. Even political strategists who see paid family leave as an opportunity for the two parties to work together say they don't see a solution on the horizon, especially with a presidential election looming and a crowded domestic policy agenda. "Parental leave is one of those things that pop up in debates and town halls, but it doesn't appear to me that it's got the kind of staying power that would shove other things aside," says Rich Galen, a Republican strategist and former top congressional aide. "We've gotten along for about a billion years without parental leave, and suddenly in 2020, the notion that the Republic will collapse without it just doesn't meet the 'We gotta do it now' test."

Paid family leave isn't yet a priority for either majority in Congress. House Democrats are skeptical a solution is near—given the GOP's approach to paying for the proposals. Senate majority leader Mitch McConnell has made confirming judges his top priority and hasn't made family leave a must-pass item on the Senate's to-do list because, while a popular idea, it doesn't carry much intensity in voters' minds.

But advocates remain optimistic, believing the pressure to find a solution is beginning to build. "We've made a lot of headway in the last two years," the source close to the Administration tells TIME. "It used to not be even a subject of debate for Republicans or a legislative consideration."

It often takes Congress years to hammer out deals even on policy matters with broad public support. Criminal-justice reform is one recent example. During President Barack Obama's second term, Democrats and Republicans in the House and Senate, backed by powerful advocates from all points on the political spectrum, made earnest attempts to craft legislation to address the issue. Their efforts were stymied by a small number of conservative Senators. But the work continued, and in December 2018, Trump signed a landmark prison-reform bill.

For Morgan Lyles and millions of other American parents, the issue is urgent. Weien will soon need brain surgery to correct his worsening seizure disorder, and Lyles won't have the time off to help him recover. She's hoping policymakers can agree on a solution before her daughters have families of their own.