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Family - FMLA Expansion

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	Barbara Whitehead to Sidney Blumenthal re: childcare debate [partial] (1 page)	01/12/1998	P6/b(6)
002. draft	Note on back side of draft Family and Medical Leave talking points (1 page)	04/12/1997	P6/b(6)

COLLECTION:

Clinton Presidential Records
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FOLDER TITLE:

Family - FMLA Expansion

2009-1006-F
ke661

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Family - family leave

TO: Karen Tramontano
FROM: Shawn Maher and Jeanne Ireland
RE: Follow-up to December 21 Meeting with John Podesta and Senator Dodd
DATE: December 22, 1998

As discussed, we've outlined below Senator Dodd's proposals for legislation targeting adolescents, parental insurance [REDACTED] and school readiness. If you have any questions, Shawn can be reached at 224-0349 and Jeanne at 224-2831.

TEEN LEGISLATION

Rationale:

Young children and college students receive the majority of society's attention and financial investment, despite the fact that it is during adolescence that young people make their first life-determining choices -- about whether to finish high school, to avoid or use drugs, to break the law, etc. Eliminating the main threats to the health and safety of American adolescents -- truancy, violence, substance abuse, lack of supervision after school, and working long hours at part-time jobs -- increases the odds that adolescents will successfully navigate the often difficult path into productive adulthood. This is a new focus for children's legislation and one that offers a cohesive way to embrace the disparate issues facing our youth. This is also a message with a shot at gaining bipartisan support, since it takes advantage of Republican interest in reducing crime and developing a competent workforce for the 21st century. We've already had Senator Susan Collins express interest in working with us on truancy.

Proposal:

- # **Truancy**, which is typically the first signal of bigger and more costly problems like dropping out of school and juvenile crime, has increased 35% in recent years. In addition to the personal cost to adolescents from lost educational opportunities, truancy places an additional burden on our already strained foster care and juvenile court systems. Senator Dodd is planning to fold into the larger teen bill his S. 1369, Prevention of Truancy Act of 1997 (attached), which would provide grants to partnerships composed of schools, law enforcement, and social service organizations to develop innovative projects to prevent or reducing truancy.

- # **Afterschool Care**: Although it is commonly thought that juvenile crime occurs mostly late at night, the peak hours are actually between 3:00 and 6:00 pm -- after school hours when many children are unsupervised. In addition, research has shown that adolescents left home alone after school report greater use of cigarettes, alcohol, and marijuana than those who were in supervised settings. Senator Dodd is proposing to continue to build on the popular 21st Century Community Learning Centers. Doubling funding to \$400 from the \$200 million appropriated this year for this program would give more teens the chance to be safe and productive when the school day ends. (See attached)

- # **Violence:** The recent spate of school shootings highlights the need to help troubled children early -- before tragedies occur. Senator Dodd is developing legislation to give schools and community organizations that work with adolescents the necessary tools and resources to identify and intervene quickly in potentially violent situations.
- # **Substance Abuse:** Despite some positive trends, drug use among youth remains at unacceptably high levels. Additionally, adolescents seeking help with substance abuse find that many treatment programs fail to recognize the special challenges of teens. Senator Dodd is planning on incorporating into the larger Teen Bill the "Substance Abuse Treatment for Adolescents Act", S. 793, (see attached) which creates a setaside in federal substance abuse money for teens.
- # **School Health Centers:** Locating health services where 45 million children spend the vast majority of their time -- their school building -- has tremendous potential for reaching adolescents, who too often fall through the cracks of the traditional health care system. In addition, school health clinics can serve as a logical outreach site to enroll eligible adolescents in Medicaid and the Children's Health Insurance Program. I am drafting legislation to increase the federal commitment to providing critical health services to adolescents through locally administered school-based health centers.
- # **Teen Labor:** Although there are some benefits to teenagers holding down part-time jobs while in school, high school students who attempt to balance educational demands with working 20 or more hours a week demonstrate poorer grades, lower school achievement, more substance abuse, more school discipline problems, an insufficient amount of sleep and exercise, and job-related injuries, according to recent finding by the National Research Council and the Institute of Medicine. Senator Dodd intends to draft legislation that follows through on the NRC and IOM's recommendation that limits be placed on the number of hours that teens can work during the school year.
- # **Adolescents Aging out of Foster Care:** Foster children who reach the age of majority are too often thrown into the world without the necessary resources to help them successfully transition into adulthood. Without basic supports like vocational training, housing, and health insurance, these adolescents are particularly vulnerable to falling through the cracks. We've had preliminary discussions with HHS Legislative Affairs about incorporating this concept into the larger Teen Bill.

SCHOOL READINESS

Rationale:

Children from lower income families are only half as likely to be enrolled in preschool as children from wealthier families. While the poorest children are eligible for

Head Start, children of working families fall through the cracks. These children, who are already at risk for a number of problems, are further "educationally-disadvantaged" by arriving at school less ready to learn. Focusing on providing assistance to these families using a "school readiness" theme can recast the child care debate in a way that has more political traction, i.e., as a education initiative.

Proposal

Senator Dodd is drafting legislation modeled after a very successful CT **School Readiness** initiative, enacted last year to increase the supply of high quality child care for CT preschoolers. Under the guise of making sure that children start kindergarten ready to learn, CT successfully secured \$55 million/year to create high quality child care programs in needy communities. Funding was automatically allocated by the state to CT's fourteen neediest communities. Other towns can compete for grants. As a condition of receiving funds, communities are required to form local councils which then award funds to individual child care programs.

The CT program does not presume that any single form of preschool is best — schools, child care centers and Head Start Centers are all eligible for funding. Thus, a community can craft a program based on local resources and needs. An additional advantage of the CT program is that it was designed to neatly "wrap around" and leverage existing Head Start and child care dollars. For example, School Readiness funds can be used to extend a Head Start to full-day and full-year. To be eligible to receive funds, programs must be accredited or in the process of being accredited by the National Association for the Education of Young Children, or must meet Head Start or State standards.

PARENTAL INSURANCE

Rationale:

Since its enactment in 1993, the Family and Medical Leave Act has made a significant difference in the lives of millions of American families trying to balance the demands of work with the birth of a child or the illness of a loved one. However, too many families, parents of newborn children in particular, find themselves forced to return to work sooner than is best for their child, solely out of economic necessity. The United States should follow the example of all other industrialized nations, and thirty developing nations as well, and make a commitment to finding a way to support parents in the most critical months of a child's life.

Proposal

Senator Dodd is planning to reintroduce his legislation from last year which lowered the FMLA threshold from 50 to 25 employees. He also plans to introduce legislation to fund demonstrations of **parental/infant care** "insurance" which would provide 12 weeks of paid leave to parents of newborn or adopted children. We are exploring mechanisms for funding that would require varying levels of contribution from employees, employers, and the government and structures modeled after existing systems, such as social security or temporary disability insurance.

S 1369 IS

105th CONGRESS

1st Session

S. 1369

To provide for truancy prevention and reduction, and for other purposes.

IN THE SENATE OF THE UNITED STATES

November 4, 1997

Mr. DODD introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To provide for truancy prevention and reduction, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Prevention of Truancy Act of 1997'.

SEC. 2. FINDINGS.

Congress finds that--

- (1) in 1994, courts in the United States formally processed 36,400 truancy cases, representing a 35 percent increase since 1990, and a 67 percent increase since 1985, in the formal processing of truancy cases;
- (2) in 1993, among individuals aged 16 through 24, approximately 3,400,000,000 (11 percent of all individuals in this age group) had not completed high school and were not enrolled in school;
- (3) the economic and social costs of providing for the increasing population of youth who are at risk of leaving or who have left the educational mainstream are an enormous drain on the resources of Federal, State, and local governments and the private sector;
- (4) truancy is the first indicator that a young person is giving up and losing his or her way;
- (5) students who become truant and eventually drop out of school put themselves at a long-term disadvantage in becoming productive citizens;
- (6) high school drop-outs are two and one-half times more likely to be on welfare than high school graduates;

(7) high school drop-outs are almost twice as likely to be unemployed as high school graduates;

(8) in 1993, 17 percent of youth under age 18 who entered adult prisons had not completed grade school, one-fourth of such youth had completed 10th grade, and 2 percent of such youth had a high school diploma or its recognized equivalent;

(9) truancy contributes to increased use of the foster care and court systems;

(10) truancy is a gateway to crime, and high rates of truancy are linked to high daytime burglary rates and high vandalism rates;

(11) communities that have instituted truancy prevention programs have seen daytime burglary rates decline by as much as 75 percent; and

(12) truancy prevention and reduction programs result in significant increases in school attendance.

SEC. 3. GOALS.

The goals of this Act are to prevent and reduce truancy.

SEC. 4. DEFINITIONS.

In this Act:

(1) **ELEMENTARY SCHOOL; SECONDARY SCHOOL-** The terms 'elementary school' and 'secondary school' have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) **PARENT-** The term 'parent' means the biological parent, adoptive parent, or legal guardian, of a child.

(3) **SECRETARY-** The term 'Secretary' means the Secretary of Education.

SEC. 5. ESTABLISHMENT OF TRUANCY PREVENTION AND CRIME CONTROL DEMONSTRATION PROJECTS.

(a) **DEMONSTRATIONS AUTHORIZED-** The Secretary shall make grants to partnerships consisting of an elementary school or secondary school, a local law enforcement agency, and a social service and youth serving organization, for the purpose of developing, implementing, or operating projects for the prevention or reduction of truancy.

(b) **USE OF FUNDS-** Grant funds under this section may be used for programs that prevent or reduce truancy, such as programs that use police officers or patrol officers to pick up truant students, return the students to school, or take the students to centers for assessment.

(c) **APPLICATION AND SELECTION-** Each partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

(1) contain a description of the proposed truancy prevention or reduction project to be established or improved with funds provided under this Act;

- (2) specify the methods to be used to involve parents in truancy prevention or reduction activities;
 - (3) specify the types of sanctions that students will face for engaging in truant behavior;
 - (4) specify the incentives that will be used for parental responsibility;
 - (5) specify the types of initiatives, if any, that schools will develop to combat the underlying causes of truancy; and
 - (6) specify the linkages that will be made with local law enforcement agencies.
- (d) **SELECTION CRITERIA-** The Secretary shall give priority in awarding grants under this Act to partnerships—
- (1) serving areas with concentrations of poverty, including urban and rural areas; and
 - (2) that meet any other criteria that the Secretary determines will contribute to the achievement of the goals of this Act.

SEC. 6. EVALUATIONS AND REPORTS.

(a) **PROJECT EVALUATIONS-**

- (1) **IN GENERAL-** Each partnership receiving a grant under this section shall—
- (A) provide for the evaluation of the project assisted under this Act, which evaluation shall meet such conditions and standards as the Secretary may require; and
 - (B) submit to the Secretary reports, at such times, in such formats, and containing such information, as the Secretary may require.
- (2) **REQUIRED INFORMATION-** A report submitted under subparagraph (1)(B) shall include information on and analysis of the effect of the project with respect to—
- (A) prevention of or reduction in truancy;
 - (B) increased school attendance; and
 - (C) reduction in juvenile crime.

(b) **REPORTS TO CONGRESS-** The Secretary, on the basis of the reports received under subsection (a), shall submit interim reports, and, not later than March 1, 2002, submit a final report, to Congress. Each report submitted under this subsection shall contain an assessment of the effectiveness of the projects assisted under this Act, and any recommendations for legislative action that the Secretary considers appropriate.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

- (a) **IN GENERAL-** There are authorized to be appropriated to carry out this Act—
- (1) \$80,000,000 for fiscal year 1998; and

(2) such sums as may be necessary for each of the fiscal years 1999, 2000, and 2001.

(b) AVAILABILITY- Funds appropriated under subsection (a) shall remain available until expended.

END

**TITLE III--EXPANDING THE AVAILABILITY AND QUALITY OF SCHOOL-AGE
CHILD CARE**

**SEC. 302. AMENDMENTS TO THE 21ST CENTURY COMMUNITY
LEARNING CENTERS ACT.**

(a) PROGRAM AUTHORIZATION- Section 10903 of the 21st Century Community Learning Centers Act (20 U.S.C. 8243) is amended--

(1) in subsection (a)--

(A) by striking 'rural and inner-city'; and

(B) by striking 'a rural or inner-city community' and inserting 'communities';

(2) in subsection (b), by striking ', among urban and rural areas of the United States, and among urban and rural areas of a State';

(3) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(4) by inserting after subsection (b) the following:

'(c) PRIORITY OF DISTRIBUTION- In awarding grants under this part, the Secretary shall give priority to rural, urban, and low-income communities.'

(b) APPLICATION REQUIREMENTS- Section 10904 of the 21st Century Community Learning Centers Act (20 U.S.C. 8244) is amended--

(1) in subsection (a)(3)(B), by inserting ', including the programs under the Child Care and Development Block Grant Act of 1990, ' after 'coordinated'; and

(2) in subsection (b), by striking 'a broad selection' and all that follows and inserting 'child care services before or after regular school hours that include mentoring programs, academic assistance, recreational activities, or technology training, and that may include drug, alcohol, and gang prevention, job skills preparation, or health and nutrition counseling.'

(c) USES OF FUNDS- Section 10905 of the 21st Century Community Learning Centers Act (20 U.S.C. 8245) is amended--

(1) in the matter preceding paragraph (1), by striking 'not less than four' and

inserting 'any'; and

(2) by striking paragraph (3) and inserting the following:

'(3) Child care services.'

(d) AUTHORIZATION OF APPROPRIATIONS- Section 10907 of the 21st Century Community Learning Centers Act (20 U.S.C. 8247) is amended by striking '\$20,000,000 for fiscal year 1995' and inserting '\$400,000,000 for fiscal year 1999'.

S 793 IS

105th CONGRESS

1st Session

S. 793

To amend the Public Health Service Act to require that the Center for Substance Abuse Treatment carry out treatment programs for adolescents.

IN THE SENATE OF THE UNITED STATES

May 22, 1997

Mr. DODD introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Public Health Service Act to require that the Center for Substance Abuse Treatment carry out treatment programs for adolescents.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Substance Abuse Treatment for Adolescents Act'.

SEC. 2. AMENDMENT TO PUBLIC HEALTH SERVICE ACT.

Section 507 of the Public Health Service Act (42 U.S.C. 290bb) is amended by adding at the end the following:

'(d) **PROVISION OF SERVICES-** Notwithstanding any other provision of law, the Secretary, acting through the Center for Substance Abuse Treatment, shall ensure that not less than 20 percent of the amounts appropriated under this subpart for the programs and activities of the Center for Substance Abuse Treatment for each fiscal year, but in no case less than \$20,000,000, is used to carry out adolescent specific substance abuse treatment programs. Such programs shall include the provision of services to such adolescents as well as the conduct of evaluations and research concerning the effects of such services.'

END

Family - Family Leave

Elena - pls. follow-up
w/ Suzanne Day
Karen T.

To: Karen Tramontano
From: Suzanne Day, Office of Senator Dodd
Re: Additional Follow-up to December 21 meeting with John Podesta and Senator
Dodd
Date: 1/4/98

I understand that Jeanne Ireland provided you with some background on our proposals on Family Leave Insurance before the holidays. I'm attaching the outline of the legislation we are drafting for Senator Dodd to give you a few more details. Sorry Jeanne didn't have these a few weeks ago; we are all catching up with each other after being out on alternating weeks during Christmas and New Years. Feel free to give Jeanne or me a call with any questions or thoughts -- Suzanne Day 224-0207 or Jeanne Ireland 224-2831.

Draft Outline of Dodd Bill on Family Leave Insurance Demonstration Program

Authorize \$200 million for a demonstration program, jointly run by the Department of Labor and the Department of Health and Human Services, which would fund demonstration projects in a number of states to experiment with different mechanisms of providing for family leave insurance.

Encourage the DOL and HHS to fund programs utilizing different approaches, including Temporary Disability Insurance and expansion of state Unemployment Insurance Compensation, to provide partial or full wage replacement to employees taking leave to care for new or ill family members.

States or local governments would be eligible to apply for funding. Applications would be required to show:

- 1) planning that involved the employer and employee communities,
- 2) estimates of costs and benefits,
- 3) extent of coverage, and;
- 4) how the proposal builds on existing state and private systems.

Applicants would not be limited to only covering employees on FMLA leaves. States could chose to expand this group to employees not covered by the FMLA, to parents who chose to stay at home with young children, and to those taking leaves for other reasons.

Evaluation. Require that projects be thoroughly evaluated, particularly on the costs and benefits of the insurance. In addition, DOL and HHS would coordinate national research comparing the different mechanisms of providing insurance, the experiences of the different demonstration projects and analyzing overall need for insurance.

EYES ONLY

BUSINESS, CONSUMER, AND REGIONAL ROUNDUP

Employee Absenteeism Jumps to 7-Year High. Unscheduled absenteeism by American workers has reached its highest level in 7 years, according to a new survey of human resources executives. The overall average unscheduled absenteeism rate (defined as total paid sick hours divided by total paid productive hours) was estimated to be 2.9 percent this year, up from 2.3 percent last year. For the first time, "family issues" replaced "personal illness" as the most frequently cited reason for unscheduled absences, with "personal needs" third. Although employers acknowledged that more flexible time-off programs had a positive effect in reducing last-minute no-shows by employees, these programs have not been widely instituted. Paid time-off programs, which provide employees with a bank of hours to be used for various purposes instead of traditional separate accounts for sick, vacation and personal time, were seen as the most effective means for controlling unscheduled absences, but only 25 percent of organizations surveyed reported having implemented such a program, most within the last 2 years.

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 Joe Arguimbau
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 Sem. Univ

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New Study Examines Non-Financial Corporations' Use of Derivatives. About half of the non-financial corporations surveyed in a recent study used derivatives (forwards, futures, options, or swaps). Although the proportion of companies using derivatives showed little trend between 1994 and 1998, companies that used derivatives appeared to be increasing their intensity of use. More than 80 percent of the large firms surveyed used derivatives, compared with just 12 percent of the small firms. By industry, primary product firms were the most likely users (68 percent). This is probably not surprising in light of the fact that futures exchanges were originally established to help manage commodity risks. Use of derivatives was less prevalent in manufacturing (48 percent) and services (42 percent). In those industries, use was most likely driven by the growing need to manage foreign exchange exposure, according to the report. In fact, foreign exchange exposure was the risk most commonly managed with derivatives, and 83 percent of all firms that used derivatives reported foreign exchange risk management as one of their uses. At the time of the survey, in early 1998, 27 percent of the firms ranked market risk (defined as unforeseen changes in the market value of derivative positions) as their most serious concern.

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Front Office Millionaires. CEO total compensation packages of more than \$1 million were quite prevalent in 1997, according to the Conference Board's latest annual survey of executive compensation. The survey, which covered 1,711 companies in 14 major industries, looked at both current compensation (salary plus bonus) and total compensation (which includes the annual value of stock options and other long-term incentives). Median CEO total compensation was more than \$1 million in five industries: insurance, communications, telecommunications, energy, and financial services. Median CEO total compensation was a mere \$600,000 or so in construction and retail trade.

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Family - FMLA

CHRISTOPHER J. DODD
CONNECTICUT



July 31, 1998

*Can't
Schedule
Bowel Need
Access
Please make
them be
included
in program
by*

Dear Erskine:

I was pleased to get your note back on my ideas for an event with the President highlighting the success of the Family and Medical Leave Act and looking toward future policy initiatives in this area. For too long, this strong Democratic initiative has been absent from our message.

*Jen/Nicole/EK
What should we do?
BR*

It was unfortunate that we were not able to schedule the event to coincide with the 5th Anniversary of the implementation of the Act on August 5. However, I am very pleased that your office is now planning on an event in September when the Congress returns. I think it is crucial that we identify a date and begin organizing an event now. In this regard, I am hopeful that my staff can work with yours to develop a strong event.

Sincerely,

The Honorable Erskine Bowles
Chief of Staff
Office of the President
The White House
Washington, D.C.



CHIEF OF STAFF TO THE PRESIDENT
THE WHITE HOUSE

August 4, 1998

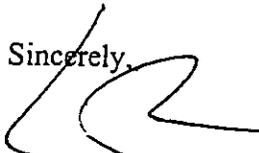
Dear Senator Dodd:

Thank you for your note concerning your request for an event highlighting the success of the Family and Medical Leave Act. I certainly agree that this initiative should be a strong part of our message.

We are working on a date now and look forward to your participation when the event has been organized. Your staff will, of course, be contacted for input.

With all good wishes, I am

Sincerely,


Erskine B. Bowles

*Chris
The following is
a list of
the documents.*

The Honorable Christopher Dodd
United States Senate
Washington, DC 20510

**Internal Q &A on the Family and Medical Leave Act
August 5, 1998**

Q. Today is the fifth anniversary of the Family and Medical Leave Act going into effect. What is the President doing?

A. The President is issuing a statement in celebration of the anniversary. In addition, the First Lady is writing her weekly column on the importance of the law, and the Department of Labor is issuing a report called, "*Five Years of Success: Report on the Family and Medical Leave Act.*"

Q. What is the President's position on expanding the FMLA?

A. As the President said in his State of the Union Address, he supports covering 10 million more Americans with the protections of the FMLA. That means applying the law to more businesses -- from businesses with 50 or more workers, which is current law, to businesses with 25 or more workers. In addition, the President has proposed expanding the FMLA to allow FMLA-eligible workers to take up to 24 hours of additional leave each year to meet family obligations, including routine doctors appointments and parent-teacher conferences.

Elena, draft for
your review.
Nick

Family - FMLA

**Statement by the President
On the Fifth Anniversary of the Family and Medical Leave Act**

Five years ago today, the Family and Medical Leave Act went into effect, giving tens of millions of Americans the peace of mind that they would never have to choose between the jobs they need and the families they love. I am very proud that the Family and Medical Leave Act was the very first piece of legislation I signed into law.

Millions of Americans have benefited from this historic legislation by taking time off -- without fear of losing their jobs -- to care for a newborn or adopted child, attend to their own serious health needs, or care for a seriously ill parent, child or spouse. In addition, a report issued today by the Department of Labor shows the relative ease with which the law has been implemented -- the overwhelming majority of employers have found the FMLA easy to administer and nine out ten complaints have been successfully resolved, often with a simple phone call.

I have always believed that we can help our workers fulfill their family responsibilities and strengthen the economy and America's businesses, as well. For five years, the Family and Medical Leave Act has helped us to fulfill both those critical goals.



Audrey T. Haynes @ OVP

07/16/98 11:32:16 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: Maureen T. Shea/WHO/EOP, Sondra L. Seba/WHO/EOP
Subject: FMLA

I had a lengthy conversation this morning with Donna Lenoff from the National Partnership for Women and Families. The Labor Cabinet and the groups are wanting us to have a FMLA 5th Anniversary event either the last couple days of July or first of August.

Deliverables could be: Support for expansion legislation since we have not discussed since State of Union Announcement; we could possibly announce an educational campaign targeted at small business between SBA and Labor for voluntary compliance; and support for study of the National Academy of Sciences' work on how to make FMLA more affordable for working Americans.

Also, the Families and Work Institute has a new study about business benefits vs. cost which is very positive. So that could be released.

Anyway, I'm trying to gauge the possibility of the President or Vice President doing this. I'm happy to put forth the request and see if we can work this through, but I'd like some feedback. thanks

Message Sent To:

Maria Echaveste/WHO/EOP
Ann F. Lewis/WHO/EOP
Patricia M. Ewing/OVP @ OVP
Monica M. Dixon/OVP @ OVP
Katharine Button/WHO/EOP
Elena Kagan/OPD/EOP
Jennifer L. Klein/OPD/EOP
Janet Murguia/WHO/EOP
Jonathan Orszag/OPD/EOP
Minyon Moore/WHO/EOP

Jen -
What do you think?
It sounds reasonably
good to me.
Elena

Elena -
We are meeting Thursday to
gain control of the FMLA process.
My understanding was that we were
now not planning to do anything
to mark the anniversary. Is that
also yours? Jen



Maureen T. Shea
07/18/98 01:45:32 PM



Record Type: Record

To: Ann F. Lewis/WHO/EOP
cc: See the distribution list at the bottom of this message
Subject: Re: FMLA



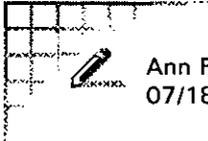
Both Sen. Dodd's office and Donna Lenhoff are pushing on this. Dodd spoke with the President and First Lady about it around the State of the Union and the Senator reports that both were very encouraging about moving forward. The challenge at the moment is for DOL/SBA to come up with a concrete package - and quickly. At the moment it is pretty amorphous. Dodd's COS, Stephenie Foster also spoke with me about it, so if it is okay with leg, I would like to get back to his office, explaining President's continuing commitment, etc., but need for something more specific than we have now. The Families and Work Institute findings are good and already out there, but did not receive any press attention. Both Dodd and Lenhoff are under the impression that one of the hold-ups is Administration reluctance to expand to smaller businesses, but my understanding is that is not the case.

Lenhoff says Good Morning America is interested in possibly doing something around the anniversary.

I will call Suzanne Sidon at DOL on Monday.

Message Copied To:

audrey t. haynes/ovp @ ovp
Maria Echaveste/WHO/EOP
patricia m. ewing/ovp @ ovp
monica m. dixon/ovp @ ovp
Katharine Button/WHO/EOP
Elena Kagan/OPD/EOP
Jennifer L. Klein/OPD/EOP
Janet Murguia/WHO/EOP
Jonathan Orszag/OPD/EOP
Minyon Moore/WHO/EOP
Sondra L. Seba/WHO/EOP
Broderick Johnson/WHO/EOP



Ann F. Lewis
07/18/98 11:53:19 AM

Record Type: Record

To: Audrey T. Haynes/OVP @ OVP
cc: See the distribution list at the bottom of this message
Subject: Re: FMLA



We've also got a memo from Chris Dodd to Erskine asking for an event in "late July" because the Senate is scheduled to be out in August.

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001. memo	Barbara Whitehead to Sidney Blumenthal re: childcare debate [partial] (1 page)	01/12/1998	P6/b(6)

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- P1 National Security Classified Information [(a)(1) of the PRA]
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BARBARA DAFOE WHITEHEAD

PHONE: (413) 549-6112 • FAX: (413) 549-1835

P6/(b)(6)

[001]

Memo To: Sidney Blumenthal

From: Barbara Whitehead

Re: A strategy for using family and medical leave to win the childcare debate

Date: January 12, 1998

lit pay to Gen -
Have you asked
the First lady about
this?
Elena

This memo is inspired by a brief parting exchange I had with the President. I told him that a recent study in the medical journal *Pediatrics* supports his hugely popular family and medical leave program and also bears upon the new childcare proposal. Its bottom line finding: for infants, breast milk acts as brain food, boosting IQ and school performance. (More on this later.)

I'm also attaching a piece that ran in the *Wall Street Journal* on the day after the dinner. An attack on institutional child care in general, it rests heavily on research evidence of the risks of institutional care for children in the first six to twelve months of life.

As it happens, the evidence for the risks to infants is quite robust. And now pediatric evidence on the benefits of maternal care for infants is appearing. For the President's childcare initiative, this poses both peril and opportunity.

The peril is this: The opposition will try to use the recent research on breastfeeding and infant brain development to discredit the proposal. It will argue that the President's proposal is at odds with what the White House itself was telling us last April about early brain development. It will say that the proposal is not designed with the best interests of infants in mind. It will say that the proposal rewards women who work during the early months of a child's life, but neglects those who choose to remain at home literally to pour their mother's milk into their child's cognitive capacity. And as the recent NBC/WSJ poll shows - granted, your polls may tell a different story

– the public's view of child care (and especially infant care, I suspect) is ambivalent.

The opportunity is this: The President can preempt the opposition by adding a feature to his State of the Union exposition of his child care plan. The purpose of the addition: affirming the principle that working mothers of newborns deserve the opportunity to nurture their infants before they return to their place of employment.

The policy vehicle for providing this opportunity already exists: The Family and Medical Leave Act. It now offers up to 12 weeks of unpaid leave for varied family purposes. What if parents of newborns were provided with more than 12 weeks of unpaid leave? Ideally the number of weeks might rise incrementally to 36 weeks, but you know better than I how many weeks might be appropriate for the first incremental expansion.

This puts the President on the offense and keeps him there. He can say:

I have long recognized the importance of giving parents the option of caring for newborn babies at home. This is one reason why I faced down Republican opposition and signed the Family and Medical Leave Act. The latest research on infant well-being only confirms the importance of providing new parents with this opportunity.

Thus, he can use a wildly popular achievement not only as the policy vehicle but also for rhetorical and political leverage. This puts the opposition in a corner: You'll get the option of at-home maternal care for infants in the early months of life, but the price you pay for it is an expansion of a signature achievement of the Clinton administration (and one you fought against.)

This also enables the President to present his childcare initiative in a way that is sensitive to the developmental needs of the child: expanded family leave for working parents of infants, followed by quality day care for children beyond infancy, followed by afterschool care for school-age kids. Again the emotional and cognitive needs of children – rather than what some might disparage as the convenience desires of parents and employers – are the linchpin rationale.

Of course, some parents, especially single mothers who are leaving welfare for work, will have to rely on childcare for their infants and toddlers. (Some states require new mothers to return to school or work as early as twelve weeks after the birth of a baby, I believe.) But the point remains that the President has already fought, against Republican opposition, for the right of working parents to stay at home with a newborn. Now he can call for an expansion of that right.

.....

A brief summary of the attached article:

This well-designed longitudinal study by New Zealand researchers indicates that children who are breast fed for up to eight months have higher IQs and better school performance than those who are fed infant formula. The researchers hypothesize that a fatty acid present in breast milk but not in formula may be responsible for the advantage. Another hypothesis is that eight months of breastfeeding makes for stronger attachment between infant and mother, and stronger attachment enhances cognitive and emotional functioning. Importantly, the positive effects of breastfeeding persist over time. Partly in response to the research and partly in response to clinical experience, the American Academy of Pediatrics recently revised its advisory on breastfeeding and called for a full year of maternal breastfeeding wherever possible.

THE WALL STREET JOURNAL THURSDAY, JANUARY 8, 1998

A Dangerous Experiment in Child-Rearing

By ANDREW PEYTON THOMAS

A harmful social phenomenon is fast gaining popular acceptance—a vice so common that the problem is rarely even discussed, and almost never forthrightly. A new Census Bureau study makes clear the magnitude of the problem. Examining nearly 57,000 households across the U.S., the bureau found that 55% of new mothers return to the work force *within one year* of giving birth. In 1976, by contrast, the figure was only 31%. Ours is now a day-care culture. And the Clinton administration appears determined to keep it that way. Yesterday the president proposed a \$21.7 billion program of new spending and tax breaks to subsidize day care.

It is one thing for both parents to work outside the home when their kids are older. But for both parents in a majority of families to be employed before their children can even walk is startling. We are witnessing a momentous experiment in the raising of children. Yet there are few stirrings in the culture suggesting anything but a complacent acceptance of this revolution in child rearing. Few political, cultural or religious leaders have spoken out against the growing practice of abandoning infants to paid strangers. Yet recent research, not to mention common sense, tells us that this quiet overhaul of American families is a profound tragedy whose bitter fruit will be reaped for decades to come.

'Psychological Thalidomide'

Social science confirms that babies raised in day-care centers and similar institutions are often emotionally maladjusted. Child development expert Edward Zigler of Yale has gone so far as to call day care "psychological thalidomide." Research beginning in the early 1970s has found that such children are more likely to be violent, antisocial and resistant to basic discipline. A 1974 study in the *Journal of Developmental Psychology* reported that children who entered day care before their first birthday were "significantly more aggressive" and more physically and verbally abusive of adults than other children.

A 1986 study by Ron Haskins in *Child Development*, another scholarly journal, compared two groups of day-care children and found that those who had spent more time in day care suffered from proportionately greater ill effects, regardless of the quality of care. Teachers were more likely to rate these early-care children as "having aggressiveness as a serious deficit of social behavior." Similarly, Jay Belsky of

Pennsylvania State University warns, based on his research, that full-time day-care babies are at risk of "heightened aggressiveness, non-compliance and withdrawal in the preschool and early school years."

Other studies have concluded that lengthy stays in day-care centers impair children's mental ability. In 1995, the National Institute of Mental Health published

believe that a stranger can care for your child as well as you can?

Defenders of day care often say it is essential for women's equality in the work force. This simplistic notion, however, ignores the experiences of real men and women. Often it is fathers who are the biggest fans of day care: They like the extra income their wives can bring in by depositing children in institutions during the

Social science confirms that children raised in day-care centers and similar institutions are often emotionally maladjusted and mentally impaired.

a joint U.S.-Israeli study that found children raised in Israeli communes known as *kibbutzim*, who received 24-hour day care, were at significantly greater risk of developing schizophrenia and other serious mental disorders. Last April the National Institute of Child Health and Human Development released a long-term study of 1,364 children from 10 states. The study,



They don't belong in day care.

which examined children from diverse ethnic and socioeconomic backgrounds, reported that a child's placement in day care provided a "significant prediction" of poorer mother-child interaction and reduced cognitive and linguistic development.

These are remarkable findings, especially given that social scientists, in the main, hold no brief for traditional family values. But if you are a parent skeptical of this social science, ask yourself this straightforward question: Do you truly be-

lieve that a stranger can care for your child as well as you can?

day. It is mothers who usually feel the sting of guilt, that despised but just gully of conscience. Americans today are sophisticated at rationalizing vice, but the justifications offered for day care are surprisingly thin. The most common excuse is that young couples need the extra money. But U.S. News & World Report found that the median income for two-earner families is \$56,000, compared with \$32,000 for male-breadwinner homes. At neither salary is a four-member family lacking for necessities. Per capita disposable income, adjusting for inflation, is more than twice as high today as it was in 1950, and three times as high as in 1930. Families are spending much of this money on luxuries like bigger homes (new homes are 38% larger now than in 1970)—not on their kids.

The notorious au pair trial presented this reality in stark relief: Two physicians imported a teenage indentured servant, paid her slave wages, entrusted her with raising their two children and then were outraged when many Americans did not entirely sympathize with them after one of the children died in the young woman's care.

Childhood was never perfect. Small children were once forced to sweep chimneys and pick grapes, and often children lost parents entirely to disease and war. But that is precisely why the destruction of the 1950s nuclear family is so tragic. The 1950s set a standard for family life that probably has never been equaled anywhere. Children were raised by two parents in a safe, comfortable home, and Mom was almost always there to look after them when they were young. The self-centered popular culture unleashed in the 1960s mocked and ultimately shattered this paradigm. Now we are institutionalizing

the worst aspects of this cultural revolution by warehousing infants merely so that we might accumulate ever-nicer possessions.

If these dire trends are to be reversed, our leaders must assert themselves. To begin with, religious leaders should decry the selfishness and materialism that lead parents to put their careers ahead of their children.

Politicians always do well to leave moral condemnations to the pulpit, and such a sermon would not win them many votes today. Yet they would likely become heroes to many working mothers if, instead of simply ignoring this issue, they handled it with sincerity and skill. A Roper poll this year reported that 75% of Americans think that mothers who work outside the home and have children under age three threaten family values. A survey of American women this year by the Pew Center found that 81% thought the job of mothering is more difficult today than it was 20 or 30 years ago, and 56% thought they did a less capable job than their own mothers. Even among women who work full time, only 41% were confident that their situation was good for their children.

Can't Have It All

There are several policy changes that elected officials should consider. The federal child care tax credit, which subsidizes day care at the expense of stay-at-home parents, should be reassessed. In a growing number of jurisdictions, judges are pressuring divorced mothers, even those with small children, to go to work, by reducing child-support payments based on their potential income. This practice should be ended legislatively. Lawmakers should also consider offering tax credits for businesses that accommodate mothers or fathers who leave the work force during their child's critical first five years. And, of course, Congress should reject Mr. Clinton's ill-considered plan to subsidize day care.

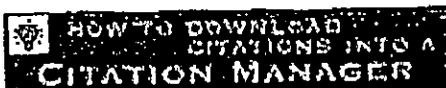
Above all, we must see through the canard that tells us that when it comes to the ancient clash between career and family, we are now clever enough to be able to "have it all." For when we knowingly sacrifice our children's well-being for the sake of money or careers, are we even truly worthy of our children's love?

Mr. Thomas is an attorney in Phoenix and the author of "Crime and the Sacking of America: The Roots of Chaos" (Brasscoy's, 1994).

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PEDIATRICS Vol. 101 No. 1 January 1998, p. e9

ELECTRONIC ARTICLE:

Breastfeeding and Later Cognitive and Academic Outcomes

L. John Horwood and David M. Fergusson

From the Christchurch Health and Development Study, Christchurch School of Medicine, Christchurch, New Zealand.

▶ ABSTRACT

Objective. This study examines the associations between duration of breastfeeding and childhood cognitive ability and academic achievement over the period from 8 to 18 years using data collected during the course of an 18-year longitudinal study of a birth cohort of >1000 New Zealand children.

▲ Top
• Abstract
▼ Introduction
▼ Methods
▼ Results
▼ Discussion
▼ References

Method. During the period from birth to age 1 year, information was collected on maternal breastfeeding practices. Over the period from 8 to 18 years, sample members were assessed on a range of measures of cognitive and academic outcomes including measures of child intelligence quotient; teacher ratings of school performance; standardized tests of reading comprehension, mathematics, and scholastic ability; pass rates in school leaving examinations; and leaving school without qualifications.

Results. Increasing duration of breastfeeding was associated with consistent and statistically significant increases in 1) intelligence quotient assessed at ages 8 and 9 years; 2) reading comprehension, mathematical ability, and scholastic ability assessed during the period from 10 to 13 years; 3) teacher ratings of reading and mathematics assessed at 8 and 12 years; and 4) higher levels of attainment in school leaving examinations. Children who were breastfed for ≥ 8 months had mean test scores that were between 0.35 and 0.59 SD units higher than children who were bottle-fed.

Mothers who elected to breastfeed tended to be older; better educated; from upper socioeconomic status families; were in a two-parent family; did not smoke during pregnancy; and experienced above average income and living standards. Additionally, rates of breastfeeding increased with increasing birth weight, and first-born children were more likely to be breastfed.

Regression adjustment for maternal and other factors associated with breastfeeding reduced the associations between breastfeeding and cognitive or educational outcomes. Nonetheless, in 10 of the 12 models, fitted duration of breastfeeding remained a significant predictor of later cognitive or educational outcomes. After adjustment for confounding factors, children who were breastfed for ≥ 8 months had mean test scores that were between 0.11 and 0.30 SD units higher than those not breastfed.

Conclusions. It is concluded that breastfeeding is associated with small but detectable increases in child cognitive ability and educational achievement. These effects are 1) pervasive, being reflected in a range of measures including standardized tests, teacher ratings, and academic outcomes in high school; and 2) relatively long-lived, extending throughout childhood into young adulthood.

Key words: *breastfeeding, cognitive ability, academic achievement, longitudinal study.*

▶ INTRODUCTION

Over the last 2 decades, there has been an accumulation of evidence suggesting that breastfeeding may lead to small but detectable improvements in childhood cognitive ability or educational achievement. Three lines of evidence support this conclusion.

▲ Top
▲ Abstract
• Introduction
▼ Methods
▼ Results
▼ Discussion
▼ References

First, evidence from longitudinal studies of general child samples¹ has shown repeatedly that children who are breastfed show small increases over bottle-fed children in mean test scores on measures of intelligence and academic achievement, with these differences persisting after control for confounding factors. Typically, these studies suggest that in comparison with bottle-fed children, children who are breastfed for a minimum of 3 to 5 months have an advantage of between 0.15 and 0.25 SD units in mean test performance, even after control for confounders.¹

Second, data from an experimental study of feeding practices among preterm infants showed that children whose mothers chose to express their own milk to feed their infant had higher developmental scores at 18 months and higher intelligence quotient (IQ) assessed at 7.5 to 8.0 years than those whose mothers chose not to do so.^{7,8} These differences persisted after control for confounding factors, and there was evidence of dose-response relationships between the amount of breast milk supplied and developmental or cognitive gains. These children had taken part in a randomized trial of nutrition in neonatal diet. Among the children whose mothers had chosen not to express their breast milk, those randomized to donor breast milk, with low nutrient content, performed as well as those fed with nutrient supplemented preterm formula and significantly better than those fed a standard term formula.² These data raise the possibility that some components of breast milk ameliorate the effect of poor nutrition.⁸

Finally, neurodevelopmental research has suggested that the factors in breast milk that may be responsible for the improved cognitive abilities of breastfed children may involve long chain polyunsaturated fatty acids and, particularly, docosahexaenoic acid (DHA),¹⁰ with some clinical studies in which infant formula was supplemented with DHA suggesting possible improvements in visual acuity and cognitive ability in preterm infants given the DHA-supplemented formula.¹³

Collectively, the evidence from longitudinal research, clinical trials, and neurodevelopmental research is beginning to provide a compelling case for the view that breastfeeding may have longer-term effects on individual cognitive ability and educational achievement. There are, nonetheless, a number of issues about the associations between breastfeeding and cognitive outcomes that require clarification.

One important issue concerns the extent to which the benefits of breastfeeding on cognitive development persist beyond middle childhood. To date, most studies have examined these benefits in preschool children^{1,4,2,16} or in children studied in the early school years.^{1,6,8,17,18} Less is known about the extent to which the benefits of breastfeeding on cognitive ability extend into adolescence and young adulthood. This issue is clearly important because it is possible that the benefits of breastfeeding on cognitive development may wash out over time, with these benefits being confined to only a relatively short period of the individual's life.

A second issue concerns the assessment of educational achievement. To date, only a few studies appear to have assessed measures of academic achievement, as opposed to measures of cognitive ability,^{1,2,6} and of these, the majority have used methods of standardized testing to assess educational achievement. Although such measures have obvious psychometric advantages reflected by their standardization, reliability, and validity data, the extent to which performance on standardized tests reflects real life academic achievement remains to be assessed. For these reasons, it would be desirable for cognitive benefits of breastfeeding to be assessed using a range of indices that could include performance on standardized tests, teacher-based evaluations of academic achievement, and levels of achievement in school examinations or in tertiary education.

To address the issues above, this paper reports on the results of an 18-year longitudinal study of the relationships between infant feeding practices and later cognitive ability and academic achievement in a birth cohort of >1000 New Zealand children studied from birth to age 18 years. The design of this study made it possible to examine 1) the extent to which benefits of breastfeeding on cognitive ability and achievement were evident throughout middle childhood, adolescence, and into young adulthood; and 2) the extent to which breastfeeding was related to a range of indices of academic achievement that included performance on standardized tests, teacher ratings of academic achievement, and levels of success in examinations on leaving school.

► METHODS

The data were gathered during the course of the Christchurch Health and Development Study. The Christchurch Health and Development Study is a longitudinal study of a birth cohort of 1265 Christchurch, New Zealand, children born in 1977. The cohort was an unselected population sample comprising all children born in all hospitals in the Christchurch urban region during the period from April 15, 1977 to August 5, 1977. These children have been studied at birth, at 4 months, at 1 year, at annual intervals to age 16 years, and again at age 18, using information gathered from a combination of sources including parental interview, teacher report, standardized testing and interviews with the children, and medical records.¹⁹

▲ Top
▲ Abstract
▲ Introduction
• Methods
▼ Results
▼ Discussion
▼ References

Measures Used in the Study

Breastfeeding When children surveyed were 4 months and 1 year of age, mothers were questioned in detail concerning breastfeeding practices, use of milk formulas, and other aspects of infant diet. Maternal reports were supplemented by evidence on breastfeeding practices recorded in the developmental records completed by community health nurses. In addition, information was available from medical records of the mother's breastfeeding practices in the maternity unit at the time of the child's birth. Using this information, the following measures of breastfeeding were constructed. The first measure was duration in months for which the child was breastfed. For the purposes of data display, this measure has been classified into four groups: child was not breastfed; child was breastfed for <4 months; child was breastfed for 4 to 7 months; child was breastfed for ≥8. The second measure was duration in months of exclusive breastfeeding. This was defined as the number of months, to age 4 months, that the child was reported to have been breastfed without receiving any additional cow's milk, milk formula preparation, or solid food.

Although the two measures of breastfeeding were derived independently and used different criteria, they proved to be highly correlated ($r = 0.84$; $P < .001$).

Measures of Cognitive Ability and Academic Achievement

To describe the child's cognitive ability and academic achievement during the period from 8 to 18 years of age, the following measures were selected.

Measures of Cognitive Ability At ages 8 and 9 years, children were administered the Revised Wechsler Intelligence Scale for Children (WISC-R).²⁰ For the purposes of the present analysis, the child's total IQ scores were used. The reliabilities of these scores, assessed using split-half methods, were .93 at age 8 years and .95 at age 9 years.

Teacher Ratings of School Performance When children were 8 and 12 years of age, teacher ratings of the child's performance in reading and mathematics were obtained. Teachers were asked to rate the child's performance in each area relative to other children of the same age, and ratings were made on a five-point scale ranging from 1 = very poor to 5 = very good.

Standardized Tests of Achievement During the period from 10 to 13 years of age, children were administered a series of standardized tests of achievement including 1) tests of reading comprehension based on the Progressive Achievement Test of Reading Comprehension,²¹ administered at ages 10 and 12 years; 2) tests of mathematical reasoning based on the Progressive Achievement Test of Mathematics,²² administered at age 11 years; and 3) tests of Scholastic Abilities,²³ administered at age 13 years. The Test of Scholastic Abilities is a broad-based measure designed to assess those verbal and numerical reasoning abilities deemed to be requisite for success in academic aspects of the school curriculum.²³ The reliabilities of these measures, assessed using coefficient α , ranged from .83 for the measures of reading comprehension to .87 for the measure of mathematical reasoning and .95 for the measure of scholastic ability.

High School Outcomes At 18 years of age, study participants were assessed on the following two measures of high school success. The first was the number of passing grades achieved in School Certificate examinations. School Certificate is a national series of examinations that New Zealand children may attempt at the end of their third year of high school. School Certificate examinations are the first of a series of public examinations that provide young people with the eligibility requirements to enter universities. Students typically undergo School Certificate at 15 or 16 years of age and attempt examinations in between four and six subjects. The results of School Certificate examinations are graded from A to E, with grades A, B, and C considered passing grades. The second measure was leaving school without qualifications. Students who had left school by age 18 without at least one passing grade in School Certificate were classified as having left school without qualifications.

Confounding Factors

To control for potentially confounding and selection factors associated with breastfeeding, a range of measures of social, family, and other factors was selected from the database of the study. These measures were chosen on the basis of being known to be associated with the mother's breastfeeding history and/or with the cognitive and academic outcomes.

Measures of Social and Family History Maternal age at the time of the survey child's birth and maternal education at the time of the child's birth were the first two measures of social and family circumstances. Education was coded on a three-point scale reflecting the highest level of qualification obtained, with 1 = no formal qualifications, 2 = high school qualifications, and 3 = tertiary level qualifications. The third measure was family socioeconomic status at the time of the child's birth. This was assessed using the Elley/Irving scale of socioeconomic status for New Zealand.²⁴ This scale categorizes families into six classes on the basis of paternal occupation. The fourth measure was the

child's family placement at birth. This was a binary measure reflecting whether the child entered a single-parent family or a two-parent family at birth. The fifth measure was maternal smoking during pregnancy. This was a binary measure reflecting whether the mother smoked during pregnancy.

The sixth measure was family living standards (0 to 5 years). Each year until survey children were 5 years of age, survey interviewers were asked to rate the family's living standards on a five-point scale ranging from 1 = very good to 5 = very poor. These ratings were summed and then averaged over the 5-year period to provide a global measure of the general quality of living standards experienced by each family during this period. The seventh measure was averaged family income (0 to 5 years). Each year, estimates of the family's gross annual income were obtained from parental report. To provide a measure of the average level of income available to each family for the period from the child's birth to age 5 years, the income estimates for each year were first recoded into decile categories and the resulting measures then averaged over the 5-year period to produce a measure of the family's averaged income decile rank.

Measures of Perinatal Outcome These were measures of gender, the child's birth weight in grams, the child's estimated gestation in weeks, and the child's birth order in the family.

Sample Sizes

Although this study is based on a birth cohort of 1265 children, the sample sizes studied in this paper are smaller, ranging from 772 to 1064. There were three reasons for these variations in sample size. First, during the study period, there was attrition in the sample attributable to the combined effects of subject refusal, outmigration from New Zealand, and death. The result of this attrition was that by age 18, the number of cohort subjects had been reduced to 1025 subjects, with these subjects representing 81.0% of the original sample and 92.3% of the sample still in New Zealand. Second, for standardized testing, sample size was reduced further because of logistic reasons that made it necessary to confine standardized tests to the sample of children resident in the Canterbury region. Canterbury residents represented ~80% of the cohort in any year. Finally, there were small amounts of missing data for some measures. The sample sizes studied for each outcome measure are shown in Table 1.

<p>View this table: [in this window] [in a new window]</p>	<p>TABLE 1 Associations Between Duration of Breastfeeding and Measures of Cognitive Ability, Teacher Ratings of School Performance, Standardized Tests of Achievement, and High School Success</p>
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The variations in sample size raise the possibility that the results reported here could have been influenced by the effects of nonrandom sample attrition. However, whereas previous analyses of educational outcomes for this cohort suggest a slight bias in the samples available for analysis toward underrepresentation of children from more disadvantaged family backgrounds, analyses that incorporate statistical corrections for such bias produce conclusions essentially identical to those that do not incorporate such correction.^{25,26} These findings suggest that sample loss processes are unlikely to influence the conclusions drawn from the analyses reported here.

▶ RESULTS

Associations Between Duration of Breastfeeding and Measures of Cognitive Ability and School Achievement

▲	Top
▲	Abstract
▲	Introduction
▲	Methods
•	Results
▼	Discussion
▼	References

Table 1 presents the relationships between the duration of breastfeeding classified into four groups (not breastfed, breastfed <4 months, breastfed 4 to 7 months, breastfed \geq 8 months) and mean scores on a series of measures of cognitive ability and school achievement including the WISC-R IQ test; teacher ratings of performance in reading and mathematics; standardized tests of reading comprehension, mathematics, and scholastic ability; and success in School Certificate examinations. Table 1 also shows the percentage of children in each group who left school without qualifications. For ease of comparison, all standardized tests have been scaled to a mean of 100 and an SD unit of 10, and teacher ratings have been scaled to a mean of 3 and an SD unit of 1. Each comparison is tested for statistical significance, with continuously distributed measures being tested by one-way analysis of variance and the dichotomous measure by the χ^2 test of independence. The strength of association between duration of breastfeeding and each outcome is described by the product moment correlation.

Table 1 shows clear and highly significant ($P < .0001$) tendencies for increasing duration of breastfeeding to be associated with higher scores on measures of cognitive ability, teacher ratings of performance, standardized tests of achievement, better grades in School Certificate examinations, and lower percentages of children leaving school without qualifications. On average, children who were breastfed for \geq 8 months 1) scored between 0.35 and 0.59 SD units higher on standardized tests of ability or achievement and teacher ratings of school performance than children who were not breastfed, and 2) were considerably less likely than nonbreastfed children to leave school without qualifications (relative risk = 0.38; 95% CI: 0.25, 0.59).

Tests of linearity applied to the associations in Table 1 suggested that in all cases, the association between duration of breastfeeding and the outcome measure was well approximated by a linear model. The product moment correlations between duration of breastfeeding and the outcome measures were generally similar across all outcomes, ranging from 0.14 to 0.24, with a median value of 0.20, suggesting that from middle childhood to the point of leaving school, there were moderate but consistent tendencies for increasing duration of breastfeeding to be associated with increasing levels of cognitive ability and academic success.

The pervasive associations found between breastfeeding and measures of cognitive ability and academic achievement were, in part, explained by the fact that the outcomes described in Table 1 were all significantly correlated. Correlations between different measures ranged from as high as 0.88 to as low as 0.32, with the median intercorrelation between measures being 0.61. Given the correlations between cognitive ability and academic achievement throughout childhood and into young adulthood, it is evident that if breastfeeding is associated with one of these outcomes, it is likely to be associated with others.

Associations Between Duration of Breastfeeding and Social, Family, and Perinatal Factors

Table 2 shows the relationships between duration of breastfeeding and the potentially confounding social, family, and perinatal factors described in the "Methods." For ease of data display, measures of family factors and social background have been expressed as dichotomous variables. The rules for constructing these dichotomies are reported in Table 2. The significance of the associations between the duration of breastfeeding and the variables in Table 2 was tested using the χ^2 test of independence for dichotomous measures and one-way analysis of variance for continuously distributed variables (ie, birth weight, gestation).

<p>View this table: [in this window] [in a new window]</p>	<p>TABLE 2 Associations Between Duration of Breastfeeding and Social, Family, and Perinatal Factors</p>
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Table 2 shows clear tendencies for increasing duration of breastfeeding to be associated with decreasing levels of social and family disadvantage and improved child perinatal outcomes. In particular, there were detectable tendencies for women who did not breastfeed to be younger ($P < .001$), to have poorer educational qualifications ($P < .001$), to have smoked during pregnancy ($P < .001$), to be more likely to come from families of lower socioeconomic status ($P < .001$), families with below-average living standards ($P < .001$), or families with low income ($P < .001$); and to have been a single parent at the time of the survey child's birth ($P < .001$). In addition, women who did not breastfeed were more likely to have had infants of lower birth weight ($P < .001$) and to be primiparous ($P < .001$). However, the duration of breastfeeding appeared to be unrelated to the child's gender ($P > .30$) or gestation ($P > .20$).

Associations Between Duration of Breastfeeding and Cognitive Outcomes After Adjustment for Confounding

To examine the associations between duration of breastfeeding and cognitive and educational outcomes after adjustment for the social, family, and perinatal factors presented in Table 2, the data were reanalyzed by fitting multiple regression models in which each outcome measure was modelled as a function of the duration of breastfeeding and the potentially confounding or selection factors. For continuously scored outcomes, multiple linear regression models were fitted, whereas for the dichotomous outcome, multiple logistic regression methods were used. In fitting these models, the social and family factors were not scaled as dichotomies as shown in Table 2, but rather were scored as described in "Methods."

From the parameters of the fitted regression models, estimates of the dose-response functions between the duration of breastfeeding and the outcome measures adjusted for confounding factors were obtained. These adjusted associations are given in Table 3, which shows for each outcome 1) the covariate adjusted mean scores or percentages for each level of the breastfeeding factor; 2) the test of significance of the breastfeeding factor based on the ratio of the regression coefficient for the breastfeeding measure to its SE; and 3) the confounding covariates that were found to be significant in each equation. The adjusted mean scores and percentages were obtained using the methods described by Lee (1981).²⁷ The adjusted means and percentages give estimates of the mean test scores and percentages that would have been observed had all subjects been exposed to comparable levels of the confounding covariates in shown for each equation.

<p>View this table: [in this window] [in a new window]</p>	<p>TABLE 3 Associations Between Duration of Breastfeeding and Measures of Cognitive Ability, Teacher Ratings of School Performance, Standardized Tests of Achievement, and High School Success After Adjustment for Covariates</p>
---	--

Examination of Table 3 leads to the following conclusions:

1. In all cases, control for confounding factors reduced the strength of association between the duration of breastfeeding and later outcomes. This result suggests, in part, that the apparently

superior performance of children exposed to lengthy duration of breastfeeding reflected the presence of confounding factors and/or selection processes that were associated with both breastfeeding and later cognitive achievement. Inspection of the significant covariate factors suggests that these confounding factors included both measures of social/family advantage (maternal age, education, family socioeconomic status, family income, and living standards) and measures of perinatal outcome (birth weight, birth order, gender).

2. Of the 12 comparisons made, however, 10 show statistically significant ($P < .05$) associations between duration of breastfeeding and later outcomes, one comparison is marginally significant ($P < .10$), and one clearly nonsignificant ($P > .15$). Of particular note is the fact that both the individual's levels of success in School Certificate examinations and his/her risk of leaving school without qualifications were significantly related to duration of breastfeeding even when allowance was made for confounding factors.
3. In general, the results suggest that after adjustment for confounding, there were small but consistent tendencies for increasing duration of breastfeeding to be associated with increased IQ, increased performance on standardized tests, higher teacher ratings of classroom performance, and better high school achievement. The size of this influence can be seen by comparing the adjusted mean test scores of children who were not breastfed with those of children who were breastfed for ≥ 8 months. These comparisons show that children who were breastfed for ≥ 8 months had mean scores that were between 0.11 and 0.30 SD units higher than the scores for those who were not breastfed. Similarly, children breastfed for ≥ 8 months were only two thirds as likely as nonbreastfed children to have left school without qualifications.

Supplementary Analyses

To examine the robustness of study conclusions to changes in analytic approaches, the following supplementary analyses were conducted.

1. The data were reanalyzed using a classification of breastfeeding based on the number of months for which the child was exclusively breastfed. This analysis produced conclusions that were consistent with those drawn above: increasing duration of exclusive breastfeeding was associated with increasing levels of cognitive ability and academic achievement, and adjustment for confounding tended to reduce the size of these associations but, even after adjustment, significant ($P < .05$) associations remained between the duration of exclusive breastfeeding and 9 of the 12 outcomes studied. In particular, there were significant adjusted associations between duration of exclusive breastfeeding and high school outcomes measured at age 18.
2. To examine whether the effects of breastfeeding varied for boys and girls, the analyses were extended to include tests of interactions between gender and measures of breastfeeding in their effects on cognitive and educational outcomes. However, in no instance was there any detectable evidence to suggest that the association of breastfeeding with the outcome measures varied with the child's gender.
3. Exploration of additional possible confounding factors was conducted by examining the extent to which such factors as maternal work force participation patterns explained the associations. There was no evidence to suggest that the associations between breastfeeding and academic achievement or cognitive ability could be explained further by the inclusion of such confounding factors into the models.

DISCUSSION

This study has examined the statistical linkages between duration of breastfeeding and later cognitive outcomes in a birth cohort of New Zealand-born children studied to 18 years of age. The findings of this study may be summarized as follows.

▲	Top
▲	Abstract
▲	Introduction
▲	Methods
▲	Results
▲	Discussion
▼	References

Increasing duration of breastfeeding was associated with small, detectable, and generally consistent increases in childhood cognitive outcomes from the age of 8 to the age of 18. Breastfed children had higher mean scores on tests of cognitive ability; performed better on standardized tests of reading, mathematics, and scholastic ability; were rated as performing better in reading and mathematics by their class teachers; had higher levels of achievement in school-leaving examinations; and less often left school without educational qualifications. There seems to be little doubt on the basis of this evidence that patterns of infant feeding were consistently related to levels of educational attainment from middle childhood to the point of young adulthood.

Subsequent analysis revealed that, in part, the cognitive and academic superiority of breastfed children was explained by the fact that they tended to be born into socially advantaged families characterized by having older, better educated mothers, who did not smoke during pregnancy, higher socioeconomic status, better living standards, and higher family income. However, even after control for confounding and selection factors associated with infant feeding practices, increasing duration of breastfeeding was associated with small but significant increases in scores on standardized tests of ability and achievement, teacher ratings of classroom performance, and greater success at high school. The size of this effect may be illustrated by comparing the mean test scores of those who were breastfed for ≥ 8 months with those who were not breastfed. This comparison showed that even after statistical adjustment, children exposed to ≥ 8 months of breastfeeding had mean test scores that were between 0.11 to 0.30 SD units higher than those not breastfed. These effect sizes appear to be very similar to the effects found in other studies of general child samples.¹ Similarly, after adjustment for confounding factors, children who were breastfed for ≥ 8 months had only an approximate two-thirds risk of leaving school without qualifications compared with children who were not breastfed. These results were found to be resilient to a change to an alternative measure of the duration of breastfeeding based on the number of months of exclusive breastfeeding.

Although the results above suggest that associations between duration of breastfeeding and later outcomes persisted when allowance was made for a range of confounders, the possibility remains that the association between breastfeeding and longer-term outcomes found in this study is noncausal and arises from the effects of confounding factors that have not been controlled adequately in the analysis. Nonetheless, when taken in conjunction with the existing literature on this topic,^{1,16} the weight of the evidence clearly favors the view that exposure to breastfeeding is associated with small but detectable increases in childhood cognitive ability and educational achievement, with it being likely that these increases reflect the effects of long chain polyunsaturated fatty acid levels and, particularly, DHA levels on early neurodevelopment.¹⁰ The present study extends these conclusions by showing that the effects of breastfeeding are 1) pervasive and reflected in a range of measures including standardized tests, teacher ratings, and success in high school examinations; and 2) relatively long-lived, extending throughout childhood into young adulthood.

Clinical Implications

These findings add to a growing body of evidence that has suggested breastfeeding may have multiple health and other benefits for children.^{12,28} The particular significance of the present findings is that they show the cognitive benefits that are associated with breastfeeding are unlikely to be short-lived and appear to persist until at least young adulthood. These findings underwrite the need to encourage

breastfeeding and/or to continue to develop improved infant formulas with properties more similar to those of human breast milk that may lead to improved developmental outcomes in children.¹¹

▶ FOOTNOTES

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▶ ACKNOWLEDGMENTS

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▶ ABBREVIATIONS

DHA, docosahexaenoic acid. WISC-R, Revised Wechsler Intelligence Scale for Children. IQ, intelligence quotient.

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▲ Top
▲ Abstract
▲ Introduction
▲ Methods
▲ Results
▲ Discussion
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EXPANDING THE FAMILY AND MEDICAL LEAVE ACT TO HELP FAMILIES BALANCE WORK AND FAMILY RESPONSIBILITIES

January 27, 1998

In the new economy, most parents work harder than ever. They face a constant struggle to balance their obligations to be good workers -- and their even more important obligations to be good parents. The Family and Medical Leave Act was the very first bill I was privileged to sign into law as President in 1993. Since then, about 15 million people have taken advantage of it, and I've met a lot of them all across this country. I ask you to extend that law to cover 10 million more workers, and to give parents time off when they have to go see their children's teachers or take them to the doctor.

--President Bill Clinton
State of the Union Address, 1/27/98

In his State of the Union Address, President Clinton called on Congress to extend the benefits of the Family and Medical Leave Act -- the first piece of legislation that the President signed into law -- to ten million more American workers.

BIPARTISAN REPORT SHOWS THE LAW IS WORKING. Since the Family and Medical Leave Act was enacted in 1993, at least fifteen million American have taken FMLA-covered leave. Today, workers are eligible for FMLA-protected leave if they work at a business with 50 or more employees and if they have worked at least twelve months and 1,250 hours for the employer. FMLA allows eligible employees to take up to 12 weeks unpaid, job-protected leave to care for a newborn or adopted child, to attend to their own serious health needs, or to care for a seriously ill parent, child or spouse. The bipartisan Commission on Leave -- chaired by Senators Craig and Dodd -- reported that the law is working:

- **67 million Americans -- over half of all workers -- are guaranteed they can take leave** from their job to care for a sick relative or a newborn child without fear of losing their job or health insurance.
- **Millions of Americans have taken leave since the enactment of FMLA.** During the 18-month period covered by the Commission's study (1/94 - 6/95), an estimated 12 million Americans took leave for FMLA-covered purposes.
- **40% of all workers think they will need to take leave** for a covered reason at some time in the next five years.
- **Despite its opponents' claims, compliance is easy and costs are low for most employers now covered by the law:**
 - **Nine out of ten employers find the law "very" or "somewhat" easy to administer.**
 - **Compliance entails either little or no costs for 89%-99% of businesses.**
 - **Smaller covered worksites found it easier to comply than larger sites.**
- **Some businesses have reported reduced employee turnover, enhanced productivity and improved morale** which they attribute to the Act.

NOW IS THE TIME TO EXPAND THE LAW TO COVER MORE WORKERS AND BETTER HELP WORKERS CARE FOR THEIR CHILDREN AND PARENTS. The President believes that it is time to expand the benefits of the law. He is urging the Congress to:

- **Enable workers at businesses with 25 or more workers to take unpaid, job-protected leave** - current law covers businesses of 50 or more employees. Lowering the employer coverage threshold from 50 to 25 workers will mean that FMLA will cover up to ten million more American workers, allowing them to take up to twelve weeks unpaid, job-protected leave to care for a newborn or adopted child, to attend to their own serious health needs, or to care for a seriously ill parent, child or spouse.
- **Allow FMLA-eligible workers to take up to 24 hours of additional leave each year to meet specified family obligations**, including routine doctors appointments and parent-teacher conferences. Leave could be taken to: (1) participate in school activities, such as parent-teacher conferences; (2) accompany your child to routine dental or medical appointments; and (3) accompany an elderly relative to routine medical appointments or other professional services.



Audrey T. Haynes

02/03/98 08:41:04 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: Nicole R. Rabner/WHO/EOP, Janet Murguia/WHO/EOP
Subject: FMLA

Regarding Thurs.'s FMLA anniversary, the following events seem to be planned:

1. Women's Legal Defense Fund reported that Senator Dodd was having a press conference to celebrate the anniversary and announce more about the expansion.....(I have not confirmed with Dodd's office, however, Labor told me the same thing)

2. Carolyn Moloney is having a press conference at noon in conjunction with the Congressional Women's Caucus.....(I did not confirm, but this sounded more vague than the Dodd event)

**I can call folks Wed. a.m. to get the information on these 2 events.

As of late this afternoon, it was not clear as to what Labor would do, if anything. After our discussions this morning, they were possibly going to wait and just do the POTUS event.

Regarding states with lower thresholds as possible sites, for an event outside DC, Women's Legal Defense Fund reported the following:

- DC.....threshold is 20
- Maine.....threshold is 25
- Minn.....threshold is 21, but law is not as broad as FMLA
- Oregon.....threshold is 25
- Vermont.....threshold is 10 for new born and newly adopted; and 15 for others, also allows 24 hours for dental care, etc.

Clearly, Vermont is the best state with alot of small business, but it doesn't appear the POTUS is headed anywhere near there over the next couple of weeks.

Please advise.....we'd love to see this come together in the District or out!

Thanks

Message Sent To:

Elena Kagan/OPD/EOP
Ann F. Lewis/WHO/EOP
Anne H. Lewis/OPD/EOP
Jonathan A. Kaplan/OPD/EOP
Maria Echaveste/WHO/EOP

THE WHITE HOUSE
WASHINGTON

January 23, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
GENE SPERLING

SUBJECT: Family and Medical Leave Expansions

This memorandum presents options to expand the Family and Medical Leave Act (FMLA) for your consideration before a possible announcement on this issue in your State of the Union Address. Expanding FMLA would further enable American workers to take protected time off to spend with a new or adopted child, or for medical emergencies. It would build on your strong record of helping parents meet their responsibilities to their families and their jobs, and, specifically, would complement two pieces of your current child care proposal that also help parents who wish to stay at home: (1) support for home visitation and other parent education programs in your Early Learning Fund, and (2) demonstration projects to test policies to help parents stay at home.

As you know, your advisors initially believed that a proposal to expand FMLA could help inoculate your child care initiative against conservative attack by allowing parents to spend more time with their children. Your recent child care announcement has generated overwhelmingly positive support; several leading Republicans, however, have been working on alternative proposals aimed entirely at helping parents to stay at home with their children. While an announcement on FMLA expansion would be an important marker in this area, given the nature of the proposals under active Republican consideration -- such as income splitting, income averaging, and expansion of the \$500 per-child tax credit -- it is unlikely that any proposal to expand FMLA could stand up fully to these costly options. We therefore will continue our work with the Treasury Department to explore possible tax-related measures to support stay-at-home parents, in addition to any expansion of FMLA.

FMLA currently requires employers with 50 or more employees to provide up to 12 weeks of unpaid leave to eligible employees for certain family and medical reasons, including the care of a new child. Employees are eligible if they have worked for the employer for at least 12 months and for at least 1,250 hours over the previous 12 months, and if the employer has at least 50 employees working within 75 miles of the employee's worksite. Public agencies are covered by FMLA regardless of size, but employees must still meet the eligibility requirements, including working at a site where at least 50 employees are employed within 75 miles.

Options to expand FMLA include: (1) applying FMLA to businesses with 25 or more employees, either in one step or incrementally; or (2) extending the permissible leave period to 24 weeks for parents with newborns. Over the last few weeks, we have worked to determine the costs to businesses and the benefits to workers of pursuing either or both of these options. Unfortunately, we have found that useful data in this area does not exist. It is impossible to determine, for example, how many people currently taking leave to care for a newborn or adopted child would take additional leave or how additional leave would benefit people of particular income levels. Similarly, it is impossible to quantify the likely costs to small businesses.

Option 1: Expanding Coverage to Businesses with Fewer Employees. You could call for lowering FMLA's employer coverage threshold from 50 to 25, either in one step or incrementally (for example by lowering it to 40, then 35, and finally 25). Senators Kennedy and Dodd have proposed to lower the threshold to 10 employees, but your advisors believe that FMLA would be too great a burden on employers of that size.

According to the Department of Labor, 67 million employees are currently eligible for FMLA. Lowering the threshold to 40 would add 3.4 million people; lowering it to 35 would add 5.4 million people. Lowering the threshold all the way to 25 would add about 10 million people, increasing by 15 percent the number of employees covered by FMLA, and doubling the number of employers covered by the Act (from 330,000 to 690,000).

This proposal would give FMLA protection to more people at no cost to the federal government. It would receive strong support from labor, women's groups, and other core Democratic constituencies. The proposal, however, would provoke strong business opposition. Many Republican and some Democratic Members of Congress would likely criticize any attempt to lower the threshold as detrimental to small business. (According to a survey by the Family and Medical Leave Commission, however, the great majority of businesses that have implemented FMLA report little or no cost increases.)

Extending FMLA Leave from Three to Six Months

Below are three variations on this theme. The first is the most inclusive. The second limits the workers eligible to the full six months to those with two full years of job tenure with their current employer. The third limits the extent of the new benefit *and* makes it available only to new parents.

Option 2A: Extending FMLA from Three to Six Months. This option would allow workers who are currently eligible for FMLA to take longer leave. Approximately 12 million workers take FMLA leave. According to the FMLA Commission's survey, about 12.5 percent or 1.5 million workers take the full 12 week leave. Of these, 450,000 workers took 12 or more weeks leave for maternity, disability, or the care of a newborn, adopted or foster child.

This proposal would give parents additional time to spend with their new babies (again at no cost to the federal government). It might help respond to the charge that our child care proposal helps only working parents, not those who -- with a little help -- can and want to stay home with their children for a period of time. However, any family leave policy would not fully respond to that criticism because leave is by definition geared toward people who have been in the workforce and will return to it. In addition, this proposal would not help workers who currently cannot afford to take even the full 12 weeks of FMLA leave. According to the Commission's survey, 65 percent of those who would have liked to take leave to care for their newborn, foster, or adopted child could not do so for economic reasons. Because this proposal would not help such workers, FMLA advocates would likely give it only lukewarm support. Finally, businesses already covered by FMLA would oppose the extension because guaranteeing six months of leave would disrupt their operations.

Option 2B: Extend FMLA from Three to Six Months for Workers with Two Years Tenure. Although there is no data available, your advisors generally feel that extending FMLA to six months is a non-trivial burden on business. While businesses can arrange for other employees or temporary help to cover a co-workers' *three* month absence, a *six* month absence is harder to manage. Employers may have to hire replacement workers, thus increasing their costs significantly. Moreover, employers faced with the possibility of having to offer six months of job-protected leave to workers with only one year's tenure may be less likely to hire employees they suspect will take this leave. This option is intended to mitigate these problems by limiting eligibility for the extended leave to employees with two years of tenure.

Option 2C: Allow New Parents Up to 24 Weeks Leave in a Two Year Period. To eliminate the possibility that an employee could work only six months *each year* by taking six months of job protected leave annually, this proposal would instead allow new parents only to take six months of job protected leave *every two years*. Under this option, by taking the full six months to care for a newborn, the employee would forego any right to paid leave in the following year. Current law allows six months every two years, but restricts it to two three month periods. This proposal simply gives employees additional flexibility in taking their leave while adding only minimally to the business burden.

Recommendations: Your advisors agree that lowering the employee threshold will provoke significant opposition, but some of your advisors, including the First Lady, believe that it is a fight worth having. The First Lady believes strongly that lowering the threshold to 25 will make a real difference in people's lives, covering about 10 million more American workers with this significant benefit. She believes that, politically, it is an important thing to be for.

Some of your advisors feel that a decision about lowering the threshold must be made in the context of the impact of your overall agenda on the business community. Secretary Herman, for instance, believes that if you decide to call for an increase in the minimum wage, you should not also lower the threshold. If, however, you do not propose raising the minimum wage, then she feels you could call for lowering the threshold. Administrator Alvarez opposes any changes

to current law because she feels they will engender significant business opposition and may undermine gains we have already made.

Secretary Herman supports extending the length of FMLA leave. Secretary Rubin and Janet Yellin oppose Options 2A and 2B. Secretary Rubin feels that because businesses may need to hire replacement workers to cover six month absences, the cost to business of longer leave could be greater than the cost of initial implementation of the FMLA. He is also concerned that higher income workers are more likely to benefit from longer leave, while empirical evidence would suggest that all workers will pay for this in the form of lower wages. Janet Yellin shares Secretary Rubin's concerns about Options 2A and 2B, but supports Option 2C because she feels it is a very minor change from current law. The First Lady worries that the six month leave extension will make only a marginal difference, and will disproportionately assist higher-income workers.

The NEC has concerns about six months leave, but on the whole would support Option 2B -- extending the FMLA to six months for workers with two years tenure. The NEC fears, however, that lowering the limit to 25 will cause too much opposition from Southern Democratic Senators, especially if we also propose to raise minimum wage.

The DPC recommends that you propose Option 2B -- extending the FMLA to six months for workers with two years tenure -- and if you are willing to take on a larger fight, that you propose to lower the employee threshold to 25 as well. In addition, your advisors recommend that you continue to fight for the 24-hour extension of FMLA for school visits, doctor appointments and other family responsibilities.

1. Expand FMLA Coverage to Businesses with 25 Employees

YES NO DISCUSS

2A. Extend FMLA Leave from Three to Six Months

YES NO DISCUSS

2B. Extend FMLA from Three Months to Six Months for Workers With Two Years Tenure

YES NO DISCUSS

2C. Allow New Parents Six Months Every Two Years

YES NO DISCUSS

Jan. Let's do something in the weekly
This week to remind him of ~~the~~ the FMLA
issue, ~~and~~ including whatever we
have on the cost question that
Evidence raises. Write it THE WHITE HOUSE
as a kind of mini-decision WASHINGTON
memo (just a couple of paragraphs),
with some cost information January 6, 1998
thrown into the mix.

EK/JEN -
Is this impossible?
-BR

Bruce & Gene -
It seems to me that at the
very least we should have
perhaps some kind of cost
analysis of what we
anticipate we may need
to assume that we
will provide
to their
employee
cost.

Elena
MEMORANDUM TO THE PRESIDENT

FROM: BRUCE REED
GENE SPERLING

SUBJECT: FAMILY AND MEDICAL LEAVE EXPANSIONS

A number of your advisors believe that your child care initiative should include a proposal to help parents stay at home with their young children. In addition to giving parents greater opportunity to make real choices in raising their children, these policies could help inoculate your child care initiative against conservative attack. Two pieces of your child care proposal help parents who wish to stay at home: the Early Learning Fund pays for home visitation and other parent education programs (for both stay-at-home and working parents); and the Research and Evaluation Fund supports demonstration projects to test policies to help parents stay at home. This memorandum outlines proposals (without budgetary implications) to expand the Family and Medical Leave Act (FMLA) that will help parents stay at home with their newborns.

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CHIEF OF STAFF TO THE PRESIDENT

Copy this to Gene Sperling and
Bruce Reed
ASAP

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1-6-98

Family - FMLA

THE WHITE HOUSE
WASHINGTON

January 6, 1998

MR. PRESIDENT:

The attached Sperling/Reed memo asks you to decide whether to include in tomorrow's child care announcements a proposal to expand the FMLA to help parents stay at home with their young children. *NEC/DPC recommend against an announcement tomorrow feeling that it will get lost in the child care package, but thought you should make the decision.*

Two options are presented. *But a policy decision is not required unless you decide to make an announcement tomorrow.* Option 1: lower the FMLA's coverage threshold from businesses with 50 employees to those with 25, either in one step or incrementally; or Option 2: extend the period of FMLA leave from 3 to 6 months. There is no support for Option 1 as it will provoke too much opposition, particularly from small business. NEC/DPC favor Option 2 but it enjoys only lukewarm support from Treasury, Commerce and Labor, and is opposed by SBA.

Copied
Reed
Sperling
COS
Jen Klein

Rahm and Podesta agree that the announcement should be deferred. If you decide to make an announcement, Podesta favors Option 2. Erskine hasn't had a chance to weigh in on the policy options.

Defer FMLA announcement:

Agree (recommended) Disagree Discuss

If you decide to make announcement:

Option 1 Option 2 Discuss

Phil Caplan *Phil*

*Phil (what
do you think
about the
announcement?
Reed
Sperling
COS
Jen Klein
Rahm
Podesta
Erskine*

THE WHITE HOUSE
WASHINGTON

'98 JAN 6 12:59

January 6, 1998

MEMORANDUM TO THE PRESIDENT

FROM: BRUCE REED
GENE SPERLING

SUBJECT: FAMILY AND MEDICAL LEAVE EXPANSIONS

A number of your advisors believe that your child care initiative should include a proposal to help parents stay at home with their young children. In addition to giving parents greater opportunity to make real choices in raising their children, these policies could help inoculate your child care initiative against conservative attack. Two pieces of your child care proposal help parents who wish to stay at home: the Early Learning Fund pays for home visitation and other parent education programs (for both stay-at-home and working parents); and the Research and Evaluation Fund supports demonstration projects to test policies to help parents stay at home. This memorandum outlines proposals (without budgetary implications) to expand the Family and Medical Leave Act (FMLA) that will help parents stay at home with their newborns.

FMLA currently requires employers with 50 or more employees to provide up to 12 weeks of unpaid leave to eligible employees for certain family and medical reasons, including the care of a new child. Employees are eligible if they have worked for the employer for at least 12 months and for at least 1,250 hours over the previous 12 months, and if the employer has at least 50 employees working within 75 miles of the employee's worksite. Public agencies are covered by FMLA regardless of size, but employees must still meet the eligibility requirements, including working at a site where at least 50 employees are employed within 75 miles.

Options to expand FMLA include: (1) applying FMLA to businesses with 25 or more employees, either in one step or incrementally; or (2) extending the permissible leave period to 24 weeks for parents with newborns.

Expanding Coverage to Businesses with Fewer Employees. You could call for lowering FMLA's employer coverage threshold from 50 to 25, either in one step or incrementally (for example by lowering it to 40, then 35, and finally 25). Senators Kennedy and Dodd have proposed to lower the threshold to 10 employees, but your advisors believe that FMLA would be too great a burden on employers of that size.

According to the Department of Labor, 67 million employees are currently eligible for FMLA. Lowering the threshold to 40 would add 3.4 million people; lowering it to 35 would add 5.4 million people. Lowering the threshold all the way to 25 would add about 10 million people, increasing by 15 percent the number of employees covered by FMLA, and doubling the number of employers covered by the Act (from 330,000 to 690,000).

This proposal would give FMLA protection to more people at no cost to the federal government. It would receive strong support from labor, women's groups, and other core Democratic constituencies. The proposal, however, would provoke strong business opposition. Many Republican and some Democratic Members of Congress would likely criticize any attempt to lower the threshold as detrimental to small business. (According to a survey by the Family and Medical Leave Commission, however, the great majority of businesses that have implemented FMLA report little or no cost increases.) Introducing a FMLA proposal might also raise the flex-time debate in Congress again.

Extending FMLA Leave from Three to Six Months. This option would allow workers who are currently eligible for FMLA to take a longer leave. Approximately 12 million workers take FMLA leave. According to the FMLA Commission's survey, about 12.5 percent or 1.5 million workers take the full 12 week leave. Of these, 450,000 workers took 12 or more weeks leave for maternity, disability, or the care of a newborn, adopted or foster child.

This proposal would give parents additional time to spend with their new babies (again at no cost to the federal government). It might help respond to the charge that our child care proposal helps only working parents, not those who -- with a little help -- can and want to stay home with their children for a period of time. However, any family leave policy would not fully respond to that criticism because leave is by definition geared toward people who have been in the workforce and will return to it. In addition, this proposal would not help workers who currently cannot afford to take even the full 12 weeks of FMLA leave. According to the Commission's survey, 65 percent of those who would have liked to take leave to care for their newborn, foster, or adopted child could not do so for economic reasons. Because this proposal would not help such workers, FMLA advocates would likely give it only lukewarm support. Finally, businesses already covered by FMLA would oppose the extension because guaranteeing six months of leave would disrupt their operations.

Recommendations. Your advisors all agree that lowering the employee threshold will provoke too much opposition and will not therefore be seen as a viable proposal to help parents stay at home.

The views on the extension from three to six months are more complex. The Treasury Department does not have a view on the political merits on this proposal, but is concerned that by raising the cost of employing women, this proposal will result in reduced wages or reduced employment for *all* women, while likely disproportionately benefiting *affluent women*. The Commerce Department shares this concern, but recognizes that longer leave will allow some

parents to stay home to care for their young children throughout the critical first six months knowing that their job is protected, and therefore supports it. The Labor Department recognizes the limited benefit of the extension, but supports it nonetheless. The SBA opposes extending FMLA on the ground that it will engender widespread opposition from the small business community and may undermine gains we have already made.

DPC and NEC support extending FMLA from three to six months. (NEC feels that there are legitimate business and economic concerns with the extension, but in the final analysis is more for it than against it.) DPC and NEC do not believe, however, that you should announce this proposal tomorrow at the unveiling of your child care initiative. DPC believes that extending FMLA from three to six months may respond to conservative attacks because it allows at least some parents to stay at home to care for their young children in the critical first six months; DPC worries, however, this proposal may get lost if proposed tomorrow, given the size and significance of your child care announcement. NEC is also concerned that this proposal may taint the child care announcement with business criticism.

 Jennifer L. Klein
12/31/97 02:30:49 PM

Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: Re: Family Medical Leave Act

FYI. In response to my note to him about his opinion on possible FMLA expansions.

----- Forwarded by Jennifer L. Klein/OPD/EOP on 12/31/97 02:19 PM -----

 Paul E. Begala
12/31/97 12:36:37 PM

Record Type: Record

To: Jennifer L. Klein/OPD/EOP
cc:
Subject: Re: Family Medical Leave Act 

Yes. Politically neither the 6 months extension nor the below-50 employees extension is nearly as appealing as the doctor-visit/teacher-conference extension.

One other wrinkle y'all ought to have on your radar screen: how 'bout changing Unemployment Compensation to allow parents to collect unemployment comp while they're out on FMLA leave?

U.S. Department of Labor

Assistant Secretary for
Employment Standards
Washington, D.C. 20210

Family - FMLA Expansion



The Honorable Pete Hoekstra
Chairman, Subcommittee on Oversight
and Investigations
Committee on Education and the Workforce
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Hoekstra:

I am pleased to provide the Subcommittee on Oversight and Investigations with the enclosed report on the Family and Medical Leave Act (FMLA). In light of the recent testimony on this important statute, the Department of Labor would request that the Subcommittee consider the Act's many benefits for working families, the evidence which demonstrates the ease with which it has been implemented, and the Department's positive experience to date in enforcing the law.

We believe that this report will prove a significant addition to the hearing record and be useful to the Members as they consider the impact that this law has had in enabling employees to better balance the demands of the workplace with the needs of their families.

Thank you again for your consideration of the enclosed report. The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

Bernard E. Anderson

Enclosure

THE FAMILY AND MEDICAL LEAVE ACT (FMLA) AND ITS IMPLEMENTATION

Introduction

Until the passage of the FMLA, the United States was virtually the only advanced industrialized nation without a national family and medical leave policy. In the short time the law has been in effect, it has worked well and has been widely accepted. And its worth and value to workers and employers alike have been clearly demonstrated.

The FMLA is a win-win proposition. It is good for America's workers and also for employers. This point was underscored by President Clinton when he signed the Act into law on February 5, 1993. Commenting on the importance of the Act for America's workers, the President stated in part:

"I believe that this legislation is a response to a compelling need -- the need of the American family for flexibility in the workplace. American workers will no longer have to choose between the job they need and the family they love."

The President also addressed the potential benefits of the Act to employers when he said:

"The insufficient response to the family and medical leave needs of workers has come at a high cost to both the American family and to American business. There is a direct correlation between health and job security in the family home and productivity in the workplace. When businesses do not give workers leave for family needs, they fail to establish a working environment that can promote heightened productivity, lessened job turnover, and reduced absenteeism."

The proven worth of the FMLA since its enactment deserves continued bipartisan support.

Commission's Findings Support Department's Experience

Last year the bipartisan Commission on Family and Medical Leave released its final report to Congress -- "A Workable Balance: Report to Congress on Family and Medical Leave Policies." Among other things, the Commission's report summarizes two nationally representative surveys on the experience of employers and employees with the FMLA and other voluntary family and medical leave policies. These survey data, which cover the 18-month period beginning in January 1994, confirm the Department of Labor's own experience that the law is working well in significantly helping working Americans balance their work and family responsibilities while placing only minimal requirements on employers.

Some of the Commission's findings regarding benefits to employees included:

- * More than one in six of all employees (16.8%) took leave for a reason covered by the FMLA. One-and-a-half to three million employees took leave they described as FMLA leave during the period covered by the survey.
- * Almost 80% of the leave was taken to care for a seriously ill child, spouse or parent, or for the employee's own health condition. The median length of leave was 10 days.
- * Employees age 25 to 34 are most likely to take leave, as are employees with children, hourly employees, and employees with moderate family incomes of \$20,000 to \$30,000 per year.

Some of the Commission's survey findings pertaining to the impact of FMLA on employers included:

- * More than nine in ten covered employers found it "very" or "somewhat easy" to administer the FMLA.
- * Nearly 90 percent of all employers reported that complying with FMLA entails "no" or only "small" administrative costs (larger employers were more likely to report an increase in costs).
- * Roughly 9 in 10 employers reported no noticeable effect on productivity, profitability or growth.
- * Larger work sites found it somewhat more difficult to administer the FMLA than did smaller covered work sites, and managing intermittent leave presented administrative difficulty at two in five work sites.

User-Friendly Implementation of the Act

Implementation of the FMLA has generally received favorable reviews due in part to the Department of Labor's (DOL) concerted effort to obtain and carefully consider public input during the rulemaking process, and because of the "user-friendly" nature of the FMLA regulations. A "question and answer" format was adopted for the regulations in order to facilitate understanding of and compliance with the Act's requirements.

With a new law like the FMLA, it may take some time for employers to fully understand and deal with new obligations. Thus, the Department has made every effort to assist employers in understanding their compliance responsibilities. Aside from expansive educational outreach efforts, ensuring employer input into the regulatory process and issuing "user-friendly" regulations, the Department has:

- * issued "plain-English" compliance guides and fact sheets describing compliance obligations;
- * summarized employee notification requirements and prepared a prototype notice to assist employers; and
- * responded to numerous inquiries from employers and the public on what the law required in specific fact situations.

The Department has put FMLA informational materials on the Internet and established a toll-free 800 telephone number. The Internet site offers basic information on FMLA; a copy of the Act; the Code of Federal Regulations; the FMLA poster; forms (the medical form and the prototype notice form); "A Workable Balance: Report to Congress on Family and Medical Leave Policies"; and gives the Department's toll-free telephone number and a press release explaining its availability and services. Over 30,000 individuals have dialed the FMLA toll-free number (1-800-959-FMLA) to obtain information.

Most of the evidence suggests there have not been widespread problems or abuses under the FMLA, as demonstrated by the Commission's findings and other surveys. While isolated issues have surfaced in specific fact situations, particularly over whether a given illness meets the definition of "serious health condition" or the circumstances when employees may qualify for intermittent FMLA leave, these issues for the most part relate to employers adapting their pre-existing leave and attendance policies to new requirements of the law.

The Department has been open to input about problems with the FMLA implementing regulations. If there are problems with understanding the Act's requirements and what is necessary to comply, the Department's Wage and Hour Division is available to communicate with those experiencing difficulties and is happy to provide technical assistance. Moreover, specific guidance may be sought through the Wage and Hour letter ruling process on any difficult compliance issues. The Wage and Hour Division has issued and made public 88 ruling letters to assist the public to better understand the FMLA regulations.

Positive Enforcement Experience

The Wage and Hour Division's very positive experience to date with FMLA compliance also underscores that the law is working well.

Even though the Department has primary administration and enforcement responsibilities for approximately 67 million workers protected by the FMLA who are employed in the private sector and all State and local governments, it has received only about 8,400 employee complaints in four years, a tiny number when compared to the number of covered employees.

Through December 31, 1996, Wage and Hour received 8,358 complaints alleging failure to comply with the FMLA, and completed action on 7,433 (89%) of these complaints. About 40 percent of these compliance actions found no apparent violation; while the remaining 60 percent found apparent violations. To date, 91% of complaints with FMLA violations have been successfully resolved and the majority of these were resolved with a telephone call to the employer explaining FMLA's provisions and the steps needed to remedy the situation.

An important ingredient in the Department's compliance efforts -- and something that has significantly contributed to acceptance of and compliance with the Act -- has been Labor's focus on educational outreach to achieve voluntary compliance by employers. The Department initiated and has maintained an aggressive outreach effort to explain the law, with 1,900 speeches, seminars and media events to date. In addition, it has responded to nearly 400,000 telephone inquiries. Radio and television public service announcements have also been distributed to all major markets in the country. In disseminating technical assistance and outreach the Department established both national and regional FMLA coordinator positions and implemented a process for providing definitive written guidance on specific issues that arise.

Because of the circumstances often involved in FMLA leave cases, e.g., an emergency medical situation, swift action is needed to resolve many FMLA complaints. Thus, where possible, DOL tries to resolve complaints through a quick-action conciliation process to obtain information and compliance with the law. Where necessary, however, a full investigation is conducted.

The following data highlight DOL compliance activities through the end of Calendar Year 1996. By far the largest portion of complaints received from eligible employees working for FMLA-covered employers involved employer refusals to reinstate employees to their same or equivalent positions after FMLA leave was used. This type of case constituted 40% of the valid complaints. The remainder were grouped as follows:

- * employer refusal to grant FMLA leave (23%);
- * employer interfered with or discriminated against an employee using FMLA leave (10%);
- * employer refusal to maintain the employee's group health benefits during leave (4%);
- * other (9%); and,
- * multiple reasons (14%), which includes any combination of the reasons for a complaint.

The Department has initiated legal actions in twenty cases. Much like the types of complaints it receives, these cases also principally involve job restoration and denial of leave. Seven of these cases have been settled on terms favorable to the employee without trial. An adverse decision was issued in one case and a partially adverse ruling in a second case. Two cases have been voluntarily dismissed. The remaining nine cases are pending in various district courts throughout the country. The Department also filed an amicus curiae brief and participated in oral arguments before the 5th Circuit Court of Appeals in a case in which the court upheld the FMLA regulation providing that employees need not invoke the FMLA by name in order to obtain the protections of the Act.

Conclusion - FMLA Works for America

The FMLA is good for America's workers and businesses. It has helped employees in all walks of life meet the competing demands of their work and family responsibilities, without hurting businesses.

The Department analyzed a sample (822 of 1,193) of compliance actions completed between July 1994 and June 1995 where apparent violations were found, to get an indication of who uses FMLA leave and why. In these sample cases, 65% of the FMLA leave takers were female employees, and 35% were male employees. These findings indicate that both male and female employees have a need for, and seek to utilize, the Act's benefits and protections.

The primary reasons cited for taking leave in this sample also suggest that the range of reasons for leave provided by the Act is needed. Overall, 59% of the cases involved FMLA leave for the employee's own serious health condition, followed by 17% which involved leave for the birth and care of a newborn child, and 10% and 7%, respectively, which involved leave to care for a child or a parent with a serious health condition. The Department's case findings on the reasons employees took FMLA leave compare favorably with the Commission's survey findings.

Wage and Hour's enforcement cases illustrate how the FMLA helps individuals address emergencies in their lives while being able to continue their employment.

While one reason for enactment of the FMLA was to permit workers to balance their work and family responsibilities, another was to encourage the development of high

performance work organizations. Only if workers can count on durable links to their workplace can they make their own full commitment to their jobs. If employees are treated fairly and equitably, with sympathy and understanding of the family and medical situations they face, they will be more loyal, dedicated and productive, and a greater asset to their employers.

Keeping workers is good for business. By promoting job security and worker productivity, and encouraging development of high performance work organizations, the Act permits American business to better compete in today's global economy.

The Department of Labor is committed to and has in place mechanisms to continue to reach out to educate the public and employers to promote an understanding of and facilitate voluntary compliance with the law. As with any new law, some problems and questions are going to come up under the FMLA; the Department is available to work with employers to ensure that any problems or questions they have are resolved.

In sum, the FMLA is working well, it has broad support, and it deserves support so it can continue to work for American workers and their employers.

WHITE HOUSE STAFFING MEMORANDUM



Immediate

DATE: 4/11

ACTION/CONCURRENCE/COMMENT DUE BY: _____

SUBJECT: Radio address

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	McCURRY	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BOWLES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	McGINTY	<input type="checkbox"/>	<input type="checkbox"/>
McLARTY	<input type="checkbox"/>	<input type="checkbox"/>	NASH	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PODESTA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RUFF	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MATHEWS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SMITH	<input type="checkbox"/>	<input type="checkbox"/>
RAINES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	REED	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BAER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SOSNIK	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ECHAVESTE	<input type="checkbox"/>	<input type="checkbox"/>	LEWIS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
EMANUEL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	YELLEN	<input type="checkbox"/>	<input type="checkbox"/>
GIBBONS	<input type="checkbox"/>	<input type="checkbox"/>	STREETT	<input type="checkbox"/>	<input type="checkbox"/>
HALE	<input type="checkbox"/>	<input type="checkbox"/>	SPERTING	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HERMAN	<input type="checkbox"/>	<input type="checkbox"/>	HAWLEY	<input type="checkbox"/>	<input type="checkbox"/>
HIGGINS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	VERVEER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HILLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RADD	<input type="checkbox"/>	<input type="checkbox"/>
KLAIN	<input type="checkbox"/>	<input type="checkbox"/>	<u>Waldman</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BERGER	<input type="checkbox"/>	<input type="checkbox"/>	<u>Kagan</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LINDSEY	<input type="checkbox"/>	<input type="checkbox"/>	<u>Klein</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			<u>Abernathy</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Comments to Cardyn Council ASAP

RESPONSE:

Draft 2:45 p.m.

'97 APR 11 PM2:54

PRESIDENT WILLIAM J. CLINTON
RADIO ADDRESS
APRIL 12, 1997
(TAPED APRIL 11, 1997)

Good morning. I want to talk today about the toughest job that any person can have. It's not a job you can quit, or show up late for, or do just enough to get by. It is a life commitment, in every way. It's being a parent.

In our times, parenting has become an even greater challenge. The world moves faster, and that means parents worry more about how to protect their children's health and safety. Jobs place more demands on mothers and fathers. Finding a balance between home and work takes more effort than ever.

Parents could use some help. And while government doesn't raise children, it can give parents the tools to make their jobs easier. We fought for and won the V-chip and a ratings system for TV, so parents can better protect their kids from seeing unsuitable shows. We fought to keep the tobacco industry from advertising their products to children. And we're fighting to keep streets safer and to reduce juvenile crime. All that helps parents.

But there is still work to be done. Parents want to do right by their children -- from the very start.

The very start of childhood is something Hillary has studied for a long time. In her book, "It Takes a Village," she called our nation's attention to new findings about the early years of a child's life that so often are overlooked in intellectual, social and emotional development.

Our Administration has worked to better understand these early years. Since 1993, we increased funding for children's research at the National Institutes of Health by 25 percent and my balanced budget requests increased funding [\$337 million] for this important project. We expanded and improved Head Start, and we created the Early Head Start Program for children age 3 or younger.

From our research we know this: Learning begins in the first days of life. From those very first days, a child is developing emotionally and intellectually, and how he or she does in those first 3 critical years of life will help to determine how a child does later in school and in life. That's why we need to begin teaching and nurturing children **before** they go to school.

We want to sort through and get out the information we have to parents and care givers who can use it. So next week Hillary and I will bring together researchers, parents and other experts for the "White House Conference on Early Childhood Development and Learning: What New Research on the Brain Tells Us About Our Youngest Children."

We will be meet for a full day at the White House, with satellite hook-ups to more than

60 sites around our nation.

This conference is an exciting and enormous undertaking. It is a call to action to parents, businesses, care givers, policy makers, media, the faith community and government to each do their part to enhance the earliest years of life. It grows out of our commitment to find new ways to support parents, and to help our children to thrive and to strengthen families.

As part of that commitment, I also want to call today on the Members of Congress to do their part to come to the aid of our families. They can do that by passing my expansion of the Family and Medical Leave Act.

This bill would allow Federal and eligible workers in the private sector up to 24 hours of unpaid leave each year to fulfill certain family obligations. This leave time could allow a worker to attend parent-teacher conference. If you have a two year old, you could take time off to go to the pediatrician; or you could use the time to find quality child care, or to take a child to a routine medical appointment. Or you could take leave to care for an elderly relative.

Families need this time -- not often and not forever -- but they do need it to take care of their own. 12 million American families have benefitted from the Family and Medical Leave Act since it became the first bill I signed into law in 1993. It was needed then; it's needed now, and we need to improve on it. I urge the Congress to act soon on this legislation. Don't ask our people to choose between being good workers and being good parents. We can help them to be both: Pass the Expanded Family and Medical Leave Act.

I think this bill is so important that today I am asking all Federal Departments and Agencies to make Expanded Family and Medical Leave available to their workers **immediately**. Wherever possible, I want workers to have access now to essential time off for family obligations.

Make no mistake: A little help for America's families now will make an enormous difference later. It will mean parents who are more involved in the lives of their children and who are there for them at important moments.

Almost a century and a half ago, Oliver Wendell Holmes said: "A child's education should begin at least 100 years before he was born."

What we do now and what we learn now can have benefits for generations of Americans. We can make it possible for all children to reach their greatest potential. We can start at the grassroots with the smallest community -- the family. And from there, we can rebuild and renew the best in America.

Thanks for listening.

Pauline M. Abernathy

04/11/97 06:49:16 PM

Record Type: Record

To: Michael Waldman/WHO/EOP
cc: Elena Kagan/OPD/EOP, Anne H. Lewis/OPD/EOP
bcc:
Subject: Re: query re: FMLA extension 

Good question. We always said it was parent-teacher conferences or to interview for a new school, but when we checked whether it also included child care, we found that the proposal also included state-licensed child care and Head Start as well as elementary and secondary schools.

From: Michael Waldman on 04/11/97 05:21:31 PM

From: Michael Waldman on 04/11/97 05:21:31 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Pauline M. Abernathy/OPD/EOP, Anne H. Lewis/OPD/EOP
cc:
Subject: query re: FMLA extension

Is it true that the FMLA extension will allow a parent to use the time off to find quality child care for the child? We always said it was for a regularly scheduled doctor's appointment, or for a parent teacher conference. This suggests that you could use it to shop around for day care, etc.

FMLA extension

**President Clinton Acts to
Expand Family and Medical Leave**

April 12, 1997

To assist families in meeting the needs of young children and other family members, the President called on Congress to pass legislation expanding the Family and Medical Leave Act. The FMLA currently allows workers to take up to 12 weeks unpaid leave to care for a newborn or adopted child, to attend to their own serious health needs, or to care for a seriously ill parent, child, or spouse. In June, 1996 President Clinton proposed to expand the Family and Medical Leave Act (FMLA) to allow workers to take unpaid hours off -- up to 24 hours a year -- for school and early childhood education activities, routine family medical care, and additional activities related to caring for an elderly relative.

Today President Clinton asked Federal agencies to implement his expanded leave policy immediately for Federal workers. The President asked agencies to ensure employees can take up to 24 hours of unpaid leave for the following activities:

- **School and early childhood education activities** -- to allow employees to participate in school activities directly related to the educational advancement of their child, including child care and Head Start activities. Parental involvement in a child's education is an important determinant of the child's success. Parents could use leave to attend parent-teacher conferences or meetings with child care providers, or to interview for a new school or child care facility.
- **Routine family medical or dental appointments** -- to allow parents to accompany children to routine medical or dental visits, such as annual checkups or vaccinations.
- **Elderly relatives' health and care needs** -- to allow employees to accompany an elderly relative to routine medical or dental appointments or other professional services related to the elderly relative's care, such as interviewing nursing or group homes.

The Family and Medical Leave Act Works. Based on data in a 1996 report of the bipartisan Commission on Leave, more than 12 million American workers have taken leave for reasons covered by the FMLA since the law's enactment in 1993, and 90% of businesses covered by the law find that it's easy to administer and that it costs them little or nothing.

The Clinton Administration is Building a Family Friendly Federal Workplace.

- In 1994 the President signed the Federal Employees Family Friendly Leave Act allowing employees to use sick leave for routine medical

appointments for family members. The President's action today allows employees to take time off for this purpose even when sick leave is unavailable.

- Federal employers have discretion now to approve employees' requests for time off for school activities, routine medical visits, and elder care. Today, the President urged Federal supervisors to exercise their discretion on a routine basis -- to the fullest extent possible -- to give their employees up to 24 hours of unpaid leave for these activities.

FMLA
expansion



Elizabeth Drye

04/10/97 01:48:26 PM



Record Type: Record

To: Elena Kagan/OPD/EOP, Anne H. Lewis/OPD/EOP

cc: Pauline M. Abernathy/OPD/EOP

Subject: FMLA policy issue we need to resolve.

Our legislation covers "child care facilities licensed under State law." That excludes many types of child care arrangements (e.g. church-based centers exempt from license requirements in some states; relative care; etc.). OPM has heard complaints about this provision in the legislation, and doesn't want to be as narrow in this directive, but I don't want to move off legislative proposal. I suggest we just say "child care" in the memo from POTUS w/out elaborating. If asked how we're defining (I doubt we'll be asked), we can state that the agencies will have flexibility and OPM will provide guidance. Does that make sense?

President Clinton Acts to
Expand Family and Medical Leave
April 12, 1997
--- DRAFT ---

PHOTOCOPY
PRESERVATION

- Next week's **White House Conference on Early Childhood Development and Learning: What New Research on The Brain Tells Us About Our Youngest Children** will explore new information that shows the importance of the first few years of life. It will underscore the need to ensure that parents who work outside the home can take some time off to make sure that their young children get the routine medical care they need, to find ^{of} nurturing child care, and to participate in their children's education.
- **To assist families in meeting the needs of young children and other family members, the President called on Congress to pass legislation expanding the Family and Medical Leave Act.** The FMLA currently allows workers to care for a newborn or adopted child, to attend to their own serious health needs, or to care for a seriously ill parent, child, or spouse. In June, 1996 President Clinton proposal to expand the Family and Medical Leave Act (FMLA) to allow workers to take unpaid hours off -- up to 24 hours a year -- for school and early childhood education activities, routine family medical care, and additional activities related to caring for an elderly relative.
- **Today President Clinton asked Federal agencies to implement his expanded leave policy immediately for Federal workers.** The President asked agencies to ensure employees can ~~schedule and be granted~~ ^{take} up to 24 hours of unpaid leave for the following activities:
 - **School and early childhood education activities** -- to allow employees to participate in school activities directly related to the educational advancement of a child, including educational activities related to child care, Head Start programs, elementary school and secondary school. Parental involvement in a child's education is an important determinant of the child's success. Parents could use leave to attend parent-teacher conferences or meetings with child care providers, or to interview for a new school or child care facility.
 - **Routine family medical purposes** -- to allow parents to accompany children to routine medical or dental appointments, such as annual checkups or vaccinations.
 - **Elderly relatives' health and care needs** -- to allow employees to accompany an elderly relative to routine medical appointments or other professional services related to the care of the elderly relative, such as making arrangements for housing, meals, phones, banking services, and other similar activities.
- **The Family and Medical Leave Act Works.** ^{approval on date} ~~The bipartisan Commission on Leave reported last year that more than 12 million Americans have taken leave since its enactment in 1993, and that compliance entails either little or no costs for 89%-99% of businesses.~~
- **The Clinton Administration is Building a Family Friendly Federal Workplace.**
 - In 1994 the President signed the Federal Employees Family Friendly Leave Act allowing employees to use sick leave for routine medical appointments for family members;
 - Federal employers have authority now to approve employees' requests for time off for school activities, routine medical visits, and elder care. Today, the President asked the Federal agencies to honor employees' requests to use leave for these purposes, and to

7

- ensure all federal employees have up to 24 hours of unpaid time off for these activities. Federal agencies are working with the Vice President's National Performance Review to further family friendly work arrangements, including opportunities to telecommute.

Withdrawal/Redaction Marker Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. draft	Note on back side of draft Family and Medical Leave talking points (1 page)	04/12/1997	P6/b(6)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Elena Kagan
OA/Box Number: 14362

FOLDER TITLE:

Family - FMLA Expansion

2009-1006-F
ke661

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

FMLA expansion

April, 1997
-- DRAFT --

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Expanded Family and Medical Leave Policies

As you know, I have strongly supported meeting Federal employees' family and medical needs through enactment of the Family and Medical Leave of 1993 (FMLA) and the Federal Employees Family Friendly Leave Act of 1994 (FEFFLA). However, Federal employees often have important family and medical needs which do not qualify for unpaid leave under the FMLA or sick leave under the FEFFLA. I ask you to take immediate action to further assist Federal workers in balancing the demands of work and family.

Last year I proposed to expand the Family and Medical Leave Act of 1993. My legislation would allow Federal and eligible private sector workers 24 hours of unpaid leave each year to fulfill certain family obligations. Under the legislation, employees could use unpaid leave, scheduled 7 days in advance, to: participate in school activities directly related to the educational advancement of a child, including early childhood education activities; accompany children to routine medical and dental examinations; and tend to older relatives needs.

I ask that you take immediate action to use your existing authorities to implement the FMLA expansion set forth in the proposed legislation. Specifically, I ask that you ensure that employees may schedule and be granted up to 24 hours of annual leave, compensatory time off, credit hours under flexible work schedules, or leave without pay each year for the following activities:

- (1) SCHOOL AND EARLY CHILDHOOD EDUCATION ACTIVITIES -- to allow employees to participate in school activities directly related to the educational advancement of a child. This would include parent-teacher conferences or meetings with child care providers, interviewing for a new school or child care facility, or participating in volunteer activities supporting the child's educational advancement. Here, as in my proposed legislation, "school" refers to an elementary school, secondary school, Head Start program, or a child care facility licensed under State law.
- (2) ROUTINE FAMILY MEDICAL PURPOSES -- to allow parents to accompany children to routine medical or dental appointments, such as annual checkups or vaccinations. Although these activities are not currently covered by the FMLA, the FEFFLA does permit employees to use up to 13 days of sick leave each year for such purposes. Agencies should assure that employees are able to use up to 24 hours of annual leave, compensatory time off, credit hours, or leave without pay for these purposes in cases when no additional sick leave is available to employees.
- (3) ELDERLY RELATIVES' HEALTH NEEDS -- to allow employees to accompany an

elderly relative to routine medical appointments or other professional services related to the care of the elderly relative, such as making arrangements for housing, meals, phones, banking services, and other similar activities. Although Federal employees can use unpaid leave or sick leave for some of these activities under the FMLA or the FEFFLA, such as caring for a parent with a serious health condition or taking an elderly relative to a routine medical visit, agencies should ensure employees can use up to 24 hours of annual unpaid leave for this broader range of activities related to elderly relatives' health needs.

This new policy will assure that employees can schedule and receive up to 24 hours away from the job each year for these family and medical circumstances. I also urge you to accommodate employee needs as mission requirements permit even when it is not possible for employees to anticipate or schedule leave in advance for these purposes.

I encourage you to use a partnership approach with your employees and their representatives in developing an effective program that balances the employees need to succeed at work and at home. I ask agencies, unions, and management associations to continue to work together to assess and improve the use of family friendly programs and to make certain that employees are aware of the expanded family and medical leave policy.



*Elanor
PWT -
Per m
e-mail
-ELZ*

*VP Family Friendly Letter
to Agency Heads*

THE VICE PRESIDENT
WASHINGTON

File - FMU-Expansion

March 7, 1997

General Frederick Woerner, Jr.
Chair
American Battlefield Monuments Commission
Washington, D.C. 20314

Dear General Woerner:

President Clinton and I are firmly committed to enhancing the quality of family life for federal employees by forging a more dynamic and complementary link between their home life and their work life. In the spirit of this important goal, the President issued two memoranda on the Family-Friendly Workplace, one on July 11, 1994, and one on June 21, 1996.

As you know, the second memorandum requested that each agency review its personnel practices, develop a plan of action to more effectively use the flexible policies already in place, and expand its ability to make available to its employees a wide range of supportive programs, policies, and services. These include assistance in securing safe, affordable quality child care; elder care information and referral; flexible work schedules; opportunities to telecommute; proactive inclusion of fathers in policies relating to parental involvement; effective mechanisms for employee feedback; and leadership at the highest level.

Nearly all federal agencies, commissions, and boards have responded. The National Performance Review has reviewed the reports. Its analysis reveals clear areas of achievement as well as areas which require a great deal more effort.

For example, we have made great progress in implementing flexible and alternative work schedules through which federal employees can meet the needs of both their jobs and their families. We also enjoy the status of being the largest sponsor of on- or near-site quality child care among the nation's employers.

On the other hand, as many of you clearly understand, we must intensify our efforts to make telecommuting more readily available to our workers, not just in times of personal or medical emergency, but as an important management strategy. The accessibility of more than two dozen federal telecommuting centers, the advances in information technology, and the proven effectiveness of work-at-home arrangements, should give us the confidence that we can meet the challenge of 60,000 federal telecommuters by the end of fiscal year 1998.

March 7, 1997

Page 2

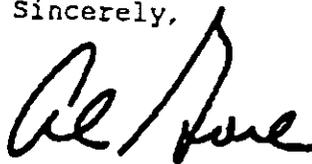
Three other areas require further emphasis. We must continue our work to strengthen fatherhood proactively in our programs, our research, and in our workforce. Also, while agencies are now creating innovative ways to encourage ideas to link their home and work lives, there is more to do to stimulate employee input. We must be prepared to more effectively guide and assist employees who are increasingly concerned about finding care and services for older family members.

In the next few months, the National Performance Review staff will continue to work with your staff to implement these important policies and practices. We are incorporating your responses and our findings with suggestions for further activities in a report to the President. In the meantime, I have enclosed a few highlights that emerged from our review of your reports. I congratulate those involved, and hope that these brief vignettes will inspire others to follow their lead.

Achieving our goals across the federal workforce in all arenas will require a strong, ongoing commitment by all of us. While the climate of cost reduction and downsizing may seem to make this effort more challenging, it should be noted that systemic implementation of family-friendly policies can result in a more effective workforce, greater cost efficiency, and better customer service--the very goals of reinvention. We already have the policies, programs, and services available to us. What is needed is a dramatic change in workplace culture to benefit more employees.

That will take strong leadership; I urge you to give your personal attention to this important policy initiative. Only when workers believe that their family life is supported in the workplace can they be most effective. Only when senior management sets high expectations can these practices become reality.

Sincerely,



Al Gore

AG/lm
Enclosure

FAMILY-FRIENDLY FEDERAL WORK PLACE

Following are highlights drawn from agency responses to the President's June 21, 1996 memorandum, "Implementing Federal Family-Friendly Work Arrangements." Agencies were asked to review their personnel practices, develop a plan of action to more effectively utilize the flexible policies already in place, and expand their ability to make available to employees a wide range of supportive programs, policies and services in the following categories:

CHILD CARE

The **Department of Defense** houses the nation's largest employer-sponsored child care program--200,000 children and 166,257 spaces--meeting 54% of their identified need. The goal is 65% this year, 80% by 2000. Sixty-nine percent of DOD's eligible centers are professionally accredited. The **Department of Transportation** sponsors 28 at- or near-site centers and enables reduced tuition at 2,000 private providers. The **National Security Agency** has 125 nursing mothers who use 11 designated, specially-equipped rooms in nine buildings. The **Department of the Interior** has created a Family Support Room for emergency child care of short duration. Employees can bring ill children to a headquarters facility equipped with desks and beds, and continue to work. The **Social Security Administration** has three new on-site centers under construction to supplement three already operating. The **Department of Energy's** Oakland, CA operation permits newborns in the work area until six months of age, under its Babies in the Workplace initiative. The **General Services Administration** oversees 106 child care centers in 68 cities in 31 states and D.C. Sixty percent are NAEYC-accredited. **Veterans Affairs** has 59 child care centers on VA-owned or leased property. The **Department of State** publishes an annual child care report for all overseas posts. Ten centers have been established at embassies abroad.

ELDER CARE

The **Environmental Protection Agency** offers comprehensive information through a rich variety of media at Research Triangle Park; the **Department of Energy** in Richland, WA uses a private comprehensive resource and referral company to meet employee needs for counseling and information. The **Nuclear Regulatory Commission** connects employees with community resources for older persons or incapacitated family members through its Employee Assistance Program, a strategy used by a number of agencies. The **State Department** reaches out with regular communications to frail elderly parents of employees stationed abroad. The **Social Security Administration** publishes an Elder Care Newsletter and is working with Johns Hopkins University on a computer database of all eldercare facilities and services in the state of Maryland. The **Office of Personnel Management** sponsors the Interagency Adult Dependent Care Working Group to promote agency initiatives in elder care.

FLEXIBLE WORK SCHEDULES

Many agencies reported very high percentages of employees on flexible schedules--e.g., half of **Defense** employees; 75% of **Energy**; 85% of **Labor**; and 60% of **Transportation**, including its most senior managers. Seventy percent of **EPA** employees are on compressed work schedules. The **National Aeronautics and Space Administration's** Marshall Space Flight Center closed completely between Christmas and New Year's. The **State Department** is establishing a job-share repository and will provide training and information to increase the number of sharing arrangements. **Veterans' Affairs** has 22,000 employees on compressed schedules, reporting better coverage, faster work turnaround, expanded consulting hours across time zones. It also reported the use of 1,639,430 hours of leave for family care by 70,800 of its employees.

TELECOMMUTING

The **Consumer Product Safety Commission** won the Vice President's Hammer Award for the success of its telecommuting pilot--60 of 128 field employees telecommute, primarily safety investigators and public affairs specialists. The commission reported a decrease in rent costs and an increase in productivity and morale. **GSA** has opened telecommuting centers for governmentwide use around Washington--the number of centers there will pass 20 by June. **GSA** has also set a goal for 1,000 of its employees to telecommute by 1998. **Navy** is the primary user of **GSA** centers--by the end of 1997, 350 of its employees will work at them. Six percent of the **Education Department's** workforce works at home or in centers, exceeding the federal goal of three percent. **Defense Investigative Services** has nearly 1,200 employees working from home or alternate work locations, full or part time. **Transportation** requires each of its organizations to establish a program and report progress--800 employees now telecommute at least once a week. The **DOT's** goal is five percent of its total workforce or 10% of those whose jobs are actually eligible for telecommuting. The **OPM** reports that 21% of its employees telecommute. Twelve percent of **Merit Systems Protection Board** employees telecommute, including administrative judges who write case decisions at home.

FATHERS' INVOLVEMENT IN CHILDREN'S LIVES

Defense supports 291 Family Centers to help service members and families develop skills and adjust to the unique challenges of military life, such as separation during extended deployments. The **Federal Emergency Management Agency** rotates its personnel during disaster deployments to maintain family involvement. The **Social Security Administration** presented a live, interactive broadcast on its National Satellite Network, "Strengthening the Role of Fathers in the Family." The **Coast Guard** offers a Dad's University which provides all-day seminars in fathering skills. The **State Department** plans a Fathers' Forum to help fathers network and learn about demands of fatherhood. **Health and Human Services**, **OPM**, and **DOD** are working collaboratively to facilitate establishment and collection of child support payments for and from federal employees. **Education** employees participate in their Education Volunteer Initiative

through which the department matches those hours of annual leave used by employees to volunteer with administrative leave. Seven percent actually volunteer while all employees receive family involvement publications from the Partnership for Family Involvement in Education.

EMPLOYEE SUGGESTIONS

Former **Housing and Urban Development** Secretary Cisneros engaged the HUD/AFGE National Partnership Council to design and offer recommendations for a more family-friendly workplace. One result was a competition which reviewed 23 proposals from 15 field offices; ultimately four pilots were approved for testing through local partnership councils. The U.S. **Information Agency** established a family-friendly team, through its partnership with unions, which conducted a survey of all employees, leading to revision of a number of policies. The **State Department** named work-family coordinators in each of its 27 bureaus. Many agencies report using a wide variety of media to solicit employee input and ideas—everything from the Internet to Intranets, electronic mail, suggestion boxes, work-life committees, councils and teams, quality of life surveys. A number of agencies—including **CIA, Labor, DOT and HHS**—have established work-life centers which serve as focal points for employee programs and feedback.

LEADERSHIP

Former **Transportation** Secretary Peña issued a "WorkLife" Challenge to all DOT employees, asking each senior staff member to do the same. Each staff is to integrate WorkLife Program success into organization performance measures. He also challenged each to expand worklife initiatives wherever possible, defining them as "business imperatives and good management." **Defense** plans to distribute its extensive response to the President's memo throughout the department, supporting it with radio and TV spots and newspaper articles that reinforce the idea of the role leadership plays in assuring a family-friendly workplace. **Energy** plans to do the same, along with a highly positive policy statement which encourages top managers to review the report and adopt changes locally, based on best practices in the department. The **OPM** set up the Work and Family Program Center to provide leadership and assistance to agencies. The center sponsors conferences, seminars, and exhibits; offers speakers; and sponsors the annual OPM Director's Award to recognize innovative and effective work-family programs.

For further information call:
Faith Wohl, National Performance Review 202-632-0150

FMLA Expansion

April 11, 1997

**EXPANDED FAMILY FRIENDLY LEAVE POLICIES
QUESTIONS AND ANSWERS -- NOT FOR DISTRIBUTION**

1. Why is the President issuing this memorandum?
 - o The President is asking Federal agencies to better assist employees in meeting their work and family demands. He is asking agencies to implement his proposal to expand the Family and Medical Leave Act of 1993 (FMLA).
 - o The President is urging agencies to ensure that employees may take up to 24 hours of leave without pay for three purposes:
 - (1) to participate in school activities directly related to the educational advancement of a child;
 - (2) to accompany their children to routine medical or dental appointments; and
 - (3) to accompany their elderly relatives to routine medical or dental appointments or other professional services.
2. Does this really change anything for Federal employees?
 - o Supervisors have discretion to grant employees time off for the purposes mentioned in the President's memorandum. The memorandum is important because it makes clear that the President wants agencies to help employees meet their family demands by granting up to 24 hours of unpaid leave. The memorandum will ensure that agencies--and front line supervisors -- establish and maintain a family friendly work environment.
3. Can employees use the 24 hours of leave without pay intermittently (i.e., 1 hour or 1 day at a time)?
 - o Yes.
4. What are the cost implications of this proposal?
 - o The use of 24 hours of leave without pay will not increase the Government's payroll costs. We believe the Government's commitment to its employees will lead to an overall increase in productivity as employees are better able to meet their work and family demands .

5. Didn't the President already propose legislation to address these needs?
 - o In September 1996, the President proposed the "Family Friendly Workplace Act of 1996" to Congress which included expanding the Family and Medical Leave Act of 1993 (FMLA). The proposed legislation would entitle public and private sector employees to up to 24 hours of unpaid leave each year to fulfill certain family obligations, such as participating in school activities, accompanying their children to doctor's appointments, and tending to elderly relatives' needs.
 - o Today the President has asked Congress to enact such legislation.
 - o In the interim, the President, by his action today, has enabled federal employees to benefit from these family-friendly policies.

6. Can the President require agencies to give employees 24 hours of unpaid leave for these purposes?
 - o Only Congress can create a legal right to this unpaid leave, but the President can make clear that he wishes agency supervisors to use their existing discretion to grant such leave on a routine basis and to the fullest extent consistent with their agency's mission.

7. Can't Federal employees already use sick leave for routine medical appointments (e.g., "well child visits") ?
 - o Yes. Federal employees may use sick leave for family care, including taking children to routine medical appointments. However, the use of sick leave for family care is limited for most employees to a total of 13 days each year. Approving the use of up to 24 hours of leave without pay for routine medical appointments will help newer employees with low sick leave balances, as well as employees who have exhausted their entitlement to use sick leave for family care as a result of coping with their own illness or that of family members.

8. Does an employee have to schedule the leave in advance?
 - o Where the need for leave is foreseeable (e.g., a scheduled parent-teacher conference or medical appointment), an employee should give 7 days' notice of his or her intent to use leave without pay for the purposes outlined in the President's memorandum. If the need for leave is not foreseeable, the employee should give such notice as is practicable.

9. Does this memorandum mean, in effect, that an employee is limited to only 24 hours of leave without pay each year for these purposes?
- o No. The President's memorandum encourages agencies to provide up to 24 hours of leave without pay each year for these purposes. However, this does not limit or prohibit an employee from requesting and receiving additional leave or other time off for school activities, routine family medical purposes, and elderly relatives' health needs.
10. Didn't the President already issue a memorandum on "Implementing Federal Family Friendly Work Arrangements" on June 21, 1996? What's new here?
- o In June 1996, the President directed agencies to review their personnel practices and develop a plan of action to use existing flexibilities and, to the extent feasible, expand their family friendly work arrangements. Since then, agencies have been working with the Vice President's National Performance Review, to, among other things, increase opportunities for telecommuting and obtaining referral services for child care and elder care.
 - o The current memorandum is the latest building block in a series of initiatives that is intended to further strengthen the Government's family friendly working environment.
11. Why doesn't the President's memorandum address compensatory time, the other half of the legislation?
- o The statutes governing Federal employees already provide compensatory time. Therefore, it was unnecessary to address it in the President's memorandum.

Fam - FMLA Expansion



Elizabeth Drye

04/09/97 04:09:35 PM



Record Type: Record

To: Elena Kagan/OPD/EOP, Anne H. Lewis/OPD/EOP
cc: Pauline M. Abernathy/OPD/EOP
Subject: June family-friendly memo from POTUS to agencies

Good news -- our memo on FMLA expansion works well with earlier memo. The 120 day reports POTUS requested from agencies on their family friendly activities are in. NPR released a short summary of the reports on March 7 (w/a cover letter from the VP). Agencies are providing referrals for edler and child care services, but none of the agencies reported efforts to provide leave for child and elder services. NPR staff think our memo will help move agencies along... and POTUS can take credit in his remarks for the progress we have made.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

June 24, 1996

June 21, 1996

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Implementing Federal Family Friendly Work Arrangements

I continue to believe that honoring and supporting the concerns of family members in the workplace is vital to good government and to a productive work force. In order to build on its record of support for families in the Federal workplace, the executive branch must continue to examine its practices and to implement the goals of the Presidential Memorandum of July 11, 1994. The Federal Government must continue to set the pace in transforming the culture of the American workplace so that it supports employees who are devoted to their families.

It is clear to me that whenever the Federal Government establishes a goal of providing civilian employees and military personnel with an environment supportive to families, the result is greater cost efficiency, increased worker commitment and productivity, better customer service, and improved family life.

Therefore, today I am directing all executive departments and agencies to review their personnel practices and develop a plan of action to utilize the flexible policies already in place and, to the extent feasible, expand their ability to provide their employees:

- (1) assistance in securing safe, affordable quality child care;
- (2) elder care information and referral services; ✓
- (3) flexible hours that will enable employees to schedule their work and meet the needs of their families. This includes encouragement to parents to attend school functions and events essential to their children; ✓
- (4) opportunities to telecommute, when possible, and consistent with their responsibilities, to achieve the goal of 60,000 telecommuters by 1998 as set by the President's Management Council. This includes telecommuting from home and from satellite locations;
- (5) policies and procedures that promote active inclusion of fathers as well as mothers;
- (6) an effective mechanism by which employees can suggest new practices that strengthen families and provide for a more productive work environment; and
- (7) leadership and participation in these policies and programs at the highest level of the agency.

The departments and agencies shall provide an initial report on the results of this review to the Vice President through the National Performance Review within 120 days of the date of this memorandum. This report should include an assessment of progress made towards specific goals and include innovative approaches and detailed success stories.

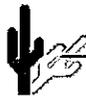
more

(OVER)

The National Performance Review, together with the Domestic Policy Council, the President's Management Council Working Group on Telecommuting, the Office of Personnel Management, and the General Services Administration will continue to work with the executive agencies as we move forward together to increase productivity through family friendly work environments.

WILLIAM J. CLINTON

#



Elizabeth Drye

04/04/97 04:47:17 PM



Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP
cc: Pauline M. Abernathy/OPD/EOP
Subject: FMLA Presidential Directive

Not sure what we're planning to do with this, but Anne Lewis (NEC) and I are working to get it ready to go by mid April. As you know, our legislative proposal extends the FMLA to cover an additional 24 hours for school activities, well-child check-ups, and care of an elderly relative won't. You should know that a memo from the President asking agencies to implement this policy administratively won't give federal employees any completely new benefits -- under existing law, supervisors can give employees leave without pay for these activities at the supervisors' discretion. Still, supervisors often say no, and OPM, Anne and I think that a memo from the President to the agencies stating they should implement this policy will make it much more likely that supervisors will approve leave requests. We recommend sending the memo, but not over-selling it. Not sure how newsworthy it is. (The legislation gives employees an entitlement to leave for these activities if they give 7 days notice; we can't give them that legal entitlement w/out legislation).

Ash ED - Ready by 17? Why not order?
Ask Bruce - enough?
willing?

File - FMLA expansion

THE WHITE HOUSE

WASHINGTON

Draft

August , 1996

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES**SUBJECT: Expanded Family Friendly Leave Policies**

At the Nashville Family Reunion Conference on June 24, 1996, I announced several new family friendly workplace proposals that our Administration intends to pursue through future legislation. As you know, we have strongly supported meeting employees' family and medical needs in the Federal Government through the enactment of the Family and Medical Leave Act and the Federal Employees Family Friendly Leave Act. However, Federal employees often have important family and medical needs which do not qualify for unpaid leave under the Family and Medical Leave Act or sick leave under the Federal Employees Family Friendly Leave Act. We can take immediate action to build upon our past efforts and improve our current program by expanding our existing Federal family and medical leave policies.

In my June 21, 1996, memorandum, I directed all executive departments and agencies to expand their ability to provide "flexible hours that will enable employees to schedule their work and meet the needs of their families. This includes encouragement to parents to attend school functions and events essential to their children." At Nashville, Vice President Gore and I also spoke of the need for additional flexibility to help employees deal with routine family medical demands and assisting older relatives. Therefore, as part of this effort to address the needs of Federal workers for time to support their families, I ask the heads of executive departments and agencies to take immediate action to use their existing authorities to ensure that employees may schedule and be granted up to 24 hours of annual leave, compensatory time off, credit hours, or leave without pay each year for the following purposes:

(1) **SCHOOL ACTIVITIES.** To allow employees to participate in school activities directly related to the educational advancement of a child. This would include parent-teacher conferences, interviewing for a new school, or participating in volunteer activities supporting the child's educational advancement.

(2) ROUTINE FAMILY MEDICAL PURPOSES. To allow parents to accompany children to routine dental or medical appointments, such as annual checkups or vaccinations. Although these activities are not covered by the Family and Medical Leave Act, the Federal Employees Family Friendly Leave Act does permit employees to use up to 13 days of sick leave each year for such purposes. However, agencies should assure that employees are able to use up to 24 hours of annual leave, compensatory time off, credit hours, or leave without pay for these purposes in the rare cases when sick leave is not available to the employees.

(3) OLDER RELATIVES' HEALTH NEEDS. To allow employees to accompany an elderly relative to routine medical appointments or other professional services related to the care of the elderly relative, such as making arrangements for housing, meals, phones, banking services, and other similar activities, when these activities are not covered by the Family and Medical Leave Act or the Federal Employees Family Friendly Leave Act.

Although executive departments and agencies generally approve employees' requests to take annual leave, sick leave (as appropriate for routine family medical purposes under the Federal Employees Family Friendly Leave Act), compensatory time off, credit hours, and leave without pay for these purposes, the new policy will assure that employees can schedule and receive up to 24 hours away from the job each year for these exceptional family and medical circumstances. Since this leave would not be covered by the Family and Medical Leave Act, it is in addition to the 12 weeks of unpaid leave that is already available to Federal employees under the Act. To the extent possible, I urge you to accommodate employee needs as mission requirements permit even when it is not possible for employees to anticipate or schedule leave in advance for these purposes.

I encourage you to use a partnership approach with your employees and their representatives in developing an effective program that balances the employees' need to succeed at work and at home. I ask agencies, unions, and management associations to work together to assess and improve the use of family friendly programs and to make certain that employees are aware of the new leave procedures.

F:\M5\CLAY\CLAY.001

ILL.C.

F/1/9/97

(Original signature of Member)

106TH CONGRESS
1ST SESSION

H. R.

IN THE HOUSE OF REPRESENTATIVES

Mr. CLAY introduced the following bill, which was referred to the Committee
on _____

A BILL

To amend the Family and Medical Leave Act of 1993 and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE AND REFERENCE.

4 (a) SHORT TITLE.—This Act may be cited as the
5 "Family and Medical Leave Improvements Act of 1997
6 "

7 (b) REFERENCE. Whenever in this Act (other than
8 in section 4) an amendment or repeal is expressed in terms
9 of an amendment to, or repeal of, a section or other provi-

FAMG\CLAY\CLAY.001

H.L.C.

2

1 sion, the reference shall be considered to be made to a
2 section or other provision of the Family and Medical Leave
3 Act of 1993.

4 SEC. 2. COVERAGE OF EMPLOYEES.

5 Paragraphs (2)(B)(ii) and (4)(A)(i) of section 101
6 (29 U.S.C. 2611 (2)(B)(ii) and (4)(A)(i)) are each amend-
7 ed by striking "50" each place it appears and inserting
8 "25".

9 SEC. 3. GENERAL REQUIREMENTS FOR LEAVE.

10 (a) ENTITLEMENT TO LEAVE.—Section 102(a) (29
11 U.S.C. 2612(a)) is amended by adding at the end the
12 following:

13 "(3) ENTITLEMENT TO PARENTAL INVOLVE-
14 MENT AND ELDER-CARE LEAVE.—

15 "(A) IN GENERAL.—Subject to section
16 103(f), an eligible employee shall be entitled to
17 a total of 24 hours of leave during any 12-
18 month period, in addition to leave available
19 under paragraph (1), to—

20 "(i) participate in school activities di-
21 rectly related to the educational advance-
22 ment of a son or daughter of the employee,
23 such as parent-teacher conferences or
24 interviewing for a new school.

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“(ii) accompany the son or daughter of the employee to routine medical or dental appointments, such as checkups or vaccinations; and

“(iii) accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to the elder's care, such as interviewing at nursing or group homes.

“(B) DEFINITIONS.—As used in this paragraph:

“(i) SCHOOL.—The term ‘school’ means an elementary school or secondary school (as such terms are defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), a Head Start program assisted under the Head Start Act (42 U.S.C. 9831 et seq.), and a child care facility licensed under State law.

“(ii) ELDERLY RELATIVE.—The term ‘elderly relative’ means an individual of at least 60 years of age who is related by

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1 blood or marriage to the employee, includ-
2 ing a parent."

3 (b) SCHEDULE.—Section 102(b)(1) (29 U.S.C.
4 2612(b)(1)) is amended by inserting after the second sen-
5 tence the following: "Leave under subsection (a)(3) may
6 be taken intermittently or on a reduced leave schedule."

7 (c) SUBSTITUTION OF PAID LEAVE.—Section
8 102(d)(2)(A) (29 U.S.C. 2612(d)(2)(A)) is amended by
9 inserting before the period the following: ", or for leave
10 provided under subsection (a)(3) for any part of the 24-
11 hour period of such leave under such subsection"

12 (d) NOTICE.—Section 102(e) (29 U.S.C. 2612(e)) is
13 amended by adding at the end the following:

14 "(3) NOTICE FOR PARENTAL INVOLVE-
15 MENT AND ELDERCARE LEAVE.—If the neces-
16 sity for leave under subsection (a)(3) is foresee-
17 able, the employee shall provide the employer
18 with not less than 7 days notice before the date
19 the leave is to begin. If the necessity for leave
20 is not foreseeable, the employee shall provide
21 such notice as is practicable."

22 (e) CERTIFICATION.—Section 103 (29 U.S.C. 2613)
23 is amended by adding at the end the following:

24 "(f) CERTIFICATION FOR PARENTAL INVOLVEMENT
25 AND ELDER-CARE LEAVE.—An employer may require

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1 that a request for leave under section 102(a)(3) be sup-
2 ported by a certification issued at such time and in such
3 manner as the Secretary may by regulation prescribe."

4 SEC. 4. LEAVE FOR CIVIL SERVICE EMPLOYEES.

5 (a) ENTITLEMENT TO LEAVE.—Section 6382(a) of
6 title 5, United States Code, is amended by adding at the
7 end the following:

8 "(3)(A) Subject to section 6383(f), an em-
9 ployee shall be entitled to a total of 24 hours
10 of leave during any 12-month period, in addi-
11 tion to leave available under paragraph (1), to:

12 "(i) participate in school activities di-
13 rectly related to the educational advance-
14 ment of a son or daughter of the employee,
15 such as parent-teacher conferences, or
16 interviewing for a new school;

17 "(ii) accompany the son or daughter
18 of the employee to routine medical or den-
19 tal appointments, such as checkups or vac-
20 cinations; and

21 "(iii) accompany an elderly relative of
22 the employee to routine medical or dental
23 appointments or appointments for other
24 professional services related to the elder's

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1 care, such as interviewing at nursing or
2 group homes.

3 "(B) As used in this paragraph:

4 "(i) The term 'school' means an ele-
5 mentary school or secondary school (as
6 such terms are defined in section 14101 of
7 the Elementary and Secondary Education
8 Act of 1965 (20 U.S.C. 8801)), a Head
9 Start program assisted under the Head
10 Start Act (42 U.S.C. 9831 et seq.), and a
11 child care facility licensed under State law.

12 "(ii) The term 'elderly relative' means
13 an individual of at least 60 years of age
14 who is related by blood or marriage to the
15 employee, including a parent."

16 (b) SCHEDULE. Section 6382(b)(1) of such title is
17 amended by inserting after the second sentence the follow-
18 ing: "Leave under subsection (a)(3) may be taken inter-
19 mittently or on a reduced leave schedule."

20 (c) SUBSTITUTION OF PAID LEAVE. Section
21 6382(d) of such title is amended by inserting before "
22 except" the following: ", or for leave provided under sub-
23 section (a)(3) any of the employee's accrued or accumu-
24 lated annual leave under subchapter I for any part of the
25 24-hour period of such leave under such subsection"

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CONGRESSIONAL RECORD -- EXTENSIONS

Tuesday, January 7, 1997

105th Congress, 1st Session

105th Cong Rec E 57

REFERENCE: Vol. 143, No. 1

TITLE: INTRODUCTION OF LEGISLATION TO EXPAND THE PROTECTIONS OF THE FAMILY AND

TEXT:

MEDICAL LEAVE ACT

HON. WILLIAM (BILL) CLAY

of Missouri

in the house of representatives

Tuesday, January 7, 1997

Mr. CLAY. Mr. Speaker, today I am introducing legislation to expand the protections afforded by the Family and Medical Leave Act of 1993 (FMLA). The legislation I am introducing is substantially similar to legislation introduced in the last Congress by our distinguished former colleague, Patricia Schroeder.

The FMLA grants employees the right to unpaid leave in the event of a family or medical emergency without jeopardizing their jobs. As former chairman of the Subcommittee on Labor-Management Relations of the Committee on Education and Labor, I was privileged to work closely with pat Schroeder,

the Hon. Marge Roukema, Senator Chris Dodd, our former colleague the Hon. William D. Ford, and others to bring about the enactment of this important law. Necessarily, many compromises were made to bring about this precedent setting legislation.

Among the most important of those compromises was one that limited the applicability of the law to employers of 50 or more employees. My original intention had been to extend the law to employers of 25 or more employees. However, because of uncertainty regarding the impact of the law on employers and in order to increase support for the legislation, I agreed to accept the 50 employee threshold.

The effect of this compromise was to leave approximately 15 million employees outside of the protections afforded by the FMLA. The fact that an employee may work for an employer of 40 rather than 50 people does not immunize that employee from the vicissitudes of life, nor diminish that employee's need for the protections afforded by the FMLA.

The FMLA was signed into law on February 5, 1993. Experience has shown that the law does not unduly disrupt employer operations. Not only are the costs to employers of complying with the law negligible, but in many instances the FMLA has led to improvements in employer operations by improving employee morale and productivity, and by reducing employee turnover. Experiences has also shown that the protections afforded by the law are not only beneficial, but are essential in enabling workers to balance the demands of work and home when faced with a family or medical emergency. In short, we have now had sufficient experience under the law to justify extending the law to employers of 25 or more employees.

Beyond expanding the number of workplaces that are protected by the FMLA, the bill I am introducing also allows workers to take up to 24 hours of FMLA leave for the purpose of participating in school activities, to accompany children to routine dental or medical appointments, or to accompany an elderly relative to routine medical appointments or other professional services. The 24-hour provision was also originally a part of Mrs. Schroeder's legislation. However, I have modified those provisions to reflect a similar proposal that has been put forward by President Clinton. I urge my colleagues to support this legislation.

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DRAFT

1/10/97 DRAFT

Clay FMLA Improvements Act of 1997

Congressman Clay introduced the Family and Medical Leave Improvements Act of 1997 on January 7. It proposes the same expansion of FMLA leave rights proposed by President Clinton in September 1996, to allow 24 additional hours of FMLA leave a year for parental involvement and elder care needs, with the added feature from the Dodd/Schroeder FMLA proposal introduced last year to lower the coverage and employee eligibility thresholds from 50 employees to 25 employees. According to the sponsor's statement on introduction, lowering the employee threshold to 25 would provide FMLA protections to an additional 15 million employees.

Basic Provisions:

- Reduces FMLA's 50-employee threshold to 25 employees, in both the definitions for "eligible employee" and "employer."
- Grants 24 additional hours of leave a year to "participate in school activities directly related to the educational advancement of a son or daughter" such as parent-teacher conferences or interviewing for a new school; to accompany a son or daughter to routine medical or dental appointments; and to accompany an "elderly relative" to routine medical or dental appointments or other appointments related to the elder's care, such as interviewing at nursing or group homes.
- "School" is defined to include an elementary or secondary school (as defined under the Elementary and Secondary Education Act of 1965), a Head Start program under the Head Start Act, and a child care facility licensed under State law.
- "Elderly relative" is defined as an individual at least 60 years old who is related by blood or marriage, including a parent.
- Allows employees to take the expanded FMLA leave entitlements intermittently or on a reduced leave schedule basis.
- Allows employees to elect, or an employer to require an employee, to substitute accrued paid vacation, personal or family leave for the expanded FMLA leave entitlements that are taken.
- Provides for employees to give advance notice to their employers of their need to use the expanded FMLA leave entitlement - at least seven days if the need for leave is foreseeable; as soon as practicable if not foreseeable.
- Allows an employer to ask for a certification from the employee to support a request for leave for parental involvement or elder care purposes, provided in such time and manner as prescribed in regulations by the Secretary of Labor.
- Additional provisions amend Title 5 of the USC to extend the same expanded FMLA leave entitlements to Federal employees.
- The Act would take effect 120 days after enactment.

REVISED DRAFT - 6/19/96

Extending FMLA Coverage

Total private sector workforce of 95.1 million

16.5 percent of workers are employed by employers with 20 - 49 employees

Thus, about 15.7 million more workers would be employed by FMLA-covered employers if the Act's coverage threshold were reduced from 50 to 20 employees¹

But, only about 83 percent of employees of covered employers are eligible for FMLA benefits²

Thus, we estimate that up to approximately 13 million more workers would be eligible to receive the benefits of the FMLA if the Act's coverage threshold were reduced from 50 to 20 employees³

Potential Impact of "Comp Time" Proposal

68.3 million workers - 57.3 percent of the entire wage and salary workforce - are hourly workers

With a median hourly wage rate of \$8.17 per hour, half of these hourly workers - more than 34 million - would earn less than \$16,350 per year if they worked full-time, with no overtime or second jobs

Nearly 16 million hourly workers earn less than \$6 per hour, earning less than \$12,000 per year if they worked full-time, with no overtime or second jobs

More than 42 million hourly workers - nearly two-thirds of all hourly workers - earn less than \$10 per hour, earning less than \$20,000 per year if they worked full-time, with no overtime or second jobs

¹ But, of course, one of the eligibility criteria - that the employee work at a facility where there are at least 50 employees within 75 miles - would also have to be adjusted.

² Smaller employers can be expected to have a somewhat smaller proportion of eligible workers than larger employers, so the 83 percent probably represents an overestimate.

³ With the necessary change in one of the Act's eligibility criteria, discussed above, more employees of larger employers would also become eligible for FMLA's benefits.