

**MOTION BY SUPERVISORS HOLLY J. MITCHELL
AND SHEILA KUEHL**

June 28, 2022

**Establishing a Countywide Framework for Paid Family Leave as a Gender-Equity
and Poverty Alleviation Strategy**

In 1993, the federal government created the Family and Medical Leave Act (FMLA) establishing protected unpaid leave for workers due to family or medical reasons. Soon after, the State of California established the California Family Rights Act (CFRA) to require employers with 50 or more employees to provide up to 12 weeks of unpaid leave during a 12-month period for a parent to bond with a new child or to care for a spouse with a serious health condition. Effective January 1, 2021, California expanded CFRA to employers with five or more employees and expanded the definition of a family member and the qualifying reasons for taking leave.

In 2002, California enacted legislation establishing Paid Family Leave (PFL) by expanding the State Disability Insurance system (SDI), which is paid for by employees through payroll taxes. Through the legislation, the more than 18 million employees paying into SDI also became eligible for paid family leave, which has been amended over time to provide 60-70% of a worker's income for up to eight weeks for those caring for a wide range of specified family members, bonding with new children, or for those who have a family member deployed overseas. The County of Los Angeles (County) is in compliance

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with FMLA and CFRA by offering employees protected leave as it relates to caring for a new child or for a disability, however it is unpaid, and employees must use other benefits before accessing either of these protected leaves. County employees do not pay into the SDI program and therefore are not eligible for paid family leave. They must use their sick leave (if applicable), vacation, paid time off, or other accrued time.

Several municipal jurisdictions in California have led the charge to offer PFL to ensure that an employee's wages are not sacrificed by caring for a family member or a new child. For example, the City of Los Angeles passed an ordinance establishing a Paid Parental Time (PPT) Pilot Program to run from January 1, 2021 to June 30, 2025. This program provides eligible full-time, part-time, and temporary employees up to six weeks of 100% paid time off for pregnancy disability or to bond with a new child. The City of New York has opted into the State of New York's PFL Program, which offers 12 weeks of PFL to employees at 67% of their pay, up to a cap.

Private sector employers with headquarters in California such as Netflix, Google, Twitter, Facebook, and Reddit all offer paid family leave. Google, for instance, increased their paid leave amidst the coronavirus pandemic. Apple went even further by introducing a policy to give new parents a four-week grace period after returning from leave, so employees can ease back into work while also supporting their new family member.

California is one of nine states, in addition to the District of Columbia, to administer a statewide program for paid family leave. California law allows employers to supplement the State's leave reimbursement to cover 100% of an employee's salary during their leave. The City of San Francisco became the first local jurisdiction in 2017 to implement an ordinance to require employers with 50 employees or more to supplement the PFL wage offered by the State with 100% of the employee's wages. In 2018, the ordinance then applied to employers with 20 employees or more.

According to a 2018 report on [Equity for Women in the Workplace](#), led by the County Department of Human Resources, in collaboration with the Women and Girls Initiative, the County would benefit by exploring PFL opportunities. The Los Angeles County Employee Climate Survey launched on March 11, 2019, found that from the employees who responded in the past 5 years, 75% of employees had taken a leave for

the birth or adoption of a child, 83% had taken leave to care for a sick child, and 78% had taken leave to care for an adult family member. This survey and best practices from other jurisdictions demonstrate that PFL creates better gender equity and a more inclusive workplace. According to research by the National Partnership for Women and Families, offering PFL to both men and women improves worker retention by reducing turnover costs for companies and improving employee morale. First-time mothers who take paid leave are more likely than those who take unpaid leave or no leave to return to the same employer.¹ [United States employers that have implemented paid-leave policies](https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-leave/paid-leave-good-for-business.pdf) found a 20% reduction in the number of female employees leaving their jobs in the first year after giving birth—and up to a 50% reduction after five years—according to a study for the March of Dimes Center for Social Science Research. According to the Center for American Progress, data from 2009 to 2018 shows that there is a financial cost to workers carrying the burden of unpaid time off. The data showed that without affordable childcare and paid family and medical leave, there is a total loss of \$31.9 billion in wages.² Women have historically assumed caregiving roles, a trend exacerbated during the onset of the pandemic, when more women exited the workforce to care for a child. Women, and more often women of color, are more likely than men to take time off for a newborn child or to care for a family member which results in higher wage loss.

As of October 2020, the Federal Employee Paid Leave Act (FEPLA) expanded to grant up to 12 weeks of paid time off for certain qualifying federal employees welcoming a new child to the family including a child through adoption or foster care. The FEPLA covers approximately 100,000 more federal employees that were not covered by the previous federal law. The federal government, local jurisdictions across the nation, and private sector companies have proven that PFL is possible and that it is beneficial for employee recruitment, retention, and overall performance. The County prides itself as being one of the best employers in the Southern California region. A PFL program would be complementary to the current health benefits offered by the County, allowing us to remain a key competitor for recruiting exceptional talent. Research on current state paid

¹<https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-leave/paid-leave-good-for-business.pdf>.

² <https://americanprogress.org/article/rising-cost-inaction-work-family-policies/>.

leave programs finds that workers of color are less likely to be aware of paid leave programs, the benefits they provide, eligibility requirements and details on how to apply. This makes dedicated funding for outreach, education and enforcement to ensure equitable program usage and treatment critical. Through a paid leave program, the County has an opportunity to continue its commitment to alleviate poverty and strive for gender and racial equity. A PFL program and flexibility for working parents is one way to continue to create a more inclusive County workforce.

WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

1. Direct the Director of the Department of Human Resources, in coordination with the Chief Executive Officer, the Executive Director of the Women and Girl's Initiative, and any other relevant departments, to report back to the Board in writing in 90 days on recommendations for implementing a Paid Family Leave (PFL) program for all potentially eligible Los Angeles County (County) employees. The plan should include, but not be limited to:
 - a. Models of state and local jurisdictional PFL programs that the County can replicate or join.
 - b. The potential fiscal impact and any procedural changes that would need to be implemented for the County to offer PFL to all full-time, part-time, and intermittent employees and, a proposal for potential cost mitigation strategies and opportunities.
 - c. The potential fiscal impact and any procedural or policy changes necessary for the County to offer the State's Disability Insurance program to employees, and the cost for the County to supplement 100% of employee wages.
 - d. A proposed timeline for implementation and recommended phased in strategies and next steps for the Board of Supervisors to consider.
 - e. An established plan for outreach, education, and enforcement of leave programs that includes equitable implementation to ensure that workers of color are aware of the programs, the benefits they provide and how to qualify and apply.

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