

March 14, 2023

Rep. Scot Z. Matayoshi, Chair  
Rep. Andrew Takuya Garrett, Vice Chair  
Committee on Labor & Government Relations  
Thursday, March 16 2023  
9:30 am  
Via Videoconference



RE: **SB360 SD2** Relating to Family Leave Insurance (**Support Original Version**)

Dear Chair Matayoshi, Vice Chair Garrett & Members of the Committee,

Chamber of Sustainable Commerce offers testimony in support of the original version of SB360, which requires the department of labor and industrial relations to establish and administer a family leave insurance program, provides family leave insurance benefits and extends the period of family leave to 16 weeks for businesses that employ one or more employees who meet the hourly qualifications, eliminates the previous threshold of 100 employees for employers to be subject to the family leave law and appropriates funds.

As small business owners who believe we can strengthen our economy without hurting workers, consumers, or the environment, we urge this committee to amend SB360 SD2 to its original form because this issue has already been studied twice before and its time to implement a data-responsive solution similar to the state's unemployment insurance program.

Coming out of the Covid pandemic, our economy's resiliency validated the importance of having financial safety-nets for working families. It's important to compare and contrast how this state intervenes (or doesn't intervene) when an individual family's crisis may lead to homelessness and when the larger community faces homelessness because of lava flow or global pandemic. The original SB360 would provide a needed safety net to all working families, regardless if that family is suffering alone or with the entire state.

The Chamber of Sustainable Commerce submits A Better Balance's 2022 (updated) white paper titled "*The Business Case for Paid Family and Medical Leave:*" <https://www.abetterbalance.org/resources/the-business-case-for-paid-family-and-medical-leave/>

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## **The Business Case for Paid Family and Medical Leave**

*Comprehensive paid family and medical leave presents a game-changing opportunity to support businesses and families. Paid family and medical leave will provide businesses with an unprecedented opportunity to recruit and retain valuable employees and increase productivity without creating significant administrative burdens.*

### **State paid family and medical leave programs have proven to be successful for workers, businesses, and families.**

- Eleven states (Rhode Island, California, New Jersey, New York, Washington State, Massachusetts, Connecticut, Oregon, Colorado, Maryland, and Delaware) and Washington, D.C. have enacted paid family and medical leave laws,<sup>1</sup> which provide (or will provide) benefits to workers when they are unable to work due to a serious off-the-job illness or injury, to bond with a new child (including children newly placed for foster care or adoption) or to care for a family member with a serious health condition.
  - Eight states also provide (or will provide) paid family leave benefits to workers dealing with certain needs in connection with a family member's military deployment.
  - Four states also provide (or will provide) benefits known as "safe time," which covers certain needs arising from domestic or sexual violence.
- The state paid family and medical leave programs offer proven examples from which to build a national, paid family and medical leave program that is equitable and sustainable. They also prove that these policies can work for businesses as well as workers.
  - In a study of California businesses, the vast majority reported that the state's paid family leave program had a positive or neutral effect on their business; a vast majority also reported that the program resulted in no cost increases, with some even indicating that the program resulted in cost savings for their business by reducing benefit costs. Moreover, most businesses were able to adjust to the program easily; nearly two-thirds of businesses reported that temporarily reassigning work to other employees was their primary method for addressing the temporary absence of employees on paid family leave.<sup>2</sup>
  - In New Jersey, businesses of all sizes have easily adjusted to the state law. Most businesses reported no negative effects on business profitability and most reported that complying with the law is not difficult.<sup>3</sup>
  - In a survey of Rhode Island employers conducted a year after the state's paid family leave law went into effect, a majority of employers were strongly or somewhat in favor of the law. This was true among both large and small employers surveyed.<sup>4</sup>

- In the first year after New York's paid family leave program went into effect, employers experienced a significantly easier time coordinating employee absences, especially longer absences. Additionally, after the program went into effect, the vast majority of employers were supportive of the program.<sup>5</sup>

### **Paid family and medical leave programs can help small businesses thrive.**

- Providing paid leave through a government program levels the playing field for small businesses. Small businesses that cannot afford to offer the same generous leave benefits as larger companies are at a competitive disadvantage in hiring.<sup>6</sup>
  - The vast majority of small business owners that want paid leave want a solution involving the federal government.<sup>7</sup>
- Small businesses have adapted well to state paid family and medical leave programs and report positive experiences with such laws.
  - A study of California businesses found that *any* negative effects from the state's paid family leave program were exceedingly rare, but among those few employers who did report negative effects, small businesses were *less* likely than large businesses to report any negative effects resulting from the program. Additionally, nearly all of the businesses surveyed, including very small businesses, were able to craft solutions for addressing employee absences with little difficulty—often by relying on protocols already in place for other types of absences that routinely occurred prior to the implementation of the state's paid family leave program.<sup>8</sup>
  - Another study of California's program found that small businesses saw a 14% *decrease* in their per worker labor costs when workers take paid family leave. The smallest businesses had the greatest percentage-based savings.<sup>9</sup>
  - In New Jersey, approximately two-thirds of small businesses reported no increase in overtime pay costs due to the state paid family leave law,<sup>10</sup> and researchers have found that other employees do not resent absent co-workers.<sup>11</sup> This suggests that businesses were able to manage the temporary reallocation of absent employees' workload without significant increased costs.

### **Paid family and medical leave programs can help businesses recruit and retain talented workers.**

- Paid family and medical leave can help employers recruit talented employees and also helps employers retain employees. Human resources professionals consider family-friendly policies to be the most important factor in recruiting and retaining employees.<sup>12</sup> Similarly, small businesses that offer paid leave see it as necessary to recruit and retain talented employees—and those that don't offer it report that it makes it challenging to hire.<sup>13</sup>



- Moreover, paid family and medical leave increases employee morale and employee loyalty. New Jersey employers have reported increased employee morale as a result of New Jersey's paid family leave program, with one employer calling the effect "tremendous."<sup>14</sup>
- By helping businesses retain valuable employees, paid family and medical leave can significantly cut down on turnover costs. Businesses spend, on average, around 21% of an employee's salary to replace that employee if the employee quits.<sup>15</sup>
  - Paid family and medical leave can save employers money by enabling valuable employees to stay in their jobs instead of quitting when they have a child or a medical emergency. One study found that businesses in states with paid family leave laws were significantly less likely to experience high employee turnover compared to similar businesses without paid family leave benefits.<sup>16</sup>
  - For example, in California, 92.8% of employers reported that paid family leave had a positive or neutral effect on employee turnover,<sup>17</sup> saving employers the costly step of replacing an existing employee.<sup>18</sup>
- This is especially crucial at a time when many businesses are desperately seeking qualified employees.
  - More than one third of unemployed adults would be more willing to return to work sooner if their employer offered paid family leave, including nearly half of unemployed caregivers.<sup>19</sup> This suggests that continuing recruiting challenges are driven, in part, by workers' ongoing caregiving responsibilities and their concerns that those responsibilities may be incompatible with employment in the absence paid leave. Ensuring that workers can care for themselves and their families while working is key to robust economic recovery.
  - A recent study found that workers with access to paid family and medical leave are 22% more likely than workers without such access to recommend their job to a friend.<sup>20</sup>

### **Paid family and medical leave can increase profitability and employee productivity.**

- Businesses that provide paid family leave benefits have seen marked improvements in employee productivity.
  - One study found that businesses in states with paid family leave laws significantly increased firm-wide productivity as compared to similar businesses without paid family leave benefits.<sup>21</sup> And a cross-industry analysis of 41 companies found increases of more than 50% on productivity measures after the adoption of a paid leave program.<sup>22</sup>
  - An overwhelming majority of California employers also reported positive or neutral effects on productivity (88.5%) and employee morale (98.6%).<sup>23</sup>

- Evidence suggests that increased productivity resulting from paid family and medical leave can increase employer profitability.
  - One study found an average of 63% improvement in revenue and 54% improvement in profit after companies adopted paid leave policies.<sup>24</sup>
  - An overwhelming majority (91.0%) of California employers reported that paid family leave had a positive or neutral effect on profitability/performance.<sup>25</sup>
  - A recent study of California’s paid leave program found that businesses with employees who used paid family leave had *higher* per worker earnings across all workers (not just the workers who took paid family leave) than did businesses where no workers took paid family leave.<sup>26</sup>
- Paid leave also helps keep workers safe and healthy on the job, which increases productivity and decreases employer costs. Workers with paid leave are significantly less likely to suffer dangerous injuries on the job<sup>27</sup> or deaths on the job.<sup>28</sup>
  - Paid leave allows workers to recover and return to full productivity more quickly than they would by continuing to work. When workers must return to work before a chronic condition is stabilized or before they have healed from an injury, they are more likely to relapse or re-injure themselves while working.<sup>29</sup> Fewer workplace injuries can mean healthier, happier workers and lower workers’ compensation costs.
- Paid family and medical leave also can also increase a firm’s value. Researchers have found that Fortune 500 companies that announced the adoption of new family-friendly policies saw same-day increases in their share prices, indicating that investors anticipate that the benefits of such a program will outweigh any costs associated with providing it.<sup>30</sup>

### **Evidence shows that paid family and medical leave programs are not abused.**

- Evidence from the states show little to no abuse of paid family and medical leave programs.
  - In a survey of California employers, the vast majority said they were not aware of *any* instances of their employees abusing the state’s paid family leave program.<sup>31</sup>
  - In a study of New Jersey’s paid family leave program, not a single employer interviewed identified even a single instance of abuse. Indeed, several Human Resources managers interviewed expressed their views that abuse of the program was a virtual impossibility.<sup>32</sup>

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<sup>1</sup> A Better Balance, *Overview of Paid Family & Medical Leave Laws in the United States* (July 20, 2021), <https://www.abetterbalance.org/resources/paid-family-leave-laws-chart/>.



<sup>2</sup> EILEEN APPELBAUM & RUTH MILKMAN, LEAVES THAT PAY: EMPLOYER AND WORKER EXPERIENCE WITH PAID FAMILY LEAVE IN CALIFORNIA 7-9 (2011), <https://cepr.net/documents/publications/paid-family-leave-1-2011.pdf>; CENTER FOR ECONOMIC AND POLICY RESEARCH, p. 8, available at <https://cepr.net/documents/publications/paid-family-leave-1-2011.pdf>.

<sup>3</sup> MIRIAM RAMIREZ, NEW JERSEY BUSINESS AND INDUSTRY ASSOCIATION, THE IMPACT OF PAID FAMILY LEAVE ON NEW JERSEY BUSINESSES (2012), <https://bloustein.rutgers.edu/wp-content/uploads/2012/03/Ramirez.pdf>.

<sup>4</sup> ZACHARY CAMPBELL ET AL., THE IMPACT OF PAID LEAVE: EVIDENCE FROM TEMPORARY DISABILITY INSURANCE IN RHODE ISLAND 30 (July 2017), <https://www.mathematica-mpr.com/-/media/internet/conferences/2017/drc-annual-meeting2017/summaries/hastings.pdf?la=en>.

<sup>5</sup> Ann P. Bartel et al., *The Impact of Paid Family Leave on Employers: Evidence from New York* (Nat'l Bureau of Econ. Rsch., Working Paper No. 28672, 2021), [https://www.nber.org/system/files/working\\_papers/w28672/w28672.pdf](https://www.nber.org/system/files/working_papers/w28672/w28672.pdf).

<sup>6</sup> Eileen Appelbaum & Ruth Milkman, *Achieving a Workable Balance*, CENTER FOR WOMEN AND WORK (2006), p. 23, available at <https://smlr.rutgers.edu/sites/default/files/images/achieving%20a%20workable%20balance%202006%20Appelbaum.pdf>.

<sup>7</sup> SMALL BUSINESS FOR AMERICA'S FUTURE, PAID LEAVE POLICIES ON MAIN STREET (2021), <https://www.smallbusinessforamericasfuture.org/small-business-for-america-s-future-releases-paid-leave-survey-results>.

<sup>8</sup> EILEEN APPELBAUM & RUTH MILKMAN, LEAVES THAT PAY: EMPLOYER AND WORKER EXPERIENCE WITH PAID FAMILY LEAVE IN CALIFORNIA 8-10 (2011), <https://cepr.net/documents/publications/paid-family-leave-1-2011.pdf>; CENTER FOR ECONOMIC AND POLICY RESEARCH, p. 8, available at <https://cepr.net/documents/publications/paid-family-leave-1-2011.pdf>.

<sup>9</sup> GREER COWAN ET AL., THE CALIFORNIA EXPERIENCE: LESSONS FROM 20 YEARS OF CALIFORNIA'S PAID FAMILY LEAVE PROGRAM 13 (Sept. 2021), [http://www.bayareaconomy.org/files/pdf/BACEI\\_PFL\\_Sept2021.pdf](http://www.bayareaconomy.org/files/pdf/BACEI_PFL_Sept2021.pdf).

<sup>10</sup> SMALL BUSINESS FOR AMERICA'S FUTURE, PAID LEAVE POLICIES ON MAIN STREET (2021), <https://www.smallbusinessforamericasfuture.org/small-business-for-america-s-future-releases-paid-leave-survey-results>.

<sup>11</sup> Sharon Lerner & Eileen Appelbaum, *Business as Usual: New Jersey Employers' Experiences with Family Leave Insurance*, CTR. FOR ECON. & POL'Y RSCH. (2014), <http://www.cepr.net/documents/nj-fl-2014-06.pdf>.

<sup>12</sup> JOAN WILLIAMS. UNBENDING GENDER: WHY WORK AND FAMILY CONFLICT AND WHAT TO DO ABOUT IT (2001).

<sup>13</sup> SMALL BUSINESS FOR AMERICA'S FUTURE, PAID LEAVE POLICIES ON MAIN STREET (2021), <https://www.smallbusinessforamericasfuture.org/small-business-for-america-s-future-releases-paid-leave-survey-results>.

<sup>14</sup> Sharon Lerner & Eileen Appelbaum, *Business as Usual: New Jersey Employers' Experiences with Family Leave Insurance*, CTR. FOR ECON. & POL'Y RSCH. (2014), <http://www.cepr.net/documents/nj-fl-2014-06.pdf>.

<sup>15</sup> HEATHER BOUSHEY & SARAH JANE GLYNN, CTR. FOR AM. PROGRESS, THERE ARE SIGNIFICANT COSTS TO REPLACING EMPLOYEES (2007), <https://cdn.americanprogress.org/wp-content/uploads/2012/11/CostofTurnover.pdf>.

<sup>16</sup> Benjamin Bennett et al., *Paid Leave Pays Off: The Effects of Paid Family Leave on Firm Performance* (Nat'l Bureau of Econ. Rsch., Working Paper No. 27788, 2021), [https://www.nber.org/system/files/working\\_papers/w27788/w27788.pdf](https://www.nber.org/system/files/working_papers/w27788/w27788.pdf).

<sup>17</sup> EILEEN APPELBAUM & RUTH MILKMAN, LEAVES THAT PAY: EMPLOYER AND WORKER EXPERIENCE WITH PAID FAMILY LEAVE IN CALIFORNIA (2011), <https://cepr.net/documents/publications/paid-family-leave-1-2011.pdf>; CENTER FOR ECONOMIC AND POLICY RESEARCH, p. 8, available at <https://cepr.net/documents/publications/paid-family-leave-1-2011.pdf>.

<sup>18</sup> Replacing an employee costs 50-75% of an hourly employee's annual pay and up to 150% of a salaried employee's annual pay. Jodie Levin-Epstein, *Getting Punched: The Job and Family Clock* (2006), CENTER FOR LAW AND SOCIAL POLICY, p. 9, available at <http://www.clasp.org/resources-and-publications/files/0303.pdf>.

<sup>19</sup> *Morning Consult Poll: The Value of Paid Family Leave*, BIPARTISAN POL'Y CTR. (Sept. 7, 2021), <https://bipartisanpolicy.org/blog/morning-consult-poll-value-of-paid-family-leave/>.

<sup>20</sup> THEA GARON ET AL., UNPAID AND UNPROTECTED: HOW THE LACK OF PAID LEAVE FOR MEDICAL AND CAREGIVING PURPOSES IMPACTS FINANCIAL HEALTH 5 (Sept. 2021), [https://fhn-finhealthnetwork-assets.s3.amazonaws.com/uploads/2021/09/PulsePaidLeave\\_UnpaidUnprotected.pdf](https://fhn-finhealthnetwork-assets.s3.amazonaws.com/uploads/2021/09/PulsePaidLeave_UnpaidUnprotected.pdf).

<sup>21</sup> Bennett et al., *supra* note 15.

<sup>22</sup> PANORAMA & AM. SUSTAINABLE BUSINESS COUNCIL, THE BUSINESS IMPACTS OF PAID LEAVE (2019), [https://www.asbcouncil.org/sites/main/files/file-attachments/panorama\\_report\\_-\\_business\\_impacts\\_of\\_paid\\_leave.pdf](https://www.asbcouncil.org/sites/main/files/file-attachments/panorama_report_-_business_impacts_of_paid_leave.pdf).

<sup>23</sup> EILEEN APPELBAUM & RUTH MILKMAN, LEAVES THAT PAY: EMPLOYER AND WORKER EXPERIENCE WITH PAID FAMILY LEAVE IN CALIFORNIA (2011), <https://cepr.net/documents/publications/paid-family-leave-1-2011.pdf>; CENTER FOR ECONOMIC AND POLICY RESEARCH, p. 8, available at <https://cepr.net/documents/publications/paid-family-leave-1-2011.pdf>.

<sup>24</sup> PANORAMA & AM. SUSTAINABLE BUSINESS COUNCIL, THE BUSINESS IMPACTS OF PAID LEAVE (2019), [https://www.asbcouncil.org/sites/main/files/file-attachments/panorama\\_report\\_-\\_business\\_impacts\\_of\\_paid\\_leave.pdf](https://www.asbcouncil.org/sites/main/files/file-attachments/panorama_report_-_business_impacts_of_paid_leave.pdf).

<sup>25</sup> EILEEN APPELBAUM & RUTH MILKMAN, LEAVES THAT PAY: EMPLOYER AND WORKER EXPERIENCE WITH PAID FAMILY LEAVE IN CALIFORNIA 8 (2011), <https://cepr.net/documents/publications/paid-family-leave-1-2011.pdf>.

<sup>26</sup> GREER COWAN ET AL., THE CALIFORNIA EXPERIENCE: LESSONS FROM 20 YEARS OF CALIFORNIA'S PAID FAMILY LEAVE PROGRAM 13 (Sept. 2021), [http://www.bayareaconomy.org/files/pdf/BACEI\\_PFL\\_Sept2021.pdf](http://www.bayareaconomy.org/files/pdf/BACEI_PFL_Sept2021.pdf).

<sup>27</sup> Abay Asfaw et al., *Paid Sick Leave and Nonfatal Occupational Injuries*, 102.9 AMERICAN JOURNAL OF PUBLIC HEALTH e59-e64 (2012), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3482022/>.

<sup>28</sup> Daniel Kim, *Paid Sick Leave and Risks of All-Cause and Cause-Specific Mortality Among Adult Workers in the USA*. 14.10 INT. J. OF ENV. RESEARCH AND PUB. HEALTH 1247 (2017), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5664748/pdf/ijerph-14-01247.pdf>.



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<sup>29</sup> T.G. Hollo, *Evaluating family and medical leave insurance for Washington state*, 11 Economic Opportunity Institute (May 2012), <http://www.opportunityinstitute.org/wp-content/uploads/family-leave-insurance/EvaluatingFamilyandMedicalLeave-Jan13.pdf>.

<sup>30</sup> Michelle M. Arthur & Alison Cook, *Taking Stock of Work-Family Initiatives: How Announcements of "Family-Friendly" Human Resource Decisions Affect Shareholder Value*, 57 INDUSTRIAL & LAB. RELATIONS REV. 608-10 (2004).

<sup>31</sup> EILEEN APPELBAUM & RUTH MILKMAN, LEAVES THAT PAY: EMPLOYER AND WORKER EXPERIENCE WITH PAID FAMILY LEAVE IN CALIFORNIA 4 (2011), <https://cepr.net/documents/publications/paid-family-leave-1-2011.pdf>.

<sup>32</sup> Sharon Lerner & Eileen Appelbaum, *Business as Usual: New Jersey Employers' Experiences with Family Leave Insurance*, CTR. FOR ECON. & POL'Y RSCH. 24 (2014), <http://www.cepr.net/documents/nj-fl-2014-06.pdf>.