

Sheila Kuehl's Commentary for Ventura County Star

No one wins, not business owners, not employees, and certainly not families when we force an employee to choose between caring for that family member for a few weeks and a paycheck. The United States is one of the last industrialized countries in the world that does not offer some form of paid family leave. The time has come to change that and 27 legislatures across the country are trying to do just that. Here in California, I have introduced Senate Bill 1661 to provide partially paid leave to care for a seriously ill family member or new child through an expansion of the State Disability Insurance Program.

Unfortunately, this modest proposal to help families help themselves has met with a firestorm of misinformation circulated by several business interests. Rather than relying on research from University of Chicago and UC Berkeley economists or the Employment Development Department regarding what this program would cost, they have promulgated their own wild assumptions about the cost of the bill and spread that misinformation to small businesses across the state. These actions were taken despite the fact that information from the Federal Bureau of Labor Statistics indicates otherwise. In addition, to prevent workers from taking leave when they don't "need" to, the bill requires certification from a doctor under penalty of perjury regarding the serious illness of the family member, the need for the particular employee to care for them, and the expected time that the family member will require care.

Beyond spreading this misinformation about the cost of the bill, these groups have also told small business owners who are exempted from the California Family Rights Act (CFRA), that the bill would remove that exemption and require small businesses to hold an employee's job open while they were caring for a seriously ill family member. That is simply not true. No new job protections are contained in this bill.

Studies indicate that paid leave can bring savings for business and the state. Workers who received paid leave to care for a seriously ill family member are much more likely to return to their previous employer than those who receive no wage replacement. Economists indicate that this reduction in turnover costs could save California businesses as much as \$89 million. They also indicate that paid leave can decrease reliance on assistance programs, including TANF and food stamps, and could save the state almost \$25 million annually.

Still small employers were concerned about having to pay for half the contribution to fund this new program, even though the average annual cost per employee would only have been \$25. They were also worried that if this measure passed with employers contributing a small amount into the State Disability Insurance Fund, in the future they might be required by subsequent legislation to pay for an even larger portion of the costs. Additionally, small employers felt that even if they were not required to hold a job open for an employee when they took family leave, they would feel pressure to do so and 12 weeks in their mind was far too long a time for a small business employee to be gone.

So, I sat down with supporters of business interests and working families and negotiated a long set of amendments to the bill. When I first introduced the bill, it allowed for 12 weeks of partially paid leave through the State Disability Insurance (SDI) system, as well as sharing costs equally between employees and employers. The new version of the bill now allows for only six weeks of paid leave with all the costs of the program to be paid for entirely by employee contributions. No employer will be required to pay into this program. Additionally, the bill now allows an employer to require an employee to use up to two weeks of accrued vacation prior to using their SDI benefits for family leave and requires the employee to certify that no other family member is able and available to provide the care. I have bent on several issues, as have the employees of this state.

I believe that this is a reasonable and workable compromise that still retains crucial benefits for both families and business. This is a critical issue for California workers and the time has come for the Legislature to do something about it.

Let's say that you, like thousands of Californians, have a seriously ill family member or new baby who needs you at home and you have a job that is needed to help support that family. How do you choose and why should you have to?