

Driving Implementation of State Paid Leave Programs

The Role of Philanthropy in Ensuring Access to Paid Family and Medical Leave



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Report Overview

Paid family and medical leave (PFML) is a crucial support that allows workers to take the time off they need to care for their family and themselves, without sacrificing their financial security. Access to paid leave advances economic, gender, and racial equity and has lasting and deep effects on the well-being of children, families, and communities. The United States currently does not have a federal paid family and medical leave policy.¹ The 1993 Family and Medical Leave Act (FMLA) requires many employers to provide eligible employees with job-protected unpaid leave, but it comes with eligibility restrictions and does not offer paid leave, meaning many workers often cannot afford to take advantage of this policy. To make up for this deficit, some states have created their own paid leave programs. Nine states and Washington, DC have passed paid leave laws, which are in varying stages of implementation.

Despite advocates' successes in enacting state paid leave legislation, many significant administrative, communication, cultural, and policy barriers still exist that keep eligible employees from taking the state paid leave benefits to which they are entitled.

Philanthropists have an important role to play in breaking down these barriers and helping workers access paid family and medical leave. State governments often lack the budget, expertise, and personnel to adequately implement state leave programs on their own. Advocates can help state agencies implement these laws, but they typically lack the funding and reach to partner with state governments effectively. Philanthropists can help bridge this gap and drive forward successful implementation of state paid leave laws. Successful implementation activities will increase the number of workers who take the paid leave to which they are entitled and help set the stage for a comprehensive federal paid leave policy.

In this report, we look at how funders can support four main categories of policy implementation activities: state administration, outreach and communications, culture change, and policy development. In selecting interventions to support, donors will have to consider the timeline and scale of the impact they are hoping to achieve, identify their priority outcomes, and identify which interventions will be particularly meaningful in the context of their state.

State administration and outreach and communications are two categories where funders can make short- to medium-term impacts, where advocates and administrators align on investable opportunities, and where advocates and states are doing or are well positioned to do great work that philanthropy could easily support. Though investments in culture change and policy development will have longer time horizons for impact, they are highly necessary and under-supported.

The Four Categories of Policy Implementation: Outlook for Funder Support

State Administration

- **Short- to medium-term impact**
- **Existing interventions primed for investment**
- **Complex to coordinate**

Philanthropists can see short- to medium-term impact by investing in efforts to improve **state administration** of paid leave. Many states' systems for workers to enroll and claim benefits are difficult to navigate or not accessible to all workers. Improving state systems can help significantly increase worker uptake. However, achieving sustainable changes at the state level is an often-complicated process that requires coordinating many stakeholders.

Outreach and Communications

- **Short-term impact**
- **Existing interventions primed for investment**
- **Expensive to scale**

Across states, administrators and advocates are already working on extensive **outreach and communications** campaigns to workers and employers to increase awareness, and therefore worker uptake, of paid leave. Investing in communications efforts is a natural way for philanthropists to support advocates: advocates are already doing this work and are well-positioned to do so because of their direct connections to workers. In order to be effective, states and advocates need to tailor their communications to the workers they are trying to reach, which can be expensive to scale.

Culture

- **Long-term impact**
- **Requires sustained, new interventions**

As is the case with any culture-change efforts, changing workplace and American **culture** on paid leave and caregiving will require a large investment over a long period, but will naturally yield long-term impacts. Currently, very few donors have invested in changing the culture of paid leave and caregiving, because it is more challenging than other categories and requires catalyzing new initiatives or projects.

Policy Development

- **Long-term impact**
- **Requires sustained interventions**

Philanthropy will also need to make sustained, long-term investments to see an impact in **policy**. Philanthropic support for ongoing policy development typically drops off after a law is passed. However, this support is crucial to ensure that states implement policy regulations as intended, especially those developed after a law's passage. Support for policy implementation also ensures that states continue to make policy improvements over time that address barriers to paid leave uptake.

Introduction

In nine states and the District of Columbia (DC), state administrations, advocates, and businesses are engaging in important efforts to implement paid leave policies that allow workers to take the time off they need to care for themselves and their loved ones without sacrificing their paychecks. Yet, even in states with paid leave policies in place, many workers who are entitled to paid leave cannot or do not use it because of a range of administrative, communication, cultural, and policy barriers.

Ensuring equal access to paid leave is crucial to advance economic, gender, and racial equity. Access to paid family and medical leave is an intersectional issue, with positive outcomes for maternal and child health, early childhood development, labor force participation, total lifetime earnings, and more. When parents are able to take the time off they need to bond and care for a new child, they see improved early outcomes for their children. Paid time off also keeps people in the workforce who might otherwise have left due to caregiving or medical needs. This is particularly true for women, who bear the brunt of caregiving responsibilities and as a result leave the workforce at higher rates than men. Similarly, people of color are more likely to report having caregiving responsibilities for their family members, yet they are less likely to have jobs that provide access to paid leave.

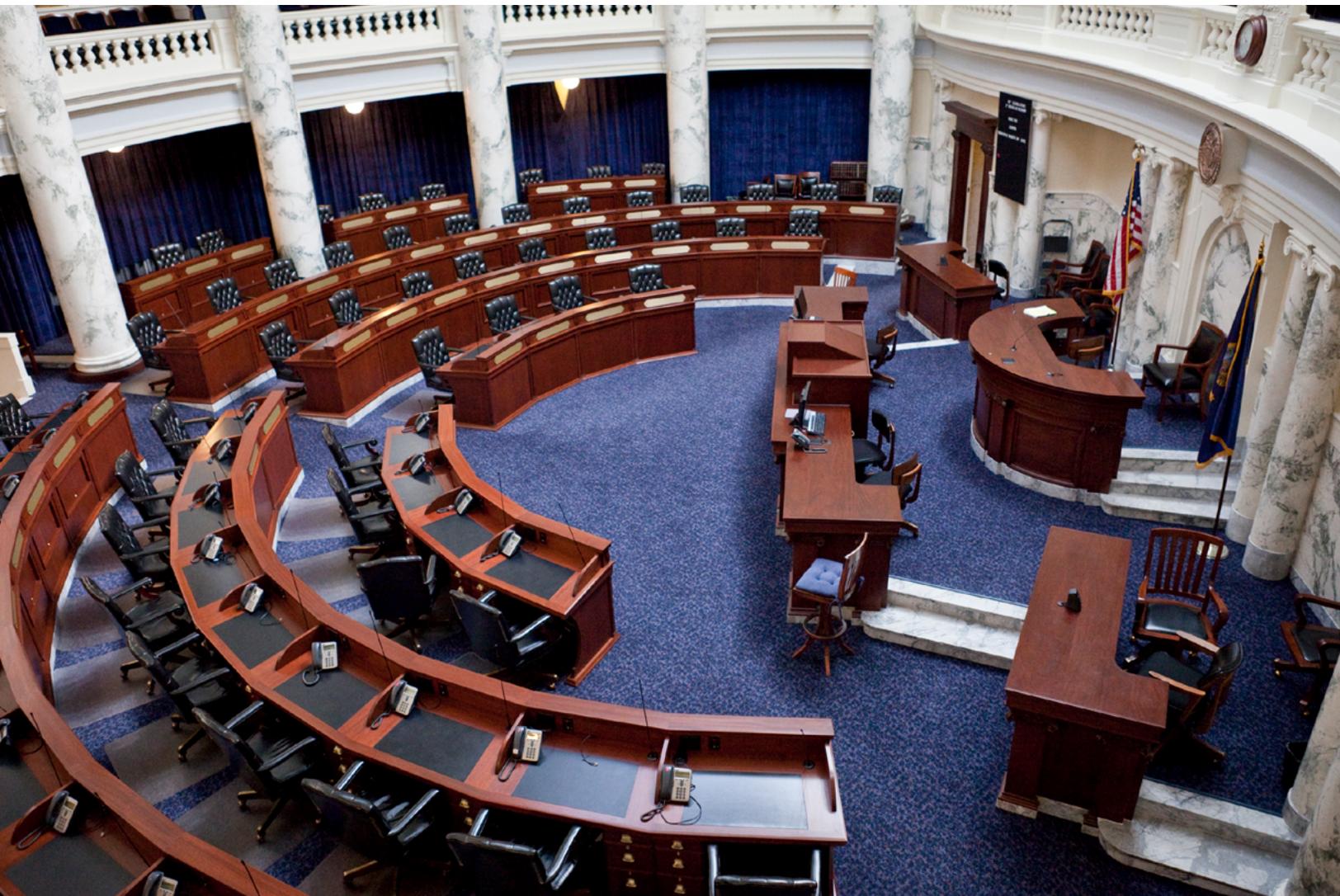
The COVID-19 pandemic has further highlighted the negative ramifications for workers who face barriers to accessing paid leave or who do not have access to paid leave at all. Workers have had to leave their jobs or take unpaid leave to care for loved ones who contracted COVID-19, to protect family members who are susceptible to contracting the virus, and to care for dependents due to school or child care closures. Women's disparate caregiving responsibilities were especially evident during the COVID-19 pandemic. In a survey taken at the end of 2020, one in 10 women reported that they had left their jobs during the COVID-19 pandemic. Of those women, 30 percent reported that they left their jobs due to school or child care closures.ⁱⁱ

In the absence of a comprehensive federal paid leave policy, states—with the support of advocates—have stepped in to provide needed time off to workers through the passage and implementation of state paid leave policies. As bipartisan support for a federal paid leave policy grows, lawmakers and advocates for a federal policy are looking to states' experiences to identify best practices in paid leave implementation and provide proof points of paid leave's benefits for workers and their families. The more effective states are at designing efficient programs that are easy for workers to interact with and understand, the more experience and evidence federal implementers will have to draw from in creating a national program. Philanthropists can set the stage for a meaningful federal policy, and do so in a way that advances equity, by supporting implementation of state paid leave policies. Implementation is an ongoing process that requires significant investments to ensure that workers take the leave to which they are entitled.

Overview of State Paid Leave Laws

Paid family and medical leave policies allow employees to continue to receive a portion of their wages while taking time off work to address family and medical issues. A paid family and medical leave policy is a comprehensive collection of parental leave (leave to care for a newborn, adopted, or fostered child), medical leave (leave to take care of your own illness or serious health condition, including pregnancy), and family leave (leave to take care of a seriously ill family member or to address issues related to the military deployment of a family member).

The United States currently does not have a federal paid family and medical leave policy in place. The 1993 Family and Medical Leave Act (FMLA) requires many employers to provide eligible employees with job-protected unpaid leave. While FMLA guarantees covered employees can return to their positions after taking approved leave, it does not cover all workers (it is available to less than 60 percent of American workers), limits the reasons that beneficiaries can take leave, and does not require any kind of paid leave. Because of this, even covered workers often cannot afford to take advantage of this policy.ⁱⁱⁱ



The nine states and DC that have passed paid leave laws in the absence of a federal policy are in different stages of implementing their policies. Some have recently passed policies, while others are updating their policies to better meet the needs of workers during implementation.

States also run and govern their programs differently. Certain states (New Jersey, Rhode Island, California, and New York) had existing Temporary Disability Insurance (TDI) programs in place that served as the foundation for their PFML programs. The knowledge and wide use of these existing programs made outreach and education to employers about PFML easier. It also enabled these states to integrate PFML infrastructure with existing TDI systems, which employees at the agency already knew how to use. This made the addition and implementation of PFML benefits relatively seamless. However, this also meant that issues or problems with existing TDI programs/administration (e.g., antiquated IT systems for enrollment) carried over to paid leave administration. Additionally, some states are managing the programs with their own agencies, while others are working with private entities to help them manage program administration.

These inputs—where states are in the process of implementing their paid leave policies, and the structures states put in place for administering benefits—are critical factors that determine the best practices for implementation and philanthropic interventions that will be most impactful in each state.

Understanding the implementation process is also crucial to determine the best philanthropic interventions. Implementation of paid leave legislation is a cyclical and iterative process. It begins with the design of the policy itself, but long after the law has passed, there is an ongoing need to analyze and improve paid leave policies and implementation activities. Specifically, there is often a need to continue to expand the number of workers who are eligible for paid leave and to ensure that workers who are eligible for leave are using the leave to which they are entitled. Advocates and states often refer to this latter piece as “worker uptake.” Currently, there is a significant data gap across states in measuring rates of worker uptake, specifically rates broken down by demographics. This lack of data can make it more challenging to successfully implement paid leave and address what has become evident even through limited data: that workers of color and low-income workers continue to take leave at lower rates than their counterparts.

The following graphic depicts the landscape of state paid leave laws, including where states are in the process of implementation and what the uptake rates for state paid leave look like in three states with the longest established paid leave programs.

State Paid Leave Program Implementation and Use

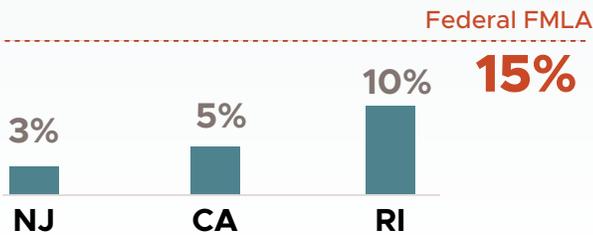
Nine states and Washington, DC have passed paid leave laws.



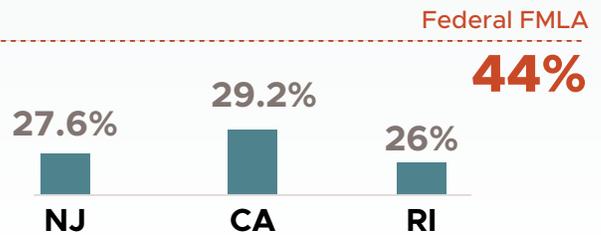
Despite advocates' success in passing state paid leave policies, data on worker uptake from the states with the three longest-running paid leave programs shows that barriers are preventing workers from taking the leave to which they are entitled.

Uptake of paid leave is low

Worker uptake rates of paid leave benefits compared to worker uptake rates of unpaid, federal FMLA benefits



Percentage of leave claims for parental leave in paid state leave programs compared to percentage of leave claims for parental leave in unpaid, federal FMLA programs*



* Other eligible reasons for leave include medical and family leave.

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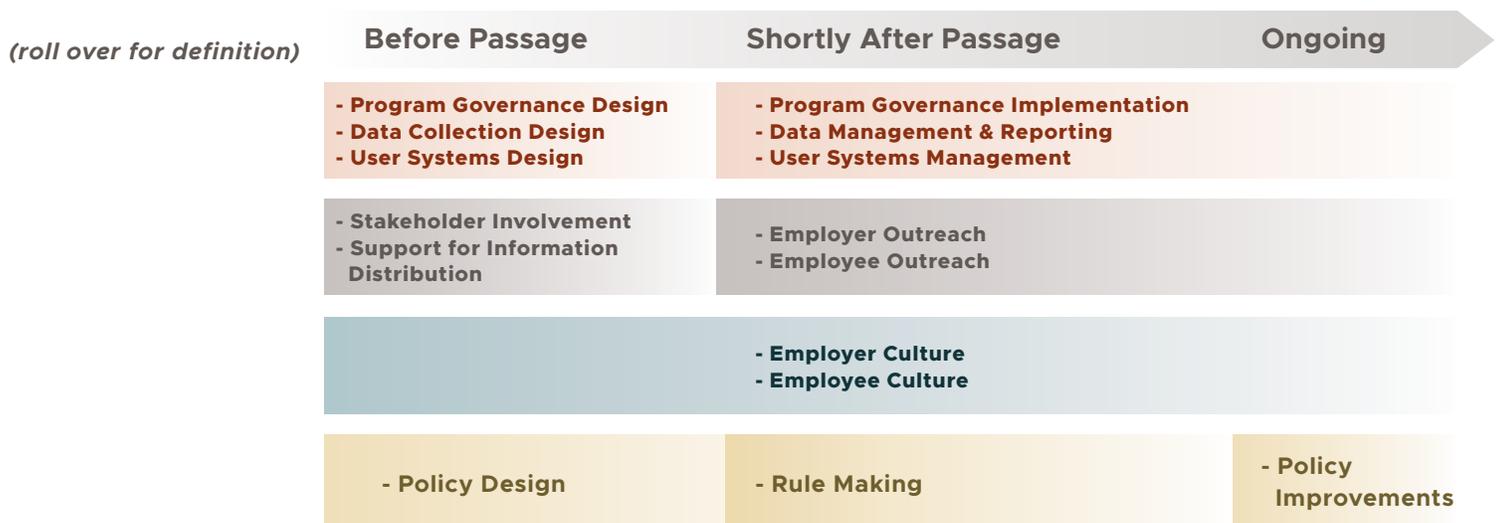
Note: National FMLA data is based on the average percentage of all eligible US employees who filed a claim under the Family and Medical Leave Act. New Jersey data was collected prior to the expansion of state benefits, which took effect in July 2020.

Opportunities to Improve Implementation of State Paid Leave Policies

Categorizing the Activities of State Paid Leave Implementation

Arabella Advisors created the framework below to help philanthropists better understand the range of implementation activities that occur in states and the complexity of implementing the laws effectively. We use this framework to structure our recommendations for funders to support implementation. The framework organizes activities into four categories and three inflection points over time.

Definitions and activities involved in state paid leave implementation



We define the categories as follows:

State administration – The activities the state undertakes to deliver benefits to workers, including the benefits enrollment, claims, and enforcement processes states put in place.

Outreach and communications – The ways in which the state and advocates communicate information about paid leave to employers and employees.

Culture – The cultural norms, beliefs, and attitudes that exist in workplaces and society about caregiving and paid leave.

Policy development – The activities associated with a state’s paid leave policy itself, including the initial design and provisions included in a policy, the creation of rules and regulations after the policy has passed, and continuous advocacy efforts to make improvements to the policy.

State Administration

Opportunity

Investing in efforts to implement best practices in state paid leave administration—specifically, by supporting states’ and advocates’ efforts to improve enrollment and benefit claims systems, collect and analyze data on paid leave in real time, and participate in cross-state learning opportunities—can help increase worker uptake.

One of the biggest barriers to effective uptake of paid leave laws is that workers have trouble navigating states’ systems for administering paid leave benefits. Enrollment and benefit claims systems are the primary ways that workers interact with the state when accessing paid leave benefits, and many states have enrollment and claims systems that are not user-friendly or accessible to all workers.

At the same time, state agencies lack enough staff to adequately address workers’ and employers’ questions about applying for benefits or about the reasons a worker may have been denied a claim. This discourages workers from applying for paid leave benefits in the first place, and it can also discourage workers from reapplying for benefits if they do not understand why the state has rejected their claim.

While states and advocates have identified many best practices for administering paid leave, state agencies are not always aware of these practices, or they struggle to implement them within their existing programs.



Potential Investments

Support advocates to partner with state agencies to design more user-friendly and accessible enrollment and benefit claims systems

Philanthropists can fund advocates to help states address any issues workers elevate with enrolling or claiming benefits. Advocates can engage in user testing, provide feedback to states, and help states implement best practices in accessibility and human-centered design (see spotlight). Advocates are well positioned to do this work, as many have the capacity and existing connections to workers—particularly those in historically marginalized communities—and many have already formed authentic partnerships with states to conduct this work.

Case in point:

New America's New Practice Lab conducted a “sprint”—a concept borrowed from software development—to explore New Jersey's paid leave using a mixture of beneficiary interviews, data analysis, and business processing mapping, delivering recommendations for how user-facing elements of the program could improve.^{vii}

Spotlight: What does it look like to create user-friendly and accessible state paid leave administration systems?

Throughout our conversations, advocates identified many best practices for designing states' systems to be more accessible to all workers and easier for workers to use. Some of these best practices include:

Accessibility

- Create forms with clear and simple language
- Create applications that are translated into all languages understood by local communities
- Offer both paperless and paper options
- Require forms of identification that are accessible to all eligible workers, including non-citizens (e.g., I-9s rather than social security numbers)

User-Friendly Systems

- Reduce the burden of information that the state requests from workers and those submitting supporting information (e.g., medical providers)
- Conduct user testing of forms
- Design systems with customer service in mind (e.g., build in requirements for state staff to follow up with workers who have been denied benefits to help workers understand why and to help them reapply if they are eligible to do so)

Support advocates to engage directly with workers to help them apply for and enroll in benefits, and to engage directly with states to help enforce policies

In many states, advocates play a major role in helping workers apply for and enroll in paid leave benefits. Advocates often address questions workers have about their benefits and how to apply for them. In addition, many coalitions of paid leave advocacy organizations include legal services organizations that represent workers who are unlawfully denied paid leave benefits.

Philanthropists can support and help expand these ongoing efforts to help workers apply for and enroll in benefits. Philanthropists can also support advocates as they help states explore new models of enforcement, such as co-enforcement, where the state partners with labor unions and other workers' rights organizations to educate workers about their rights and ensure businesses comply with paid leave laws.

Case in point:

Greater Boston Legal Services (GBLS) is helping workers litigate situations where employers or states have wrongfully denied workers their benefits. GBLS is a member of Raise Up Massachusetts, the Family Values @ Work-backed coalition that won paid leave in that state. Similarly, but on a national scale, A Better Balance provides legal assistance through a national helpline to employees experiencing problems taking leave.



Support technical assistance (TA) providers to help states identify data they and advocates need to advance paid leave implementation, and to develop tools that would allow state administrators to collect and analyze data in real time

Currently, very few states collect data in real time on enrollment and benefit claims. However, real-time data, presented in different formats for various audiences (e.g., the state, advocates, researchers), is crucial to provide the state with current and accurate information that allows it to identify and address benefits system issues that affect worker uptake. For example, real-time data on workers' experiences filling out paid leave application forms can help states understand if there are particular questions that workers are getting stuck on. With that information, the state can adjust the questions to be more understandable or less burdensome. Philanthropists can support TA providers to build tools for states that collect and model their paid leave data in real time. To ensure real-time data collection and analysis is sustainable, philanthropists can also support TA providers in partnering with states' data officers to achieve effective implementation of these tools and to present the data in ways that are useful to state administrators and community advocates.

Case in point:

While this model does not currently exist for paid leave, funders could consider replicating the model of Bloomberg Philanthropies' What Works Cities program, which launched in 2015. One of the largest philanthropic efforts to enhance cities' use of data, the What Works Cities program provides technical support, access to expertise, and peer-to-peer learning opportunities for local government agencies to help them use data to evaluate the progress and use of their programs.



Support continuous efforts to advance and improve the administration of state paid leave programs, specifically by establishing and convening feedback groups of advocates, workers, businesses, and other important stakeholders

States can benefit from receiving aggregated, ongoing feedback from various stakeholders on what is and is not working in the implementation of their paid leave policies, as well as recommendations for how the state can address these issues. Establishing a community of stakeholders that comes together on a regular basis to discuss and elevate opportunities for improvement can be the most efficient way for states to receive feedback. These convenings can also be valuable for stakeholders to better understand one another's experiences and perspectives on implementation.

Philanthropists can support existing groups in providing feedback to the state. Elsewhere, philanthropists can help advocates establish and convene these feedback groups and synthesize feedback for the state.

Case in point:

In Washington state, there is a working group of advocacy and business representatives composed of the Washington State Labor Council, MomsRising, UFCW Local 21, the Economic Opportunity Institute, the Association of Washington Business, Associated General Contractors of Washington/Avista, the Washington Hospitality Association, and the Northwest Tire Dealers Association. These groups initially came together during legislative negotiations and later formed a formal advisory board to Washington's Employment Security Department to help guide implementation of and feedback on paid leave.

Help states learn from one another about best practices in paid leave implementation by convening state staff members, employers, advocates, and other stakeholders

Philanthropists can support advocates in convening critical stakeholders from multiple states that have paid leave programs to lift up lessons learned and discuss challenges of implementing paid leave. Establishing a learning community that regularly brings together teams from different states and offers role-specific opportunities or breakouts (e.g., meetings of state data officers) can help states share lessons about best practices. State administrators currently have no ongoing, structured way to connect with peer administrators in other states on best practices for administering paid leave. However, they have benefited deeply from a handful of ad hoc convenings that advocates have held for them to date.

Case in point:

In 2019, the Center for Law and Social Policy (CLASP) held a convening with Family Values @ Work in Washington state that brought together researchers, state administrators, advocates, and grassroots organizations from other states with paid leave programs to learn from one another and discuss best practices for implementing state paid leave laws with a focus on equity. This was the first time such a meeting occurred, and administrators found the experience invaluable.

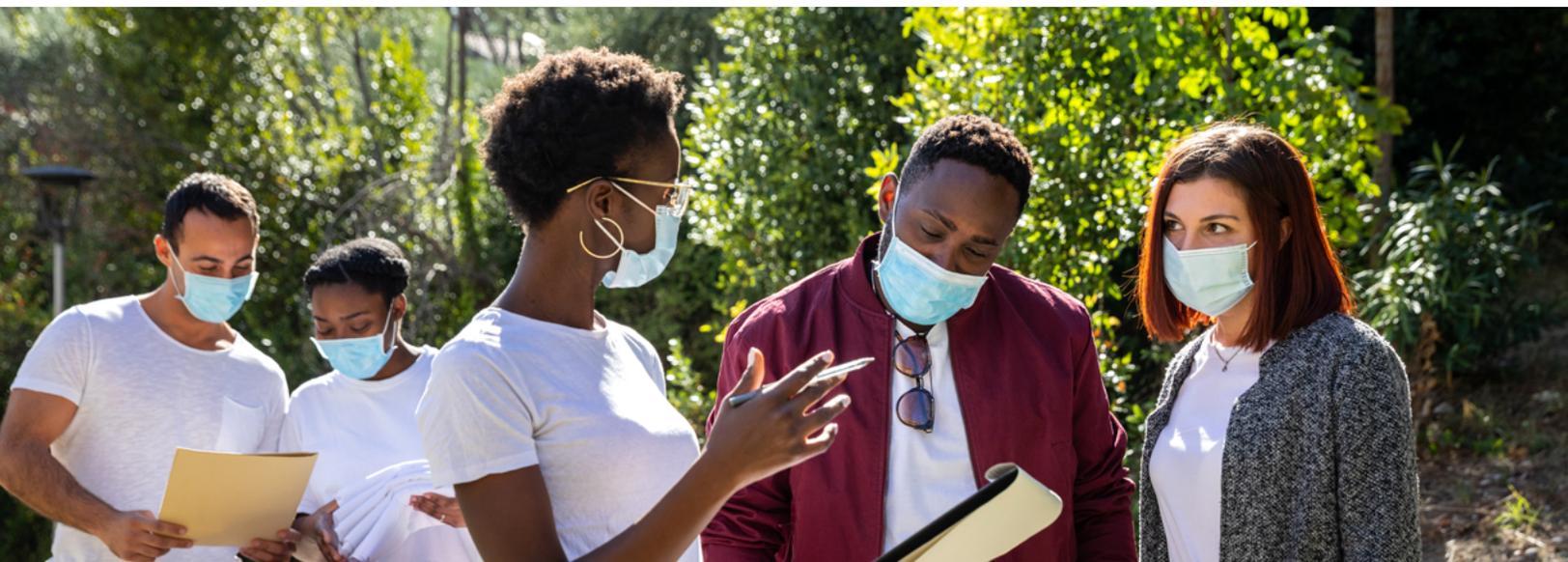
Outreach and Communications

Opportunity

Investing in comprehensive, tailored information campaigns for both employers and employees is necessary to ensure high rates of worker uptake. Often, both employers and employees receive minimal information or misinformation about existing benefits, which becomes a major barrier to worker uptake.

Despite states' efforts to provide comprehensive information to employers and employees about paid leave, states often face challenges in reaching and establishing trusted relationships with certain businesses and communities of workers. Employers primarily receive information on paid leave from the state, and they in turn pass this information on to their employees. However, state administrators are not always able to reach all businesses, particularly small employers without human resource departments. In some states, there appears to be a lack of trust between certain businesses and the state government, leading many businesses to lag in communicating about paid leave benefits, if they do so at all. Many states also do not have dedicated staff to specifically field businesses' questions about paid leave benefits. As a result, not all employers and workers receive adequate information on paid leave benefits, or the information that does reach employers and employees is not always communicated in a way that helps employees understand its applicability. This leads to a low worker uptake, especially among low-income workers and workers of color.

Meaningfully engaging the business community, investing in trusted messengers to directly communicate information about paid leave to employers and employees, and supporting complementary investments in efforts to improve longer-term data analysis (in addition to the real-time data investments discussed above) can help states and advocates more effectively convey information about paid leave benefits to employers and employees and increase worker uptake.



Potential Investments

Empower messengers that employers trust to communicate important information about paid leave laws, and support efforts to align the communication with the state’s messaging

Advocates shared that strong employer support of paid leave benefits could reduce the amount and level of misinformation spread leading up to, during, and after the passage of a paid leave policy. Philanthropists have an opportunity to work with advocates or business organizations to identify and activate trusted messengers to provide employers with important information about paid leave. While engagement with the business community varies by state, trusted messengers to activate in communicating about paid leave benefits may include business advocacy groups or trade associations (e.g., local and state chambers of commerce) or even payroll administrators or providers (e.g., ADP). These messengers should be well positioned to provide information on paid leave to both large and small businesses, but they are not generally funded to do so.

Case in point:

Funders can consider either identifying strong, in-state business organizations to partner with, or building on the work of existing national business advocacy coalitions such as Reimagine Main Street (RMS) and Small Business for America’s Future (SBAF)—both initiatives of Public Private Strategies. RMS and SBAF are coalitions of businesses and business advocates working to advance an equitable economic recovery and are positioned to facilitate education and outreach activities around policy implementation with large and diverse corporate networks.

Support advocates to enact tailored, culturally and linguistically relevant information campaigns—specifically aiming to reach workers of color and low-income workers—that align with the state’s messaging

Recruiting, training, and empowering trusted messengers to communicate messages to workers about their rights, and aligning the messaging with the state’s messaging, can make workers understand that paid leave benefits are applicable to them, and this can increase worker uptake. Trusted messengers can be community leaders, peers, and individuals who would interact with workers when they might need to access paid leave or other benefits. For example, an obstetrician could communicate to a pregnant worker or her partner during a visit about the availability and benefit of paid leave. Other trusted messengers could be other doctors, hospital staff, social workers, union leaders, and state administrators or advocates who work on paid leave benefits.

Research on effective outreach and communications suggests that, among other tactics, empowering trusted messengers can be particularly impactful for increasing uptake rates, specifically among low-income workers and workers of color.^{viii} Informants reported that advocates and administrators have had difficulty reaching low-income, rural, tribal, and non-English-speaking communities, and that they need tailored support to help these communities understand and access their benefits. Philanthropists can support advocates in creating

information campaigns that specifically target communities with low worker uptake of paid leave. Anecdotal evidence suggests that workers are more likely to take leave if they can see themselves or their situations reflected in the materials they receive about paid leave. This also includes ensuring that communications are available in languages relevant to local populations.

Case in point:

Perigee Fund has led granular outreach and communications campaigns in two diverse counties with hard-to-reach populations in Washington state (one county has large farm-worker, rural, and native populations, and the other has a mix of racially and economically diverse urban, suburban, and military communities). Perigee Fund selected grassroots organizations with deep connections to these underserved communities to conduct outreach, education, and enrollment assistance. Examples of grantees include the Opportunities Industrialization Center and the Asia Pacific Cultural Center. These trusted messengers were trained to incorporate paid leave messaging into their normal operations, assist workers in applying for paid leave, and track anecdotal challenges and successes of implementing the program in these communities. Perigee Fund also funded a parallel media campaign to provide targeted paid leave information via radio, social media, and local spokespeople. Perigee issued a program contract to Brink Communications for Good to do this work. Perigee Fund is engaged in complementary evaluation efforts to understand the effectiveness of both its own outreach efforts and the state's.

Culture

Opportunity

Investing in efforts to create company and societal cultures where employees feel comfortable taking leave can help increase employees' willingness to take leave when they need it. Celebrating companies that are going above and beyond to support their employees in accessing paid leave can help encourage companies to publicly embrace the advantages of paid leave. Investing in narrative change efforts about paid leave and caregiving, and reflecting narratives into training and outreach materials for employees, can simultaneously help change people's perceptions of who can take leave and the reasons for why taking leave is acceptable. In addition, investments in other areas of implementation may also help improve culture.

Across most states, taking paid leave is not a widely accepted workplace behavior. Anecdotal evidence suggests that workers—particularly low-wage workers—can be discouraged from taking the paid leave they are entitled to because of societal norms or company culture. Pew Research found that many workers, especially low-income workers, believe that taking leave will reflect poorly on their job performance and cost them opportunities for advancement. Others feel guilty for taking time off and burdening coworkers with extra work.^{ix} Employers have both “hard” and “soft” ways of discouraging leave and reinforcing these cultural beliefs, and these are particularly effective in states where job protection is not guaranteed. “Hard” ways may include telling employees how challenging it would be for the employee to take leave or outright telling the employee that they cannot take paid leave. “Soft” ways may include an employer complaining to an employee about another employee taking leave, or a business having a workplace culture where only managers ever actually take leave.

Potential Investments

Support corporate accountability campaigns that celebrate employers who are doing well in offering state paid leave to their employees, in comparison to those who are not

The campaign to increase the minimum wage provides a great example of how the philanthropic field can approach a campaign that might move employers to encourage their employees to take paid leave. Thanks to years of advocacy coupled with state and federal pushes for raising the minimum wage, employers now feel public pressure to increase their minimum wage, and the public is rewarding those employers who have done so. Creating an environment where employers are eager to publicize their excellent support of paid leave would help increase worker uptake immensely.

Case in point:

Paid Leave for the US (PL+US) has undertaken extensive work to lift up examples of businesses that lead in providing paid leave to their workers across multiple sectors.





Support the development of training content for employers and employees specifically designed to shift workplace culture around taking paid leave

Advocates have suggested that shifting company norms about taking paid leave will require investing in company leadership to increase their knowledge of paid leave and its benefits. Advocates could develop and deliver trainings on paid leave specifically for people in positions of power at businesses, such as managers, C-suite leadership, and, importantly, small business owners, to help them understand the benefits of paid leave and improve the culture they create regarding leave-taking at their company.

At the same time, shifting workplace culture will also require empowering employees to have conversations with management about taking leave. Advocates could develop and deliver trainings for employees—for instance, using online trainings or working with relevant employee resource groups—to provide employees with the tools to have conversations with their managers about the employees’ caregiving needs. Advocates’ training could include modeling conversations, providing talking points, or presenting case studies of different challenges workers navigate when asking for or taking leave and demonstrating how an employee might overcome them.

Case in point:

While there is not currently a widely available training on paid leave and caregiving laws, philanthropists could consider supporting the development of such content through companies or nonprofits that specialize in workplace and compliance training, such as EVERFI.

Support advocates to change the narrative of taking paid leave and caregiving more broadly

Addressing societal norms and behaviors regarding paid leave will require longer-term, multifaceted efforts to change Americans' perceptions of caregiving and taking leave, including perceptions of who takes leave (e.g., women versus men, birthing versus foster parents) and the acceptable reasons why a worker might need to take leave (e.g., who counts as “family” when taking family leave).

Movements and organizing, strategic communications campaigns, and even efforts to influence popular culture can all achieve culture change. Advocates can help Americans better understand the importance of paid leave and mobilize around it by connecting paid leave to other salient issues such as racial equity (employees of color are more likely to assume caregiving roles) and maternal and child health (women are more likely to be caregivers, especially during a child's early development). Advocates can create communication campaigns that employ language and educational materials about paid leave that represent all people and all reasons a worker might need to take leave. Advocates can recruit celebrity influencers to speak about the benefits and importance of caregiving.

Case in point:

In 2017, the lifestyle brand Fatherly partnered with foundations to develop a multimedia campaign (video, audio, blog content, etc.), lifting up stories of men as caregivers and showing examples of men taking paid leave. Subsequently, audience polling showed the content was influential in changing readers' views of men's roles as caregivers.

Spotlight: How Might Perceptions of Parental and Family Leave Affect Who Is Taking Leave?

Informants we spoke with have observed several trends in who is taking parental and family caregiving leave, the reasons they are doing so, and underlying norms that may be affecting these choices.

Gender norms:

Men continue to take parental and family leave at lower rates than women. Underlying this may be gender norms that imply caring for children or family members is a woman's job.

Definition of a parent:

Workers are not always aware that in many states, foster and adoptive parents are entitled to take parental leave for a new child in their life. Underlying this may be perceptions that being a parent refers primarily to those who are a “birth” parent.

Definition of family:

Workers are not always able to take paid leave for loved ones for whom they are responsible for caregiving. Many paid leave policies have restrictive definitions of family that do not encompass all cultural understandings of what constitutes a family member. Even in states where a broader definition of family is built into the law, not all workers are aware that they can take paid leave for the care of certain family members. Underlying this may be Western norms about who constitutes “family.”

Case in point:

In partnership with Time's Up, Ideas42—a firm that applies behavioral design to social problems—developed strategies for employers to create more equitable workplaces for all, particularly women, who bear the brunt of caregiving responsibilities. They laid out tactics for employers to shift away from “ideal worker norms” (which dictate that good employees do not take leave) toward a more equitable workplace culture.



Policy Development

Opportunity

Supporting ongoing advocacy efforts related to a paid leave policy's provisions can help ensure states pass a paid leave law that is more responsive to workers' needs. Philanthropic support can also help create regulations that enhance rather than diminish the effectiveness of a paid leave policy. In addition, supporting advocates to push for incremental changes to legislation or regulations, particularly by using quantitative and qualitative data on paid leave, can help address disparities in worker uptake. These advocacy efforts take place during the policy development process and can extend past the law's passage and into its implementation.

Provisions of a paid leave policy are an important indicator of whether workers will take leave for the reasons they need to. Without broad definitions of family, adequate wage replacement, job protection, and other important provisions, many workers—particularly low-wage workers—cannot take leave because they cannot afford to do so or because they are afraid of losing their jobs. Even after a policy has passed, policy provisions can become less effective due to regulations states develop to implement the policies, and due to ongoing efforts by opponents of paid leave to repeal or replace established laws and policies.

Potential Investments

Support advocates to continuously improve paid leave policies so that they meet communities' needs, and ensure that data collection and outreach activities are fully funded.

Advocates shared that one of the biggest predictors of worker uptake is how well the policy addresses workers' needs. Many policies do not provide adequate wage replacement, job protection, and/or expansive definitions of family, which can make it impossible for many workers to take leave. Advocates are well positioned to propose improvements, engage lawmakers, and cultivate champions of paid leave among these lawmakers.

Additionally, an important part of continuous improvement of paid leave policy is ensuring that states set aside the resources for proper implementation, including data collection and outreach activities. While some states do set aside funding for implementation, nearly all states can improve the amount and specificity of the data they currently collect and the intensity of their outreach efforts.

Case in point:

The primary network of state advocates dedicated to continuously improving state laws is the Family Values @ Work network, which maintains anchor organizations and state-based coalitions in 27 states. Other crucial networks supporting strong implementation and ongoing legislation include the EARN Network, an initiative of the Economic Policy Institute.

Support advocates to participate in the rulemaking process and in initial implementation activities

After passage of a paid leave law, advocates usually do not receive enough funding to participate in the rulemaking process or to support the state with initial implementation activities, which affects how effective the policy will be. Philanthropists can help address this gap and ensure advocates have the support to participate in this rulemaking process and to work with businesses in this process.

Case in point:

In Washington state, policymakers asked the Washington State Department of Commerce to create an advisory board of advocates and businesses to weigh in on the state's paid leave policy as legislators were debating the law. This advisory board continued to provide significant support to the state in writing the policy's rules and during the law's early implementation.



Support researchers to conduct an ongoing analysis of paid leave use, broken down by demographics, particularly in states that have recently expanded paid leave

As mentioned previously, a real-time data collection tool is necessary to help the state and advocates troubleshoot immediate issues. Equally as important, philanthropists must support long-term data analysis broken down by demographics (i.e., breaking down paid leave use by gender, race, ethnicity, income, industry, etc.) and other factors (e.g., labor union participation). This data helps the state and advocates understand where there are disparities in worker uptake and why, and formulate incremental policy improvements to address challenges and increase worker uptake. Long-term research analysis can also incorporate worker and other stakeholder interviews that give more nuance to the data. This qualitative data and explanations as to why uptake is high or low can lead to more specific policy provisions and, ultimately, a more effective implementation of new or revised paid leave laws.

Case in point:

In Washington state, the state Economic Security Department (ESD), which administers Washington's paid leave program, was able to use philanthropic funding from Perigee Fund to hire a temporary, full-time analyst to support uptake data analysis beyond basic reporting requirements in the Washington law. ESD recently secured state funding to sustain the position. ESD also used philanthropic funds from Perigee Fund and Pivotal Ventures to fund the University of Washington's 18-month evaluation study of how paid leave affects labor force participation, earnings, and public assistance around the birth of a new child.



Case in point:

Suma Setty at National Center for Children in Poverty, Chris Ruhm at University of Virginia, and Jane Waldfogel at the Columbia School of Social Work are just a few other researchers who have done powerful analysis of state paid leave legislation to understand disparities in uptake and drive policy improvements.

Conclusion

There are many promising opportunities for philanthropists to advance paid leave implementation and increase the number of workers who are taking paid leave. Currently, implementation of paid leave policies is consistently underresourced by states and underfunded by philanthropists. Increased philanthropic support—specifically in any of the interventions we highlight above—is necessary to ensure effective implementation.

In selecting interventions to support, donors will have to consider the timeline and scale of the impact they are hoping to achieve and their priorities for outcomes, as well as which interventions will be particularly impactful in the context of their state. As we have outlined, some investments are more primed for immediate donor investment and will yield impact more quickly, while others will require catalytic ideas and longer-term investments.

Investments in any one of these areas are likely to have an effect across several of them, because many of the interventions we have shared above are interrelated and can build on one another.

For example, investing in efforts to improve state administration may make applying for benefits easier and reduce the need for more detailed information campaigns. Investing in outreach and communications efforts to educate employers about the benefits of paid leave may help increase their buy-in and change company attitudes toward taking leave. Because of the interrelatedness of these interventions, donors may also benefit from coordinating and aligning investments with one another to help accelerate impact.

Beyond support for implementing existing state paid leave programs, if Congress were to pass a national paid leave program (such as what is being proposed in the American Families Plan), there will be an urgent and significant need for donors to support federal and state governments in implementing the new paid leave policy. These needs will likely fall within similar categories of implementation activities as we have shared above, but with additional complexity. For example, states with existing programs will need to coordinate their existing policies and administration processes with the new federal program, and states will need to revamp their communications, outreach, and enforcement efforts to ensure that workers and employers are aware of any new or different benefits.

By committing funding to state paid leave implementation, donors can make a lasting impact not only on paid leave policy at the state or federal levels, but on the lives and livelihoods of millions of Americans.

End Notes

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Context and Methodology

In January 2021, the Robert Wood Johnson Foundation (RWJF)* engaged Arabella Advisors, a philanthropic consulting firm, to identify opportunities for donors to advance the implementation of state paid family and medical leave laws. Building on the work advocates and researchers had done in the field, Arabella reviewed existing relevant literature, including the National Partnership for Women and Families’ [“Meeting the Promise of Paid Leave”](#) report and New America’s [“New Jersey Paid Family and Medical Leave Sprint.”](#) Arabella conducted 15 interviews with advocates, philanthropists, and state administrators on the front lines of implementing paid leave. Advocates included national groups that have a deep understanding of the challenges and successes related to paid leave implementation across states, and advocacy coalitions in states that are working to implement paid leave laws.

The goal of our research and interviews was to better understand best practices in paid leave implementation across states, and to uncover the most promising opportunities for donors to advance state paid leave implementation.

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- Economic Opportunity Institute
- Family Values @ Work
- First Shift Justice Project
- Greater Boston Legal Services
- National Partnership for Women & Families
- New America
- New Jersey Department of Labor and Workforce Development
- Perigee Fund
- Public Private Strategies
- Washington Center for Equitable Growth



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About Arabella Advisors

Arabella partners with donors and impact investors to drive and accelerate measurable impact on the causes important to them. We design solutions, build initiatives, implement plans, and navigate complex challenges and a multitude of possibilities to enable our clients to reach their goals. Our team members are clever and creative thinkers, but we do more than strategize. Through our customizable platform of services, we help philanthropists of all kinds visualize the path from idea to impact—and then work efficiently and thoughtfully to implement their ideas, evaluate results, bring partners together, and more. Since our founding in 2005, we've helped our clients achieve progress across a wide range of issues, including health, education, social justice, civic engagement, the environment, and more. Every year, we influence more than \$4 billion in philanthropic assets. As a Certified B Corp, we consider the impact of our actions on our partners, colleagues, and communities and factor that into our decision making. And, we believe that advancing diversity, equity, and inclusion within our firm and in our work is a crucial component of our mission. For more information about Arabella's work, please find us at www.arabellaadvisors.com.