



**FAMILY AND MEDICAL LEAVE ACT
(HR 2, S 5)**

The American Association of University Women (AAUW) is fully committed to the establishment of a national family policy that helps American families balance work and family responsibilities. AAUW believes that mothers and fathers deserve the right to take a period of leave from their jobs to participate in the early care of a newborn or newly adopted child or to care for a seriously ill child or elderly dependent. Dramatic changes in the work force and in American families have increased the urgency of the need for a national family policy. The Family and Medical Leave Act (FMLA) responds to these changes and needs.

AMERICANS SHOULD NOT BE FORCED TO CHOOSE BETWEEN HAVING A JOB AND CARING FOR A FAMILY.

Everyone has the right to work and have a family. Strong families are the foundation for a strong and productive economy. The FMLA responds to the new social and economic realities of American families and supports the American as worker and caregiver.

FAMILIES HAVE CHANGED; THE WORK FORCE HAS CHANGED. NOW THE WORKPLACE MUST CHANGE.

Most employers do not provide family or medical leave to their employees despite the increasing number of families with two working parents, single-parent households, and workers who have responsibility for elderly dependents. Many employees risk losing their jobs when family responsibilities or a serious illness take precedence. The U.S. is the only industrialized country that lacks parental leave benefits for employees.

THE FEDERAL GOVERNMENT NEEDS TO SET A NEW LABOR STANDARD TO RESPOND TO THESE CHANGES.

Since so many employers have failed to provide reasonable leave and job security for their employees, a new standard needs to be established to emphasize the importance of both job and family responsibilities. The FMLA sets a minimum standard that benefits both employees and employers by providing for leave and job security and by creating a more loyal, experienced and consistent work force.

MAJOR PROVISIONS OF THE FAMILY AND MEDICAL LEAVE ACT:

- **LENGTH OF LEAVE:** an employee is entitled to take up to twelve weeks per year for any combination of family or medical leave. This leave is unpaid.
- **FAMILY LEAVE:** is available to a worker upon the birth or adoption of a child, or because of the serious health condition of a child, parent, or spouse.
- **MEDICAL LEAVE:** is available when a worker is temporarily unable to work because of his or her own serious health condition.
- **JOB SECURITY:** employees are guaranteed that they can return to their same (or equivalent) position after taking family or medical leave.
- **HEALTH INSURANCE:** is continued throughout the leave period.

(over)

QUESTIONS AND ANSWERS: FAMILY AND MEDICAL LEAVE ACT

Q: Won't this bill mandate benefits and allow too much government interference?

A: No. Although some American companies have already realized the importance and economic benefits of providing family and medical leave, most have failed to respond to the changing needs of workers. The FMLA, like child labor laws and minimum wage legislation, is a federal labor standard which sets a new precedent for workplace responsiveness.

Q: Won't this bill burden small employers?

A: No. The bill exempts all employers with fewer than 50 employees. More than 95 percent of ALL employers are exempted under the House bill.

Q: Won't employees abuse the medical leave provisions?

A: The FMLA is not a "sniffles" bill. The bill covers only serious illness and employees may request a doctor's certification from employees. In addition, since the leave is unpaid, it provides no incentive for employee abuse.

Q: Shouldn't this bill just be a **maternal** leave bill?

A: Both mothers **and** fathers have the right to care for their children or elderly dependents. Limiting the bill to mothers also reinforces the stereotype that only women can and should be caregivers.

Q: Won't this bill be difficult for public school systems to implement?

A: No. The bill was amended in the 101st Congress to give local school boards the flexibility they need to balance the needs of teachers with the needs of school children.

Q: Why is elder care included in this bill?

A: The federal government estimates that by 2025, Americans over 65 will make up 40 percent of the dependent care population. Women today are part of the "sandwich generation" --many have responsibility for the care of both children and elderly parents. Women in prime earning years (35-64) are especially vulnerable as they are more likely to have both kinds of dependents and are more likely to have difficulty finding a new job.

Q: Are the House and Senate bills identical in the 102nd Congress?

A: The House and Senate versions of the FMLA are identical, with two exceptions: the Senate bill equalizes leave rights for federal and private employees, and it contains no exemption for "key employees."