

Senator Christopher J. Dodd

HELP Statement on FMLA

I'd like to thank you all for coming to this important hearing on the Family and Medical Leave Act (FMLA). As you might know, this month the FMLA marked its 15th anniversary, and we had the chance to look back on the years of hard work that made this landmark law possible. It withstood eight years of obstruction and two presidential vetoes—and on February 5th, 1993, the Family and Medical Leave Act became the first bill President Clinton signed into law.

I'd like to especially welcome and thank all of the witnesses who will provide testimony for us here today. Much of the testimony we will hear today will illustrate the great need for sensible family leave policies that benefit both employee and employer alike.

Let me briefly share with you just one of the many personal stories that first led me to champion the cause of family and medical leave. I first met Eva Bunnell at church in East Haddam, Connecticut, in 1989. Her daughter Jacinta had been born with a rare brain disease and was fighting for her life in the ICU. Her husband asked his employer for time off to be at the side of his wife and baby. He was told to never come back—leaving the family without an income, without health insurance, and almost without hope. Sadly, before passage of the FMLA, stories like Eva Bunnell's were a fact of American working life.

Fortunately, doctors were able to save Eva's daughter. But the sad truth is that her family had no legal protection against her husband's firing. The FMLA has been essential to protecting families like hers; since its passage, more than 60 million Americans have used their right to time off so that they can watch over a newborn or adopted baby, or help a parent through an illness, or get better themselves, knowing that their job will be there for them when they return. And we've heard hundreds of thousands of stories about how FMLA has helped workers and their families. Children have benefitted significantly: When parents can be there for their sick children, they recover faster, avoid more serious illness, and stay healthier. Family leave encourages mothers to breastfeed longer and provides more time for parent-child interaction, fostering positive emotional development of children.

At the same time as it has safeguarded families, the FMLA has been good for business: With lower turnover and a boost to morale, 90% of employers told the Department of Labor in 2000 that the law had a neutral or positive effect on profits.

Those gains—for health, for families, and for employers—are well worth noting as we mark this important anniversary. But the true reason for celebrating anniversaries is not to look back—it's to look forward. When it comes to family leave in America, there is still so much to do.

First, we have to protect the gains we've made—and that's why I'm concerned about the proposed Department of Labor regulations that may put unnecessary roadblocks in the

way of workers seeking the leave they've earned and deserve. Among other changes to the FMLA, the proposed rules would prevent employees from calling in up to two days after an absence, a critical protection for workers facing medical emergencies. After all, medical emergencies aren't planned in advance.

The potential regulations could also throw up another bureaucratic roadblock by requiring workers to show proof of their medical conditions at least twice a year, even if those conditions are lifetime and permanent. That is especially difficult for workers who may not have health insurance.

Finally, it's essential that the new regulations not weaken guarantees for the relatives of wounded members of our armed forces, because the care of loved ones has been shown to be vital to servicemembers' recoveries.

In sum, the federal government ought to be doing everything it can to make it easier for workers to take necessary time off—not harder. And in examining these DOL proposals, I will make sure we continue to do just that.

But even as we secure the FMLA protections so many families have come to count on, we need to ensure that they extend to all families—no matter what their income. No one, of any income should be forced in a time of crisis to make the impossible choice between work and family. But the truth is that millions who have earned family leave can't afford

to take it. For every worker who can weather a day without pay, three more can't afford the loss. I believe they deserve paid leave.

Why do we offer no paid leave as a nation, when the European standard is 10 paid months? Why are we one of only four countries in the world to deny paid maternity leave, leaving us in the company of Swaziland, Liberia, and Papua New Guinea? We also lag behind in paternity leave: 66 countries ensure that fathers either receive paid paternity leave or have a right to paid parental leave; 31 of these countries offer 14 or more weeks of paid leave. The U.S. guarantees fathers neither paid paternity nor paid parental leave.

It's high time to bring paid family leave to America—at least eight weeks of it. I've introduced a bill to secure it, and I'll be working my hardest to ensure that it gets passed. If the past is any guide, we'll likely have another long struggle on our hands. But we can remember what history has shown us: A good idea is worth it.

Without further comment from me, I'd like to briefly introduce all of our witnesses.

Thank you to all of you: Assistant Secretary Victoria Lipnic, who oversees the administration of the FMLA at the Department of Labor.

Debra Ness, President of the National Partnership for Women and Families, the organization that led the creation and passage of the Act.

Marcel Reid from DC ACORN, who will share her personal story about the FMLA.

Kristin Grimm, President of Spitfire Strategies whose small firm provides paid leave and unpaid leave although not required to do so under FMLA.

And Kathie Elliot for sharing her perspective from her experience at the nexus of human resources and government. I look forward to hearing from all of you in an informative hearing.

I understand that our Chairman, Senator Kennedy, will only be able to stay for a few minutes, so I'd like to invite him to make a few short remarks at the beginning.