



INSTITUTE FOR WOMEN'S POLICY RESEARCH  
*Informing policy. Inspiring change. Improving lives.*

October 2, 2017

Michel Smyth  
Office of Information and Regulatory Affairs  
Attn: OMB Desk Officer for DOL-OS  
Office of Management and Budget, Room 10235  
725 17th Street NW, Washington, DC 20503

**Re: ICR Reference No: 201703-1290-001 PRA authority for the Family and Medical Leave Act (FMLA), Wave 4 Surveys information collection.**

Dear Mr. Smyth:

IWPR strongly supports the Department of Labor's (DOL) continued data collection on the Family and Medical Leave Act (FMLA) from the perspective of both workers and employers. Since its passage, the data collection on the FMLA has provided vital data on how the program is working for both workers and employers. It is the primary source of data to provide information on the policy's functioning, impacts, and shortcomings.

The Institute for Women's Policy Research conducts and communicates research to inspire public dialogue, shape policy, and improve the lives and opportunities of women of diverse backgrounds, circumstances, and experiences. We are the leading think tank in the United States applying quantitative and qualitative analysis of public policy through a gendered lens.

In 1987, its founding year, IWPR analyzed the costs to American workers of not having unpaid leave for childbirth, personal health needs, or family care giving, later published in lengthy report, *Unnecessary Losses: Costs to Americans of the Lack of Family and Medical Leave*. A companion fact sheet on the estimated impact of the new law on Black women showed that they lost more than white women by the lack of leave because they were the very workers to go back to work after childbirth sooner but lacked leave and thus had to search for a new job typically with lower wages than they were earning pre-birth. IWPR's research showed that, by not recognizing the need for work-life balance in all families, current employer policies not only failed to support workers and their families, but were costly to taxpayers. Now nearly a quarter century later, the Family and Medical Leave Act has become a cornerstone of U.S. employment law and human resource policy.

IWPR welcomes a fourth wave of data collection on the eve of the 25th anniversary of the FMLA's passage. We also support the expansion of the sample, especially the proposed 40 percent increase in the

Employee Survey sample size. We strongly support the sample design that will collect data for states with and without paid family leave programs in place. We would, however, like to weigh in on the issue of the specific states included in the sample plan. Washington State should not be included as a paid leave state because the state never implemented the paid leave program for parents that passed in 2007. New York and Hawaii should be included because they have had temporary disability policies in place for decades that typically provide maternity leave benefits that include a period after the birth for recovery and bonding. We also urge DOL and Abt Associates to put most of the additional workers to be surveyed into the sample taking or needing leaves rather than simply increasing the size of the work-only sample. Data collection from a larger sample of leave needers and leave takers within a one-year retrospective reporting period (rather than the 18 months in earlier FMLA surveys) will streamline the interview and reduce respondent burden by freeing them from having to switch back and forth between different-length look-back windows.

We are also very pleased to see new attention being paid to the complex patterns of possible wage replacement during periods of worker leave in terms of both share of usual wages replaced and the greater detail in the source of the income received during leave. It would be useful to also include “Maternity/Paternity/Parental or Paid Family Leave” in Employee survey question A43h. We know from the National Compensation Survey that at least 15 percent of workers are provided family leave paid by their employers. Also, the 2012 item A50 captured more detail on the levels of partial pay that could provide prompts for the open ended 2017 item A43g.

We would also like to encourage DOL and Abt Associates to add back two questions that were included in previous years but have been eliminated from the proposed instrument for 2017:

1. 2012 Employee Survey questions A11 and A12 on whether the care recipient was hospitalized or required a doctor’s care at the time the leave was taken. These questions provided some way to gauge the seriousness of the health condition triggering a leave. We believe that this is an important characteristic to capture even if only one question were asked combining both references to doctor’s care or hospitalization.
2. Between 2000 and 2012 a question asked of leave needers was dropped that collected information on whether they would have taken leave if the time would have been paid, “B3a. If you had received some or additional pay, would you have taken leave?”. Restoring this in 2017 would be extremely useful to research on worker leaves and barriers to accessing leave.

Finally, we strongly support the collection of occupation and industry data in the the 2017 employee demographics section. We would like to suggest that class of worker should also be added. Ideally, paid leave researchers would like to know about worker leave taking in private, for profit; private, nonprofit; federal government; state governments; and local governments.

IWPR also would value the release of microdata from the FMLA surveys for secondary analyses exploring additional research questions from those in the technical reports by the contractor. The microdata files for the 2012 surveys contained only recoded variables for several core items (e.g., length of leaves taken by employees) that made secondary analyses more difficult and less precise than if the original data had been provided. It was not even possible to reproduce all of the tables in the contractor’s

technical reports using the microdata files to ensure that commands in our programming were being properly specified using the correct weights and other details that are important to understand when using microdata for analysis—the first step is usually to replicate the government-sponsored research work to check our methods. With the 2012 microdata we could not replicate Abt Associates' work. It is clear from the documents provided with this request for comments that a great deal of effort has been devoted to reducing respondent burden in the data collection; this effort will be wasted if the data resulting from the interviews are not used to the full extent possible to advance our understanding of leave taking as experienced by workers and employers.

Thank you for this opportunity to provide our comments. We wish you and DOL every success in fielding this most important survey.

Sincerely,



Heidi Hartmann, PhD  
President & CEO, Institute for Women's Policy Research  
Research Professor, The George Washington University  
Editor, Journal of Women, Politics & Policy  
MacArthur Fellow



Jeffrey Hayes, PhD  
Program Director, Job Quality & Income Security  
Institute for Women's Policy Research  
1200 18th Street NW, Suite 301  
Washington, DC 20036  
Direct: 202-540-9673