

# ADOPTING MATERNITY LEAVE

A REPORT FROM  
POLICY MATTERS OHIO

AMANDA WOODRUM

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## AUTHOR

Amanda Woodrum is our policy liaison and lead staffperson on energy issues. Amanda received both a master's in economics and a law degree from the University of Akron, as well as a bachelor's from Bowling Green State University. Amanda founded the Akron law student newspaper and served as its editor-in-chief, and co-authored an article on Ohio's constitutional provision for education that has been referenced in a number of court cases. She also clerked for the Cleveland law department and the Summit County Council (where she received a commendation for commitment to public service).

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I hope someday both women and men will be given proper credit for the value of their dual roles as workers and as parents.

**POLICY MATTERS OHIO**, the publisher of this study, is a nonprofit, nonpartisan research institute dedicated to researching an economy that works for Ohio. Policy Matters seeks to broaden debate about economic policy by doing research on issues that matter to working people and their families. With better information, we can achieve more just and efficient economic policy. Areas of inquiry for Policy Matters include work, wages, education, housing, energy, tax and budget policy, and economic development.

## Executive Summary

In order to clarify the rights of pregnant employees and the obligations of employers, the Ohio Civil Rights Commission is considering changes to the Ohio rule regarding pregnancy discrimination in the workplace. Policy Matters conducted a review of current literature on maternity leave in order to help inform the Commission's decision on this issue.

The federal Family Medical Leave Act guarantees 12 weeks of unpaid leave to employees at medium and large workplaces with at least a year of employment. This covers about 60 percent of U.S. and Ohio workers, ensuring that 3.3 million Ohio men and women can take unpaid family leave to care for a newborn or newly-adopted child.

Because of exemptions in the FMLA, however, a substantial minority of workers – about 2.2 million Ohioans - are not covered by the Family Medical Leave Act. Employers of these workers sometimes offer maternity leave, but they lack clear guidelines about how to do so, unlike in most other countries. Of 168 nations analyzed in one study, 163 provided **paid** leave for women for childbirth, while the U.S. does not even guarantee unpaid leave.

The Ohio Civil Rights Commission is considering clarifying Ohio rules to ensure that all pregnant women are guaranteed at least 12 weeks of unpaid leave. This would provide a minimum acceptable time for women to give birth, recover, rest, get post-natal care, begin breastfeeding, bond with their babies, and provide for initial neo-natal follow-up care and immunizations. Less time is insufficient to begin these important tasks.

When employers do not provide sufficient maternity leave, women either return to work before they and their children are ready or leave their jobs. In the first case, maternal and child health and well-being can suffer. In the second case, economic hardship can result, sometimes lasting years as career paths are interrupted.

Employers need guidance on what constitutes adequate leave to avoid discouraging women from participating in the labor force. Because the leave is unpaid and known about in advance, this modest imposition on employers may be more cost effective than current practices.

Policy Matters' review of existing literature found that most workplaces offer some form of family leave. Nationally 83 percent of workers are eligible for some paid or unpaid leave. Yet an estimated 445,000 Ohio working women are not eligible for any leave at all for pregnancy and childbirth. Workers that are paid less, work for smaller employers, or are in the service sector are much less likely to get this basic protection. However, lack of maternity leave protection affects workers in every sector and at different compensation levels.

Providing unpaid leave is a modest burden for employers according to surveys and existing data. Of employers required to grant leave under FMLA, 71 percent do not find the use of leave for birth or adoption to be a challenge. Only 4.8 percent of employed women give birth in a given year and only 3.1 percent of employees (men and women) take leave to care for a new child

Maternity leave is increasingly necessary. Three quarters of women over age 22 now work while pregnant and 60 percent of these women work into their last month of pregnancy. A large majority of women return to work within a year of giving birth, and most of those (79 percent) return to the same employer. In Ohio, 70 percent of mothers with children under the age of six are in the labor force.

Adequate maternity leave encourages women's employment, which has economic and labor market advantages: labor market productivity and diversity increases, economic well-being is stabilized, job retention increases, turnover and replacement costs decline. Employed, pregnant women with paid or unpaid leave return to their previous jobs after giving birth at a rate of 64 percent, compared to 44 percent for those without leave.

Adequate leave also confers health benefits. Longer leaves increase breastfeeding rates, bonding time, maternal attention, and immunization levels, all factors associated with better lifelong health outcomes.

Eighteen states and the District of Columbia now require private employers to provide some form of job-protected leave. A few states are going further and enacting paid leave laws. California provides over 13 million male and female workers with partial wages for up to six weeks a year to care for a newborn, newly adopted or foster child.

Twenty-six states have policies that give public employees the option to use sick leave to care for newborns, six states have laws allowing private employees to do the same and other states have put in place special protections for temporarily disabled or low-income families that can be used in some pregnancy leaves.

The national government and other states have enacted policies to support women during pregnancy because it is in society's interest to do so. Without provisions for maternity leave, women are forced to choose between employment on the one hand and fully recovering from childbirth and caring for their newborns on the other. Forcing women to choose between motherhood and their livelihood is not a good for society, children, women, or employers.

The Civil Rights Commission should follow the lead of these states and the national government to provide a clear minimum standard of 12 unpaid weeks of maternity leave for all pregnant employees.

## Adopting Maternity Leave

Americans recognize that we all have an interest in children getting a good start in life. Increasing evidence suggests that children benefit from time spent by parents to bond with their new babies and for mothers to breastfeed their biological children—from improved brain and social development to better overall well-being. Parental leave also leads to better pre- and post-natal care, increases the likelihood that children will be immunized, and lowers infant mortality rates.<sup>1</sup>

Federal law requires large employers to grant new parents unpaid parental leave, under the Family Medical Leave Act (FMLA), because of the recovery time associated with childbirth, the extensive work associated with having a new child, the importance of bonding with a newborn infant or a newly adopted child, and the health benefits of breastfeeding. The FMLA guarantees 12 weeks of unpaid leave to all employees that have been with their employer for a year, work 20 hours or more a week, and have an employer with 50 or more employees. About 60 percent of employees in the United States have access to family leave through FMLA coverage. The Family Medical Leave Act provides approximately 3.3 million men and women in Ohio the opportunity to take family leave to care for their newborn. Because of the exemptions in the FMLA, however, a substantial minority of workers are not covered by the Family Medical Leave Act (2.2 million Ohioans).

The Ohio Civil Rights Commission should make a clear mandate requiring the rest of Ohio's employers to provide the same minimum 12 weeks of unpaid maternity leave to pregnant women.<sup>2</sup> Twelve weeks gives a minimal acceptable time for both medical leave and parental leave, so that a woman can get the necessary pre-natal care, give birth, recover from giving birth, rest, get the necessary post-natal care, begin the breastfeeding process, bond with her baby, and provide for initial follow-up care and immunizations.

Women should not be forced to choose between motherhood and a livelihood. Inflexible workforce policy discourages the participation of women in the labor force. When employers do not provide maternity leave, or the sufficient amount of leave, pregnant women are more likely to quit their jobs, and less likely to return to the labor force quickly.<sup>3</sup> Employers need guidance on what is the sufficient amount of time for pregnant women in order to avoid discouraging women from participating in the labor force.

In the relatively rare situation of that a woman gets pregnant and needs maternity leave—only 48 in every 1000 employed women given birth in a given year—it is no major

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<sup>1</sup> C. J. Ruhm, UNC-Greensboro & National Bureau for Economic Research, *The Effects of Parental Employment and Parental Leave on Child Health and Development* (2002).

<sup>2</sup> Minus the small percentage of employees working in firms with less than 4 employees that the proposed rule would not cover.

<sup>3</sup> S. Guendelman, M. Pearl, S. Graham, V. Angulo, & M. Kharrazi, *Utilization of Pay-in Antenatal Leave Among Working Women in Southern California*, MATERNAL AND CHILD HEALTH JOURNAL, VOL. 10(1), pp. 63-72 (2006).

inconvenience for Ohio employers to hold on to a woman's job for 12 weeks.<sup>4</sup> Based on a survey on family leave, conducted by the U.S. Department of Labor, only 1.3 percent of all employees take maternity-disability leave, and only 3.1% take leave to care for a newborn, newly adopted, or newly placed foster child (and the latter includes both men and women taking parental leave). Of employers required to provide family leave under the FMLA, 71% do not find the use of leave by employees for the birth or adoption of a child to be a challenge. Employers are given advance notice, so they can adjust accordingly.

In fact, most workplaces already offer some form of family leave, whether of their own volition or because they are required to do so by the Family Medical Leave Act. Nearly all employers already provide leave for maternity-related reasons (94% of employers covered by the national Family Medical Leave Act, and 66% of those not covered).<sup>5</sup> Table 1 shows the number of employees, nationally, with access to either paid or unpaid family leave.

**Table 1. *Percent of Private U.S. Workers with Access to Paid and/or Unpaid Family Leave, 2007 (as replicated from IWPR and sourced below)***

Characteristics	Family Leave*	
	Paid	Unpaid
All Workers	8%	83%
Management, Professional and related Service	14%	90%
Sales and Office	5%	79%
Natural resources, construction, and maintenance	9%	84%
Production, transportation, and material moving	6%	75%
	4%	84%
Full-time		
	9%	86%
Part-time		
	5%	73%
Average wages less than \$15 per hour		
	5%	80%
Average wages \$15 per hour or higher		
	11%	88%
Establishment size		
1 to 99 workers		
	6%	75%
100 workers or more		
	10%	93%

*\*Some workers have access to both paid and unpaid leave, so the numbers do not sum for a total.*  
*Source:* Replicated from Table 3, Institute for Women's Policy Research, Fact Sheet on Maternity Leave in the United States found at <http://www.iwpr.org/pdf/parentalleaveA131.pdf>

<sup>4</sup>2002 Current Population Survey, U.S. Census Bureau.

<sup>5</sup> U.S. Department of Labor FMLA Survey 2001, *Ch. 2 Employees Use of Leave*, found at [www.dol.gov/esa/whd/fmla/fmla/chapter1.htm](http://www.dol.gov/esa/whd/fmla/fmla/chapter1.htm).

In Ohio, that means the vast majority of employees already have unpaid leave, and a small number of Ohioans have paid leave. Table 2 estimates the number of workers who have some form of family leave.

<b>Table 2. Number of Ohio Workers Who Already Have Access to Paid and/or Unpaid Family Leave (<i>estimated</i>)</b>			
	<b>Total Workers</b>	<b>Family Leave Access*</b>	
		<b>Paid</b>	<b>Unpaid</b>
<b>All Workers</b>	5.48 million	440,000	4.55 million
<b>Management, Professional and related</b>	380,000	53,000	340,000
<b>Service</b>	1.85 million	92,000	1.46 million
<b>Sales and Office</b>	430,000	39,000	361,000
<b>Natural resources, construction, and maintenance</b>	1.08 million	65,000	812,000
<b>Production, transportation, and material moving</b>	1.02 million	41,000	858,000
<b>1 to 99 workers</b>	1.90 million	114,000	1.43 million
<b>100 workers or more</b>	3.58 million	358,000	3.33 million

*\*Some workers have both paid and unpaid leave, therefore the numbers do not sum across for a total.*

*Sources: 2006 American Community Survey on Employment in Ohio, U.S. Census Bureau Statistics of U.S. Businesses: 2004: All Industries: Ohio, Institute for Women's Policy Research (statistics from Table 1).*

## **Workforce policies need to be updated to reflect changing workforce patterns.**

Women incorporate work with both childbearing and childrearing. Women work while pregnant, they work long into their pregnancies, and they return to work more rapidly after giving birth than they did in previous decades. Based on a Current Population Report released by the U.S. Census Bureau in 2005, detailing maternity leave patterns over the last four decades, three quarters of women over the age of 22 now work while pregnant, and 60 percent of these women work into their last month of pregnancy.<sup>6</sup> A large majority of women return to work within a year after giving birth, and most of these women return to the same employer (79%). Nearly three quarters of mothers are in the labor force (72.9%). In Ohio, 70 percent of mothers with children under the age of six are in the labor force.<sup>7</sup>

When pregnant women get fired or discouraged from taking maternity leave—or when they quit because they do not have maternity leave benefits—they lose more than just their jobs: their career paths are put into jeopardy. This is part of the reason why women continue to get paid less than men and hold the majority of low-wage jobs. Ohio employers and employees need clear guidance to ensure that women take a sufficient amount of leave to

<sup>6</sup> J. Overturf Johnson & B. Downs, Current Population Reports, *Maternity Leave and Employment Patterns of 1st-Time Mothers: 1961-2000* (Oct. 2005).

<sup>7</sup> U.S. Census Bureau, *2006 American Community Survey*.

increase the likelihood of a healthy childbirth and full recovery, and to spend adequate time with new children. Requiring employers to provide 12 weeks of unpaid leave provides a clear minimum for employers to follow.

### **The Social Benefits of Maternity Leave.**

The productivity of the labor market increases with participation of women in the labor force. Women increase the supply of labor, and diversify the mix of labor, yielding better results from the labor market. Women are more likely to remain attached to the labor force if they are granted maternity leave benefits. Absence of maternity leave benefits, on the other hand, deters women from returning to the workforce after giving birth.

The first few months of a child's life are critical.<sup>8</sup> Infants, mothers, and society benefit when women can spend time with their newborn babies or recently adopted children.<sup>9</sup> Women who are able to take leave to care for their newborns are more likely to breastfeed their babies, and breastfeeding has well-documented health benefits. Women also need time to bond with newborns or newly adopted children. Bonding during parental leave improves bonding over the child's entire lifetime as well. Infants benefit from the increased amount of maternal care—their brains develop better, they develop better socially, and their overall well-being improves. Studies show parental leave increases the likelihood that children will be immunized, and results in lower death rates for babies.<sup>10</sup>

Job-protected leave encourages employers to treat employees as long term investments. Employers who expect their employees to remain employed with them in the long run invest in training for those employees and adopt strategies requiring the use of skilled workers—the kind of strategies that are essential for Ohio to remain competitive in a global marketplace. A study of 168 countries found that 163 of them not only provided leave for women for childbirth, but provided leave with pay.<sup>11</sup>

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<sup>8</sup> National Partnership, *Expecting Better*, see note supra.

<sup>9</sup> Herrod, H.G. (2007), *Do first years really last a lifetime?* CLINICAL PEDIATRICS, 46 (3), 199-205. (showing that poor nurturing can lead to multiple behavioral and developmental problems); Heckman, J.J. (2006), *Investing in economically disadvantaged young children is an economically efficient policy*. Paper presented at "Building the Economic Case for Investments in Preschool." Can be found at [http://www.ced.org/docs/report/report\\_2006prek\\_heckman.pdf](http://www.ced.org/docs/report/report_2006prek_heckman.pdf); Karrass, J. & Walden, T.A. (2005), *Effects of nurturing and non-nurturing care giving on child social initiatives: An experimental investigation of emotion as a mediator of social behavior*, SOCIAL DEVELOPMENT, 14(4), 685- 700 (examining the effect of the disruption of attachment in infancy on behavioral issues). Gunnar, M.R., & Cheatham, C.L. (2003). *Brain and behavior interface: Stress and the developing brain*, INFANT MENTAL HEALTH JOURNAL, 24(3), 195-211 (Examining the effects of nurturing of infants on stress level and development in later early childhood).

<sup>10</sup> C.J. Ruhm, *Parental Leave on Child Health*, see note supra.

<sup>11</sup> National Partnership, *Expecting Better*, see note supra.

## The Benefits of Maternity Leave for Female Employees.

Twelve weeks of unpaid leave surrounding childbirth allow women to recover from childbirth and set their new children on a good path. Women report having physical side effects five weeks after giving birth. Plus, the well-being of mothers is closely linked to the well-being of their children.

Maternity leave benefits also encourage women to participate in the labor force, and increase their attachment to the labor market—yielding income improvements for women over their lifetimes. Many women delicately balance work and family responsibilities, as well as income and expenses.<sup>12</sup> When a pregnant woman is unable to take leave to give birth and care for her newborn, everything can come toppling down – 25 percent of poverty spells begin with a pregnancy.<sup>13</sup> If a woman must quit her job or is fired because she is pregnant, she may even lose the health insurance that pays for the costs of giving birth. Plus, low-income families are the least likely to have family leave. Only 43 percent of employees with incomes less than \$20,000 are covered by the FMLA act and eligible.<sup>14</sup>

## The Benefits of Maternity Leave for Employers.

Maternity leave enhances job retention, and reduces employee turnover and replacements costs.<sup>15</sup> Unpaid leave increases the likelihood that employees will return to their jobs. Paid leave is even more strongly associated with job retention. Employed, pregnant women who have paid or unpaid leave return to their previous employment after giving birth at a rate of 64 percent, while women in firms without maternity leave have only a 44 percent likelihood of returning to their previous employment.

## The Costs of Maternity Leave for Employers.

Costs of unpaid maternity leave to employers are modest. These costs tend to be overestimated, even before benefits of maternity leave are factored in.<sup>16</sup> As previously mentioned, approximately 48 employed out of every 1000 employed women give birth during a given year. Women who use maternity leave do so cautiously. Of the women eligible for unpaid leave under the Family Medical Leave Act, 78% reported not taking the entire leave because they could not afford to do so.<sup>17</sup> Without paid leave, women take an

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<sup>12</sup> Center for Law and Social Policy, *Letter to Richard M. Brennan of the U.S. Department of Labor* (in response to a request for information regarding the operation of the Family and Medical Leave Act of 1993).

<sup>13</sup> National Partnership for Women & Families, *Expecting Better: A State-by-State Analysis of Parental Leave Programs*, p. 7

<sup>14</sup> M. Naples & M. Frank, Institute for Women's Policy Research, *The Fiscal Viability of New Jersey Family Leave Insurance* (2002).

<sup>15</sup> Email exchange with Jodie Levin-Epstein, Deputy Director, Center for Law and Social Policy (CLASP).

<sup>16</sup> C. L. Baum II, *The effect of state maternity leave legislation and the 1993 Family and Medical Leave Act on employment and wages*, *LABOUR ECONOMICS* 10, pp. 573-596 (2003).

<sup>17</sup> National Partnership, *Expecting Better* at p.12, see note supra.

average of 6.6 weeks off after childbirth. However, they take longer when they can afford to do so.

Nearly all employers already provide leave for maternity-related reasons—nationally this includes 94% of employers covered by the national Family Medical Leave Act, and 66% of those not covered—significantly reducing any effect the requirement has on employers. In a survey conducted by the Society of Resource Management, 71 percent of employers reported experiencing no challenges in administering FMLA leave for the birth or adoption of a child.<sup>18</sup>

Employer costs for providing unpaid maternity leave are often less than turnover costs.<sup>19</sup> Employers retaining their employees have three choices when faced with a woman who needs unpaid maternity leave: invest in a temporary replacement, redistribute work to other employees, or put the work on hold. It is more common for employers to redistribute work or put the work on hold. If the work is redistributed to other employers, there may be some temporary inconveniences to co-workers and possibly some overtime pay. If the absent worker is not replaced and not paid, and work is put on hold, there are no wage costs.

Under the FMLA, only 12.7 percent of employees who reported taking at least 12 weeks leave said that a temporary worker had been hired for the position. Temporary employees will not be paid more than they are able to produce for the employer. They will likely produce less than the permanent employee they are replacing, but the lesser cost of a temporary employee is likely to equally reflect that decreased productivity.<sup>20</sup>

Retaining the employee may save money by avoiding the costs associated with hiring and training a permanent replacement. Replacement costs for employees range from a few thousand dollars to over \$100,000 for a top executive. The cost of hiring and training a permanent replacement depends on the nature of the position— higher skill jobs typically result in larger replacement costs. Estimates of these turnover costs range from 25 percent of an employee's annual salary to 200 percent.<sup>21</sup> Hiring a temporary replacement, temporarily redistributing work, or putting the work on hold for twelve weeks can be cheaper than hiring and training a permanent replacement.

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<sup>18</sup> Federal Register, Department of Labor, *Family and Medical Leave Act Regulations: A Report on the Department of Labor's Request for Information [on proposed rule]*, fn. 6 (June 28, 2007).

<sup>19</sup> C. L. Baum II, *The effect of state maternity leave legislation and the 1993 Family and Medical Leave Act on employment and wages*, *LABOUR ECONOMICS* 10, pp. 573-596 (2003).

<sup>20</sup> Vicky Lovell, Ph.D., *Valuing Good Health: An Estimate of Costs and Savings from the Healthy Families Act*, Institute for Women's Policy Research at <http://www.iwpr.org/pdf/B248.pdf> (citing Cantor, David, Jane Waldfogel, Jeffrey Kerwin, Mareena McKinley Wright, Kerry Levin, John Rauch, Tracey Hagerty, and Martha Stapleton Kudela. 2001. *Balancing the Needs of Families and Employers: Family and Medical Leave Surveys*. Washington, DC: U.S. Department of Labor at <http://www.dol.gov/asp/fmla/main2000.htm>, January 20, 2001).

<sup>21</sup> J. Levin-Epstein of the Center for Law & Social Policy, *High Wire Act: Balancing Families and Jobs at Precarious Points*, Fulbright New Zealand (2004).

There are also costs to employers for requiring women who return to work without enough leave time.<sup>22</sup> The concept of ‘presenteeism’ describes a situation in which employees are present at work but underperforming because of they are overly fatigued, have not had the opportunity to recover emotionally and physically from childbirth, or are distracted and stressed about not being at home with their newborn.

***A majority of employers, both large and small, already recognize the net value of retaining their pregnant employees and provide maternity leave to them.*** In fact, employers are increasingly offering *paid* maternity leave. According to a Current Population Report released by the Census Bureau in 2005, detailing trends in maternity leave benefits over the last four decades, nearly half of employers now offer paid leave benefits to full-time pregnant employees.<sup>23</sup>

***Market Barriers Exist for Determining the Value of Maternity Leave Benefits.*** Imperfect information exists for many employers on how to appropriately value the costs and benefits of maternity leave—creating a market barrier for maternity leave benefits. There are also income-related barriers: low-wage jobs are less likely to provide for maternity leave. Therefore, it is necessary and appropriate for policymakers to step in to help determine the value of maternity leave benefits and define minimum standards for women of all incomes.

***Policymakers are stepping in across the nation to value maternity leave.*** The federal government provides some relief to women through the Family Medical Leave Act in 1993. This law grants 12 weeks of unpaid leave to eligible employees giving birth, and requires employers to give mothers their old jobs back and continue providing health coverage. Eligible mothers include those who work in firms with 50 or more employees, have been employed for a year, and have accumulated 1250 work hours during the year. Most of Ohio’s workers are employed by firms with fifty of more employees. The FMLA provides another bonus to entice employees to large firms (while further reducing the competitiveness of small firms). Supporters of the Family Medical Leave Act argued that 12 weeks of unpaid leave gives women time to both physically and emotionally recover, gives infants more time in maternal care, and benefits employers by facilitating a mother’s return to work and making it unnecessary to hire and train permanent replacement workers.

A number of states recognize the social benefits of maternity leave, and provide support for mothers in their dual roles in work and home life. Eighteen states and the

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<sup>22</sup> See Equal Employment Opportunity Commission at <http://www.eeoc.gov/types/pregnancy.html> (Pregnancy discrimination not only harms women in the labor market, but it can also be costly for employers. Over the last 10 years, victims of pregnancy discrimination received over \$100 million in settlements from employers through the Equal Opportunity Commission in 2002, and that doesn’t include monetary awards victims received through litigation efforts. And the number of pregnancy discrimination complaints trends upward).

<sup>23</sup> J. Overturf Johnson & B. Downs, Current Population Reports, *Maternity Leave and Employment Patterns of 1st-Time Mothers: 1961-2000* (Oct. 2005).

District of Columbia require private employers to provide some form of job-protected leave.<sup>24</sup> *See Appendix* for list of states and their requirements. State rules vary on who is covered, eligibility requirements, and the length of leave. A few states are going further and enacting paid leave laws.<sup>25</sup> California has the most comprehensive family and medical leave program—providing over 13 million male and female workers with partial wages to take family leave (up to six weeks of paid leave a year to care for a newborn, newly adopted or foster child, and depending on the circumstances up to 50 weeks of unpaid leave a year to recover from pregnancy or a birth-related disability).

Five states, California, Hawaii, New Jersey, New York, and Rhode Island, have state-administered Temporary Disability Insurance (TDI) systems or require employers to offer TDI—providing partial wage replacement to employees who are temporarily disabled for medical reasons, including pregnancy (generally funded through a shared payroll tax). A few states, including Minnesota, Montana, and New Mexico, have laws or pilot initiatives establishing at-home infant care programs, and provide wage replacement support for lower-income working parents to provide care for newborns or newly-adopted children. Wisconsin employees can substitute any kind of accrued paid leave for job-protected leave provided under the state’s Family Medical Leave Law. Twenty-six states have laws or regulations that give public employees the option to use sick leave to care for newborns, and six states have similar laws allowing private employees to do the same.

***The national government and other states have enacted policies to support women during pregnancy because it is in society’s interest to do so. Without provisions for maternity leave, women are forced to choose between employment on the one hand and fully recovering from childbirth and caring for their newborns on the other. Forcing women to choose between motherhood and their livelihood is not a good for society, women, or employers.***

***The Civil Rights Commission should follow the lead of these states and the national government to provide a clear minimum standard of 12 unpaid weeks of maternity leave for all pregnant employees.***

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<sup>24</sup> Workplace Flexibility 2010, *State-by-State Guide to Unpaid, Job-Protected Extended Time off Laws* (2006).

<sup>25</sup> National Partnership for Women and Families, *State Legislative Round-Up—State Paid Leave Initiatives in 2004 and Prior State Legislatures: Making Family Leave More Affordable*

**Appendix. States Requiring Private Employers to Provide Maternity-Related Leave.**

	<b>Required Number of Employees Before Law Applies</b>	<b>Eligibility Requirements</b>	<b>Time Allotted</b>
California	5	Female	"Reasonable Period" of disability (not to exceed 4 months)
Connecticut	75	1000 hours within last 12 months	16 weeks (in 24 months)
D.C.	20	1 year, and 1000 hours in previous year	16 weeks in 2 years
Hawaii	100	6 consecutive months	4 weeks in 1 year
Iowa	4	Female	Pregnancy Disability or 8 weeks, whichever is less
Kentucky	No minimum stated	Exceptions for specific types of employment	Not to exceed 6 weeks
Louisiana	25		Not to exceed 6 weeks for normal child birth, but may take up to four months with complications
Maine	15	Employed for 12 consecutive months	10 weeks in 2 years
Mass	6	Females completing probationary period (or full-time for 3 consecutive months)	Up to 8 weeks
Minnesota	21	12 consecutive months and average of hours equal to at least 1/2 of full-time	6 weeks
Montana	1		Onset of disability through gestation and reasonable period of recovery to be determined by competent medical authority
New Hampshire	6	Female	The period of pregnancy-related temporary physical disability
New Jersey	50	As in federal FMLA	
Oregon	25	25 hours per week in last 180 days	12 weeks in 1 year
R.I.	50	Full-time (30+ hrs.), employed 12 consecutive months	13 weeks in 2 years
Tennessee	100	Female working full time for 12 consecutive months	May be absent for up to 4 months
Vermont	10	Work average of 30 hours/wk continuously for 1 year	12 weeks in 12 months
Washington	50	As in federal FMLA	As in federal FMLA

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