Earned Family and Medical Leave:

Examining Paid Leave Policies and Legislation in Missouri

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Women's Foundation

Institute of Public Policy
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DEFINING TERMS

Family Medical Leave Act (FMLA) – A federal program which provides up to 12 weeks of *unpaid* leave for employees to care for themselves, to care for seriously ill family members, or to bond with a newly born, adopted, or fostered child, given they work for an eligible employer.

Paid Family and Medical Leave - A portion of the employee's wages are paid if he or she takes leave from work for the birth or adoption of a child or to care for an ill or injured family member.

Paid Maternity Leave or Spouse/Partner (Paternity) Leave or Parental Leave – A portion of the employee's wages are paid for only the birth or adoption of a child or bonding with a child.

Earned Family and Medical Leave – Refers to paid leave policies funded by employee contributions as seen in legislative efforts in Missouri. Earned family and medical leave could be used for the birth or adoption of a child or bonding with a child, leave for employees to care for themselves, or to care for seriously ill family members.

EXECUTIVE SUMMARY

Family and medical leave in the United States builds on the federal, unpaid Family and Medical Leave Act of 1993. Aware of the changing demographics across the US, Congress passed a bill designed to address the unique challenges faced by caregivers, especially women, in the labor force. [1]

Nationally, women continue to increase their participation in the labor force, with almost 80% of households with children containing at least one member in the workforce. [2] Furthermore, the problem of the "sandwich generation," caring for both aging parents and young children, has not abated. Missouri's demographic trends mirror those of the country at large. [3]

Current public opinion strongly supports some sort of paid family and medical leave program, with 80% of the public favoring paid leave for maternal leave and serious medical conditions and 60-70% favoring paternal bonding leave and leave to care for seriously ill family members. About 35% of the country believes expanding paid leave should be a top government priority. [4]

Paid family and medical leave (PFL) has been fully implemented in three states and will be implemented in a further two states as well as Washington, D.C. over the course of the next few years. Evaluations of similar plans show that both employees and employers benefit from their use. [5] PFL programs decrease lost wages, prevent families from falling into poverty, and reduce reliance on public assistance. [6] They also lower employee turnover, raise retention and recruitment of talented employees, and increase worker productivity as well as employers' stock prices. [7]

These states' experiences, as well as a fiscal note prepared by the Missouri Office of Administration (OA) provide a starting point from which to assess the potential contributions and payouts associated with implementing a similar program in Missouri.

FINDINGS

Demographic Trends

- Women's participation in the workforce has been increasing for the past several decades, and women are more likely than men to report holding more than one job.[8]
- In families with children, 93% of fathers and 71% of mothers were employed in 2016. Further, more and more working adults are caring for aging parents as well as household children. Women report spending more time caregiving then men.[9]
- Public opinion is overwhelmingly in support of some sort of paid family leave program across age, gender, and socioeconomic status.[10]

FMLA

- Passed in 1993, the federal law provides up to 12 weeks per year of unpaid leave to care for one's own serious illness, seriously ill family members, or to bond with a new child.[11]

State Programs

- California (2004), New Jersey (2009), Rhode Island (2014), New York (2018), and Washington (2020) have passed PFL legislation, though only the first three states have implemented it. Each has differing levels of time off, wage replacement, employee contributions, and requirements for entry into the program.
- Evaluations of these programs show that they provide benefits to employees and employers, with no discernable negative effects.[12]

Missouri's Efforts

- Executive Order 17-09 of March 2017 grants paid parental leave to all executive branch employees; primary caregivers are eligible for six weeks and secondary caregivers are eligible for three weeks, each at 100% wage replacement. Paid parental leave policies have also recently been adopted by Lieutenant Governor Mike Parson, State Auditor Nicole Galloway, State Treasurer Eric Schmitt, Attorney General Josh Hawley, and the Missouri House of Representatives. Also, four independent executive agencies governed by independent commissions have adopted paid leave policies.[13]
- The most current legislative attempts were House Bill 1059 sponsored by Representative Kelly, Senate Bill 291 sponsored by Senator Rowden, House Bill 659, sponsored by Representative McCreery, and Senate Bill 69 sponsored by Senator Jill Schupp. House Bill 659 calls for six weeks of leave at 100% wage replacement funded by a 0.25% employee payroll contribution. The fiscal note developed for HB 659 is examined further in this report.[14]

Estimating Contributions and Payouts

- The fiscal note for HB 659 uses the raw number of claims from New Jersey's paid leave programs in 2015 to estimate an annual take-up of 117,000 claims, an annual benefits payout of $609,251,760, and annual employee contributions of $309,250,137. There would also be administrative, technical, and start-up costs.

- The calculations in this report use the percentage of claims paid in New Jersey as opposed to the raw number. The percentage of claims paid in New Jersey in 2015 was 3.03%. If we apply this to Missouri's 2015 employed population, then the potential payouts become $454,460,154 at six weeks of 100% wage replacement, or $304,488,303 at six weeks of 67% wage replacement. If we use California's uptake percentage of 1.27%, then the potential benefits payments become $190,482,302 at 100% or $127,623,143 at 67% wage replacement.

THE CHANGING COMPOSITION OF AMERICAN FAMILIES AND THE LABOR FORCE

THE UNITED STATES

Employment Characteristics

Over the course of the last several decades, the demographics of the American labor force and American families have shifted in several important ways. First, women's participation has steadily increased. Although still not on par with the average levels of men's participation, educational attainment, or salary, over half of US women were in the labor force in 2015.[15] The ever-greater numbers of women in the workforce has contributed to the fact that in 2016, just over 80% of families had at least one member employed. Among families with children the percentage was nearly as high, with 92.8% of fathers employed and 70.5% of mothers employed.[16] Of this number, women with children ages 7-18 and under were almost 10% more likely to be employed.[17] Women are more likely than men to report holding more than one job, and after age 19, have shorter average length of tenure.[18]

Demographic Characteristics

Americans are living longer and having children later in life. This has resulted in an increasing number of adults who are part of the so-called "sandwich generation."[19] Coined by sociologist Dorothy A. Miller in 1982 to describe adults "sandwiched" between caring for their children and their aging parents, the term has only taken on greater relevance in the intervening years. An estimated 43.5 million adults provide unpaid care to adults or children with special needs, with 60% working at the same time. Approximately 28% of adult caregivers are also caring for a child, and 60% of caregivers are female.[20] Although the time spent caring for children is no longer entirely a woman's purview, women still report spending almost twice the amount of time as men report caring for their children.[21]

MISSOURI AND KANSAS

Changes in Missouri and Kansas demographics have largely echoed changes in US demographics. The states' populations, like the country's, are getting older. The population has remained steady across most age groups, except for a steady decline in those younger than 18 and a steady increase in those ages 65 and older in the U.S., in Missouri, and in Kansas between 2010 and 2015. In Missouri, the proportion of those ages 65 and over was 15.6 percent in 2015, an increase from 14.1 percent in 2010. In Kansas, those 65 and older made up 14.6 percent of the population in 2015, an increase from 13.3

percent in 2010. In the U.S., those aged 65 and over accounted for 14.9 percent of the population in 2015, an increase from 13.1 percent in 2010.[22]

Women have been employed in greater and greater numbers, more households with children have all parents working, though the younger the child the less likely both parents are to have jobs.[23]

CONSEQUENCES

Because women have increasingly participated in the workforce, families with children are increasingly dual-earner homes. Adding on the care of an aging relative can not only strain the immediate financial resources of American household, but the "lost earning potential can be staggering."[24] A significant number of working caregivers have left their jobs to have more time to devote to their unpaid familial duties or because their employers did not offer flexible hours.[25] Approximately 62% of Americans either have taken or are likely to take time off of work for family or medical reasons, and 16% (over 50 million people) reported that in the past two years they have needed leave but were unable to take it.[26] Approximately 62% of workers who took the leave they needed received no pay, and of those who received less than full wage replacement, many still had to take on debt, put off paying bills, or utilize other means of support.[27]

PUBLIC OPINION AND CURRENT RESEARCH

Public Support

In 2016, only 14% of civilian workers had access to a paid family leave plan, though the vast majority of US workers support some sort of paid family leave program, with 35% believing its expansion should be a top government priority.[28] Support ranges from percentages in the mid-80s for serious medical conditions and maternal bonding to the high-60s for paternal bonding and seriously ill family members.[29] This support for paid leave applies to all genders and income ranges. While less likely to take leave and generally taking shorter amounts than new mothers, fathers, in particular, still support employers offering leave. Moreover, there is evidence that when offered, the leave is utilized; there is a strong correlation between how much leave an employer offers and how much leave is taken.[30] Although the public is generally unsure of the economic impact of paid leave, a slim majority believes it would benefit the economy. Academic work and program evaluations tend to bear this out.

Current Research/Best Practices

Current research shows that moving from an employment protection plan, like the FMLA, to a program like paid family leave, is likely to increase the number of people covered by such plans, decrease lost wages, and prevent families from falling into poverty. Simple unpaid family leave plans provide no such benefits, and examples from other countries' paid plans show medium to long term economic benefits.[31] Additionally, policies that encourage employers to accommodate families, like paid leave and childcare, have an important impact on female participation in the labor force. Increasing the number of women in the labor force and thus narrowing the already diminishing gender gap is also projected to raise the country's GDP as well as benefitting business on a more local level.[32]

Multiple evaluations of the country's paid family leave programs have indicated that it provides residents and the states with clear benefits.[33] Although much of the data comes from California due to the longer time frame available, there is also information indicating that New Jersey and Rhode Island have benefited as well. Findings indicate that residents use paid leave when it is available and fathers are more likely to take time off when it is paid.[34] There has been a dramatic increase in men taking bonding leave in California, by more than 400 percent – though women still account for almost two-thirds of such claims.[35]

Not only does the extra time at home benefit the health and wellbeing of new caretakers, it also provides longer-term benefits for the infants. Research also indicates that there are both short-and long-term benefits to the labor market in general and to the individual companies offering leave. Companies that offered leave saw their stock prices rise shortly after announcing as well as long term economic benefits from reduced employee turnover, increased recruitment of high-skilled workers, and worker productivity.[36]

EXISTING FAMILY AND MEDICAL LEAVE LEGISLATION

FEDERAL *UNPAID* LEAVE

The Family and Medical Leave Act (FMLA) provides up to 12 weeks per year of unpaid leave for employees to care for themselves, to care for seriously ill family members, or to bond with a newly born, adopted, or fostered child, given they work for an eligible employer. Eligible employers in the private sector have 50 or more employees within a 75 mile radius working at least 20 weeks in the last year. Eligible employees must have worked 1,250 hours in the past year. All public agencies and all public and private elementary and secondary schools are covered. Although the leave is unpaid, this act provides for job protection, meaning an employee must be returned to their previous position or an equivalent position upon returning from their FMLA-approved leave. Leave must also not count against attendance, health insurance coverage, or seniority. The rules differ slightly for airline flight crew employees and any person employed in the public education system.[37] The FMLA has been expanded twice; the first expansion covered military service members and extended the definition of "family," and the second revised the definition of "spouse" to include same-sex unions.

POTENTIAL FEDERAL *PAID* LEAVE

The issue of federal paid leave has received a greater deal of attention recently due to its presence in the campaign and potentially in President Trump's FY 2018 proposed budget. Paid family leave has been part of many Democrats' agendas for some time, which correlates with the slightly higher levels of Democratic support for such programs among the public. During the 2016 campaign however, several Republican candidates also spoke positively about paid family leave, marking the first instance of strong bipartisan support for the concept on a major national stage. Although Hillary Clinton was the first candidate to make a federal paid family leave program a significant campaign issue, Bernie Sanders, Marco Rubio, and Donald Trump followed with their own plans in relatively short order. Clinton, Sanders, and early presidential candidate Martin O'Malley favored 12 weeks of leave with at least two-thirds wage replacement. Rubio favored offering tax credits as an incentive to businesses to offer paid leave. Trump's plan called for 6 weeks of leave for women who have just given birth and whose employers do not already offer paid leave.[38] This is very similar to the plan Trump has put forward since taking office.

While in its early stages of development, Trump's federal paid family leave program's basic tenets would include up to 6 weeks of benefits for parental leave, and it is unclear whether or not a family member's serious illness would be covered as well. The federal mandate would require states to develop some sort of paid leave but would not specify any particular design beyond being disbursed through unemployment trust funds, leaving the details up to individual states. The federal government would also not provide any funding, though the cost is estimated to be about $18.5 billion over the next ten years and states that do not attain the minimum balance required for implementation in their funds would have to instate new taxes.[39]

EXISTING STATE *PAID* LEAVE

In addition to the federal unpaid family leave laws, many states have implemented statewide unpaid leave programs that expand the coverage of the federal law. Four states have passed legislation to institute paid leave programs: California, New Jersey, Rhode Island, and New York. Several additional states are working on passing similar legislation. State paid and unpaid leave is eligible to be combined with federal unpaid leave, resulting in employees' ability to take time off of work without falling into debt and to reclaim their position when they return.

California (2002/2004)

California was the first state to develop and implement its own paid family leave program, passing Senate Bill 1661 in 2002 and implementing the law in 2004. Eligible workers are able to take up to 6 weeks of leave at 55% wage replacement to care for a new child or a seriously ill family member, and in 2014 covered family members were expanded to include grandparents, grandchildren, in-laws, and siblings. The funds are collected through employee contributions via a payroll contribution that has varied depending on the financial needs of the program. The initial payroll contribution was 0.98% of wages per year to get the program up and running, reduced to 0.9% after implementation. The contribution rate will never exceed 1.3% of wages. The program is administered through the Family Development Division and is similar to disability insurance. Since its implementation in 2004 through 2013, $4.6 million have been collected and distributed. There is no size restriction in place; all employees are eligible no matter the size of their employer, though self-employed individuals can choose whether or not to offer paid leave.

Although California businesses were initially concerned that offering paid family leave would be detrimental to their livelihoods, all evidence thus far shows gains for employees and for the labor market. Wage costs and employee turnover have not been negatively impacted, and the labor market has benefited from increased stability and growth due to the increased likelihood of mothers returning 9-12 months after having or adopting a child; new mothers work more because they are able to take leave and retain their position after doing so.[40]

New Jersey (2008/2009)

New Jersey was the second state to implement a paid family leave program, called Family Leave Insurance (FLI). Eligible employees must have worked 20 weeks for a covered New Jersey employer or have earned at least $7,150 in the 12 months preceding a leave request. Up to six weeks of leave is available at two-thirds wage replacement to bond with a newborn or an adopted child, or to care for a seriously ill family member, defined as a child, spouse, domestic partner, civil union partner, or parent. Leave for one's own serious illness is not provided for in this program because the state already had Temporary Disability Insurance to provide for those contingencies.[41] New Jersey also utilizes a payroll contribution that varies according to need and the taxable wage base, with 2016's contribution rate at 0.08% and 2017's at 0.1%.[42]

Rhode Island (2013/2014)
Rhode Island was the third state to implement paid family leave under the title of Temporary Caregiver Insurance (TCI). Established within the state's existing Temporary Disability Insurance program, eligible employees can receive up to 4 weeks of leave at 60% wage replacement to bond with a new child or care for a seriously ill family member. The payroll contribution for 2017 is 1.2%.[43] Similar to the federal bill, an eligible employee is one who works in a private business with 50 or more employees and has worked at least 30 hours per week for the past 12 months. All state agencies are covered, as are local agencies with 20 or more employees.[44] The funds are disbursed through the state's disability insurance. Similarly to evaluations of the federal bill, Rhode Island workers with higher incomes and working for larger employers were more likely to know about and take advantage of paid family leave.[45]

New York (2016/2018)
New York will become the fourth state to implement paid family leave in January of 2018, to be fully phased in over four years. In 2018, certain employees will be eligible to receive 8 weeks of leave at 50% wage replacement, followed by 10 weeks at 55% wage replacement in 2019, 10 weeks of leave at 60% wage replacement in 2020, and 12 weeks of leave at 67% wage replacement when fully implemented in 2021.[46] Leave may be requested for the birth, adoption, or fostering of a child or for caring for a seriously ill relative, including in-laws, grandparents and grandchildren. It may also be requested for reasons outlined in the FMLA for active duty service members. This program will also be administered through the state's existing disability insurance. Eligible employees must have worked full-time for 26 weeks or part-time for 25 weeks. In a slight divergence from the other programs, public employees are not automatically covered – each agency must opt in. The initial payroll contribution has been capped at .126% of an employee's weekly wage up to the average weekly wage for the state.[47]

Washington (2007/ 2017/2020)
Technically the second state to pass a paid family leave law, Washington voted to create a program in 2007 but has never implemented it. The bill called for 5 weeks of parental leave. Due to the increased visibility of and support for paid family leave in the United States, legislators are hopeful that this year will be more fruitful. Legislators have noticed increased bipartisan interest in the issue and bills have been introduced by both parties in the House and the Senate, this time with funding mechanisms written into the text. One Democrat-sponsored bill surpasses the original 2007 legislation by providing up to 26 weeks of leave for bonding, illness, or a "military exigency" funded through a 0.255% payroll contribution split between employers and employees. A Republican-sponsored bill calls for 8-12 weeks of leave funded by an employee-only payroll contribution.[48]

In 2015, Washington became one of eight states that received federal grant funding to study the "feasibility and impacts" of the languishing paid family leave program. The $247,000 grant went towards a cost-benefit analysis of different designs and towards public opinion research.[49] The year-long study concluded that public opinion was overwhelmingly supportive and several designs would result in savings for the state. Washington voters strongly supported each potential variant of a paid family leave program offered to them, and this result was robust across age, gender, education level, and party lines. Employers surveyed were also generally supportive of a paid family leave program, though smaller businesses had concerns about funding. The strongest support was for maternity leave and personal care. Additionally, providing women with paid maternity leave reduces their use of state assistance programs like Temporary Assistance for Needy Families (TANF) and the Supplemental Nutritional Assistance Program (SNAP) after giving birth, and consequently that introducing paid maternity leave in Washington could save the state $728,805-$904,854.[50]

In July of 2017, a new paid family and medical leave law was passed, allowing up to 12 weeks of leave for the birth or adoption of a child, the serious illness of a family member, or one's own serious illness. At 90% wage replacement for those earning under the state weekly average and a $1,000 per week maximum, Washington's new law creates one of the more generous leave programs in the country. Although it has one of the longest incubation periods, in that benefits will not be paid out until 2020, it features a unique funding mechanism. The contribution is capped at 0.4% of wages, but only 63% of that will be paid by employees; the other 37% will be contributed by employers. The eligibility requirement is 820 hours or more of work over the past year, and small businesses (those with 50 employees or fewer) may opt out.[51] The table below presents a simplified overview of existing state programs; for a more comprehensive tabular presentation, please see Appendix B.

Table 1: Statewide Paid Family Leave Programs

	Max. Leave	**Wage Replacement**	**Employee Contribution**	**Size Exemptions**
California (2004)	6 weeks	55%	1.3% cap	State: None Private: None Self Employed (SE): elective
New Jersey (2009)	6 weeks	67%	0.06-0.12%	State: None Private: None
Rhode Island (2014)	4 weeks	60%	1.2% cap	State: none Local: less than 20 Private: less than 50
New York (2018)	8 weeks	50%	0.126% cap	State: optional Private: none
Washington (2020)	12 weeks	90%	0.4% split between employers and employees	Self-employed: not required; pay only employee share Private: 50 or fewer don't pay

EXISTING *PAID* PARENTAL (ONLY) LEAVE

FEDERAL

Department of Defense

Women working for all branches of the Department of Defense (DoD) who are on active duty or are in the reserves have access to 12 weeks of paid maternity leave, up from the 6 weeks available through 2015. Paternity leave was extended from 10 days long to a full two weeks.[52] The Navy instituted paid maternity leave in 2015, allowing women up to 18 weeks of maternity leave at 100% wage replacement.[53] When Secretary Carter announced the official DoD policy however, members of the Navy and the Marines who were not currently pregnant were moved to the 12-week policy.[54] Extending parental leave was part of a suite of reforms intended to both make the Department a more competitive employer and to support the health of its employees. These findings seem to hold true across other industries. A Deloitte survey on parental leave indicated that 77% of respondents claim the amount of parental leave offered by a prospective employer could sway their decision.[55] Other reforms DoD implemented include increasing available hours of childcare and creating a "mothers' room" in DoD facilities with more than 50 women.[56]

STATE AND LOCAL

California, New Jersey, Rhode Island, and New York of course offer paid parental leave through their earned paid family and medical leave programs. Of these, California and New Jersey had previously established parental leave programs.[57] Ohio, Hawaii, and D.C. do not have such programs, but nevertheless offer some form of paid parental leave.

Ohio (1997)

All Ohio state employees who work at least 30 hours per week are eligible for six weeks of leave at 70% wage replacement for the birth or adoption of a child. Four of these are paid while two are a waiting period. Sick leave, vacation leave, personal leave, and FMLA leave may be used concurrently with parental leave and benefits continue to accrue.[58] In addition, local levels of government have begun offering parental leave as well; Summit County was the first to offer parental leave in 2016.[59] They were followed by others including Lucas County, which instituted a policy in 2017 allowing departments under the Lucas County commissioners 12 weeks of leave at 75% wage replacement for the birth or adoption of a child.[60] The cities of Dayton and Columbus also offer paid family leave policy for city employees. In Columbus, four weeks are available for parental leave and two for caring for a sick family member, each at 70% wage replacement.[61]

Hawaii (1969)

Because pregnancy is classified as a temporary disability, it is covered under Hawaii's Temporary Disability Insurance (TDI) program. Private sector workers must have been employed for at least 14 weeks at 20 hours per week in the past year to be eligible; federal employees and a few other categories of workers, including those in real estate who work on commission, are excluded. There are no size exemptions. Benefits and time frames vary by employer, but the minimum is 58% wage replacement for up to 26 weeks.[62] The employer may contribute the entire sum or may require the employees to contribute half, though employee contributions must not exceed 0.5% of their weekly wage.[63]

Washington, D.C. (2014)
Prior to the passage of D.C.'s more expansive paid family leave bill, D.C. government employees received up to 8 weeks of paid family leave beginning in 2014 for the birth or adoption of a child or caring for a seriously ill family member. Leave could be taken concurrently with unpaid FMLA leave, but not beyond the 16 week limit.[64] For private sector workers, the Protecting Pregnant Workers Fairness Act of 2014 required employers to provide "reasonable workplace accommodations" for pregnant workers, including time off for recovery, unless it would cause employers "undue hardship."[65] The length of this time off is not specified in the original Act because there is no specific amount of leave required. Rather, the intention was to provide accommodation for "disabling conditions resulting from pregnancy" in the form of time off as necessary.[66] These policies built on a maternity leave policy requiring female employees to go on short-term disability for partial wage replacement.[67] Many of the existing state policies still have a relationship with short-term or temporary disability policies through the funding and administration of the programs.

PENDING *PAID* LEAVE LEGISLATION

WASHINGTON, D.C. (2017/2020)

Despite the active disapproval of the D.C. Chamber of Commerce and a more passive lack of support from the Mayor, in February of 2017, Mayor Bowser allowed the D.C. Universal Paid Leave Amendment Act to pass without her signature, and in April the D.C. Council allowed the Act to take effect without overturning it. The Chamber's disapproval stems mainly from the funding mechanism; many businesses do not want to pay to fund the benefits offered and would prefer to be allowed to fund it in a manner of their own choosing.[68] The mayor expressed her concerns in a letter to the Council, noting that the program would entail a costly tax increase as well as implementation costs, while the benefits be available to non-D.C. residents and would be delayed.[69] The bill offers 8 weeks for bonding leave, 6 weeks for caring for a seriously ill family member, and 2 weeks for a serious personal illness. Workers earning up to 1.5 times the average weekly wage in D.C. will receive 90% wage replacement; workers earning above that rate will receive 50% wage replacement. There is also a cap of $1,000 per week.[70] All private sector employees who work at least 50% of their hours in D.C. are eligible to receive benefits, regardless of their city of residence, the length of time they have worked for their employers, or the size of the business. The program is funded by a payroll contribution on employers of 0.62% rather than the more common payroll contribution from employees. Funds will be collected beginning in July of 2019 and will be eligible for disbursement in 2020.[71]

Several other states have introduced legislation to create paid family leave programs that have stalled somewhere in the legislative process. Connecticut legislators have gotten closer than most, with a bill funding up to 12 weeks of leave through payroll contribution making it as far as the floor of the Senate before being tabled. A priority of Senate President Pro-Tem Looney, HB-6212 was co-sponsored by dozens of Representatives and made it out of committee and the Legislative Commissioners' Office with a favorable report, but ultimately did not have the votes to pass.[72]

Missouri Background and Current Efforts

Current Paid Parental Leave

EO 17-09 (2017)

Unlike many states, Missouri does not have a state-wide version of the federal Family and Medical Leave Act; the only state level policy is the Governor's recent parental leave executive order.[73] On March 13, 2017, Governor Greitens issued Executive Order 17-09 granting paid parental leave to all executive branch employees. Although not the first to offer paid parental leave, Governor Greitens has still put Missouri at the very forefront of states offering such a policy, notably for offering leave to both caregivers and for implementing it via executive order.[74] Following the birth or adoption of a child, primary caregivers can receive up to six weeks of leave and secondary caregivers are eligible for three weeks of leave at 100% wage replacement. Paid leave may be taken concurrently with FMLA unpaid leave and the leave will not count against holidays or the accrual of annual or sick leave. Implementation of this new policy has been very "decentralized,"[75] with each department handling requests independently. The program's estimated $1.1 million cost is expected to be manageable within existing department budgets without the need for a separate funding mechanism. Budget office estimates of the program's likely utilization resulted in this decision.

Although this order only applies to state employees that are part of the executive branch, others in the state have followed suit. "Paid parental leave policies have also been adopted by Lieutenant Governor Mike Parson, State Auditor Nicole Galloway, State Treasurer Eric Schmitt, Attorney General Josh Hawley, and the Missouri House of Representatives. Also, four independent executive agencies governed by independent commissions have adopted paid leave policies: the Missouri Department of Mental Health, the Missouri Department of Elementary and Secondary Education, the Missouri Department of Higher Education, and the Missouri Department of Transportation."[76]

Kansas City (2016)

In mid-2015, the Kansas City Council passed an Act allowing eligible local government employees to take up to 6 weeks of paid leave at 100% wage replacement for the birth or adoption of a child. Both parents are eligible for the same amount of leave, though women with birth complications may receive an additional two weeks. Like Governor Greitens' initiative, there was no separate fund set up for the program.[77]

Previous Missouri Paid Family Leave Attempts

2015 Regular Session

House Bill 1161 was introduced by Tracy McCreery (D-088) and would have enacted the Missouri Family Leave Act. It proposed six weeks of leave to bond with a new child or to care for a seriously ill family member funded by a 0.008% increase in employers' unemployment fund contributions. The bill was referred to a committee but never heard. Although there were no other explicit attempts to implement paid family leave, there were several bills intended to give employees paid leave to attend their children's' academic activities and to grant unpaid leave for victims of domestic violence.

2016 Regular Session

There were two House bills and two Senate bills sponsored in the previous regular legislative session attempting to create a paid family leave program. House Bill 2806 was sponsored by Stacey Newman (D-087) and aimed to create the Missouri Family Leave Act. Six weeks of leave per year would be available for bonding with a new child or caring for a seriously ill family member. The Senate companion bill to this House effort is SB 983, sponsored by Jamilah Nasheed (D-5) and allows for six weeks of leave at 65% wage replacement to bond with a new child, care for a seriously ill family member, or take care of a personal illness. House Bill 2536 was sponsored by Tracy McCreery (D-088) and would create the Missouri Earned Family and Medical Leave Act, offering up to 30 days of leave at 100% wage replacement for bonding with a new child, caring for a seriously ill family member, or taking care of one's own serious illness.[78] The Senate companion bill is Senate Bill 1049, sponsored by Jill Schupp (D-24), which would also offer up to 30 days of leave with 100% wage replacement. Both bills were heard in committees but never made it farther.

CURRENT MISSOURI PAID FAMILY LEAVE ATTEMPTS

In the 2017 legislative session, there were four bills under consideration in the Missouri legislature that would have enacted paid family leave programs: HB 659/SB 69, HB 1059 and SB 291. None of the bills progressed past public hearings in the 2017 regular session and none have been brought up in either of the subsequent extraordinary sessions. Senate Bill 291, sponsored by Caleb Rowden (R-19) offers 10 consecutive days of leave for the birth or adoption of a child under two years old. Employees would not be required to use any other type of accrued leave prior to use of this parental leave. A hearing was scheduled, but no further action was taken. SB 291 had a counterpart in the House, HB 325, but progress on this bill was also stopped in February. House Bill 1059 would have established the Missouri Earned Family and Medical Leave Act and was sponsored by Hannah Kelly (R – 141) and Jean Evans (R-99). The bill would grant eligible employees up to 8 weeks of leave per 12 month period to bond with a new child, to care for a seriously ill family member, to care for their own serious illness, or to "assume any familial responsibility because a [family member] is on or called to active duty."[79] Employees would contribute 0.25% of their weekly pay beginning in 2019 and would be able to receive the 67% wage replacement leave in 2020. In April 2017 the bill had a public hearing, but did not progress any further.

House Bill 659 is sponsored by Tracey McCreery (D-88), with Jill Schupp sponsoring its Senate counterpart, Senate Bill 69. HB 659 would provide 6 weeks of leave at 100% wage replacement to bond with a new child, care for a seriously ill family member, care for one's own serious illness, or assume responsibilities due to a family member's call to active duty. Employees would begin contributing 0.25% of their average weekly pay to the fund in 2019 and would be able to access benefits in 2020. This bill would also require a referendum to be implemented. As of April 2017 the bill had completed a public hearing, but did not move any further. Senate Bill 69 would also grant up to six weeks of leave per year at 100% wage replacement for bonding with a new child, caring for a family member with a serious illness, caring for one's own serious illness, or assuming responsibilities when a family member is called to active duty. As of March 2017 a hearing had been conducted by the Small Business and Industry committee although no further action occurred.

In July, Missouri Governor Eric Greitens allowed House Bill 1194 to become law without his signature. This bill forbids municipalities to require a minimum wage or employee benefits that exceed state law and nullifies any existing wage increases.[80] It is unclear how this impacts existing municipal paid parental leave policies. Also unknown is if any existing paid leave proposals would prompt consideration under the Hancock Amendment. In 1980, the Missouri constitution was amended to include a taxing and expenditure limitation, which is commonly known as the Hancock Amendment. The Amendment limits the amount of new annual revenue the state can generate through taxes and fees without voter approval.[81]

ESTIMATING MISSOURI CONTRIBUTIONS AND PAYOUTS

OA Fiscal Note

The fiscal note for House Bill 659 (and Senate Bill 69) are based on annual benefit claim estimates from New Jersey, and subsequently based on estimates of potential cost from all public agencies that responded to the request for information. New Jersey was selected as the state with the closest workforce demographics to Missouri of the four states with existing PFL programs. From New Jersey's PFL claim numbers (~35,000) for family and bonding leave added to their TDI claim numbers (~94,000) for pregnancy leave, OA estimates 130,000 claims in Missouri. If 10% of these are denied, with an average weekly wage in Missouri of $867.88, at 100% wage replacement for six weeks OA estimates an average annual payout of $609,251,760. They estimate annual revenue from employee payroll contributions to be $309,250,137, a number OA arrived at using 0.25% contribution times the average weekly wage. The fiscal note also includes estimated costs including an initial one-time referendum as well as ongoing notification costs, administrative costs, and payouts. It does not include potential reductions in the use of public assistance.

Calculations

There are three primary approaches to obtaining potential financial outlays for a Missouri earned paid family and medical leave plan examined in this brief. First, use the numbers generated by the fiscal note. Second, use the percentage of New Jersey workers whose claims were filled. This option is based in the logic of the fiscal note, using New Jersey numbers applied to Missouri demographics, but using the percentage of claims per employed population rather than the raw number of claims. Third, use the percentage of California workers whose claims were filled. This option is based on the logic that the California program has existed the longest and might provide useful context. Each number will be calculated for six weeks of benefits at 100% wage replacement and at 67% wage replacement. The latter is appropriate because it is the rate used in New Jersey, one of the rates used in New York, and the rate used in at least one previous version of Missouri proposed PFL legislation. See the Table 2 below for a quick visual aid.

As the fiscal note was discussed above, this brief will only provide an estimate of paying out claims for six weeks if we keep all of its assumptions, but utilize a 67% wage replacement rate rather than 100%. This comes to $408,198,679. Now, this section will begin with New Jersey's percentage of claims filled. This includes the claims filled from both New Jersey's PFL and TDI programs in 2015, which total 129,182 according to the fiscal note, and a 2015 New Jersey employment average of 4,258,462 from the Bureau of Labor Statistics.[82] This comes out to 3.03% of their employed population. If we apply this percentage to 2015 Missouri statistics, we get 87,274 probable leave takers in Missouri, from 3.03% of an employed population of 2,880,309. At 100% wage replacement for six weeks, that comes to a total of $454,460,154. That number drops to $304,488,303 if we assume 67% wage replacement for six weeks.

If 2012 numbers are used, New Jersey had 30,892 FLI claims and 99,460 TDI claims for a total of 130,352 paid claims from a working population of 4,163,600.[83] This works out to 3.13%. If we apply the 2012 New Jersey percentage to 2012 Missouri statistics we get 86,532 leave takers, from 3.13% of an employed population of 2,764,577. At 100% wage replacement for 6 weeks we get a total of $450,596,353. At 67% wage replacement for six weeks, the total drops to $301,899,556. Although New Jersey was selected by OA as the state most similar to Missouri in terms of their respective workforces, it will also be instructive to examine the uptake numbers from California. As the first state to institute a paid family leave program and as such the longest-running, California's percentage of uptake is an interesting counterpoint to New Jersey. In 2012, there were 202,494 claims paid out, with an employed labor force of 16,583,061.[84] This works out to an uptake percentage of 1.22%. In 2015 there were 225,163 claims paid out, with an employed labor force of 17,719,058.[85] This works out to 1.27%.

Table 2: Projected Payouts of Missouri Paid Leave Programs
(Constants: Six weeks of leave, $867.88 avg. weekly salary
Projected Avg. Annual Revenue with 0.25% employee payroll contribution: $309,250,137)

	Probable Leave Takers based on MO employees	**Estimated MO Payout at 100% replacement**	**Estimated MO Payout at 67% replacement**
Fiscal Note (2015)	117,000[1]	$609,251,760[2]	$408,198,679[3]
New Jersey (2012) (3.13%)	86,532[4]	$450,596,353	$301,899,556
New Jersey (2015) (3.03%)	87,274[5]	$454,460,154	$304,488,303
California (2012) (1.22%)	33,728[6]	$175,631,140	$117,672,864
California (2015) (1.27%)	36,580[7]	$190,482,302	$127,623,143

*Note: State names indicate the state being used as an example; uptake percentages for that state and year are listed below in parentheses. All probable leave takers and payouts are estimates for Missouri.

[1] 130,000 claims, 10% rejected.
[2] 117,000 claims x 6 weeks x $867.88 avg. Missouri weekly wage. All future calculations in the table will be made in the same way, varying the predicted number of claimants.
[3] 117,000 claims x 6 weeks x ($867.88 x 67%). All future calculations in the table will be made in the same way, varying the predicted number of claimants.
[4] 3.13% of 2,764,577 employed in Missouri in 2012.
[5] 3.03% of 2,880,309 employed in Missouri in 2015.
[6] 1.22% of 2,764,577 employed in Missouri in 2012.
[7] 1.27% of 2,880,309 employed in Missouri in 2015.

CONSIDERATIONS AND FURTHER RESEARCH

A few final considerations bear mentioning. First, how small businesses may influence the number of Missourians participating in PFL. FMLA excludes businesses smaller than 50 people within a 75-mile radius. New Jersey's PFL and TDI programs have no such size exemption. As of 2015, approximately 95% of Missouri businesses fall into this small business category, employing 45% of Missouri workers.[86] Excluding small businesses will therefore impact the number of people able to make use of an earned paid family leave program.

There is a significant variation in the projected outlay required for wage replacement at 67% or 100%. Means testing could be conducted to analyze the wage replacement rate with the best cost-benefit. Additionally research could also be conducted to determine if further considerations such as limits or caps on annual contributions or lifetime usage could also produce an optimal cost-benefit ratio.

One final thing to bear in mind is that none of these calculations presented here take into account the potential savings to the state in the form of fewer people using government assistance programs, as has been a demonstrated trend in states with full implementation of a PFL program. This is certainly an area for further research.

CONCLUSION

Although the United States remains the only industrialized country lacking a nation-wide earned paid family and medical leave program, state- and local-level efforts seem to be gaining momentum, with California passing the first PFL legislation in 2002 and four states following suit, with the most recent efforts passed just this year. The demographic and workforce changes precipitating federal unpaid and state paid leave programs have not abated, making these programs continually relevant. Evidence from states with a PFL program, largely California's, shows that offering paid time off for family and personal medical necessities brings both social and economic benefits to employees and brings economic benefits to employers in specific and to the labor market in general.

Missouri has attempted to put forward an earned paid family and medical leave bill for the past several legislative sessions. Of these, none have come out of committee despite different combinations of available time off, wage replacement, and employee payroll contributions. One of the most recent is House Bill 659, which is sponsored by Representatives McCreery and Stevens, and proposes six weeks of leave at 100% wage replacement and a fixed 0.25% employee payroll contribution. In estimating the potential state outlays of implementing this bill, the Office of Administration constructed a fiscal note projecting that full implementation could total as much as $609,251,760 annually in payouts alone, with an additional cost of around $12,886,450 in administrative, notification, and indirect costs. There would also be a one-time referendum estimated to cost $7,800,000. This estimation is a best guess on the part of those state agencies who responded to OA's inquiry about potential outlays, and does not include likely reductions in reliance on public assistance programs. Statistical inferences based on New Jersey and California's uptake percentages applied to Missouri demographics indicate significantly lower potential payouts, particularly varying the wage replacement rate from 100% to 67%.

Appendix A: Extended FMLA Background and Grant Information

FMLA Origins

The Federal Medical Leave Act of 1993 was enacted to solve several deep problems in the United States and to bring the US closer in line with the more normatively compassionate policies of most industrialized nations. The bill itself cites the increasing proportion of working families and the disproportionate impact on women as critical factors to be addressed for the economic and social good of the country. The bill states, and the Department of Labor still echoes, that the FMLA is intended to "balance the demands of the workplace with the needs of families."[87] As shown above, the demographic conditions prompting the passage of this Act are still very much in evidence, and moreover have only intensified in the intervening decades. While the gender divide so starkly laid out in 1993 has diminished, there is still a significant difference in the time reported by men and women as caregivers.[88]

FMLA Criticisms

Although intended to "help employees balance their work and family responsibilities… and promote equal employment opportunity for men and women,"[89] some have argued that this bill does not do enough to ameliorate these issues. One major concern is that because workers are not compensated for their time off, the most disadvantaged social and economic groups are not able to take advantage of it. This not only results in a lack of coverage, but also has the potential to increase the divide between existing socio-economic strata to the detriment of those who most need assistance.

FMLA Expansion Details

The FMLA has been expanded twice. In 2008, the maximum amount of leave was expanded to 26 workweeks in a 12-month period to care for a direct relative in the military, and to allow up to 12 weeks for families of National Guard or Reserve members for circumstances brought about when the service member is called to active duty. In 2010 leave to care for veterans who became ill or injured during their service, and a foreign deployment requirement were added.[90] After the 2013 Supreme Court decision striking down same-sex marriage restrictions as unconstitutional, President Obama first made FMLA benefits available to same-sex couples, then directed the Department of Labor to propose a similar rule applying to states where same-sex unions were not legal.[91] He then directed the Cabinet to review all federal statutes affected by the *Windsor* decision, which lead to a language update to FMLA in 2015.[92]

Federal Grant Program

The Women's Bureau in the US Department of Labor has awarded grant money each year since 2014 to varying levels of state and local government to study the potential impact and feasibility of implementing a paid family leave program. As discussed above, the state of Washington received over $200,000 to study the implementation of several variants of a paid leave program, and eventually that research resulted in a new paid family and medical leave policy. Each year, the grant has been announced in the summer and work has started that fall. There is not a funding opportunity currently posted and it is unclear whether or not the grant will be offered in 2018 due to the proposed 2018 budget for the Department of Labor, which cuts funding for the Women's Bureau by close to 75%.[93]

APPENDIX B: TABLES AND FIGURES

Table 3: Existing EPFML Programs by Date of Implementation

	Time Off	Wage Replacement	Employee Contribution	Unique Attributes
California (2004)	6 weeks	55%	1.3% cap	No size exemptions
New Jersey (2009)	6 weeks	67%	0.06-0.12%	No size exemptions
Rhode Island (2014)	4 weeks	60%	1.2% cap	Job protection; separate TCI, TDI, and maternity leave
New York (2018)	8 weeks (then 10, then 12)	50% (then 55%, 60%, and 67%)	.126% cap	Inclusion of military elements
Washington (2020)	12 weeks (with an extra 2 for pregnancy complications)	90%; capped at $1,000 per week	0.4%, split between employer and employee (63/37)	Size exemption (50 or fewer); concurrent with FMLA
Hawaii (1969)	26 weeks	58%	Up to 0.5% employee contribution[8]	Maternity leave only; pregnancy as a "temporary disability"
D.C. (2020)	8 weeks (state) 8 weeks (bonding); 6 weeks (family); 2 weeks (own illness)	90%	0.62% employer contribution	No size exemptions; separate programs for public and private employees

[8] Employers may pay at least 50% of the total.

Table 4: Missouri – Current Attempts

	Time Off	Wage Replacement	Payroll Contribution	Unique Attributes
HB 659	6 weeks	100%	0.25%	Includes military exigencies; employee requirements;[9] concurrent with FMLA
SB 69	6 weeks	100%	0.25%	Includes military exigencies; employee requirements
HB 1059	8 weeks	67%	0.25%	Includes military exigencies; no size exemption
SB 291	10 days	N/A	N/A	Parental leave only

[9] Pay into the program for one year and be employed the 26 weeks immediately prior to taking leave; employer may request documentation for medical leave.

Table 5: Requirements and Fraud Prevention

	Employee Requirements	Size Exemptions	Fraud Prevention
FMLA	Worked 1,250 hours in the past year	Less than 50 employees in a 75 mile radius	Notice requirement; medical certification
California	Earned at least $300 in any calendar quarter Self-Employed (SE): minimum profit of $4,600 per year, not seasonal work[94]	State: None Private: None Self Employed (SE): elective	Notice requirement; medical certification; the EDD conducts annual reviews to deter and detect fraud[95]
New Jersey	Private: worked 20 weeks in the past year or earned $7,150 in the past year	State: None Private: None	Notice requirement; medical certification
Rhode Island	Worked at least 30 hours per week for the past year; must be continuously employed	State: none Local: less than 20 Private: less than 50	30 days' notice requirement; may require medical certification
New York	Worked full-time for 26 weeks or part-time for 25 weeks in the past year	State: optional Private: none	30 days' notice requirement; medical certification
Washington	Worked at least 820 hours in the past year	Self-employed: not required; pay only employee share Private: 50 or fewer don't pay	Notice requirement; medical certification
D.C.	Been employed at some point in the past year	None, unless the business is tax exempt; self-employed may opt-in; nonprofits included	Notice requirement; medical certification
		Parental Leave	
Dept. of Defense	Women on active duty or in the reserves	N/A – all DoD branches	None
Hawaii	Employed 14 weeks at 20 hours per week in the past year	State: N/A Private: None	Notice requirement; medical certification
Ohio	State employees; work at least 30 hours per week	N/A	Same documentation required for FMLA
		Missouri	
HB 659	Private employees	None	30 days' notice requirement; medical certification

Table 6: Legal Considerations

	Job Protection	Benefits Accrued	Concurrent Leave
FMLA	Yes	Maintain health coverage; maintain employee contribution to healthcare plan	N/A
California	No	Health coverage; any other seniority or benefits provided for other leaves; doesn't count against attendance	FMLA/CFRA required; cannot be taken with unemployment insurance or disability insurance, or workers' comp at an equal rate; employer may require vacation days first
New Jersey	No	Health coverage, any other employment benefits provided during other leaves	Must be taken within FMLA or NJFLA; cannot be taken with other disability or unemployment; employer may require sick days first
Rhode Island	Yes	Health coverage (paid in full prior to leave, returned in full after); maintain seniority, all fringe benefits	Employer may require concurrent FMLA/RIPFL; cannot be taken with unemployment insurance or workers' comp
New York	Yes	Health coverage	Cannot be taken with workers' comp
Washington	Yes	Cannot lose any employment benefits accrued before leave, but seniority and benefits do not accrue	Cannot be taken with unemployment or disability insurance benefits
Washington, D.C.	Yes (for employers with <20 workers)	Health coverage	

APPENDIX C: NOTE ON ADDITIONAL METHODOLOGY

A few of the states that received federal grants to study the feasibility and potential financial implications of implementing paid family leave used the grant to create their own statistical microsimulation program. Of these, the state of Washington has made available their suite of studies' results and methodologies. Although due to cost restrictions, that option is not a viable one for this project, the basic elements of Washington State's simulations can be adapted for use with currently available resources. The 2012 Department of Labor leave study and the 2012 BLS demographic information for Missouri are readily available online. The 2012 DoL study is a national survey of employees who have taken leave and who have needed leave in the past year. The 2012 BLS demographic information includes the employment characteristics, gender breakdown, and other social indicators for the state of Missouri. Using information on how many workers nationally took or needed leave, the economic and social characteristics of those workers, and Missouri's economic and social demographics, we should be able to determine how many people in Missouri are likely to need or use a paid family leave program. With that uptake number, we can create estimates of the likely outlay from the state based on a variety of wage replacement percentages, funding mechanisms, and exclusion requirements such as size exemptions for small businesses.

The 2012 Department of Labor survey has several important characteristics to note before any numbers are presented. First, a theoretical consideration: this study examines FMLA leave, which of course is unpaid and excludes small businesses. Therefore, knowing the reason workers did not take leave becomes very important, since as discussed above, previous work indicates the cost of unpaid leave is a serious deterrent. Second, some technical considerations: it consists of two parts, a worksite survey of businesses and an employee survey of workers, though only the latter is relevant to our research question. It is a nation-wide sample of adults who were employed in the last year (excluding self-employed individuals) with an oversample of adults who needed or took leave in that time period.[96] The sample consists of 3,644 telephone and cell phone interviews.[97] After eligible adults had been selected, the interviewer asked a series of questions related to leave-taking, leave-needing, characteristics of the leave, FMLA awareness, and demographics. Importantly, all demographic information was either omitted from the public use file or made into a categorical variable to protect the identity of the survey respondents. The leave categories were: took leave in the last 12 months, needed but did not take leave in the past 12 months, employed-only (neither took nor needed leave), and dual leave takers and needers. The question "have you taken leave from work in the past 18 months to care for a new child, your own serious health condition, pregnancy, or military deployment?" was used to ascertain whether and why a respondent took or needed leave. For this basic delineation, FMLA or paid or unpaid state leave was not specified. It was noted that in the entire United States, the employed-only category is estimated to be about 80% of the population.[98]

The Bureau of Labor Statistics data is from the American Community Survey (ACS) in 2012, selected to match the demographics at the time of the 2012 DOL survey. The ACS produces data on economic, population, and democratic characteristics. Economic characteristics include percentage of the workforce that is employed, separated by gender. Demographic and population characteristics include the age, gender, and educational attainment of Missouri residents.

First, a few summary statistics from the Department of Labor survey. In terms of financial hardship incurred because of an unpaid FMLA leave, the survey results are in line with the general conclusions drawn by the previous research discussed above. The top three most common answers given to the question of what respondents did to cover lost wages were to limit spending, put off paying bills, and cut the leave short. Almost 15% of respondents reported needing to go on public assistance programs to cover lost wages, and of those, less than 1% did not also try to limit spending, put off bills, and/or cut their leave short. When asked how easy or difficult it was to make ends meet during any FMLA leave taken, just less than a quarter had no degree of difficulty. Just over 30% said it was "very difficult" and just over 32% had some difficulty. Broken down by gender, men found making ends meet easier than women, who reported more difficulty. Almost 29% of women and just over 15% of men would have taken a longer period of leave if they had received some pay for it.

To begin the analysis, a few basic bivariate relationships will be presented, finding the relationship between taking leave and gender, age, and level of educational attainment; and needing leave and gender, age, and level of educational attainment. Then, simple multivariate relationships will be examined, accounting for multiple determinants of leave taking behavior. In the weighted sample, almost as many men took FMLA for some amount of time as did women, though women were nearly twice as likely to have needed leave or to have both taken and needed leave. When you simplify the question to simply having taken leave or not, 8.8% of the women in the weighted sample had while 7.5% of men had for a total of 16.3%. Given that in Missouri in 2012, the number of people employed in the civilian labor force was 2,764,577, and of that 1,355,917 were employed females,[99] we can expect 119,321 women to take family and medical leave. When the category of dual leave takers/needers (1% of men, and 2% of women) is added to the previous category, the percentage of men taking leave increases to 8.5% and the percentage of women increases to 10.8%. This results in 119,736 men and 146,439 women taking or taking/needing leave for a total of 266,175. These estimates include both worker who do and do not have access to paid leave and unpaid leave through FMLA. The overall age distribution suggests that older workers are more likely to take FMLA leave than younger workers, and for both men and women, the ages at which they are most likely to take leave are 30-34 and 55-59. Those with "some college education" are the most likely to take leave, while high school graduates and below are by far the least likely to take leave.

Running a simple multinomial logit model[100] finds that compared to a base outcome of taking leave, moving from a male respondent to a female respondent is likely to increase the probability of being a leave needer and a dual leave needer and taker, and decrease the probability of being employed-only. As we move upwards in age, the probability of needing leave relative to taking leave decreases, indicating that older respondents were more likely to take FMLA leave.

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[100] A multinomial logit model is appropriate for a dependent variable (category of leave-taking or leave-needing behavior) that consists of multiple outcomes that are not ordered in any meaningful way (took leave, needed leave, neither, both).