

Paid Maternity and Paternity Leave in the United States

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I. INTRODUCTION

The traditional American family is not as common any more in the United States. Traditionally, the family structure includes a biological mother and father, and one or more children. However, many families today can include, one parent or two same sex parents in addition to the traditional family model. Furthermore, there are more families than ever before that choose to adopt a child. Unlike having a biological child, adopting a child can, and usually does, take longer than nine months. Families are growing, but the dynamic is constantly changing. The United States Federal Government last changed its law on parental leave in 1993, which does not correlate with the changed American family. The 1993 Family and Medical Leave Act (FMLA) allows parents, usually only mothers, to take twelve weeks of unpaid family or medical leave each year. The FMLA does not guarantee paid leave, and in many cases, parents are denied leave from work. The United States Federal Government needs to adapt the FMLA to the new family dynamic, but also include paid leave time for new parents.

II. PROBLEMATIC

Regardless of the different family structures, mothers have been overlooked for years in the workplace. The problem is that mothers have not been granted paid maternity leave, which leaves children without a mother or mothers without a job. Going further, with today's different family dynamics, all parents are not granted paid parental leave. In terms of parents who choose to adopt, these parents are often left with not enough time to undergo the adoption process.

Purpose of the Study

Millennials are projected to be the next largest generation since the baby boomers (U.S. Census Bureau, 2016). This study provides research that examines the importance of the relationship between parental paid leave with employee performance and loyalty. As a result, it is imperative for the United States legislators to pay more attention to reforms that would enforce organizations to implement laws that not only grant parents paid parental leave, but also guarantee higher employee performance and retention.

Federal Family and Medical Leave Act

The Federal Government has decided how the American family will grow and prosper. There is one main law set forth by the Federal Government that allows parents to take leave time when expecting a new child.

According to the United States Department of Labor (n.d.):

"The FMLA [1993], entitles employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave" (para. 1).

Fortunately, the Department of Labor has acknowledged, as of February 23, 2015, that spouses are no longer just male and female, "...so that eligible employees in same-sex marriages will be able to take FMLA leave...regardless of where they live..." (United States Department of Labor, n.d., para. 2). The FMLA provides expecting parents with up to twelve weeks of unpaid, job-protected leave. Although the FMLA grants job-protected leave, many employees do not qualify, which means that parents usually go back to work only days after going through childbirth. In fact, "...millions of Americans are not offered a single day off work following the birth or adoption of a child, and 1 in 4 new moms go back to work 10 days after childbirth" (May, 2017, para. 3). The FMLA does include expecting parents who are biologically having a child a their own, as well as parents that are fostering or adopting a child (United States Department of Labor, n.d., para. 3-4). The Family and Medical Leave Act allows each state to dictate if parental leave should be paid. Furthermore, the FMLA allows states to alter the amount of leave time parents can have, and the requirements for parents to be granted leave. This study specifically focuses on the parental leave acts in New Jersey, Rhode Island, and California.

State Laws

The New Jersey Family Leave Act states, according to the National Conference of State Legislatures (NCSL) (2016):

“Employees who have worked 20 calendar weeks or who have earned at least 1000 time is the state minimum wage during the 52 weeks prior to leaving”...is eligible for paid leave which provides “up to ⅔ of wages up to \$524/week for 6 weeks. Provides that any Paid Family Leave runs concurrently with FMLA or NJFLA and that other types of available leave must be used before taking paid family leave. Provides that leave may be paid, unpaid, or a combination of both” (n.p.).

Although New Jersey offers paid leave, employees can only collect part of their wages for six weeks. In reality, \$524 is not enough money to sustain a growing family. Families need to cover the cost of having a newborn, but also medical expenses, rent or a mortgage, a car payment, and other day-to-day costs. In this situation, parents are left to decide if making money is more important than caring for their newborn child.

Similarly, California offers six weeks of paid leave, but employees can only earn about fifty-five percent of their weekly wage while on leave. The amount of pay per week can range from \$50 to \$1067, which is “...funded through employee-paid payroll taxes and is administered through the state’s disability program” (National Conference of State Legislatures, 2016, n.p.). California also allows employees to have their leave time extended, “...be extended if a medical condition arises” (Bahler, 2016, para. 5). Employees in California do at least have the opportunity to collect more money than those in New Jersey each week. However, employees can take twelve weeks of leave, and are only paid for half of that time. Again, unfortunately, parents are left to decide to either go back to work early or stay at home and struggle with day to day costs.

The law in Rhode Island that employers are forced to follow is the Temporary Caregiver Insurance Program. The Temporary Caregiver Insurance Program “...provides 4 weeks of paid leave for the birth, adoption or fostering of a new child...funded by employee payroll taxes and administered through the state’s temporary disability program...it provides a minimum benefit of \$72 and maximum of \$752 per week, based on earnings” (National Conference of State Legislatures, 2016, n.p.). Moreover, unlike other states, Rhode Island does not accommodate mothers who are nursing with break times to pump (Bahler, 2016, para. 9). Like New Jersey and California, parents are forced to decide between their family and job.

III. THE ADOPTION PROCESS

The adoption process in the United States can take up to seven years. Adoption cases vary based on the parents and the child they are seeking. For example, when it comes to same sex couples, the process can be lengthier because it will take time to find an agency that will take the case. However, parents seeking a healthy child are often waiting two to seven years before adopting a child. (“National Adoption Center”). Fortunately, parents willing to adopt a child with special needs are usually given a child much faster than seven years. Each adoption case varies in length, but it is evident that twelve, unpaid weeks each year is not enough for adoptive parents.

Although each case is different, there are two stages of the process that each case undergoes. The two stages are the pre-placement and the post-placement, which both vary in length as well. The pre-placement starts with the initial adoption application and ends with the placement of the child. Parents will have to consider what type of adoption would they like, which will decide how long it will take to get a child. Parents can choose from an open adoption, semi-open adoption, and closed adoption (“Hoping to Adopt”). In some cases, open-adoptions will move along faster than closed adoptions. Once the type of adoption is distinguished, the soon to be parents will then have to go through home study. Home study is where the agent will come to the potential parents’ house and evaluate them and the area. The agents are looking to see if the home and neighborhood are safe for the child, and if the family can financially and physically support the child (Hoping to Adopt). The home study can take three to four months to complete (“National Adoption Center”). Once the home study is complete, the parents can then adopt a child, but the adoption is still contingent on an available child.

Based on the Federal Government and three states in this study, it is evident that parents are not given ample amount of time each year for the adoption process. Adoptions can also cost families a substantial amount of money. Parents need paid parental leave to not only continue the costs of day to day living, but also be able to afford the costs of the adoption.

IV. RESEARCH QUESTIONS

Does paternity or maternity leave have an impact on the job performance and loyalty of expecting parents in the United States?

H0: Paternity/maternity leave has no impact on job performance

H1: Paternity/maternity leave has an impact on job performance

Nature of the Study and Data Analysis Strategy

In this current study we used the Mix method:

Qualitative: to determine the attitude of employees in relation to paternity leave

Quantitative: to study the relationship between maternity/paternity leave in relation to job performance.

Random sampling was used and 22 final responses were collected we conducted a survey to gain insight into people’s experiences with parental leave. Furthermore, this study was used to view parents’ opinions on what parental leave in the United States should include.

V. RESULTS AND DISCUSSION

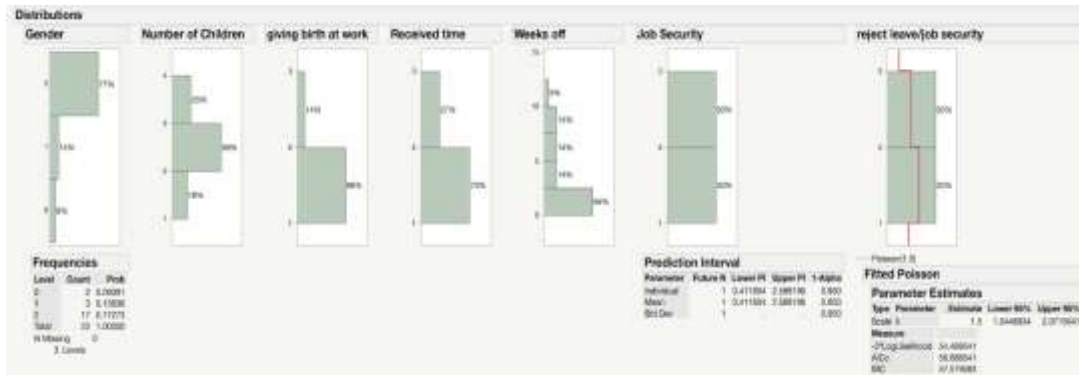


Figure 1: Demographics

Most of those interviewed had their child/Children while they are on the job. Only 24% of those who gave birth did not receive time out from work; however, mixed feeling responses were given to feeling secure at work while taking time out from work because of their child birth/adoption (Figure 1).

The contingency analysis (Figure 2) demonstrated that paternity leave has an impact on job performance and the study is somehow statistically significant, despite that data was gathered from a small sample size which lead us to the conclusion that paternity and maternity leave has an impact on job performance.

Some participants expressed their concern about giving birth to a child while being employed. Parents should both benefit from Parental leave without carrying the fear to lose their jobs.

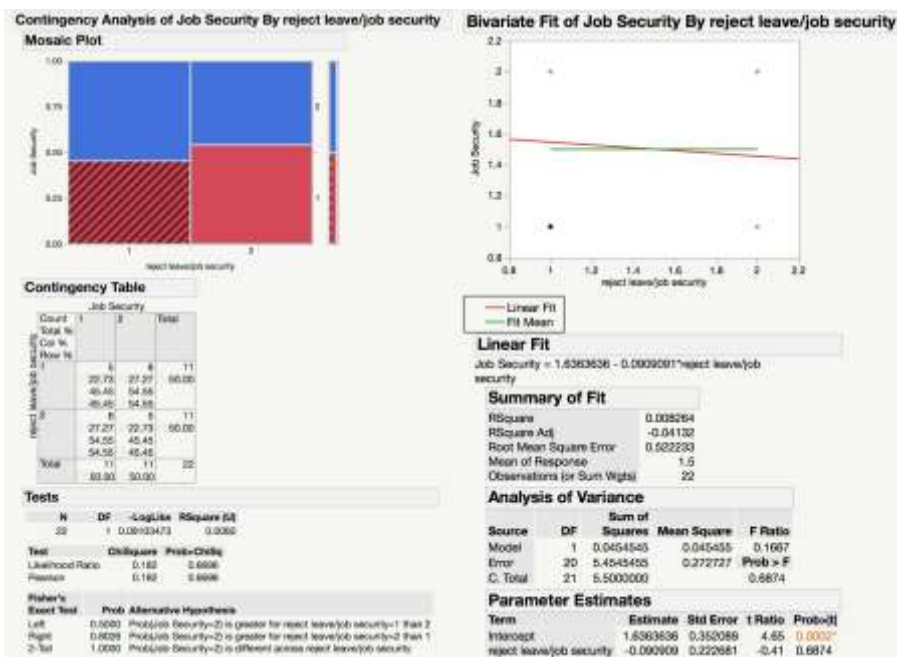


Figure 2: Contingency Analysis

VI. FINAL RECOMMENDATIONS AND CONCLUSION

This study does recognize that the sample size was small, but that does not change the fact that majority of the participants were unsatisfied with their parental leave. Data showed that Federal Government should implement a law that extends the amount of leave time, guaranteeing paid leave time, and offering job security for all employees. Based on the results of the study, the Government should require that companies offer a minimum of seven to ten weeks of paid parental leave. The survey showed that parents wanted more than four to six weeks of leave, while others wanted a minimum of four months plus extra time for baby bonding. Current laws do recognize that adoptive parents are entitled to parental leave, but the amount of time given is not realistic for adoptive parents. There should be separate stipulations for adoptive parents that allow them to take longer paid leave time due to the nature of the adoption process. Finally, research showed that only full-time employees are granted parental leave. The Federal Government needs change the requirements to be granted parental leave to include part time or temporary employees. In order to keep businesses running in the United States, there need to be employees. However, businesses cannot continue if the workforce is decreasing because parents are not given the resources to grow their families. Parents should not have to choose between their jobs and their families, and the Federal Government should not ask parents to do so.

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