



# NHCSL

THE NATIONAL HISPANIC CAUCUS OF STATE LEGISLATORS

## RESOLUTION

**No. 2019-10**

### **Paid Medical and Family Leave**

Reported to the Caucus by the NHCSL  
Labor and Workforce Development Task Force  
Sen. Omar Aquino (IL), Chair

**Sponsored by Del. Elizabeth Guzmán (VA), Sen. Omar Aquino (IL),  
Rep. Teresa Alonso Leon (OR), and Sen. Cristina Castro (IL)**

Unanimously ratified by the Caucus on December 5, 2019

1 **WHEREAS**, Workers who regularly visit the doctor experience a higher level of  
2 morale, are more productive workers, achieve higher lifetime earnings, and prevent  
3 costly and dangerous emergency room visits; and,

4  
5 **WHEREAS**, adults who work while they are ill are more likely to spread disease and  
6 delay medical care, harrowing their health and the health of those around them; and,

7  
8 **WHEREAS**, the United States is the only industrialized country that does not have a  
9 national paid leave mandate for its workers;<sup>1</sup> and,

10  
11 **WHEREAS**, the Family and Medical Leave Act (FMLA) only guarantees eligible  
12 employees who work for covered employers unpaid leave, as opposed to paid leave,  
13 for up to twelve work weeks in any given twelve-month period for certain family and  
14 medical reasons;<sup>2</sup> and,

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<sup>1</sup> National Conference of State Legislators <http://www.ncsl.org/research/labor-and-employment/paid-family-leave-in-the-states.aspx>

<sup>2</sup> United States Department of Labor <https://www.dol.gov/whd/regs/compliance/whdfs28a.pdf>

15

16 **WHEREAS**, however only 39 percent of employees making less than \$35,000  
17 annually are eligible for job protections outlined in the FMLA, in contrast to 78  
18 percent of employees who make over \$75,000 annually;<sup>3</sup> and,

19

20 **WHEREAS**, less than 40 percent of the American workforce has access to paid  
21 medical leave and only 17 percent of the workforce has access to employer-based  
22 paid family leave;<sup>4</sup> and,

23

24 **WHEREAS**, individuals without paid sick days are 1.5 times more likely to report back  
25 to work sick than those with paid sick days, more than twice as likely to send a sick  
26 child to school, and five times more likely to take a child or family member to the  
27 emergency room because they cannot take time off from work;<sup>5</sup> and,

28

29 **WHEREAS**, 54 percent of Hispanic workers and 38 percent of black workers have no  
30 access to paid sick days; and,

31

32 **WHEREAS**, workers for white-collar, professional industries have higher rates of  
33 access to paid family and medical leave, in contrast to blue collar workers;<sup>6</sup> and,

34

35 **WHEREAS**, 57.1 percent of employed Hispanics occupy these lower-skilled, hard  
36 labor jobs compared to 37.1 percent of employed white people, and have less access  
37 to paid family and medical leave;<sup>7</sup> and,

38

39 **WHEREAS**, 93 percent of low-wage workers (wage-earners that earn the bottom  
40 quarter of income) and 94 percent of part-time workers have no access to paid family  
41 and medical leave;<sup>8</sup> and,

42

43 **WHEREAS**, only 38.4 percent of Hispanics get paid sick leave and only 25.1 percent  
44 of Hispanics get paid family leave, which is the lowest percentage for any  
45 racial/ethnic group;<sup>9</sup> and,

46

47 **WHEREAS**, only 25 percent of Hispanics have any access to paid parental leave,  
48 making them the racial/ethnic group with the lowest accessibility rate;<sup>10</sup> and,

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<sup>3</sup> CLASP [https://www.clasp.org/sites/default/files/publications/2019/05/2019\\_jobprotectionpaidleave.pdf](https://www.clasp.org/sites/default/files/publications/2019/05/2019_jobprotectionpaidleave.pdf)

<sup>4</sup> National Partnership <http://www.nationalpartnership.org/our-work/resources/workplace/paid-leave/family-act-fact-sheet.pdf>

<sup>5</sup> National Partnership for Women and Families  
[http://go.nationalpartnership.org/site/DocServer/PSD\\_Briefing\\_Book.pdf](http://go.nationalpartnership.org/site/DocServer/PSD_Briefing_Book.pdf)

<sup>6</sup> Pew Research Center [https://www.pewresearch.org/fact-tank/2017/03/23/access-to-paid-family-leave-varies-widely-across-employers-industries/ft\\_17-03-20\\_familyleave\\_420px/](https://www.pewresearch.org/fact-tank/2017/03/23/access-to-paid-family-leave-varies-widely-across-employers-industries/ft_17-03-20_familyleave_420px/)

<sup>7</sup> Bureau of Labor Statistics <https://www.bls.gov/cps/cpsaat10.pdf>

<sup>8</sup> CLASP [https://www.clasp.org/sites/default/files/publications/2018/12/2018\\_pfmliscriticalfor\\_0.pdf](https://www.clasp.org/sites/default/files/publications/2018/12/2018_pfmliscriticalfor_0.pdf)

<sup>9</sup> Glynn, Sarah Jane and Jane Farrell. “Latinos Least Likely to Have Paid Leave or Workplace Flexibility” Center for American Progress. November 20, 2012.

<https://www.americanprogress.org/issues/economy/reports/2012/11/20/45394/latinos-least-likely-to-have-paid-leave-or-workplace-flexibility/>

<sup>10</sup> Ibid

49  
50 **WHEREAS**, 75 percent of Hispanics are either ineligible or unable to afford unpaid  
51 leave, which is the highest rate for any racial/ethnic group;<sup>11</sup> and,  
52  
53 **WHEREAS**, Hispanic and black women are more likely to lose their jobs after  
54 childbirth than their white counterparts;<sup>12</sup> and,  
55  
56 **WHEREAS**, working families in the United States lose at least \$20.6 billion in wages  
57 yearly due to lack of access to paid medical and family leave;<sup>13</sup> and,  
58  
59 **WHEREAS**, California,<sup>14</sup> Oregon, Massachusetts, Washington, New York, New Jersey,  
60 Rhode Island, and the District of Columbia have all enacted family and medical leave  
61 to make up for the lack of federal legislation.<sup>15</sup>  
62  
63 **WHEREAS**, businesses are likely to actually save money from providing paid leave  
64 through increased worker retention, which reduces the costs that the company would  
65 have to pay to account for employee turnover;<sup>16</sup> and,  
66  
67 **WHEREAS**, in California where there is a mandatory paid leave program, 87 percent  
68 of businesses reported no increased costs due to this mandate and 9 percent of  
69 businesses even reported costs savings as a result of this mandate;<sup>17</sup> and,  
70  
71 **WHEREAS**, small businesses would not be at a disadvantage because a government  
72 mandate could help alleviate the costs with taxes and level the playing field among all  
73 business sizes;<sup>18</sup> and,  
74  
75 **THEREFORE, BE IT RESOLVED**, that the National Hispanic Caucus of State  
76 Legislators recognizes the shortages of legislation that guarantees access to paid  
77 family and medical leave for employees working for all sectors of labor, especially for  
78 lower-income jobs; and,  
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80 **BE IT FURTHER RESOLVED**, that the National Hispanic Caucus of State Legislators  
81 urges state and local policymakers to take action towards implementing similar  
82 family and medical leave policies as the states outlined above and the District of  
83 Columbia; and,

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<sup>11</sup> Ibid

<sup>12</sup> Ibid

<sup>13</sup> Center for American Progress

<https://www.americanprogress.org/issues/women/reports/2017/09/27/439527/paid-family-medical-leave-numbers/>

<sup>14</sup> Immigrants are less likely to even be aware of their rights for paid family leave programs in addition to be exploited in various other ways in California, a state with a large Hispanic population. CLASP

[https://www.clasp.org/sites/default/files/publications/2018/12/2018\\_pfmliscriticalfor\\_0.pdf](https://www.clasp.org/sites/default/files/publications/2018/12/2018_pfmliscriticalfor_0.pdf)

<sup>15</sup> CLASP [https://www.clasp.org/sites/default/files/publications/2018/09/2018\\_familyactfactsheet.pdf](https://www.clasp.org/sites/default/files/publications/2018/09/2018_familyactfactsheet.pdf)

<sup>16</sup> National Partnership <http://www.nationalpartnership.org/our-work/resources/workplace/paid-leave/paid-leave-good-for-business.pdf>

<sup>17</sup> Ibid

<sup>18</sup> Ibid

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85 **BE IT FURTHER RESOLVED**, that the National Hispanic Caucus of State Legislators  
86 calls for legislation that guarantees at least 40 hours of paid medical and family leave  
87 annually; and,

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89 **BE IT FURTHER RESOLVED**, that the National Hispanic Caucus of State Legislators  
90 calls on federal, state, and local policymakers to enact legislation that prevents  
91 employers from retaliating from employees requesting and taking leave; and,

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93 **BE IT FINALLY RESOLVED**, that, in the view of the situation and circumstances  
94 mentioned above, that the National Hispanic Caucus of State Legislators impels  
95 Congress and the President to enact federal legislation granting all workers paid  
96 medical and family leave.

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98 THE NHCSL EXECUTIVE COMMITTEE UNANIMOUSLY APPROVED THIS RESOLUTION  
99 ON AUGUST 2, 2019 AT ITS SUMMER MEETING IN SANTA FE, NM.

100 THE NATIONAL HISPANIC CAUCUS OF STATE LEGISLATORS UNANIMOUSLY  
101 RATIFIED THIS RESOLUTION ON DECEMBER 5, 2019, AT THE ANNUAL MEETING IN  
102 SAN JUAN, PR.