RAISE Act State Policy Roadmap for Family Caregivers: Financial and Workplace Security for Family Caregivers

November 2021

ACL Administration for Community Living
RAISE Family Caregiving Advisory Council
NASHP National Academy for State Health Policy
The John A. Hartford Foundation
RRF Foundation for Aging

About This Roadmap

> “State governments that have yet to address the health, economic, and social challenges of caregiving for older adults should learn from the experience of states with caregiver supports, and implement similar programs.” National Academies of Sciences, Engineering, and Medicine. 2016. Families Caring for an Aging America. Washington, DC: The National Academies Press.

The purpose of this roadmap is to support states that are interested in developing and expanding supports for family caregivers of older adults by offering practical resources on identifying and implementing innovative and emerging policy strategies. Although families care for people across the lifespan, the focus of this roadmap is on policies, programs, and funding for family caregiver of older adults.

NASHP created this roadmap with guidance from policymakers and leaders from across state government, using the RAISE Act goals and recommendations as a framework. Congress enacted the Recognize, Assist, Include, Support and Engage (RAISE) Family Caregivers Act in 2018, which created an advisory council to develop the country’s first national Family Caregiver Strategy. With support from The John A. Hartford Foundation and in coordination with the U.S. Administration for Community Living, NASHP’s RAISE Family Caregiver Resource and Dissemination Center aims to support states as they develop policies to address family caregivers.

The RAISE Family Caregiving Advisory Council recently published its five goals and 26 recommendations which highlight ways that states can better support family caregivers. In alignment with the Council’s work, the roadmap is organized into the following sections as a series:

Section 1: Public Awareness and Outreach to Family Caregivers
Section 2: Engagement of Family Caregivers in Healthcare Services and Systems
Section 3: Services and Supports
· Services and Supports for Family Caregivers
· The Direct Care Workforce
Section 4: Financial and Workplace Security for Employed Family Caregivers
Section 5: Research, Data, and Evidence-Informed Practices

This section—Financial and Workplace Security for Family Caregivers—is the second publication in this series.

This roadmap was made possible by support from The John A. Hartford Foundation and the RRF Foundation for Aging.

Assuring Financial Security of Family Caregivers

"Caregivers who work feel the push and pull of many commitments, which can make them leave the workforce earlier than they want. Giving caregivers time off and replacement income helps with that balancing act. Supporting employed caregivers benefits the caregivers and helps businesses retain workers, both of which are good for the state. It's a win-win-win." – state official in Washington

NASHP partnered with ADvancing States to gather ideas from state aging and disability agency officials on improving state resources for family caregivers. Among many recommendations, these policymakers noted the need to support caregivers juggling employment and caregiving responsibilities by expanding paid family/sick leave and partnering with employers to offer services on the job.

Family caregivers echoed the need for these solutions. According to a series of NASHP-supported listening sessions, "some of the most compelling conversations during the listening sessions focused on the financial impacts of caregiving." The impacts included:

- Paying large out-of-pocket expenses,
- Tapping into family caregivers' retirement accounts,
- Lack of insurance coverage for long-term services and supports, and
- Leaving the workforce with little to no ability to return.

States have a strong rationale to support working caregivers and to improve their financial security:

- Six out of ten family caregivers work a paid job in addition to caregiving, and 60 percent of these caregivers, or 36 percent of all caregivers, report at least one negative work impact. These numbers disproportionately affect Black caregivers, who are more likely than caregivers of other racial/ethnic groups to be in the labor force. Similarly, caregivers of color experience on average a higher number of workplace related challenges due to caregiving.
- Developing and retaining a robust, skilled workforce is a high priority for numerous states, as noted by governors' 2021 State of the State Addresses. Workplace flexibilities ease caregiver concerns about employment and can reduce worker withdrawal from the workforce.
- Policies and benefits that allow family caregivers to retain a job help them have the financial means to pay for the significant costs associated with caregiving. By facilitating in-home family caregiving and protecting low- and middle-income caregivers from impoverishment, states can also delay the use of state programs and avoid or extend an individual's spend down process for Medicaid long-term services and supports (LTSS) eligibility.
- Paid leave helps prevent the spread of illness in the workplace by allowing employees to stay home without forfeiting pay. Research from the COVID-19 pandemic has shown a reduction in new COVID cases attributable to the temporary federal paid leave program implemented by the Families First Coronavirus Response Act.

Impact of COVID-19 on Caregivers

The COVID-19 pandemic has disproportionately affected caregivers both financially and personally. Compared to the national population that does not care for a loved one, caregivers were roughly 50% more likely to have their work hours reduced and nearly three times as likely to have their wages cut. Caregivers were also more likely to lose their job or be furloughed. Additionally, caregivers were more likely to contract COVID-19 and to know someone who passed away due to COVID-19.

State Challenges

Protecting and enhancing family caregivers' financial and employment security can be difficult for states:

- According to state officials, policymakers across states may be reluctant to impose new mandates on employers, especially smaller employers.
- Medicare and private health insurance do not cover LTSS, leaving Medicaid as the primary public payer for LTSS. States often offer limited eligibility for Medicaid home and community-based services under Medicaid waivers.
- Few people have private long-term care insurance, and only two states have funded a public long-term care insurance option: Washington, through a public insurance trust and Hawaii, through a state fund.

In spite of these challenges, many states are moving forward with policies and programs that support the financial well-being of family caregivers.

Recommendations and State Strategies

RAISE Family Caregiving Advisory Council Recommendations: Financial and Workplace Security for Family Caregivers

Goal 4: Family caregivers' lifetime financial and employment security is protected and enhanced.

- Recommendation 4.1: Decrease the negative financial impacts for family caregivers on both a short- and long-term basis.
- Recommendation 4.2: Advance the development and broad adoption of employee-centered flexible workplace policies and practices that support work/life balance and maintain performance when personal circumstances change.
- Recommendation 4.3: Increase the availability, and use of, financial education and planning tools for family caregivers.
- Recommendation 4.4: Improve the affordability of long-term services and supports and reduce out-of-pocket costs for families through public and private payers.

State Strategies & Promising Practices

State strategies for improving financial and workplace security for employed caregivers

1. Expanded leave benefits
2. Caregiver tax credits
3. Unemployment insurance
4. Anti-discrimination statutes
5. Financial education and planning
6. Publicly funded long-term services and supports

The following examples highlight promising practices and policies across diverse states that align with and support RAISE Act recommendations.

#1 Enhance family leave requirements

Family and Medical Leave Act: The Benchmark for State Family Leave Policies

The **FMLA** is a federal law that allows eligible employees of covered employers to take unpaid, job-protected leave for family and medical reasons. Covered employers are required to offer up to twelve weeks of unpaid leave to care for a new child or a seriously ill family member. However, only **56% of employees** are eligible for FMLA. These benefits are guaranteed only for employees who:

- have worked at least 1,250 hours in the last year,
- have been employed for at least 12 months, and
- work for a business with at least 50 employees.

Additionally, leave is required only to care for a spouse, parent, or child; it does NOT apply to extended family members or families of choice.

States have taken the lead to expand FMLA requirements to support family caregivers in numerous ways:

- Covering workers in businesses with fewer than 50 employees (4 states and DC);
- Expanding the definition of “family member” to include extended family, in-laws, stepfamily, and family of choice (8 states and DC);
- Decreasing the time an employee must work before becoming eligible (5 states and DC);
- Increasing the length of leave allowed beyond 12-weeks (2 states and DC);
- Making caregiving a valid use of earned sick leave (19 states and DC)
- Allowing employees to earn paid sick leave (13 states and DC)
- Including provisions for paid leave (8 states and DC).

State Examples of Family Leave Expansions
· Implement paid family leave program (New Jersey and Washington)
· Mandate paid sick leave (Arizona and Nevada)
· Mandate allowing the flexible use of sick leave (Illinois and New Mexico)
· Expand FMLA coverage and benefits (Hawaii)

New Jersey and Washington: Paid Family Leave
Paid family leave laws in eight states and DC allow caregivers to take time off to care for a family member while receiving a portion of their salary. States with paid family leave laws determine the amount of the benefit, length of leave, and financing, with benefits typically worth 50-90% of an individual's salary and financed by payroll taxes. States laws can also include job protections for caregivers returning to work.

- **Employee-funded paid leave:** In 2009, New Jersey created a paid family leave program for workers, building off the state's Temporary Disability Insurance program. New Jersey's paid family leave program, called Family Leave Insurance, provides New Jersey workers with cash benefits to care for a loved one with a physical or mental health condition, as well as to care for a new child or handle certain matters related to domestic or sexual violence. In July of 2020, New Jersey expanded the program to cover additional family members, including parents, a spouse, children, domestic partners, grandparents, grandchildren, or any blood relative or other individual whose close association with the employee is the equivalent of a family relationship. Additionally, the program expanded from a maximum of 6 weeks of wage reimbursement to 12 weeks and increased the percentage of average weekly wage used from 66% to 85%. Like most states with paid family leave, the program is funded by a payroll tax on employees. Initially, the program was financed by a 0.08% tax on an individual's first $34,000 in earnings. In 2019, New Jersey expanded benefits to their current levels, funding the expansion with a 0.09% tax on the first $131,000 in earnings. This tax covers the cost of benefits and program administration.
- **Employee and employer-funded paid leave:** In 2020, Washington began a paid leave program, which pays individuals between 50% and 90% of their salaries while caring for a close family member with a serious health condition. Workers are entitled to up to 12 weeks of paid family leave. The program is unique in that it is funded jointly by employees and employers for companies with over 50 employees, or exclusively by employees via a payroll tax for smaller employers. Washington's paid leave program includes job protection for caregivers on leave, protecting the long-term financial security of caregivers who take time off. Legislation creating the paid leave program was passed in 2017 with support from the Republican-led Senate, Democratic-led House, and the state's business community.

New Jersey's Paid Family Leave

In New Jersey, effective marketing has been crucial to reaching eligible caregivers. The state launched its paid leave program in 2009 with minimal public messaging and very low utilization rates. When the program expanded in 2019, additional money was allocated for outreach and awareness. The state launched a comprehensive PFL website providing information and guidance, and the program has reached thousands of individuals through employer and employee webinars, presentations, and outreach events. New Jersey has since seen an increase in claims. The take-up rate for the paid leave program is roughly 12-14%, an estimate that comes from advocacy groups, as the state's plan to access and analyze this data was suspended due to the COVID-19 pandemic. Labor unions, who view the program as both pro-employer and pro-worker, assisted in supporting recent expansions to the program.

Arizona and Nevada: Paid Sick Leave

Paid leave laws in 13 states and DC require employers to allow employees to earn paid sick leave, which supports caregivers who cannot afford paid time off.

- **Varying employer sick leave requirements based on employer size:** Arizona implemented paid sick leave alongside a minimum wage increase through a ballot referendum. In 2016, 58% of voters approved Proposition 206, the Fair Wages and Healthy Families Act. The Act initially raised the minimum wage to $12 per hour by 2020, and included annual adjustments starting in 2021. The Act also guarantees 40 hours per year of earned sick time for employees, who can earn one hour of sick time per 30 hours worked. Employers with under 15 employees only need to guarantee 24 hours of paid sick leave per year. Under this provision, employees may use sick time for their own care or for the care of a family member, which includes children, parents, legal guardians, spouses, domestic partners, grandparent, grandchild, sibling, and "any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
- **Time off for any reason:** In 2020, Nevada became the first state to implement a paid leave program that certain employees can use for any reason without providing a reason to their employer for such use. Nevada requires employers with at least 50 employees to allow workers to accrue paid leave at a rate of roughly one hour per 52 hours worked. An employer may limit leave to 40 hours in a given year. In both Nevada and Arizona's cases, employers bear the costs of any leave used. Democratic-led House, and the state's business community.

Nevada's "Time Off for Any Reason" Law

After a failed sick leave bill in 2015, Nevada legislators worked to create a bill allowing time off for any reason. The bill earned stakeholder support by exempting certain employers, such as small businesses and businesses within their first two years of operation. The Department of Business and Industry, Office of the Labor Commissioner (OLC) is responsible for enforcement and conducted educational outreach to employers after the passage of the bill. Nevada's law is unique in that it is financed by employers via paid time off at the employee's full hourly rate; state funds support only the OLC's administrative costs.

Illinois and New Mexico: Flexible Sick Leave

Flexible sick leave allows caregivers to use earned sick leave for their own illness or to care for a sick family member or loved one. States may require paid guaranteed sick leave and flexible sick leave, or add flexible sick leave requirements to existing sick leave policies. 19 states and DC require employers to allow employees to use earned sick leave for family responsibilities. In some cases, flexible sick leave and paid sick leave go hand in hand, with both guaranteed in the same law.

- **Enhanced flexibility without a specific mandate:** Illinois has implemented a law that guarantees flexible sick leave without creating a particular mandate for employers to provide sick leave. The Eligible Leave for Employee Caregiving Time (ELECT) Law of 2017 allows employees to use any sick time they have accrued at their job to care for a family member. The law does not create a guarantee of sick leave, but rather mandates that any earned sick time, paid or unpaid, be eligible for caregiving responsibilities. Employees may use their accrued sick time to care for a child, spouse, sibling, parent, parent-in-law, grandchild, grandparent, or stepparent. This law applies to all Illinois employers with any number of employees. The Illinois law was designed to improve the flexibility of existing leave without imposing new costs on employers or the state.
- **Mandatory flexible sick leave:** New Mexico has implemented one of the most expansive flexible sick leave policies in the country. Under the Healthy Workplaces Act of 2021, employees will be able to earn up to 64 hours of paid flexible sick time over a 12-month period, starting 2022. Employees can earn one hour of sick time for every 30 hours worked. New Mexico requires employees of any size employer to be allowed to use earned sick leave to care for a loved one of any relation to the employee, biological or other.

Hawaii: Expanding FMLA Coverage and Benefits

- **Expanded Unpaid FMLA:** The Hawaii Family Leave Law (HFLL) creates an unpaid leave program whose eligibility requirements differ from the federal program. HFFL requires employers with 100+ employees in the state to grant 4 weeks of leave, with state and federal leaves running concurrently if an individual qualifies for both. Leave can be granted for birth or adoption, or to care for a child, spouse, partner, sibling, parent, parent-in-law, stepparent, grandparent, or grandparent-in-law with a serious health condition, a more expansive list of family members than the federal FMLA. Hawaii does not place a minimum number of hours of service to be eligible for state leave, only requiring six consecutive months of service. Additionally, Hawaii does not require 30 days notice before leave, rather requiring notice "in a matter that is reasonable and practicable." Hawaii's law defines serious health condition as a condition that warrants the involvement of the employee in providing care and involves inpatient care or continuing treatment or supervision by a health care professional.

#2 Establish tax credits for caregiving expenses.

The Child and Dependent Care Tax Credit (CDCTC) serves as a benchmark for many states with caregiver tax credits, who add their own modifications to the federal CDCTC language. Nine states allow caregivers to claim a portion of caregiving expenses as a refundable tax credit, in which the family caregiver can be paid a credit extended beyond the amount owed in taxes. 16 states and DC offer only nonrefundable tax credits, in which the family caregiver can receive a refund up to the amount owed in taxes, but cannot receive a payment.

Child and Dependent Care Tax Credit: The Benchmark for State Tax Credit Policies

State credits often use the federal Child and Dependent Care Tax Credit (CDCTC) as a starting point for state initiatives. The CDCTC is available to caregivers who care for a child under 13, a spouse who is incapable of self-care, or a dependent adult. The CDCTC can reduce a caregiver's tax liability by up to $3,000 for one qualifying individual or $6,000 for two or more, though the average credit amount is about $565. Caregivers may claim a percentage of the cost of items primarily used for the wellbeing of the person receiving care, determined by their total income. The CDCTC is nonrefundable, so caregivers can only receive a credit up to the amount they owe.

Since the credit is nonrefundable, caregivers cannot receive cash payments from the tax credit. Caregivers with lower gross tax liabilities have lower potential maximum credits, so middle and upper-middle income caregivers claim most of the credit's benefits and file a disproportionate amount of CDCTC claims. Additionally, the take-up rate is low for caregivers of adults. In 2017, roughly 159,000 people claimed the CDCTC for care of an adult and 156,000 for both an adult and a child, just 2.5% and 2.4% of the total CDCTC claimants, respectively. These caregivers earned credits worth a total of $119 million out of a total of $3.2 billion for the credit as a whole.

Nebraska, Oklahoma, and Oregon: Caregiver Tax Credits

- **Hybrid credit that changes according to income:** Nebraska offers a child/dependent care credit for qualifying full-year or partial-year taxpayers based on the federal Child and Dependent Care Tax Credit (CDCTC) amount. The Nebraska credit is refundable if the taxpayer's federal adjusted gross income (AGI) is $29,000 or less. Taxpayers with a federal AGI of $22,000 or less may receive a Nebraska refundable credit worth 100% of the value of the federal CDCTC. This credit percentage value decreases by 10% for each $1,000 in AGI. Qualifying taxpayers with a federal AGI greater than $29,000 can receive a nonrefundable tax credit of 25% of the federal CDCTC, with no maximum income.
- **Nonrefundable fixed credit:** Oklahoma offers a nonrefundable caregiver income tax credit, using the federal CDCTC as a reference value. Oklahoma offers any caregiver a tax credit worth up to 20% of the federal credit's value for individuals with AGIs up to $100,000. Caregivers of children can claim the greater of this credit or 5% of the federal child tax credit. Oklahoma's credit is nonrefundable, so while the credit can reduce a caregiver's tax liability, it cannot be paid to the caregiver beyond the amount owed.

- **Refundable credit tailored to working caregivers:** Oregon offers the Working Family Household and Dependent Care Credit, a refundable dependent care tax credit meant to allow a parent or caregiver of an adult with a disability to pay for care while at work. In some cases, caregivers may be eligible for this credit while looking for work or in school. Caregivers may claim the amount spent on care and services paid to a provider, including those provided outside the home. Credits are based on expenses, household size, and federal AGI, with a highest possible value of $9,000 for one dependent. Total expenses are multiplied by a percentage determined by the WFHDC calculator, with the product paid as a credit. Oregon's credit is unique both in its maximum value, which is nearly nine times that of the next highest state, and in it being targeted at employed caregivers.

#3 Establish protections against workplace discrimination based on family responsibilities.

Anti-discrimination statutes protect family caregivers by making discrimination based on family responsibilities illegal in hiring practices and workplace operations.

Delaware and District of Columbia: Anti-Discrimination Laws
Delaware and DC have anti-discrimination laws that specifically define and protect "family" and "family responsibilities":

- **Ban on workplace discrimination of caregivers:** In 2016, Delaware enacted one of the most extensive caregiver employment rights laws in the nation by including caregivers as a group protected against employment discrimination. This legislation prohibits refusal to hire or differential treatment based on race, marital status, genetic information, color, age, religion, sex, pregnancy, sexual orientation, gender identity, national origin, and notably, *family responsibilities*, which is defined as "the obligations of an employee to care for any family member who would qualify as a covered family member under the Family and Medical Leave Act." These protections apply broadly, covering all private and public employers with at least four employees. Though the legislation does not mandate any unique accommodations for caregivers, it requires that caregivers be able to use existing workplace accommodations for family responsibilities without discrimination.
- **Family Responsibilities as a protected trait:** The District of Columbia has the longest standing caregiver employment anti-discrimination law in the United States. The DC Human Rights Act of 1977 makes family responsibilities, defined as "the state of being, or the potential to become, a contributor to the support of a person or persons in a dependent relationship," a protected trait, which resultingly makes employment discrimination based on family responsibilities illegal. DC enforces this law through the Office of Human Rights (OHR), which receives complaints, mediates disputes, and may impose penalties. From FY2016 to FY2018, OHR received an average of 515 employment complaints per year, an average of 10 of which related to family responsibilities. The OHR mediation process has resulted in an average of $3.19 million in total annual settlements paid to individuals.

Insight into Women's Anti-Discrimination Laws in Delaware

Delaware passed its anti-discrimination legislation as part of a series of reforms to empower women in the workplace. The caregiver anti-discrimination bill was passed alongside a bill banning employers from requiring workers to disclose their decisions about family planning and a bill banning employers from requiring that wages are kept secret. The three bills passed with bipartisan support.

#4 Include family caregiving in unemployment insurance eligibility

DC and 24 states include caregiving responsibilities as "good cause" for leaving a job, allowing caregivers to be eligible for unemployment insurance payments while they are out of work caring for a family member.

Alaska and South Carolina: Unemployment Insurance for Family Caregivers

- **Caregiver unemployment insurance statute:** South Carolina statute declares that "compelling family circumstances" qualify as good cause for leaving a job when "the claimant was separated from work due to the illness or disability of an immediate family member," "for a period of time that exceeds the amount of time the employer will provide paid or unpaid leave." This provision allows a caregiver to receive unemployment benefits after quitting a job to care for a family member, unless the employer provides leave for the duration of their family member's illness.
- **Defining "good cause" to protect caregivers:** Alaska uses administrative rules to include family caregiving as good cause for leaving a job. Alaska statute allows for a person to receive unemployment benefits immediately after voluntarily quitting for good cause, delegating the definition of "good cause" to the Department of Labor and Workforce Development. The Alaska Administrative Code specifically lists caring for an immediate family member as an example of good cause leaving employment.

#5 Explore Options for LTSS beyond State Medicaid

Medicaid is the primary public payer for LTSS. However, to be eligible, enrollees must have very low assets and incomes. As a result, many families pay for this care out-of-pocket. Given the hefty price tag for these services, one state—Washington—has created the country's first publicly-funded long-term care insurance plan, and another state—Hawaii—has created a cash benefit for family caregivers.

Washington and Hawaii: Publicly Funded Long-Term Care Benefits

Public long-term care insurance: In 2019, Washington became the first state in the nation to pass a publicly funded long-term care insurance plan by passing the Washington Long-Term Care Trust Act. The Act creates the Washington Cares Fund, which will pay for services and supports worth up to $36,500 to eligible beneficiaries, adjusted annually for inflation. Resources can be used for a wide range of services, including in-home care by a professional or family member, home modifications, and assisted living facilities. This long-term care insurance can pay for family caregiver support, family caregiver training, and respite for family caregivers, and equipment and supplies. The program is funded by a 0.58% payroll tax on all W-2 employees in Washington that will begin in 2022, with benefits first offered in 2025. Residents covered by private long-term care insurance have an opportunity of a one-time opt out of the tax. Self-employed individuals can choose to opt-in to the program.

Publicly funded cash benefit for family caregivers: Hawaii offers a unique support program for family caregivers called the Kupuna Caregivers Program (KCP), named for the Hawaiian word for grandparent or elder. KCP is run by the Hawaii Executive Office on Aging (EOA) and offers employed caregivers payments of up to $210 per week for services related to caregiving. Family caregivers can spend it on supports such as adult day care, in-home personal assistance, and respite care. To be eligible, caregivers must be employed and working at least 30 hours a week and provide direct care to an eligible care recipient.

Hawaii passed legislation authorizing the KCP in 2017 with the Aging and Disability Resource Centers performing intake assessments. In 2019, Hawaii funded the program for additional years, increasing funding to $1.5 million. According to Hawaii's Executive Office on Aging, the KCP received a total of 2,097 inquiries and served 182 caregivers and 186 care recipients in 2019 and 2020. Despite the impact of COVID, the KCP supported 91,282 hours of adult day care, 23 assisted transportation trips, 241 hours of homemaker services, and 38 hours of personal care, though the provision of these services sharply decreased after the onset of the pandemic due to concerns about in-home care provided by people living outside the household.

#6 Promote financial education and planning for family caregivers

One challenge often facing caregivers is the responsibility of managing another person's money. States can support family caregivers who are also financial caregivers by providing access to financial education resources. States with existing financial education webpages can ensure that they include resources tailored to caregivers. States can also reach out to employers to provide resources and to educate them about important state laws and benefits such as leave and anti-discrimination as discussed above.

Georgia and New York: Employer Education and Financial Planning

- **Financial resources:** Georgia, through its Department of Banking and Finance, has a financial literacy page specifically intended for older adults, which includes a resource guide of public and nonprofit resources. The Department of Banking and Finance refers visitors to valuable educational resources for financial caregivers, including the Federal Deposit Insurance Corporation's guide for older adults and caregivers and the main page of the Consumer Financial Protection Bureau (CFPB). States may also consider linking to CFPB's guide for financial caregivers, which provides information for caregivers and care recipients.
- **Education for businesses:** In 2021, New York launched a campaign to businesses in the state to raise awareness about working caregivers, and the services available and to help them. The campaign also aims to help caregivers navigate potential challenges they face in balancing their work and family lives. Developed in partnership with the New York Office for the Aging, the Department of Health, and the Department of Labor, working with the Association on Aging in New York representing the state's area agencies on aging, a new Resource Guide for Businesses provides helpful tools and resources for businesses to better support family caregivers.

Lessons Learned from State Financial and Workplace Security Policies

- While leave programs or employee mandates may not be politically feasible across all states, actions that seek to educate employers and employees, such as developing educational materials, can be impactful as well.
- Many strategies can be budget neutral to states, operating via employer requirements or through taxes on employees and employers that do not require state general funds.
- States have a range of options they can consider when enhancing FMLA, including the definition of caregiver, the length of leave available, the size of employer covered, and family caregiver protections. One state noted that while there was concern about broadening the definition of caregiver within their state's statute, the more inclusive definition has ultimately been easier to administer and less burdensome for both the state and claimants.
- Outreach and education can be important: individuals and their employers may not be aware of the state's benefits related to leave, workplace flexibility, anti-discrimination laws, and tax credits. It can be helpful to develop outreach materials for both employees and employers, especially when there is a change in state benefits and laws.
- Data suggests that paid family leave typically does not adversely affect employers. According to a study on California, 89-99% of employers reported that the paid leave program had a neutral or positive impact on productivity, profitability, turnover, and morale.
- Though paid leave programs are not widespread, provisions of COVID relief legislation have given employers experience with short-term paid leave programs. This familiarity may facilitate the implementation of future leave laws.