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**Looking into Calif. law to aid caregivers;
The mandate for paid family medical leave protects jobs and could have a ripple effect.**

By Jane M. Von Bergen; Inquirer Staff Writer

When Mitru Ciarlante's father had a massive stroke three years ago, she tried to manage it all - her job in the Poconos and the demanding care for her father, then her mother, in their Philadelphia home.

But something had to give and the something was her job.

Maybe, Ciarlante said, she could have kept her job if what is now the law in California became the law in other states.

On July 1, California became the first state in the United States to require a paid family medical leave. The law provides up to six weeks a year of partial paid leave for workers caring for new or adopted children, or ill spouses, children, parents, or domestic partners.

The law particularly helps women, who tend to provide most of the caregiving. Because of job interruptions, caregiving has long-term negative financial implications, studies show.

Because 13 million, or nearly one in 10 American workers, are employed in California, its policies often have a ripple effect throughout the country, said Lissa Bell, senior policy associate with the National Partnership for Women and Families, one of the groups that helped spearhead the California legislation.

In Pennsylvania and New Jersey, informal groups of unions and social-service agencies are beginning to look into whether similar laws could be enacted in this region.

In Pennsylvania, some of the groups involved include the Pennsylvania AFL-CIO, the Service Employees International Union, and Philadelphia Citizens for Children and Youth. They have been in touch with legislators, but there have been no bills introduced.

In New Jersey, paid family leave bills were introduced in late 2001 and early 2002, but never gained traction. In January, Gov. McGreevey called for 16 hours of paid parental leave a year so parents could attend school events and conferences.

That proposal, a modest variant of what was passed in California, created talk about the issue, but no momentum. And while it heartened worker advocates who saw it as a first step, it drew criticism from business interests, who said the state should not be legislating benefits for businesses' employees.

"There still is a cost to employers, because you have to replace the worker, and there is a loss in productivity when you provide paid leave, no matter who pays for it," said Melanie Willoughby, senior vice president and head of government affairs for the New Jersey Business and Industry Association.

Advocates say a New Jersey labor policy would make it easier for the state to pass a paid family leave act.

New Jersey is one of a handful of states, including California, that has a state-administered temporary disability insurance program, which pays workers for a time if they become too sick to work.

California's new paid leave law is actually an expansion of its disability coverage.

"Our temporary disability insurance can easily be modified into the more expanded system," said Leila Amirhamzeh, financial education director of New Jersey Citizen Action, a consumer and worker advocacy group that is working on the effort with the Communication Workers of America telecommunications union and the Rutgers Center for Women and Work in the university's School of Management and Labor Relations.

New Jersey's temporary disability program is funded by contributions from employees and employers.

"Now, as a result of California's law, it's a good opportunity for us to look into this," Amirhamzeh said.

The California law comes 11 years after the 1993 enactment of the federal Family and Medical Leave Act (FMLA), which requires companies with more than 50 employees to hold an employee's job for up to 12 unpaid weeks of leave a year to care for the employee's own health, or to care for a close relative.

One California survey of caregivers of adults with chronic health conditions found that half of the caregivers were in the workforce. Of those, 30 percent had to quit or had to reduce their hours to provide care.

"Before the FMLA was passed, there was huge anxiety by companies that it would be impossible to cope with," said labor economist Eileen Appelbaum, director of the Rutgers Center for Women and Work in New Brunswick.

"It has turned out to be a nonevent," she said. So far, 40 million Americans have taken time off under the act.

In preparation for the California paid leave legislation, Appelbaum studied the effect of the act on a wide range of businesses in California.

She said that most leaves were completed in two weeks or less and that the work tended to just wait. In other businesses, employers expanded the hours of part-time workers. "Usually," she said, "they can find somebody who will appreciate the extra hours."

Most problematic are intermittent leaves that are unpredictable to both the employer and the employee, she said.

In the workplace, employees tend to be cooperative about picking up the extra work if they know a colleague has a genuine problem. "To abuse the system, you have to be so alienated from your job that you are willing to hurt your coworkers," Appelbaum said, "and most employees aren't willing to do that."

The only company complaining about FMLA abuse had other workplace issues, she said.

Ciarlante said she hoped the California legislation would spread to Pennsylvania.

With paid leave, "I would have been able to stay with my employer," said Ciarlante, 40, who loved her work as an advocate and counselor in the field of domestic violence.

Even though her small nonprofit agency was flexible, she eventually had to quit and now works as a self-employed consultant for less pay.

Having the time off, she said, would have given her a chance to find longer-term solutions or allowed her to take off a few days a month for doctors' appointments for her parents.

"I could have stopped operating in crisis mode and really looked at getting some kind of paid help," she said.

"Ethically, it feels terrible when you are worried that your parents aren't getting quality care vs. the fear of losing one's job," she said.

"You just are being torn and pulled in so many directions."

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