

The Effects of FMLA Eligibility and Awareness on Family Leave-Taking

Issue Brief—Worker Leave Analysis and Simulation Series¹

January 2017

The Family and Medical Leave Act (FMLA) enables employees to take up to 12 weeks of unpaid, job-protected leave. However, while FMLA has increased leave-taking among eligible workersⁱ, overall effects have been modest, perhaps because much of the workforce is ineligible for FMLA, and many who are eligible are unaware of the law's benefits and eligibility requirements.ⁱⁱ A little over half of U.S. workers – an estimated 56% to 60% – are covered by FMLA, meaning they both work for an employer covered by its provisions and meet the law's employee eligibility requirements.ⁱⁱⁱ

Awareness of the FMLA's benefits has increased slowly since the law's passage in 1993^{iv}, with 70.9% of workers at FMLA-covered worksites and 53.1% of workers at non-covered worksites reporting in 2012 that they were aware of the law's benefits.^v This brief examines the effects of the awareness of FMLA eligibility on leave usage for FMLA-qualifying reasons. Using data from the 2012 U.S. Department of Labor (DOL) Family and Medical Leave (FMLA) Employee Survey, the analysis examined the effect of FMLA eligibility and awareness on an outcome variable of whether a worker took leave for an FMLA-qualifying reasons² (see the Technical Appendix for more details on the survey).

In this Issue Brief, we use data from the 2012 DOL Family and Medical Leave Act (FMLA) Employee Survey to examine the effects of FMLA eligibility and awareness on whether workers utilize leave when faced with significant life events. This brief also examines the sources that typically inform employees about the FMLA and explores differences in FMLA awareness within and across subpopulations of the U.S. workforce.

This brief is part of the Worker Leave Analysis and Simulation Issue Brief Series and is part of a study funded by the Department of Labor's Chief Evaluation Office. For more findings in the Series, please visit <https://www.dol.gov/asp/evaluation/WorkerLeaveStudy/>

WHAT IS THE EFFECT OF FMLA ELIGIBILITY AND AWARENESS ON WHETHER WORKERS TAKE LEAVE FOR FMLA-QUALIFYING REASONS?

Key Finding: Workers who were Eligible and Aware of FMLA were One and a Half Times More Likely to Take Leave

Among workers who were eligible and aware of FMLA the probability of taking leave was 55.1%, compared to the probability of workers that were FMLA-eligible but unaware of the law, who took leave at a rate of 45.3%.

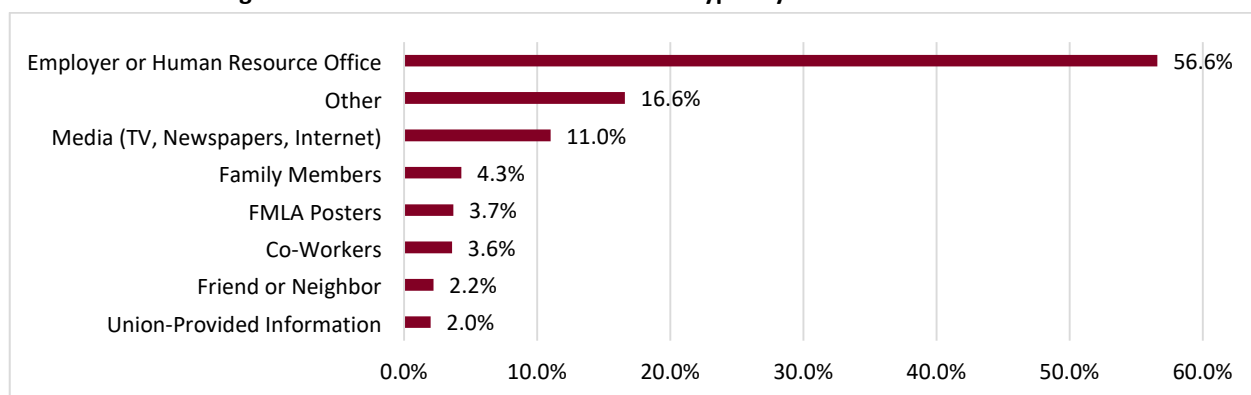
¹ This project was funded, either wholly or in part, with Federal funds from the U.S. Department of Labor's Chief Evaluation Office under Contract # DOL-OPS-14-U-00040. The contents of this publication do not represent the views or policies of the Department.

² Family and medical leave is defined in the FMLA survey as leave for one's own serious health condition; caregiving for a serious health condition of a parent, spouse, relative, or child; for a new child; or to respond to the military deployment of a family member.

WHERE DO WORKERS TYPICALLY LEARN ABOUT THE FMLA?

The majority of U.S. workers who are both eligible and aware learn about the FMLA from their employers or a human resource office (56.6%). The second most common information source for workers consisted of a category of ‘other sources’ (16.6%) that did not include common information sources, such as employers, the media, or other co-workers. Media, including both print and electronic, were the third most common information source, with 11.0% of aware workers receiving their information from such sources. The other five types of information sources were considerably less likely to inform workers about the FMLA, with less than 5% of eligible workers learning about the law through these sources (see *Figure 1*).

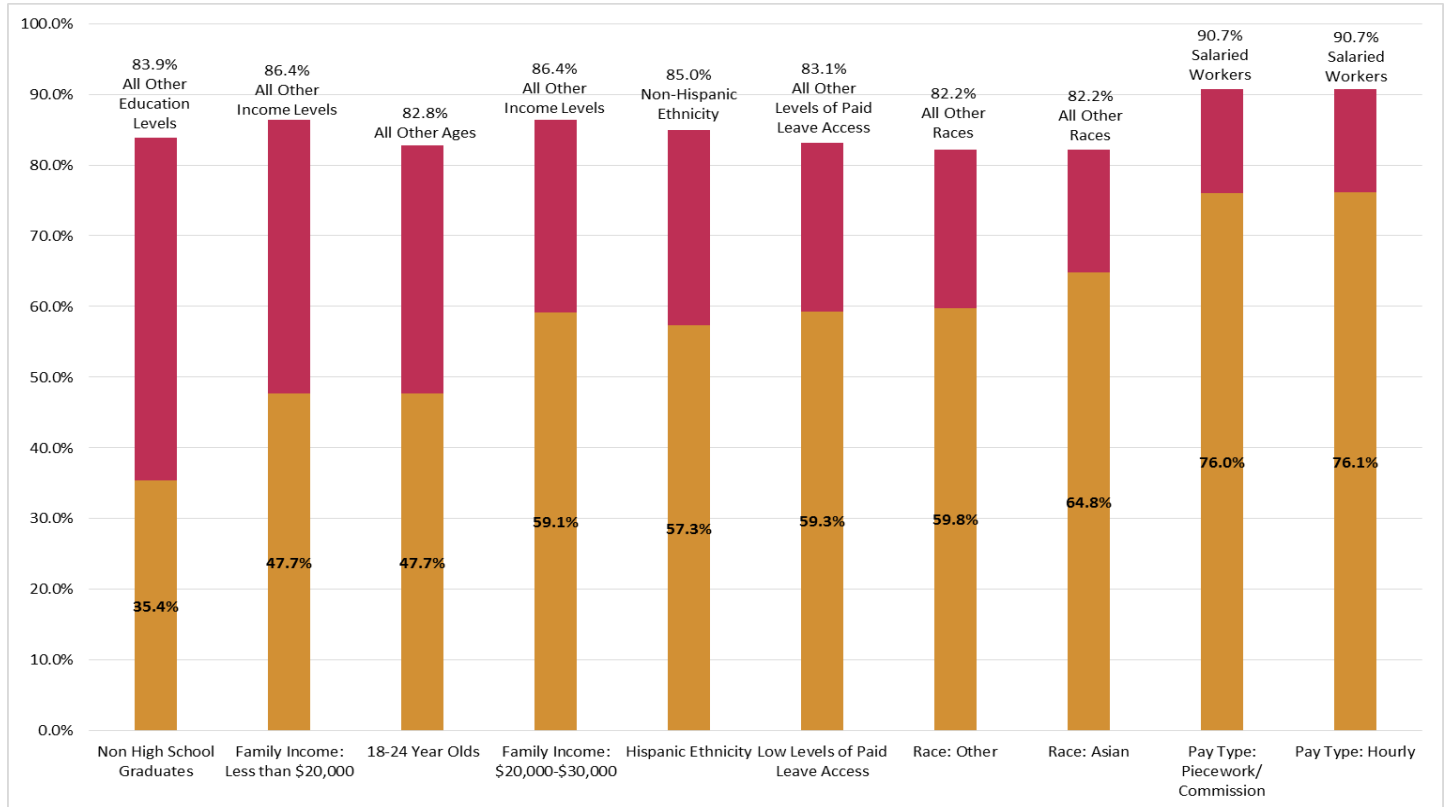
Figure 1. Where Do FMLA-Aware Workers Typically Learn about the FMLA?



WHICH WORKERS ARE LESS LIKELY TO BE AWARE OF THE FMLA?

Workers in seven sub-populations were found to be significantly less likely to be aware of the FMLA when compared to their peers. These sub-populations include important groups of workers, including younger workers, lower income workers, and racial minorities, who are as likely to need FMLA as their peers, but are least aware of the law. Increased efforts to inform these sub-populations about FMLA, its benefits, and its eligibility requirements could play a critical role in allowing larger number of U.S. workers to utilize the FMLA benefit available to them to achieve an effective balance between healthy careers and healthy families (see *Figure 2* on the following page).

Figure 2: Differences in FMLA-Awareness within Key Sub-Populations of Eligible Workers



Note: All differences are statistically significant at the $p < 0.01$ level.

IMPLICATIONS

These findings demonstrate that:

- FMLA-eligible workers who did not graduate high school had levels of FMLA awareness that were 48.5% lower than workers with higher levels of education.
- FMLA awareness among workers 18 between 24 years of age was 35.1% lower than workers of other ages.
- Workers with family incomes of less than \$20,000 (-38.7%) and less than \$30,000 (-27.3%) were also considerably less likely to be aware of the FMLA.
- Hispanic workers (-27.7%), Asian workers (-17.4%), and other racial groups (-22.4%) were less aware of the FMLA than their peers.
- FMLA-eligible workers with lower levels of access to paid leave had FMLA- awareness rates that were 23.8% lower than their peers with greater access to paid leave.
- Workers who were paid hourly or via a piecework/commission basis or some other combination of pay, were significantly less likely (-14.6% to -14.7%) to be aware of the FMLA than salaried workers.



TECHNICAL APPENDIX

Data for the analysis consisted of employee data from the 2012 DOL FMLA Employee Survey^{vi}. Employee data was collected via nationwide random-digit dialing and computer-assisted telephone interviews, with sampling weights used to adjust for stratified sampling methods and survey non-response. Interviews were conducted with one employee per household (with the self-employed excluded), and a total of 1,359 employee surveys were completed. The surveys included employees who were and were not eligible to receive the protections of FMLA. Based upon their answers, the survey classified respondents as members of one of four groups: employees who took leave ('leave-takers'), employees who had a need for leave but did not take leave ('leave-needers'), employees that took leave but needed additional leave that they could not take, and employees that did not need nor take leave. This brief restricts its focus to 'leave-takers', those workers who took leave for FMLA-eligible reasons, and compares the use of leave among that sub-population to the other three groups.

The analysis employed a logistic regression model that examined the relationship between the explanatory variables and the outcome variable of whether a worker took leave for FMLA-eligible reasons. The outcome variable, as constructed, examines whether a worker took leave for FMLA-eligible reasons, but does not examine the types of leave that a worker used, such as sick leave, FMLA leave, vacation leave, or short- or long-term disability. The explanatory variables used in this model consisted of eight factors that were previously identified within the peer-reviewed literature as having statistically significant effects on whether a worker took leave for FMLA-eligible reasons. In addition, a collection of control variables were included within the model. The control variables consisted of worker- and organizational-level variables that were not consistently identified as explanatory factors within previous research, but were expected to affect whether a worker took leave.

Exhibit A1 on the following page presents the full results for the factors associated with utilization of leave for FMLA-eligible reasons. The first column specifies the explanatory and control variables included in the model. The 'Odds Ratio' column provides the odds ratio coefficients and level of statistical significance for each variable. Odds ratios calculate the odds of an explanatory outcome occurring for one categorical group divided by the odds of that outcome occurring for another categorical group. For instance, the odds ratio for leave-taking among female workers is calculated by dividing the odds of leave-taking for female workers by the odds of leave-taking for male workers. The third column reports the robust standard errors for each variable included within the model, with smaller errors indicating higher model precision. The final columns report the 95% confidence intervals for each variable. The column provide another measure of model precision, with a 95% confidence level that the figures in the columns include the true point estimator.

Exhibit A1. Factors Associated with Utilization of Leave for FMLA-Eligible Reasons

	Odds Ratio	Robust Std. Err.	[95% Conf. Interval]	
<i>FMLA Eligibility & Knowledge (Reference: FMLA Eligible)</i>				
FMLA Eligible & Knowledgeable	1.4686*	0.254	1.062	2.078
<i>Age Groups (Reference: 18-24 Years)</i>				
25-29	0.829	0.318	0.391	1.758
30-34	0.726	0.264	0.355	1.482
35-39	0.739	0.273	0.358	1.525
40-44	0.535	0.197	0.260	1.100
45-49	0.582	0.210	0.287	1.180
50-54	0.748	0.268	0.371	1.508
55-59	0.769	0.280	0.377	1.570
60-67	0.859	0.319	0.415	1.780
68 or Older	0.837	0.383	0.342	2.051
<i>Education (Reference: Did Not Graduate High School)</i>				
High School Graduate	1.023	0.411	0.465	2.250
Some College	0.966	0.387	0.440	2.120
College Graduate	0.642	0.265	0.286	1.440
Graduate School	0.642	0.275	0.278	1.485
<i>Family Income</i>				
\$20,000-\$34,999	1.445	0.566	0.670	3.116
\$35,000-\$49,999	1.870	0.730	0.870	4.018
\$50,000-\$74,999	1.577	0.614	0.736	3.380
\$75,000-\$99,999	1.959	0.782	0.896	4.283
\$100,000+	1.637	0.655	0.747	3.588
<i>Hispanic Ethnicity (Reference: Non-Hispanic)</i>				
	1.139	0.300	0.680	1.907
<i>Race (Reference: Caucasian)</i>				
American Indian/Native American	1.086	0.437	0.494	2.388
Asian	1.191	0.396	0.621	0.284
Black/African American	1.000	0.180	0.705	1.426
Other Race	0.511*	0.172	0.264	0.988
<i>Marital Status (Reference: Married)</i>				
Living with Partner	1.134	0.286	0.692	1.858
Separated	1.942	0.819	0.850	4.441
Divorced	1.090	0.204	0.755	1.574

	Odds Ratio	Robust Std. Err.	[95% Conf. Interval]	
Widowed	1.230	0.420	0.630	2.401
Never Married	0.867	0.166	0.596	1.262
Female	1.268*	0.147	1.010	1.590
Parenthood	1.576**	0.232	1.181	2.103
Labor Union Member	1.259	0.183	0.947	1.674
Government Worker	1.417*	0.197	1.079	1.862
<i>Pay Type (Reference: Piecework/Commission/Combination)</i>				
Salaried	0.884	0.320	0.435	1.797
Hourly	1.124	0.406	0.553	2.283
<i>Access to Paid Leave</i>				
Constant	0.696	0.500	0.170	2.847
Observations	1,359			

ⁱ Waldfogel, J. (1999). The impact of the family and medical leave act. *Journal of Policy Analysis and Management*, 18(2), 281-302.

ⁱⁱ Jorgensen, H., and Appelbaum, E. (2014). *Expanding Federal Family and Medical Leave Coverage: Who Benefits from Changes in Eligibility Requirements?* (No. 2014-02). Center for Economic and Policy Research (CEPR).

Klerman, J. A., Daley, K., and Pozniak, A. (2012). Family and medical leave in 2012: Technical report. *Cambridge, MA: Abt Associates Inc.*

ⁱⁱⁱ Jorgensen, H., and Appelbaum, E. (2014). Klerman, J. A., Daley, K., and Pozniak, A. (2012).

Laharnar, N., Glass, N., Perrin, N., Hanson, G., & Anger, W. K. (2013). A training intervention for supervisors to support a work-life policy implementation. *Safety and health at work*, 4(3), 166-176.

^{iv} Waldfogel, J. (2001). Family and medical leave: Evidence from the 2000 surveys. *Monthly Lab. Rev.*, 124, 17.

^v Klerman, J. A., Daley, K., and Pozniak, A. (2012). Family and medical leave in 2012: Technical report. *Cambridge, MA: Abt Associates Inc.*

^{vi} Klerman, J. A., Daley, K., and Pozniak, A. (2012). Family and medical leave in 2012: Technical report. *Cambridge, MA: Abt Associates Inc.*