Key Factors to Adopt Paid Family Leave Policies in U.S. States

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Abstract
In 2019, The United States remains the only developed nation without a paid family leave policy. The Family and Medical Leave Act (FMLA) passed in 1993, grants eligible employees up to 12 weeks of unpaid leave per year. However, due to eligibility limitations only 60 percent of U.S. workers qualify for FMLA benefits and only about half of those eligible utilize the program. Many also report shortening the length of unpaid leave they take due to financial constraints. As of December, 2018, only four U.S. states offered paid family leave (California, New Jersey, Rhode Island, and New York). Starting in 2020, Washington state and the District of Columbia will both begin offering paid family and medical leave benefits, and beginning in 2021 Massachusetts will also provide paid family leave benefits. Bills have been introduced (but not passed) in 23 additional states.

This study examined the question of why two states (California and New York) were able to pass paid family leave policies, while two other states that made multiple legislative attempts (Colorado and Illinois) failed. Through in-depth case studies I analyzed the activities of these four states specific to their efforts to adopt a paid family leave policy. While all four states had unique challenges and facilitating factors, I identified seven themes that helped to explain why California and New York were successful but Colorado and Illinois were not. Some factors appeared to be necessary for the bill to pass, but were not sufficient on their own, including: 1) having a strong, broad-based, and well-organized coalition, 2) conducting a fiscal analysis to estimate potential costs and economic benefits, 3) having a supportive, or primarily Democratic state political climate, and 4) introducing a number of bills in different sessions, or having a longer history of working on efforts related to paid family leave. Three additional factors were critical to the success in both California and New York, including 5) having an existing administrative structure in place (in this case, a state temporary disability insurance program), 6) having the support of key leadership (e.g., a Governor who supported paid family leave, or was not opposed to it, and/or a strong bill sponsor), and 7) having an open window of opportunity. This work is intended to inform future efforts by advocates, policymakers, and legislative staff, and potentially contribute to agenda-setting in states that do not yet have a paid family leave law.

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