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*Policy in Action:  
New Jersey's Family Leave Insurance  
Program at Age Three*

A REPORT OF THE CENTER FOR WOMEN AND WORK

KAREN WHITE  
LINDA HOUSER  
ELIZABETH NISBET



Center for Women and Work  
Rutgers, the State University of New Jersey  
School of Management and Labor Relations  
50 Labor Center Way  
New Brunswick, NJ 08901  
[www.cww.rutgers.edu](http://www.cww.rutgers.edu)

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# ABOUT THE CENTER FOR WOMEN AND WORK

The Center for Women and Work (CWW) is an innovative leader in research and programs that promote gender equity, a high-skill economy, and reconciliation of work and well-being for all. CWW is located in the School of Management and Labor Relations at Rutgers, The State University of New Jersey.

CWW is also affiliated with the internationally-known Institute for Women's Leadership (IWL), an eight-unit consortium of research, instructional, and outreach units that also includes the Center for American Women and Politics, the Center for Women's Global Leadership, the Institute for Research on Women, the Women's & Gender Studies Department, Douglass College, the Institute for Women and Art, and the Office for the Promotion of Women in Science, Engineering, and Mathematics.

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## ABOUT THE AUTHORS

**Karen White** is director of the Work and Family Programs at the Center for Women and Work and is responsible for the center's research, outreach, and education on family-friendly workplace policies. Ms. White is a leading expert on policies such as paid family leave and has been an invited participant in national dialogues, including a White House initiative on this topic. Prior to joining the Center for Women and Work, Karen White worked at the Economic Policy Institute in Washington, DC.

**Linda Houser** is an Assistant Professor at Widener University's Center for Social Work Education, an Affiliate Fellow at the Center for Women and Work at Rutgers University, and a policy practitioner in the areas of employment, caregiving, and health. Her focus is on efforts to improve financial, workplace, and caregiving security for women and families across the age and socioeconomic spectrum.

**Elizabeth Nisbet** is a postdoctoral research associate at the Center for Women and Work (CWW). Her research interests concern the relationship between public policy and low-wage work, job quality, and work-life balance. Ms. Nisbet has had an extensive career in research and programs related to economic security, education, and health working in nonprofit organizations including the Federation of Protestant Welfare Agencies, Sesame Workshop, and Helen Keller International.

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# EXECUTIVE SUMMARY

New Jersey took a strong step forward in May 2008, when Family Leave Insurance (FLI) was signed into law. The legislation provides eligible workers up to six weeks of partial wage replacement when they need to take time to bond with a new child or care for a seriously ill family member. Since July 2009, when the program began providing benefits, over 100,000 claims have been approved, providing New Jersey's working families with critical financial security to see them through many of their most significant life-changing events. The majority of these claims (80,402, or 80.1%) have been for bonding with a newborn or newly adopted child. The remaining claims (19,937, or 19.9%) have been to care for a seriously ill family member.

While there have been a number of studies conducted on the impact of paid and unpaid family and medical leave, including studies specifically on California's paid family leave program, less attention has been paid to New Jersey's FLI program. Using data made available by the New Jersey Department of Labor and Workforce Development (LWD), along with results from a public opinion poll conducted by the Eagleton Institute in August 2012, we look at New Jersey's FLI program implementation, uptake, and usage; public awareness of and favorability toward the program; and data collection efforts to assess the impact of FLI on workers and their families. Based on our findings, we conclude with recommendations for policy changes that will help the FLI program better address the needs of New Jersey's working families.

Key among our findings is the need for more detailed data collection and reporting. Only a small portion of information FLI applicants provide in making a claim is required to be reported by LWD. Important questions about FLI and its impact could be answered with access to additional data, including micro-data with demographic information about claimants, details on the "other family" category of caregiving claims, information about ineligible claims, wage data, business size, and industry of employers.

Other findings include the following:

- FLI has a high favorability rating in state-representative public opinion polling. More than three of every four respondents (76.4%) to an August 2012 poll indicated a favorable opinion toward FLI. Both men and women

overwhelmingly favor the program, although the level of favorability among women is higher than that among men (84.3% compared with 67.7%).

- Awareness of the FLI program is low. According to results of a state-representative public opinion poll, six in ten residents “had not seen or heard” anything about the program. Of those who indicated awareness, many did not know that the program was for both bonding with a new child *and* caring for a sick family member.
- Those most likely to have reported needing family leave were also among those least likely to have been aware of the program: adults with less than a high school degree (36.8%), black adults (36.3%), and adults earning less than \$25,000 a year.
- In 2011, bonding claims from women comprised the vast majority of FLI claims (72.5%), followed by family care claims from women (13.9%), bonding claims from men (9.0%), and family care claims from men (4.6%).
- Unlike in the case of bonding, where claims were made primarily by women under age 45, claims in the area of family care were more evenly distributed by age and, to a lesser extent, gender. Six of every ten family care claims in 2011 were made by working adults age 45 and over. However, in both the “under 45” and “45 and older” categories, the bulk of family caregiving responsibility fell on women. Of the 5,449 successful family care claims in 2011, 46.4% were filed by women age 45 and over, 28.8% were filed by women under age 45, 13.6% were filed by men age 45 and over, and 11.1% were filed by men under age 45.
- While women represented the majority of caregivers in every age category, men’s share of family care claims relative to women in the same age bracket was highest at the ends of the age spectrum, at nearly 31% for those under 25 and at a full third (33.3%) for those over 65. Conversely, men’s share of caregiving claims was lowest at ages 45 to 54 (22.5%) and ages 55 to 64 (20.3%). These are peak earnings years, when the persistent gap between men’s and women’s wages may impact decision making about who takes even a partially wage-replaced leave.
- Although the nominal value of the average weekly FLI benefit amount increased by 2.3% from 2009 to 2011 (\$471 to \$482), inflation-adjusted values suggest that the increase in average weekly benefit has not kept pace with inflation: In 2011 dollars, weekly benefits have dropped from \$493 to \$482.

In closing, we make a number of recommendations based on our findings, including the following:

- Direct additional resources toward expanded outreach and education efforts to make sure all workers—especially low-wage workers—and their families know about FLI and how to access benefits.
- Expand data collection and reporting efforts. Collect and report individual-level demographic data, including age, gender, ethnicity, occupation, education, and income level of claimants. Provide detailed information about claims determined to be eligible and ineligible, including the reason for determination; the age, gender, ethnicity, occupation, and income level of the claimants; the business size of employer and industry in which workers are employed; and wage data.
- Expand the definition of family member to cover more categories, including grandparents, grandchildren, siblings, aunts, and uncles.
- Increase level of wage replacement to make leave more affordable.
- Extend job protections to all workers who take FLI.

# INTRODUCTION

The combination of changing labor force demographics and static workplace policies has created a series of work–life conflicts for 21<sup>st</sup>-century workers in the United States, who are now facing difficult choices between caregiving, jobs, and financial responsibilities. Trends such as rising female labor force participation, increasing numbers of single-parent households, and the aging of baby boomers collide with the rising costs of caring for both children and older adults and limited, inequitable access to employer-provided paid-leave benefits.<sup>1</sup> Together, these factors compound individual- and family-level stress and jeopardize families' economic stability in the short term and their financial security in the long term.

In response to such work–life conflicts, paid family leave has come to the forefront of policy discussions in recent years both at the federal level and in the states. Most notably, two states—California and New Jersey—have implemented family leave insurance programs that provide partial wage replacement to workers when they need time to fulfill family caregiving responsibilities. In 2002, California was the first state to adopt a paid family leave insurance program,<sup>2</sup> and New Jersey followed in 2008. Washington State enacted paid parental leave legislation in 2007, but program implementation has stalled pending the approval of funding.

While there have been a number of studies documenting the impact of paid and unpaid family leave on workers, businesses, and the community, several of which have highlighted the success of California's eight-year-old Paid Family Leave (PFL) program,<sup>3</sup> less attention has been paid to New Jersey's Family Leave Insurance program (FLI). Over 100,000 claims were approved in FLI's first three years of implementation,<sup>4</sup> providing New Jersey's working families with financial resources to help see them through many of their most significant life-changing events. Much can be learned from New Jersey's experience in establishing and implementing its FLI program, both from how the program has been used and characteristics of those who benefit from it.

In this report, we look at FLI since it was signed into law. Using data made available by the New Jersey Department of Labor and Workforce Development (LWD), along with results from a public opinion poll conducted by the Eagleton Institute in August 2012, we look at New Jersey's FLI program implementation, uptake, and usage, as well as public awareness of and favorability toward the program. We also look at current data-collection efforts that reveal the challenges some workers face with regard to accessing and utilizing the program. Finally, we conclude with recommendations for policy changes to this program, which enjoys widespread public support.

# OVERVIEW

In today's turbulent and insecure world of work, family-supportive policies in the United States have become a priority for many workers, employers, policymakers, and advocates. Without basic workplace standards and supports that reflect their needs, workers cannot adequately fulfill both their caregiving and job responsibilities. Today, just as in the past, the burden of so-called work–life or work–family conflicts falls disproportionately on women.

In 1993, the Family and Medical Leave Act (FMLA) was signed into law, becoming the first national legislation aimed at addressing work–life conflict. FMLA provides job-protected leave to workers when they need to care for their own serious illness, a seriously ill family member, or a new child. While FMLA is a positive step forward in adopting a national public policy to help individuals manage their work and family caregiving responsibilities, it has many limitations. Most importantly, while it provides job-protected leave, FMLA leave is unpaid, and not all workers are covered. For many workers—particularly those with low household incomes or heading single-parent families—unpaid leave is little better than no leave at all.

In recognition of the importance of adopting policies to reflect the new realities of workers and their families, in May 2008 New Jersey adopted a Family Leave Insurance program (FLI) that provides workers with partial wage replacement during a family leave. For up to 12 months following a birth or adoption, or at any time for the care of a seriously ill family member (defined in the law as child,<sup>5</sup> spouse, domestic partner, civil union partner, or parent), most New Jersey workers—both women and men—are eligible for six weeks of partial wage replacement per year (see Appendix A for program details).

When New Jersey enacted its FLI legislation,<sup>6</sup> the state was already well-positioned to implement it. As one of only five states with a Temporary Disability Insurance (TDI) Program,<sup>7</sup> New Jersey had both the experience and the established administrative infrastructure needed to quickly and seamlessly implement FLI.<sup>8</sup> As evidenced by the case of Washington State, where the family leave insurance legislation enacted in 2007 still awaits implementation, the structure and funding mechanisms organized under TDI and administered by the New Jersey Department of Labor and Workforce Development (LWD) were important to New Jersey's successful rollout of FLI.

New Jersey FLI is an employee-funded insurance program that provides partial wage replacement during a period of family caregiving leave. While the FLI provision itself

does not include job protection (i.e., the guarantee of the same or an equivalent job following the leave), such protections do exist for individuals who work at jobs that are covered by the 1993 FMLA or by New Jersey's 1989 Family Leave Act (NJ FLA). While provisions in FMLA and NJ FLA differ somewhat, both provide up to 12 weeks of unpaid, job-protected leave to workers employed at businesses with 50 or more employees when they need time for their own disability (FMLA only) or to bond with a new child or care for a seriously ill family member.<sup>9</sup>

# FLI PROGRAM IMPLEMENTATION

*In January 2009, just seven months after enactment of the law, LWD successfully rolled out the first phase of the FLI program.*

In the months that followed signing of the FLI law, staff members at the New Jersey Department of Labor and Workforce Development (LWD) worked to set up and implement the program on schedule. LWD staff took note of problems California had encountered in starting up its program and worked to ensure that similar problems were not encountered in New Jersey.<sup>10</sup>

To cover start-up costs, FLI legislation authorized the temporary transfer of up to \$25 million from the State Disability Benefits Fund (i.e., TDI). Of that amount, LWD utilized only approximately \$6 million.<sup>11</sup> Instead of hiring additional permanent full-time staff members to implement the new program, LWD elected to reassign experienced TDI claims processors to FLI operations to eliminate training issues and to ensure a seamless implementation.<sup>12</sup>

In January 2009, just seven months after enactment of the law, LWD successfully rolled out the first phase of the FLI program: payroll deductions of .09% of workers' taxable wages.<sup>13</sup> Six months later, on July 1, 2009, LWD rolled out the second phase of the program when it began processing claims and providing benefits to workers. Learning from California's experience, LWD set rigid standards for claims processing, with no claim taking more than 14 days for initial determination.

In the months following implementation, LWD staff worked to fine-tune the system. To that end, in early 2010, LWD fully automated the claim filing system for new mothers moving from pregnancy-related temporary disability to family leave insurance. The program's web-based system allows claimants to move from one benefit program to another and avoid disruption in receipt of benefits.<sup>14</sup> In April 2011, LWD updated the program to provide debit cards to claimants in lieu of sending checks in the mail.<sup>15</sup> Benefits are direct deposited into a claimant's debit card account; those debit cards can then be used for purchases, to get cash, or to deposit funds into a personal savings or checking account.

# FLI OUTREACH AND EDUCATION

FLI legislation set minimum requirements for notification, outreach and education. Employers are required to post notices in the workplace that describe their employees' rights under the law. Those notices must be placed in areas where they will be easily viewed by all employees. Further, employers must provide copies of these notices directly to employees in the following instances:

(1) not later than 30 days after the form of the notification is issued by regulation; (2) at the time of the employee's hiring, if the employee is hired after the issuance; (3) whenever the employee notifies the employer that the employee is taking time off for circumstances under which the employee is eligible for benefits; and (4) at any time upon the first request of the employee.<sup>16</sup>

FLI legislation allowed funds collected through employee contributions to be used not only for the direct payment of family leave benefits but also for their administration, including the cost of an outreach program to inform employees of their eligibility for the program.

During the early months of implementation, LWD staff established notification procedures and materials and made them available as required by law. LWD staff also conducted targeted outreach to employers, advocacy organizations, and others; produced an informational brochure in both English and Spanish about the program; and made the brochures available online. Additionally, LWD established a comprehensive Web site with information about the program, including answers to frequently asked questions, brochures, applications, and other material.

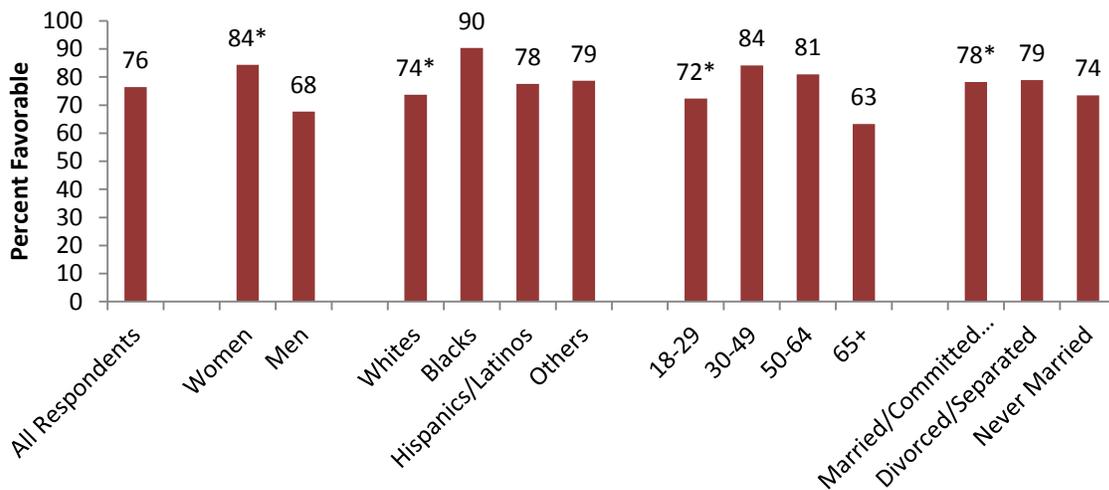
Beyond these targeted efforts, no extensive, statewide outreach and education program was conducted to make sure that all of New Jersey's covered workers, their families, and the businesses that employ them were made aware of the program, how it works, and how workers can access benefits when they need them.

# FLI FAVORABILITY, AWARENESS, AND NEED: AUGUST 2012 SURVEY

The lack of coordinated, sustained outreach has raised concerns about the degree to which the New Jersey public is aware of FLI. Low levels of awareness would be particularly unfortunate given the fact that a 2006 Eagleton Center poll revealed high levels of support and need for the legislation among New Jersey residents.<sup>17</sup> That statewide poll found that New Jersey residents favored the idea of family leave insurance by a margin of four to one.<sup>18</sup> Support was strong among all demographic groups, with more than half of all respondents across categories of gender, race/ethnicity, age, education, income, and political party favoring the creation of a family leave insurance program.

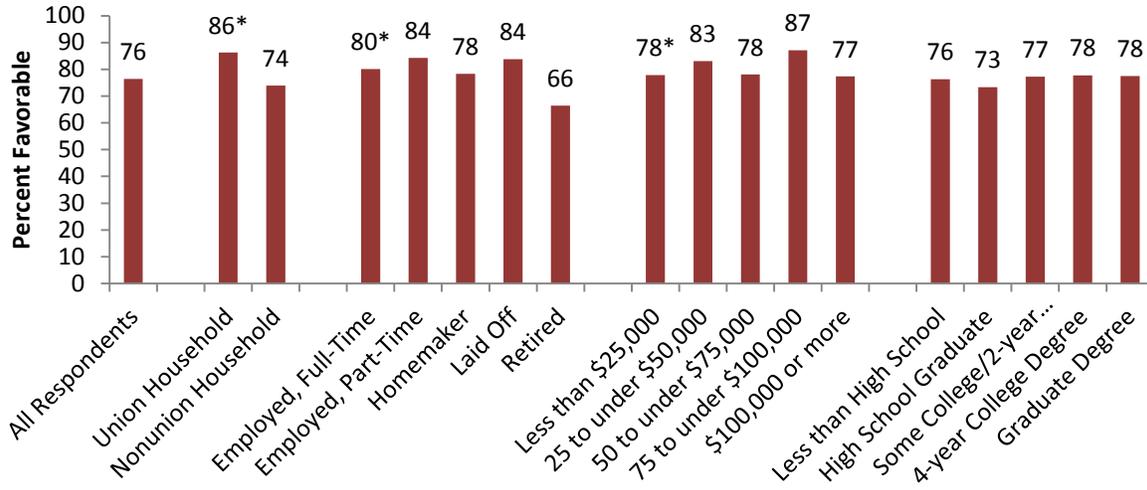
According to a much more recent public opinion poll conducted by the Eagleton Center,<sup>19</sup> the same high levels of favorability exist today. After hearing a brief description of the existing program, more than three of every four respondents (76.4%) indicated a favorable opinion of FLI, whereas only 13.8% indicated an unfavorable opinion (the remaining 9.8% did not know).<sup>20</sup> Both women and men overwhelmingly favored the program, although women’s favorability (84.3%) was higher than men’s (67.7%). While favorability was lowest among those aged 65 and older, even in this group, 63.3% viewed FLI favorably. Selected polling results are shown in Figures 1 and 2; for complete polling results and sample sizes, refer to Appendix B.

**FIGURE 1: Family Leave Insurance Favorability by Demographic Group (%)**



NOTE: Statistically significant between-group differences ( $p < .05$ ) are indicated by an asterisk following the first proportion for each group.

**FIGURE 2: Family Leave Insurance Favorability by Union, Employment, Income, and Education Status (%)**

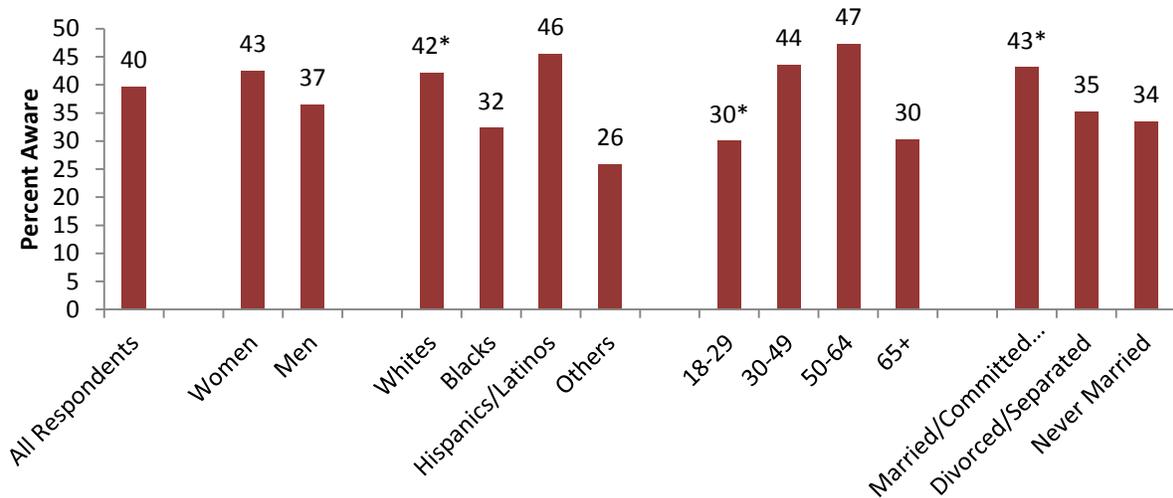


NOTE: Statistically significant between-group differences ( $p < .05$ ) are indicated by an asterisk following the first proportion for each group.

*For all demographic groups except for those in labor unions, fewer than half of all respondents had ever seen or heard anything about FLI, and even among those who did know about FLI, 17% did not know that it could be used to care for a seriously ill family member.*

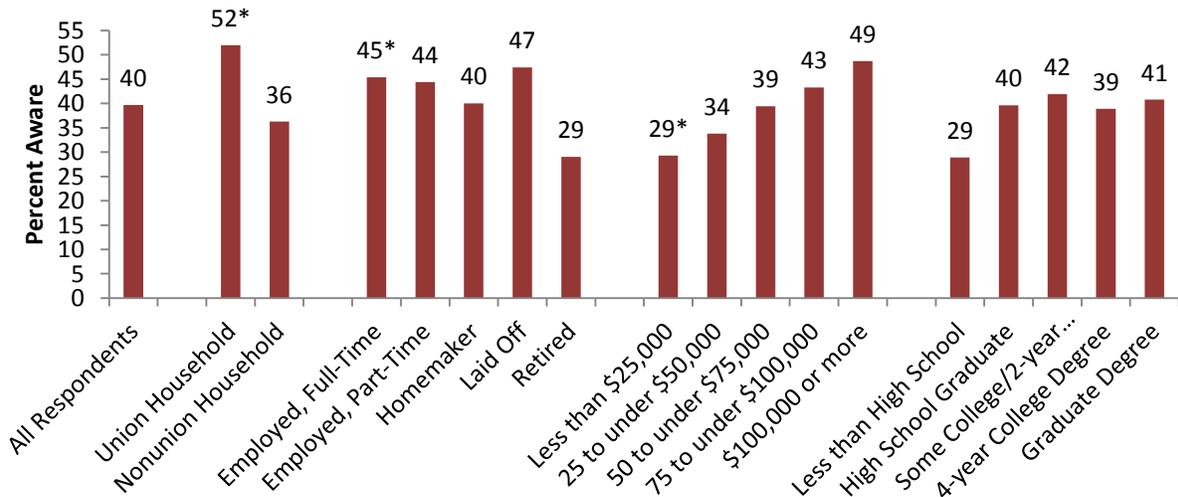
The survey revealed key weaknesses in FLI awareness across the state. Fewer than four in ten New Jersey residents (39.7%) had “seen or heard anything about” the state’s FLI program prior to the poll.<sup>21</sup> Awareness was lowest among less advantaged New Jerseyans, including adults with less than a high school degree (28.9%),<sup>22</sup> black adults (32.3%), young adults (29.7%), retired (28.9%) and older adults (30.4%), non-partnered adults (33.4%), and adults earning less than \$25,000 per year (29.3%; Figures 3 and 4). Women were more likely to be aware of FLI than were men, at 42.5% and 36.5% respectively, though this difference was not statistically significant. As reflected in Figure 4, levels of awareness increase at each bracket of income, with the highest levels of awareness found among those earning \$100,000 or more per year (48.6%) and among those in labor union households (51.9%). For all demographic groups except for those in labor unions, fewer than half of all respondents had ever seen or heard anything about FLI, and even among those who did know about FLI, 16.7% did not know that it could be used to care for a seriously ill family member.

**FIGURE 3: Family Leave Insurance Awareness by Demographic Group (%)**



NOTE: Statistically significant between-group differences ( $p < .05$ ) are indicated by an asterisk following the first proportion for each group.

**FIGURE 4: Family Leave Insurance Awareness by Union, Employment, Income, and Education Status (%)**



NOTE: Statistically significant between-group differences ( $p < .05$ ) are indicated by an asterisk following the first proportion for each group.

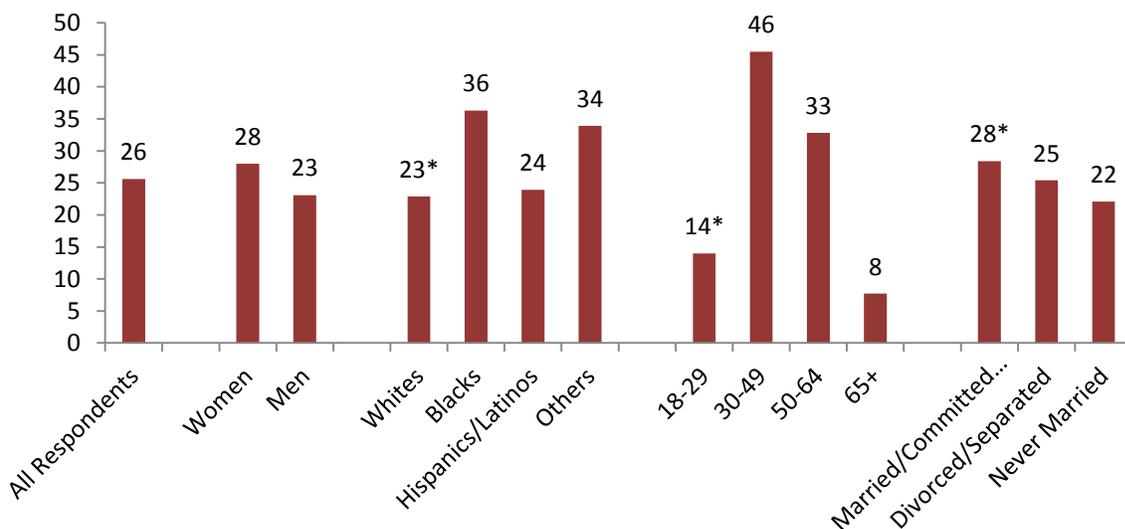
Such low levels of awareness are of particular concern given the high level of need for family leave among survey respondents. Nearly one in five adults surveyed (19.2%)

reported using employment leave for pregnancy, bonding, or care of a family member with a serious illness between July 1, 2009, and the present. Fewer than half of these respondents (45.0%) received pay or compensation during their leave. Moreover, just over 12% of survey respondents reported that they had experienced an event that qualified for a family leave but, after seriously considering taking such a leave, had ultimately decided against doing so.

To capture the concept of need, we calculated the proportion of survey respondents who indicated either (1) that they had “taken leave from work at any time since July 1, 2009” for an FLI-covered reason; *or* (2) that they had “seriously considered, but did not take, family-related leave for any reason” since July 2009. Those who indicated that both were true were counted only once. Overall, more than one in four respondents either took family leave or experienced a situation that warranted leave-taking at least once in the past three years.

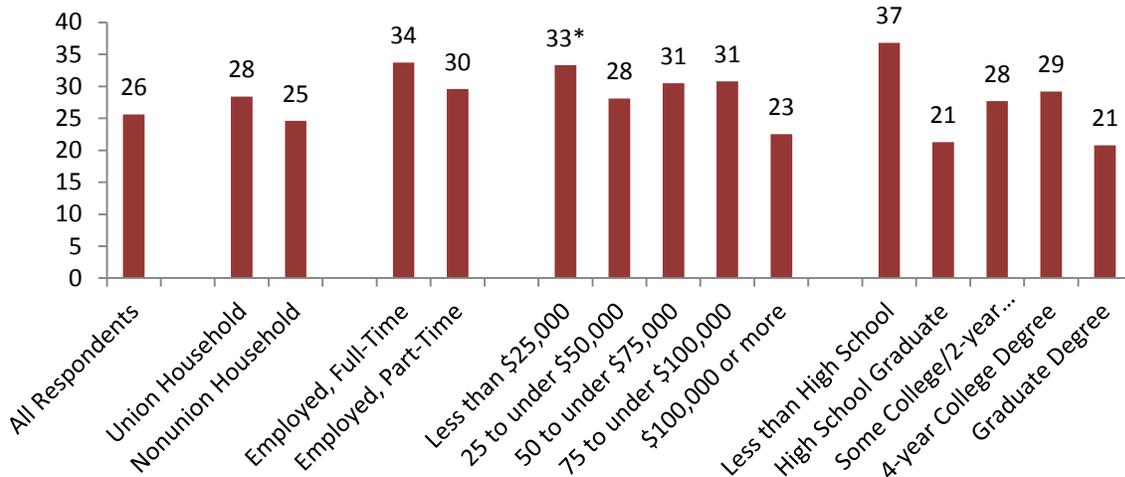
Complete demographic data on leave need is shown in Figures 5 and 6. What is perhaps most noteworthy is that those most likely to have reported needing family leave were also among those groups least likely to have been aware of FLI, including adults with less than a high school degree (36.8%),<sup>23</sup> black adults (36.3%), and adults earning less than \$25,000 per year (33.3%). Graphically illustrating the concept of a “sandwich generation,” middle-aged adults, including a remarkable 45.5% of those age 30 to 49 and 32.8% of those age 50 to 64, were more likely than any other age group to report an event that either led to or could have led to a family leave.

**FIGURE 5: Family Leave Need by Demographic Group (%)**



NOTE: Statistically significant between-group differences ( $p < .05$ ) are indicated by an asterisk following the first proportion for each group.

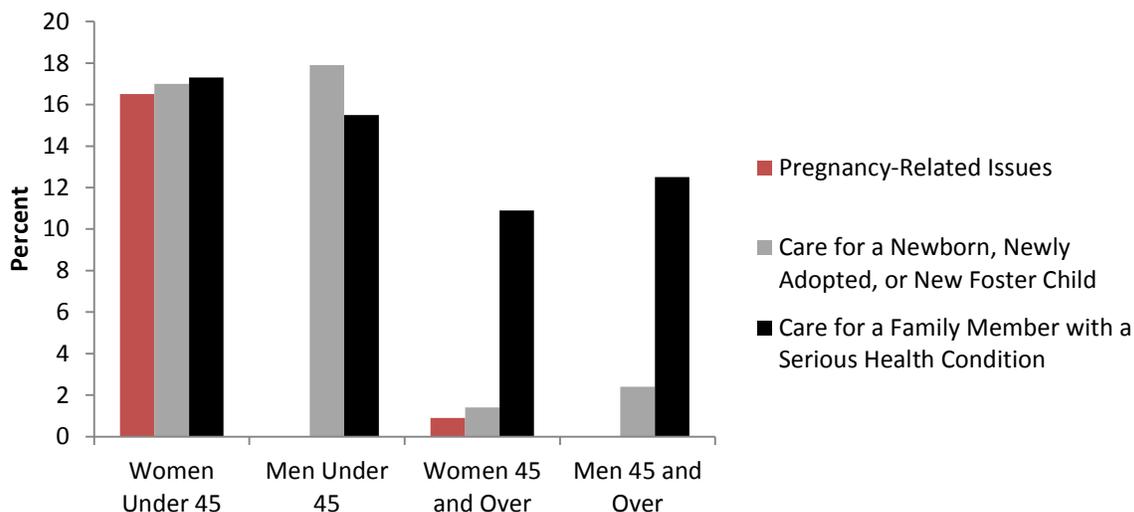
**FIGURE 6: Family Leave Need by Union, Employment, Income, and Education Status (%)**



NOTE: Statistically significant between-group differences ( $p < .05$ ) are indicated by an asterisk following the first proportion for each group.

When we look solely at the almost one in five adults who took some type of caregiving leave (with or without pay), reasons for leave-taking differed substantially by age and gender (Figure 7). Not surprisingly, pregnancy-related leave-taking is heavily concentrated among women under the age of 45, with 16.5% of women in this age group having taken a pregnancy-related leave since July of 2009. Women and men under the age of 45 were almost equally likely to report having taken a leave to care for a newborn, newly adopted child, or new foster child, at 17.0% for women and 17.9% for men. While reports of leave-taking to care for a family member with a serious health condition were more evenly distributed among age and gender categories, younger women still bear a disproportionate degree of responsibility in this area.

**FIGURE 7: Reasons for Leave-Taking by Age and Gender (%)**

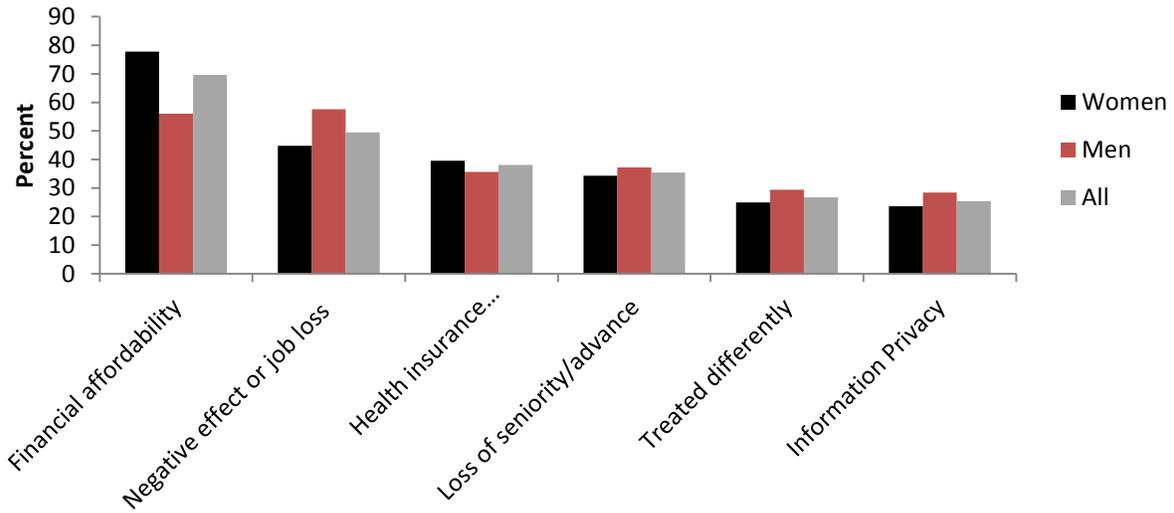


Given low levels of awareness and use as reported in the August 2012 survey, the number of New Jerseyans who experienced a qualifying life event and decided against taking a family leave after seriously considering doing so—14.7% of women and 9.6% of men—warrants further attention. Of those who reported having been in this situation, nearly 78% of women and over 56% of men said that they could not financially afford to take an unpaid leave. Other reasons for not taking a needed leave included the concern that a leave might negatively affect them or cost them their jobs and worries about maintaining or affording health insurance coverage (Figure 8).

Consistent with the fact that fewer than half of the adults who took caregiving leave received pay during their leave, only 1.2% of the full sample reported receiving wage replacement through FLI over the past three years. Of women who were aware of the program, 4.3% used FLI. Of men who were aware of the program, 1.1% used FLI.<sup>24</sup>

Adults who were not married or in a committed relationship and those with incomes less than \$50,000 were far more likely than others to attribute their decision not to take family leave to financial reasons.

**FIGURE 8: Reasons for Not Taking Leave by Gender (%)**



As a whole, survey data suggest that past and present levels of FLI education and outreach have been insufficient in raising awareness among both New Jerseyans in general and New Jerseyans with a need for caregiving leave.

# THE USE OF NJ FLI FROM 2009-2011: OVERVIEW OF CLAIMS AND CLAIMANTS

*Between the July 2009 implementation of FLI and October 2012, over 100,000 claims have been approved.*

We turn now from state-representative polling data to an analysis of administrative data provided in August 2012 by LWD. Although FLI applicants must provide detailed demographic and leave-related information to LWD, only a small portion of this information is required by law to be collected and reported publically. Therefore, while our analysis below is limited to the subset of information that LWD is required to report, far more data on claims and claimants could be made available if systematically processed and reported.

Roughly 3.66 million New Jerseyans were covered by the FLI State Plan in 2011, with an additional 13,800 covered by private plans (Table 1).<sup>25</sup> At first glance, the decline in the number of workers covered by Unemployment Insurance (UI) and FLI over the past two years<sup>26</sup> may be perceived to be reflective of a broader decline in employment over the same period—between 2009 and 2011, total nonfarm employment in the state declined by 0.9% and coverage under UI declined 3%. However, because the difference between these proportions is statistically significant, it appears that the proportion of the labor force covered by wage protections fell faster than the overall employment rate. This may be due to the fact that workers hired or rehired since the recession need time on a job to establish UI/TDI/FLI coverage and because many self-employed and temporary workers are not covered.

**Table 1: New Jersey Workers Covered by FLI and Private Plans, by Year<sup>27, 28</sup>**

	2009	2010	2011	% Change (2009–11) <sup>29</sup>
<b>Total Nonfarm Employment</b>	3,894,900	3,850,600	3,856,200	0.9%
<b>Unemployment Insurance/ Family Leave Insurance Covered Workers</b>	3,794,084	3,681,516	3,678,000	3.0%
<b>State Plan</b>	---	3,669,000	3,664,200	
<b>Private Plan</b>	---	12,516	13,800	

Between the July 2009 implementation of FLI and October 2012, over 100,000 claims<sup>30</sup> have been approved. The majority of these claims (80,402, or 80.1%) have been for bonding with a newborn or newly adopted child. The remaining claims (19,937, or 19.9%) have been to care for a seriously ill family member (Table 2).

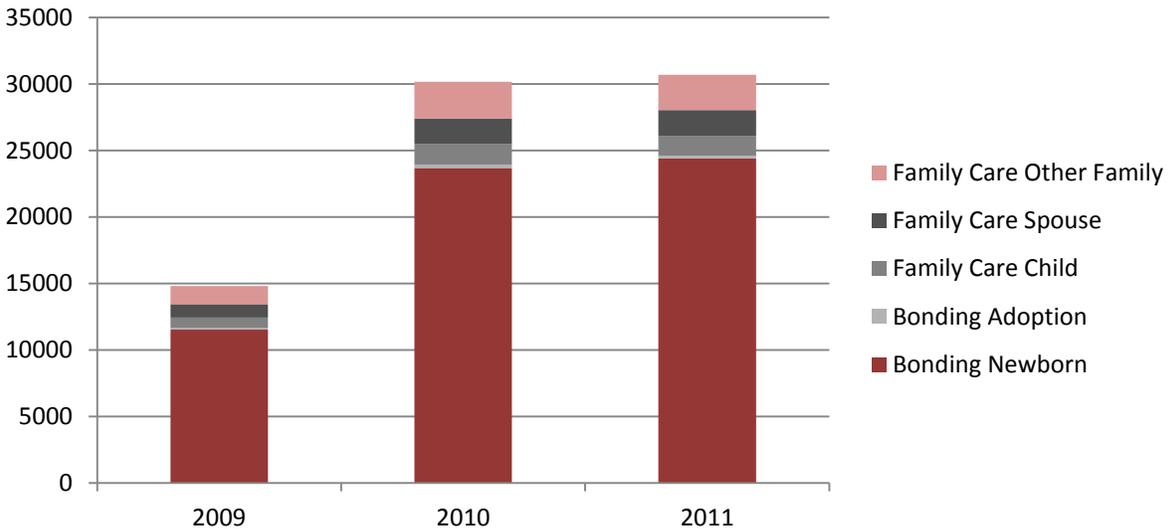
**Table 2: Total Eligible FLI Claims, by Category and Year**

	2009 (Jul.–Dec.)	2010	2011	2012 (Jan.–Aug.)
<b>Total Eligible Claims</b>	14,810	30,162	30,701	24,666
<b><i>Bonding</i></b>	11,640	23,935	24,621	20,206
Newborn	11,522	23,696	24,413	---
Adoption	118	239	208	---
<b><i>Family Care</i></b>	3,170	6,227	6,080	4,460
Child	795	1,542	1,493	---
Spouse	1,009	1,934	1,931	---
Other Family	1,366	2,751	2,656	---

NOTE: Eligible claims are defined as eligible original determinations, plus eligible redeterminations, less ineligible redeterminations.

Figure 9 illustrates the fact that the number of total FLI claims rose between 2010 and 2011.<sup>31</sup> The breakdown of claim types differed significantly from 2010 to 2011, with newborn bonding claims comprising over 78.6% of claims in 2010 and 79.5% of claims in 2011.<sup>32</sup> Bonding claims as of August 2012 were on pace to comprise an even higher proportion of total FLI claims than in 2010 or 2011.

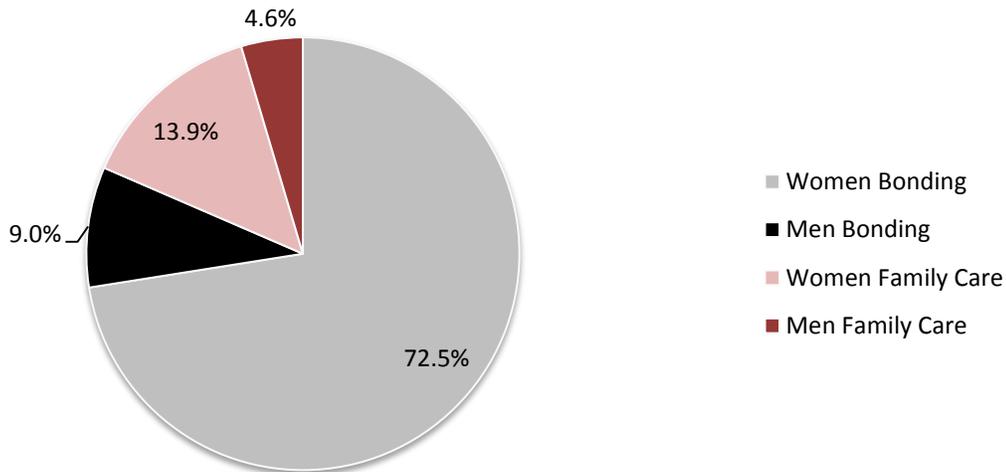
**FIGURE 9. Number of Claims and Claim Type per Year**



As evidenced by Figure 9, the “other family” category of family care is consistently larger than either the child or the spouse category. Because domestic and civil union partners are grouped with “spouses,” those in this “other” category are most likely to be aging adult parents; however, without additional information, we cannot assume a specific demographic profile for this group.

The total eligible claims data presented in Table 2 and Figure 9 represent all eligible claims for the year, including both those claims initially determined to be eligible and those claims determined eligible upon appeal (“redetermined claims”). Our access to claims data by gender and age is limited to initial determinations. As shown in Figure 10, bonding claims from women comprised the vast majority of FLI claims in 2011 (72.5%), followed by family care claims from women (13.9%), bonding claims from men (9%), and family care claims from men (4.6%).

FIGURE 10: Eligible FLI Claims, by Type and Gender, 2011



### *Bonding*

In 2010, the birth rate in New Jersey was 12.2%, representing 106,922 live births.<sup>33</sup> Adoption numbers are far more difficult to determine because available data are separated by whether the adoption was public or private and domestic or international. Adding together private international and public adoptions, we find that there were approximately 1,700 such adoptions in the state in 2010;<sup>34</sup> this number does not include private domestic adoptions and thus should be considered an undercount. Using these numbers, we can estimate that NJ FLI was used in roughly 28% of births and between 10% and 14% of adoptions.<sup>35</sup>

As expected given the relationship between TDI and FLI for birth mothers, NJ LWD reports that, for 2011, 12,168 TDI claims were attached to a subsequent eligible FLI bonding claim.<sup>36</sup> This represents 57% of all eligible FLI bonding claims made by women (n=21,339).

Table 3 shows only bonding-related claims, first by age and then by both gender and age. As we might expect, the vast majority of successful first-time claims (88.6% in 2011) were made by women under the age of 45 followed by men under the age of 45. It is noteworthy that men had a disproportionate number of claims determined ineligible at least upon initial review: while men's claims accounted for only 11% of all *eligible* claims, they accounted for 17.8% of all *ineligible* claims. Unfortunately, we cannot tell whether such a disparity persisted even after redeterminations were taken into account.

**Table 3: Initial FLI Determinations for Bonding Claims, by Age and Gender**

	<b>2010</b>	<b>2011</b>
<b>Total Eligible Claimants</b>	22,937	23,973
<i>Women</i>	88.6% (20,313)	89% (21,339)
Under 45	87.9%	88.6%
45 and Over	0.6%	0.4%
<i>Men</i>	11.4% (2,624)	11% (2,634)
Under 45	10.9%	10.5%
45 and Over	0.6%	0.5%
<b>Total Ineligible Claimants</b>	2,214	1,812
<i>Women</i>	82.5% (1,826)	82.2% (1,490)
Under 45	81.8%	81.1%
45 and Over	0.7%	1.2%
<i>Men</i>	17.5% (388)	17.8% (322)
Under 45	17.1%	16.8%
45 and Over	0.5%	0.9%

NOTE: Data in these categories are available only for complete years, 2010 and 2011, and include only those claimants for whom demographic information is available. As a result, figures used on Tables 3 and 4 do not match exactly those in Table 2. Reported totals are from initial determinations, not including redetermined claims.<sup>37</sup>

The data reported on Table 3 also allow us to calculate a rate of eligibility determination for initial bonding claims. That rate has hovered around 92%: 91.2% in 2010, 93% in 2011, and 91.9% for the first eight months of 2012.<sup>38</sup>

### *Family Care*

Table 4 shows only family care-related claims, first by age and then by both gender and age. Unlike in the case of bonding, claims in the area of family care were more evenly distributed by age and, to a lesser extent, by gender. Six of every ten claims in 2011 were made by working adults age 45 and over. However, for both the “under 45” and “45 and older” categories, the bulk of family caregiving responsibility fell on women. As shown in Figure 7, of the 5,449 successful family care claims in 2011, 46.4% were filed by women age 45 and over, 28.8% were filed by women under age 45, 13.6% were filed by men age 45 and over, and 11.1% were filed by men under age 45.

**Table 4: Initial FLI Determinations for Family Care Claims, by Age and Gender**

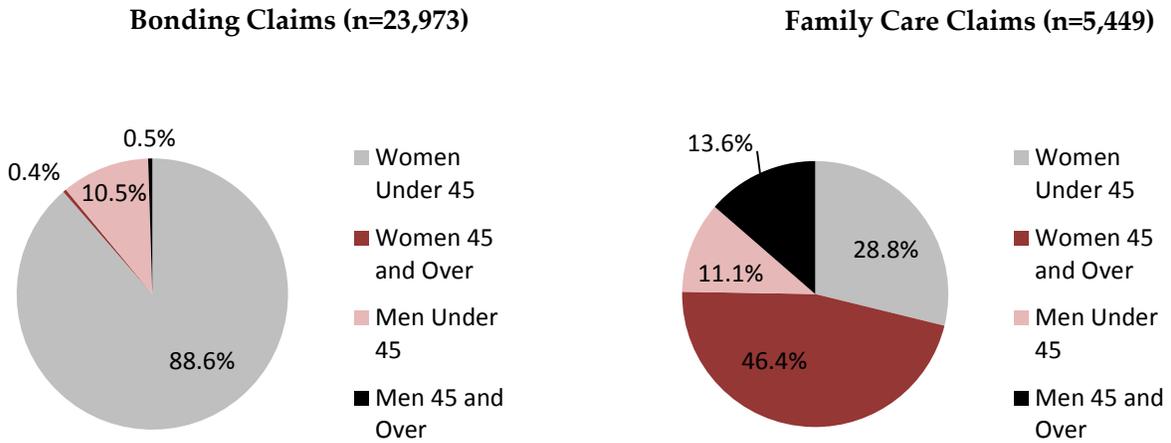
	<b>2010</b>	<b>2011</b>
<b>Total Eligible Claimants</b>	5,336	5,449
<i>Women</i>	3,973 (74.5%)	4,102 (75.3%)
Under 45	30.6%	28.8%
45 and Over	43.9%	46.4%
<i>Men</i>	1,363 (25.5%)	1,347 (24.7%)
Under 45	11.6%	11.1%
45 and Over	13.9%	13.6%
<b>Total Ineligible Claimants</b>	1,739	1,400
<i>Women</i>	1,259 (72.4%)	1,016 (72.6%)
Under 45	32.4%	32.4%
45 and Over	40.0%	40.2%
<i>Men</i>	480 (27.6%)	384 (27.4%)
Under 45	14.4%	14%
45 and Over	13.2%	13.4%

NOTE: Data in these categories are available only for complete years, 2010 and 2011, and include only those claimants for whom demographic information is available. As a result, figures used on Tables 3 and 4 do not match exactly those in Table 2. Reported totals are from initial determinations, not including redetermined claims.<sup>39</sup>

The data reported in Table 4 allow us to calculate a rate of eligibility determination for initial family care claims. That rate is considerably lower than the rate for initial bonding claims, at 75.4% in 2010, 79.6% in 2011, and 78.8% for the first eight months of 2012.<sup>40</sup>

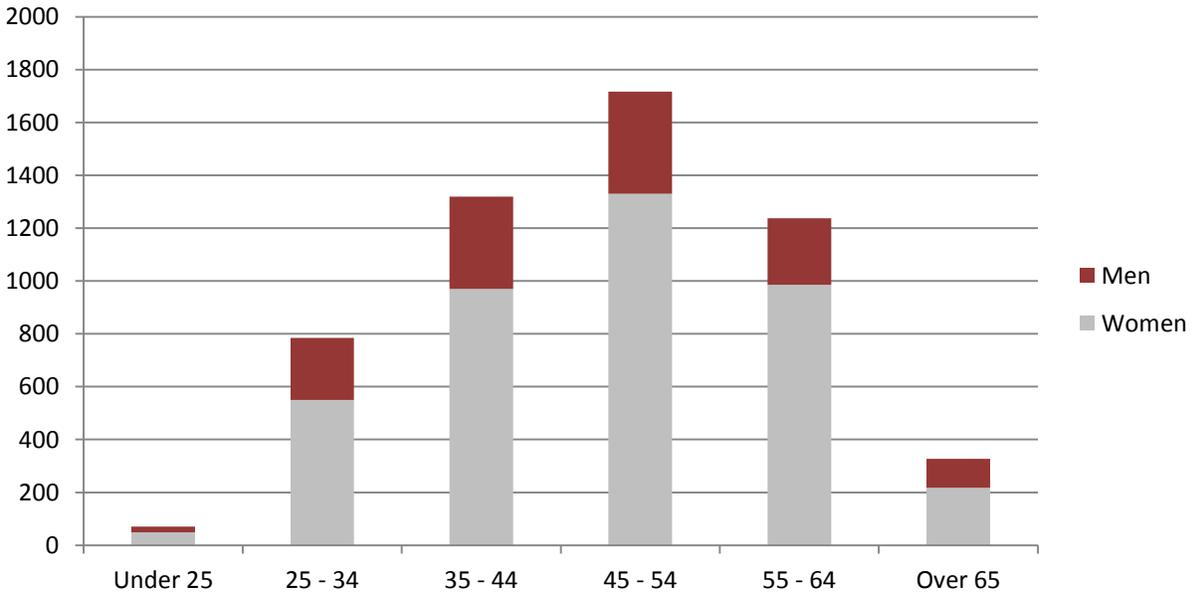
Figure 11 illustrates the very different age and gender profiles of bonding leave-takers as compared to family care leave-takers in 2011. While women accounted for the majority of care claims in both cases, men represented nearly a quarter of all family care claims as compared to only 11% of all bonding claims. Not surprisingly, while bonding care was concentrated among men and women under age 45, men and women age 45 and over accounted for 57% of all 2011 family care claims.

**FIGURE 11: Initial FLI Determinations by Gender and Age, Bonding versus Family Care Claims (%)**



To further clarify the age and gender breakdown of those determined eligible for a family care FLI leave, Figure 12 illustrates the number (rather than the proportion) of men and women who took such a leave in 2011. While women represented the majority of caregivers in every age category, men’s share of caregiving claims was highest at the ends of the age spectrum, at nearly 31% for those under 25 and at a full third (33.3%) for those over 65. Conversely, men’s share of caregiving claims relative to women in the same age bracket was lowest at ages 45 to 54 (22.5%) and ages 55 to 64 (20.3%). These are peak earnings years, when the persistent gap between men’s and women’s wages may impact decision making about who takes even a partially wage-replaced leave.

**FIGURE 12: Initial FLI Determinations for Family Care, by Detailed Age and Gender (n=5,449)**



***Average Duration, Total Benefit, and Weekly Benefit Amount***

*While the nominal value of the average total benefit amount increased by 13.4% between 2009 and 2010 and by 1.7% between 2010 and 2011, inflation-adjusted values tell a different story—one that includes either no change or statistically significant declines in the real value of total benefit amounts for all groups from 2010 to 2011.*

We turn last to administrative data documenting the average duration, total benefit amount, and weekly benefit amount for FLI claims in 2009 (July through December), 2010, and 2011. As shown on Table 5, the average duration of wage-replaced family leave increased by half a week between 2009 and 2010 but remained flat between 2010 and 2011, with bonding-related claims being consistently longer than family care claims by roughly 1.3 weeks. The maximum leave duration under FLI is six weeks.<sup>41</sup>

**Table 5: Estimated Average Duration of Leave (in weeks),  
by Category and Year**

	2009	2010	2011
<b>Duration in weeks</b>	4.5	5.0	5.0
<i>Bonding</i>	4.7	5.2	5.3
Newborn	4.7	5.2	5.3
Adoption	4.9	5.0	5.1
<i>Family Care</i>	3.5	3.9	4.0
Child	3.4	3.8	3.8
Spouse	3.6	4.0	4.1
Other Family	3.4	4.0	4.0

NOTE: Estimated average duration is calculated as weeks compensated divided by eligible claims.

The estimated average duration data may reflect claimants who are just beginning a claim, those who are intermittent claimants and therefore have not collected all of their potential weeks of benefits, and those who began their claims in the prior year.

The Family Leave Insurance program compensates workers two-thirds of their weekly wage up to a maximum amount (\$572 per week in 2012). Thus, a minimum wage worker earning \$7.25 an hour and working 40 hours a week is eligible for a weekly FLI benefit of about \$190 before taxes (see Appendix A for additional program details). As shown in Table 6, while the nominal value of the average total benefit amount increased by 13.4% between 2009 and 2010 and by 1.7% between 2010 and 2011, inflation-adjusted values<sup>42</sup> tell a different story—one that includes either no change or statistically significant declines in the real value of total benefit amounts for all groups from 2010 to 2011 (values in bold, Table 6).

In every year studied, total benefit amounts are consistently higher for bonding claims than for family care claims. Part of the nominal increase in the total benefit amount can be attributed to statutory changes in the maximum weekly benefit amount, which went from \$546 in 2009 up to \$561 in 2010 and then declined slightly to \$559 in 2011. These values reflect an increase of 2.3% over the two-year period, a value below the national rate for inflation over the same period (4.6%).

**Table 6: Estimated Average Total Benefit per Eligible Claim, by Category and Year**

	2009	2009 (2011\$)	2010	2010 (2011\$)	2011
<b>Benefit per Eligible Claim</b>	\$2,104	\$2,201	\$2,385	\$2,453	\$2,426
<i>Bonding</i>	\$2,263	\$2,367	\$2,551	\$2,624	\$2,591
Newborn	\$2,260	\$2,364	\$2,550	\$2,623	\$2,590
Adoption	\$2,503	\$2,618	\$2,628	\$2,703	\$2,700
<i>Family Care</i>	\$1,520	\$1,590	\$1,745	\$1,795	\$1,758
Child	\$1,482	\$1,550	\$1,669	\$1,717	\$1,644
Spouse	\$1,588	\$1,661	\$1,770	\$1,820	\$1,815
Other Family	\$1,491	\$1,560	\$1,770	\$1,820	\$1,782

NOTE: The estimated average benefit data may reflect claimants who are just beginning a claim or who are intermittent claimants and therefore have not collected all of their potential weeks of benefits and may also include individuals who began their claims in the prior year.

As shown in Table 7, the nominal value of average weekly benefit amounts also increased by 2.3%—from \$471 to \$482—between 2009 and 2011. However, as with total benefit amount, inflation-adjusted values suggest that the increase in average weekly benefit has not kept pace with inflation (values in bold, Table 7).

**Table 7: Average Weekly Benefit Amount, by Category and Year**

	2009	2009 (2011\$)	2010	2010 (2011\$)	2011
<b>Average Weekly Benefit Amount</b>	\$471	\$493	\$479	\$493	\$482
<i>Bonding</i>	\$477	\$499	\$487	\$501	\$489
Newborn	\$477	\$499	\$486	\$500	\$489
Adoption	\$513	\$537	\$524	\$539	\$527
<i>Family Care</i>	\$438	\$458	\$442	\$455	\$443
Child	\$431	\$451	\$435	\$447	\$438
Spouse	\$438	\$458	\$443	\$456	\$445
Other Family	\$443	\$463	\$446	\$459	\$445

NOTE: Average weekly benefit amount is calculated as gross benefits divided by weeks compensated.

# CHALLENGES TO PARTICIPATION AND BENEFIT LIMITATIONS

*FLI can help only those workers who know it exists and who understand both how the program works and how to access benefits.*

In assessing the impact of FLI since its implementation, it is important to look also at other factors affecting workers' access to and use of the benefit. These factors include job protections, benefit amounts, and eligibility requirements, as well as workers' awareness of the program. In this section we further explore these issues; in doing so, we note that the limited data on FLI uptake and usage specific to New Jersey hamper these assessments.

## ***REDUCED WAGES AND LACK OF JOB PROTECTIONS***

FLI provides a modest benefit amount to workers of two-thirds weekly wages, up to a maximum of \$572 per week in 2012. A minimum wage worker earning \$7.25 an hour and working 40 hours per week is eligible for a weekly FLI benefit of about \$190 before taxes. For many workers, reducing wages by a third creates a financial shortfall that may act as a deterrent to accessing the benefit when they need it. Also, as noted earlier, job protections exist under FMLA and NJ FLA only for workers at establishments with 50 or more employees; those at establishments with fewer than 50 employees are vulnerable to job loss when they need to take time to bond with or care for family members. The lack of job protections and the reduction in weekly wages, especially for working poor families, play key roles in employees' decisions about whether to utilize FLI when they need it.

As discussed earlier in this report, according to a 2012 Eagleton public opinion poll, working poor families and single adults who needed but did not take family leave were far more likely than others to attribute their decision to financial reasons. The same polling results show that a majority of respondents who considered but did not take family leave did so because it would negatively affect or cost them their job. Other reasons included the concern about maintaining or affording health insurance coverage and worries about losing seniority or advancement opportunities.

## ***7-DAY WAITING PERIOD***

FLI regulations require a 7-day waiting period for all claims other than those immediately following a pregnancy-related TDI claim. Claimants do not receive benefits for these seven days until they have been paid for the three weeks following a qualifying event. This 7-day waiting period may pose a problem for workers needing to access FLI, but without more comprehensive data, we cannot calculate the full impact of this issue for working families in New Jersey.

## ***DEFINITION OF FAMILY MEMBER***

FLI regulations define a “family member” as a child, spouse, domestic partner, civil union partner, or parent. This narrow definition does not accurately reflect today’s families, which include many different familial relationships and a wide diversity of household arrangements. As a result, it ultimately leaves many unable to access benefits when they need to care for their loved ones. According to U.S. Census data, between 2000 and 2010, the number of nonfamily households<sup>43</sup> grew at twice the rate of family households.<sup>44</sup> These nonfamily households are less likely to be able to take advantage of FLI benefits and must look for other means when a caregiving need arises. Without additional data, it is difficult to gauge the extent to which such an unfilled need exists.

## ***INTERMITTENT LEAVE***

FLI is available only in 1-week increments for bonding and requires that the schedule be agreed upon by both employee and employer. Intermittent leave for other caregiving requires the employee to provide 15 days advance notice to the employer. Research from California, where bonding leave can be taken on a daily basis, shows a higher level of use of bonding leave among men than in New Jersey, due in part to their ability to take the leave in daily increments.<sup>45</sup>

## ***AWARENESS***

FLI can help only those workers who know it exists and who understand both how the program works and how to access benefits. However, according to the 2012 Eagleton public opinion poll discussed earlier, three years after implementation, fewer than half of all residents knew that FLI existed and even more were unaware of the extent of its provisions. This is true even of adults employed full-time, the overwhelming majority of whom contribute to and are eligible to receive wage replacement through the

program. Awareness is particularly low among low-wage residents—those who may need the program most to offset the financial challenges associated with an unpaid caregiving leave.

## *INTERACTION BETWEEN FLI AND OTHER LEAVE LAWS*

There are several state and federal leave laws that interact and overlap with New Jersey’s FLI program, leaving both employers and employees confused about the scope and impact of FLI and how it interacts with other leave laws. This confusion is exacerbated by the low levels of program awareness among workers. One issue that may create barriers to access or use of FLI is its very uniqueness: The prior programs that addressed the need for time to care (without providing pay replacement) covered a far smaller share of the workforce than does FLI.

## **GAPS IN DATA**

In conducting research for this report, we found that although FLI applicants provide detailed demographic and leave-related information, only a small portion of this information is required by law to be collected and reported by NJ LWD.

Our analysis of data made available by the NJ LWD, along with results from a public opinion poll conducted in August 2012, highlight the need for better data collection and reporting in order to answer important questions going forward regarding FLI and its impact on workers, businesses, and the public.

Micro-level or individual data for all claims, including age, gender, ethnicity, occupation, education, income level, and employer size, would provide much needed additional information. In addition, we found the following gaps in the data:

- Detailed information about the “other family” category of family care, which is consistently larger than either the child or the spouse category. The majority of those receiving care in this “other” category are likely to be parents; however, without additional information, we cannot assume any particular set of demographic characteristics for this group.
- Detailed information on claims determined to be ineligible, including reason for determination, along with the age, gender, ethnicity, occupation, and income level of those claimants.

- Wage data about individual claimants, which would provide important information regarding FLI accessibility for low-wage workers.
- Detailed information about employers and industries, including size of employer, and industry in which workers are employed.

Additionally, FLI regulations include provisions for the Commissioner of Labor to conduct surveys and additional research to evaluate the impact of FLI. This additional research could provide important answers to questions regarding awareness and use of FLI, including intermittent leave; the impact of the seven-day waiting period on workers; and other obstacles to use of the program.

Expanded data collection and reporting would not only provide much needed answers to questions about the effectiveness of FLI but would also serve to inform other states as they consider adopting similar programs.

## CONCLUSIONS AND RECOMMENDATIONS

New Jersey's FLI program has successfully administered over 100,000 claims during its first three years in operation, providing New Jersey's working families with critical financial security to see them through many of their most significant life-changing events. Most of these claims (81%) have been for bonding with a new child; the remaining claims (19.9%) have been for caring for a seriously ill family member. The state's seamless implementation and administration of the FLI program can serve as a model to other states looking to implement a similar program.

Despite the program's overall success, however, many challenges remain in making the program accessible to all of New Jersey's working families with caregiving responsibilities. For instance, limited awareness of the program persists among New Jerseyans. For low-wage residents—those who may need the program most to offset the financial challenges associated with an unpaid caregiving leave—this lack of awareness is particularly problematic.

Finally, by expanding data collection and reporting efforts aimed at assisting researchers, policy makers, and others working on paid leave policies, much more can be learned about the effectiveness of New Jersey's FLI program in assisting working families.

The following recommendations for improving the FLI program are based on our analysis of the polling and administrative data:

- Direct additional resources toward expanding outreach and education efforts to make sure all workers—especially low-wage workers—and their families know about FLI and how to access benefits.
- Expand data collection and reporting efforts. Collect and report individual-level demographic data, including age, gender, ethnicity, occupation, education, and income level of claimants. Provide detailed information about claims determined to be eligible and ineligible, including the reason for determination; the age, gender, ethnicity, occupation, and income level of the claimants; the business size of employer and industry in which workers are employed; and wage data.
- Expand the definition of family member to cover more categories, including grandparents, grandchildren, siblings, aunts, and uncles.
- Increase level of wage replacement to make leave more affordable.
- Extend job protections to all workers who take FLI.

# Appendix A

## *Excerpts from The Family Leave Insurance Fact Sheet<sup>46</sup>*

**What is it?** Six weeks of partial wage replacement over a 12-month period to bond with a newborn or newly adopted child or to care for a seriously ill child, parent, spouse, domestic partner or civil union partner. People taking this leave will receive up to two-thirds of their usual wage, with a maximum of \$572 a week in 2012. The maximum weekly amount will rise yearly to keep up with the cost of living. Family Leave Insurance provides a monetary benefit, not a leave entitlement.

**Who gets it?** Employees of all private and governmental employers subject to the New Jersey Unemployment Compensation Law are covered. All eligible employees began contributing to the FLI program through their normal paycheck on January 1, 2009. A claimant must have had at least 20 calendar weeks in covered New Jersey employment in which he/she earned \$145 or more (called "base weeks"), or have earned \$7,300 or more in such employment during the "Base Year" period.

**Is there a waiting period?** Yes. The first seven consecutive days of a claim is called the waiting period. If benefits are payable for any period during each of the three consecutive weeks following the waiting period, then benefits are also payable for the waiting period.

**Is a FLI claimant required to take FLI benefits all at one time?** If the leave is to care for a seriously ill family member, the leave may be taken during one continuous period, up to a maximum of six (6) weeks or intermittently up to a 42 day maximum in a 12-month period. If the leave is to bond with a newborn or newly adopted child, the leave must be taken during one continuous period of time unless both the employee and the employer have agreed to an intermittent leave schedule. In those cases, leave may be taken in non-continuous intermittent periods of seven (7) days or more. All leave taken to bond with a newborn or newly adopted child must be taken during the 12-month period immediately following the birth or adoption of the child.

**Can an employer require an employee to use paid time off during the period the employee is claiming FLI benefits?** Yes. The employer of a claimant may require the claimant, during a period of family leave, to use up to two weeks of paid sick leave, paid vacation time or other leave at full pay. This option does not relieve employers of any collective-bargaining provisions with respect to paid time off. Employees are permitted to take the paid time off during the waiting period. Although the employer

may “require” the claimant, during a period of family leave, to use up to two weeks of paid sick leave vacation time or other leave at full pay, the employer may only “permit” the claimant, during a period of family leave, to use more than two weeks of paid sick leave, vacation time or other leave at full pay.

**Does FLI provide job protections?** No. The Family Leave Insurance program does not protect anyone's job. The program provides partial wage replacement. Some employees may have their job protected under other laws, such as the federal Family and Medical Leave Act (FMLA) or the New Jersey Family Leave Act (NJFLA).

**Can you apply for FLI when unemployed?** Yes. If a claimant applies for Family Leave Insurance benefits more than 14 days after his/her last day of work, benefits may be payable under the provisions of the Family Leave Insurance Benefits During Unemployment Program. Individuals claiming benefits under this program must meet all the eligibility requirements of the Unemployment Compensation Law, but are not required to establish availability for work.

If eligible, benefits are paid for full weekly periods starting from Sunday through Saturday. There is no provision to pay for intermittent days under the Family Leave Insurance Benefits During Unemployment Program.

**Can Employers offer employees coverage in lieu of the State FLI plan?** The law allows employers to use an approved Private Plan for Family Leave Insurance instead of the State Plan. Private Plans must be equal to or better than the State Plan with regard to benefit amount and duration. Eligibility requirements may be no more restrictive than the State Plan. Workers may not pay more for Private Plan coverage than for State Plan coverage. The Division of Temporary Disability Insurance must approve all Private Plans.

**Can an employee collect benefits during unemployment?** Family Leave Insurance benefits are available during unemployment. Workers who claim Family Leave During Unemployment must meet all the eligibility requirements for unemployment benefits, but are not required to show their availability for work. Benefits under the Family Leave During Unemployment Program are paid for full weekly periods from Sunday through Saturday. Benefits are not payable for intermittent days under this program.

**How is the program financed?** The program is financed by worker payroll deductions. Starting January 1, 2012, each worker contributes .08% of the taxable wage base. For 2012, the taxable wage base is \$30,300 and the maximum yearly deduction for Family Leave Insurance is \$24.24. The taxable wage base changes each year. Employers do not contribute to the program

**Do workers pay taxes on FLI benefits?** Family Leave Insurance benefits are subject to federal income tax and to federal rules on reporting income and paying taxes. Family Leave Insurance benefits are not subject to New Jersey state income tax. You may choose to have 10% of your benefits withheld for federal income tax. After the end of each calendar year, form 1099G will be sent to you. This form lists the total benefits received that year. We also give this information to the Internal Revenue Service (IRS).

# Appendix B

## *Rutgers–Eagleton Poll Questions and Tables*

The following tables include the questions asked in the Eagleton Center for Public Interest Polling survey, along with a demographic breakdown of responses. The survey of over 900 registered New Jersey voters was conducted August 23–25, 2012.

Note: Percentages across categories may not total 100 due to rounding.

**Table A1: Leave from Work, by Gender and Age**

WF1. First, have you taken leave from work at any time since July 1, 2009, for any of the following reasons? For each just tell me yes or no. Table below constructed from responses to WF1A, WF1B, and WF1C

		<b>Gender * Age</b>			
		<b>Women</b>	<b>Men</b>	<b>Women</b>	<b>Men</b>
		<b>Under 45</b>	<b>Under 45</b>	<b>45 and Over</b>	<b>45 and Over</b>
<b>WF1A. Leave for pregnancy-related issues?</b>	No	76%		73%	
	Yes	17%		0.9%	
	Have not been employed during this time (VOL)	8%		26%	
	Refused (VOL)	0%		0%	
	Weighted N	178		295	
<b>WF1B. Leave to care for a newborn, newly adopted, or new foster child?</b>	No	75%	76%	73%	82%
	Yes	17%	18%	1%	2%
	Have not been employed during this time (VOL)	8%	4%	25%	15%
	Refused (VOL)	0%	2%	0%	0.2%
	Weighted N	178	159	295	269
<b>WF1C. Leave to care for a family member with a serious health condition?</b>	No	75%	78%	63%	72%
	Yes	17%	15%	11%	13%
	Have not been employed during this time (VOL)	8%	4%	26%	15%
	Refused (VOL)	0%	2%	0%	0.2%
	Weighted N	178	159	295	269

**Table A2: FLI Awareness, by Demographic Category**

WF4. In 2009, New Jersey implemented a statewide Family Leave Insurance Program, an employee-funded program providing up to six weeks of paid leave for eligible workers. While on leave, workers can receive up to two-thirds of their weekly earnings, with a maximum of \$572 per week. Have you seen or heard anything about this program?

		No	Yes	Don't Know (VOL)	Refused (VOL)	Weighted N
<b>All Respondents</b>		59%	40%	0.6%	0.4%	916
<b>Gender</b>	Male	63%	37%	0.2%	0.7%	433
	Female	56%	43%	0.8%	0.2%	482
<b>Race</b>	White	57%	42%	0.8%	0.6%	653
	Black	68%	32%	0%	0%	124
	Hispanic	55%	46%	0%	0%	66
	Other	74%	26%	0%	0%	62
<b>Age</b>	18–29	70%	30%	0%	0%	120
	30–49	56%	44%	0.4%	0%	271
	50–64	52%	47%	0.3%	0.3%	298
	65+	67%	30%	2%	1%	228
<b>Marital Status</b>	Married	55%	45%	0.8%	0%	526
	Committed relationship	69%	31%	0%	0%	70
	Widowed	65%	31%	1%	3%	77
	Divorced	66%	33%	0%	2%	58
	Separated	55%	46%	0%	0%	13
	Never married	66%	34%	0.6%	0%	161
<b>Union Household Status</b>	Union household	48%	52%	0%	0.5%	198
	Nonunion household	63%	36%	0.7%	0.4%	703
<b>Employment Status</b>	Employed, full-time	54%	45%	0.2%	0%	412
	Employed, part-time	55%	44%	0.9%	0%	108
	Homemaker	60%	40%	0%	0%	45
	Laid off	53%	47%	0%	0%	38
	Retired	69%	29%	1%	0.9%	217
<b>Income</b>	Less than \$25,000	71%	29%	0%	0%	75
	25 to under \$50,000	66%	34%	0%	0.6%	154
	50 to under \$75,000	59%	39%	0.6%	0.6%	155
	75 to under \$100,000	56%	43%	0.7%	0%	134
	\$100,000 or more	51%	49%	0.3%	0%	249

**Table A3: FLI Family Care Awareness**

WF5. Did you know that besides bonding with a new child, the Family Leave Insurance Program can also be used to care for a seriously ill family member?

	No	Yes	Refused (VOL)	Weighted N
<b>All Respondents</b>	17%	83%	0.1%	363

**Table A4: FLI Use. by Gender**

WF6. Have you ever collected benefits from New Jersey's Family Leave Insurance Program?

	No	Yes	Don't Know (VOL)	Refused (VOL)	Weighted N
<b>All Respondents</b>	84%	16%	0%	0%	67
<b>Gender</b>					
Male	93%	7%	0%	0%	27
Female	78%	22%	0%	0%	40

**Table A5: Purpose of FLI Use, by Gender**

WF7. Did you use Family Leave Insurance benefits to bond with a new child, to care for a seriously ill family member, or for both reasons?

	Bond with new child	Care for ill family member	Don't know (VOL)	Weighted N
<b>All Respondents</b>	83%	10%	7%	11
<b>Gender</b>				
Male	57%	0%	43%	2
Female	88%	12%	0%	9

**Table A6: FLI Opinion, by Demographic Category**

WF8. Given what I've told you about the New Jersey Family Leave Insurance Program, would you say you are very favorable, somewhat favorable, somewhat unfavorable, or very unfavorable towards this program?

		Very Favorable	Somewhat Favorable	Somewhat Unfavorable	Very Unfavorable	Don't Know (VOL)	Refused (VOL)	N
<b>All Respondents</b>		40%	36%	8%	6%	8%	2%	916
<b>Gender</b>	Male	27%	41%	12%	8%	10%	2%	433
	Female	52%	32%	5%	3%	6%	1%	483
<b>Race</b>	White	36%	38%	10%	6%	9%	2%	654
	Black	65%	26%	3%	2%	3%	2%	124
	Hispanic	45%	33%	5%	5%	13%	0%	67
	Other	34%	44%	8%	7%	7%	0%	61
<b>Age</b>	18-29	29%	43%	9%	3%	14%	0.8%	119
	30-49	50%	34%	7%	4%	3%	2%	271
	50-64	42%	39%	7%	5%	7%	0.7%	298
	65+	31%	32%	12%	9%	13%	3%	229
<b>Marital Status</b>	Married	41%	37%	9%	6%	7%	1%	527
	Committed relationship	34%	44%	9%	11%	1%	0%	70
	Widowed	36%	30%	5%	7%	18%	4%	77
	Divorced	47%	31%	5%	7%	10%	0%	58
	Separated	62%	23%	0%	0%	0%	15%	13
	Never married	37%	37%	10%	3%	12%	2%	163
<b>Union Household Status</b>	Union household	49%	38%	5%	5%	4%	0.5%	198
	Nonunion household	38%	36%	9%	6%	9%	2%	702
<b>Employment Status</b>	Employed, full-time	40%	40%	8%	6%	6%	0.2%	413
	Employed, part-time	51%	33%	7%	3%	3%	4%	108
	Homemaker	48%	30%	7%	7%	4%	4%	46
	Laid off	60%	24%	5%	5%	5%	0%	37
	Retired	33%	33%	11%	6%	14%	3%	217
<b>Income</b>	Less than \$25k	60%	19%	5%	5%	10%	1%	69
	25 to under \$50k	41%	42%	5%	3%	6%	3%	142
	50 to under \$75k	46%	32%	9%	6%	6%	1%	151
	75 to under \$100k	43%	43%	4%	3%	6%	1%	126
	\$100k or more	37%	40%	10%	8%	5%	1%	253

**Table A7: Concerns about Leave-Taking, by Gender**

WF10. I am going to read you some reasons why people might be concerned about taking leave from work. For each, please tell me whether or not it was a factor in not taking a leave. Just tell me yes or no.

		<b>All Respondents</b>	<b>Male</b>	<b>Female</b>
<b>WF9. Considered, but did not take, family-related leave for any reason?</b>	No	85%	88%	82%
	Yes	15%	11%	19%
	Don't Know (VOL)	0.3%	0.5%	0.2%
	Refused (VOL)	0.2%	0.1%	0.3%
	Weighted N	774	385	389
<b>WF10A. Reason: A leave might negatively affect or cost me my job.</b>	No	51%	42%	55%
	Yes	50%	58%	45%
	Don't Know (VOL)	0%	0%	0%
	Refused (VOL)	0%	0%	0%
	Weighted N	113	42	71
<b>WF10B. Reason: I might lose seniority or potential for job advancement.</b>	No	65%	63%	66%
	Yes	35%	37%	34%
	Don't Know (VOL)	0%	0%	0%
	Refused (VOL)	0%	0%	0%
	Weighted N	113	42	71
<b>WF10C. Reason: I could not financially afford to take an unpaid leave.</b>	No	30%	44%	22%
	Yes	70%	56%	78%
	Don't Know (VOL)	0.1%	0%	0.2%
	Refused (VOL)	0%	0%	0%
	Weighted N	113	42	71
<b>WF10D. Reason: I did not want to reveal personal information about myself or my family.</b>	No	75%	72%	76%
	Yes	25%	28%	24%
	Don't Know (VOL)	0%	0%	0%
	Refused (VOL)	0%	0%	0%
	Weighted N	113	42	71
<b>WF10E. Reason: I thought I would be treated differently because of taking a leave.</b>	No	73%	71%	75%
	Yes	27%	29%	25%
	Don't Know (VOL)	0.2%	0%	0.5%
	Refused (VOL)	0%	0%	0%
	Weighted N	113	42	71
<b>WF10F. Reason: I was worried about maintaining or affording health insurance coverage.</b>	No	62%	64%	61%
	Yes	38%	36%	40%
	Don't Know (VOL)	0%	0%	0%
	Refused (VOL)	0%	0%	0%
	Weighted N	113	42	71

**Table A8: Alternative Care Arrangements, by Gender**

WF11. Since you did not take family-related leave, how did you manage the need for care? For each of these, just tell me yes or no. Did you:

		<b>All Respondents</b>	<b>Male</b>	<b>Female</b>
<b>WF11A. Alternative:</b>	No	78%	78%	78%
<b>Hire someone for pay?</b>	Yes	22%	22%	22%
	Don't Know (VOL)	0%	0%	0%
	Refused (VOL)	0%	0%	0%
	Weighted N	113	42	71
<b>WF11B. Alternative:</b>	No	34%	30%	36%
<b>Have another family member provide care?</b>	Yes	66%	70%	64%
	Don't Know (VOL)	0%	0%	0%
	Refused (VOL)	0%	0%	0%
	Weighted N	113	42	71
<b>WF11C. Alternative:</b>	No	61%	50%	67%
<b>Rely on friends or neighbors?</b>	Yes	39%	50%	33%
	Don't Know (VOL)	0%	0%	0%
	Refused (VOL)	0%	0%	0%
	Weighted N	113	42	71
<b>WF11D. Alternative:</b>	No	80%	72%	86%
<b>Other?</b>	Yes	20%	28%	14%
	Don't Know (VOL)	0.1%	0.2%	0%
	Refused (VOL)	0%	0%	0%
	Weighted N	113	42	71

# ENDNOTES

<sup>1</sup> Access to the paid time off from work that employers voluntarily provide is not evenly distributed across employees. This unevenness appears to exacerbate wage inequality, with leave benefits more often available to higher-paid than to lower-paid workers, to more rather than less educated workers, to white-collar compared to blue-collar or service workers, to persons working full- rather than part-time, and to employees of larger in contrast to smaller firms.

<sup>2</sup> California began providing paid family leave insurance benefits based on its 2002 PFL legislation in 2004. For more information about this program, see California's Work and Family Coalition's *Paid Family Leave* Web site at <http://paidfamilyleave.org/about/>.

<sup>3</sup> For a list of key research reports and other resources on paid family and medical leave, visit the National Partnership for Women and Families' Web site at [http://www.nationalpartnership.org/site/PageServer?pagename=issues\\_work\\_paidleave](http://www.nationalpartnership.org/site/PageServer?pagename=issues_work_paidleave).

<sup>4</sup> As of October 2012, 100,339 FLI claims have been determined eligible.

<sup>5</sup> The definition of a child under FLI includes those under 19 years of age as well as those 19 years or older who are "incapable of self-care because of mental or physical impairment."

<sup>6</sup> Governor Jon Corzine signed FLI into law on May 2, 2008.

<sup>7</sup> The five states with TDI are California, New Jersey, Rhode Island, New York, and Hawaii. Puerto Rico also has a TDI program.

<sup>8</sup> New Jersey's TDI program was adopted in 1948. The TDI program provides workers with up to 26 weeks of partial wage replacement when they need it to care for their own serious illness or disability. Pregnancy-related medical conditions have been included under New Jersey's TDI program since 1978, and benefits to new mothers for the birth of a child have been included since 1970. See U.S. Social Security Administration, Office of Retirement and Disability Policy. (2012). "Temporary Disability Insurance Program Description and Legislative History." *Annual Statistical Supplement, 2012*. Retrieved January 21, 2013, from <http://www.ssa.gov/policy/docs/statcomps/supplement/2012/tempdisability.html>

<sup>9</sup> For more information about federal Family & Medical Leave Act, see U.S. Department of Labor. *Leave Benefits: Family & Medical Leave*. Retrieved January 21, 2013, from [http://www.dol.gov/dol/topic/benefits-leave/fmla.htm#UJVz8W\\_A8ug](http://www.dol.gov/dol/topic/benefits-leave/fmla.htm#UJVz8W_A8ug). For more information about New Jersey's Family Leave Act, see New Jersey Office of the Attorney General. "The New Jersey Family Leave Act." *Civil Rights Fact Sheet*. Retrieved January 21, 2013, from <http://www.state.nj.us/lps/dcr/downloads/flafactsheet.pdf>

<sup>10</sup> According to Firestein, O'Leary, and Savitsky, California experienced significant challenges during start up and implementation of its paid leave program. Problems included adequate staffing and training, delays in processing claims, and lack of adequate technology among others. (Firestein, N., O'Leary, A., and Savitsky, Z. [2011]. *A Guide to Implementing Paid Family Leave: Lessons from California*. Berkeley, CA: Labor Project for Working Families.)

<sup>11</sup> New Jersey Department of Labor and Workforce Development. (n.d.) "Discussion Points." *Response to the New Jersey State Legislature on the Budget, FY2010–2011*. Trenton, NJ. Retrieved January 25, 2013, from [http://www.njleg.state.nj.us/legislativepub/budget\\_2011/Department\\_Response/DOL\\_response.pdf](http://www.njleg.state.nj.us/legislativepub/budget_2011/Department_Response/DOL_response.pdf)

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Harold Wirths. (2010). *FY2011 Budget Testimony*. Trenton, NJ: New Jersey Department of Labor and Workforce Development. Retrieved January 25, 2013, from [http://www.njleg.state.nj.us/legislativepub/budget\\_2011/Testimony/DOL\\_testimony.pdf](http://www.njleg.state.nj.us/legislativepub/budget_2011/Testimony/DOL_testimony.pdf)

<sup>15</sup> New Jersey Department of Labor and Workforce Development. (n.d.). *DTDI Debit Card Information*. Trenton, NJ. Retrieved January 25, 2013, from [http://lwd.dol.state.nj.us/labor/tdi/content/debit\\_cards.html](http://lwd.dol.state.nj.us/labor/tdi/content/debit_cards.html)

<sup>16</sup> New Jersey Temporary Disability Benefits Law, Article I, Section 43:21-39.1(g) Posting Notices. (2011). Trenton, NJ: Division of Temporary Disability Insurance. New Jersey Department of Labor and Workforce Development. Retrieved January 26, 2013, from [http://lwd.dol.state.nj.us/labor/forms\\_pdfs/tdi/Law.pdf](http://lwd.dol.state.nj.us/labor/forms_pdfs/tdi/Law.pdf)

<sup>17</sup> Eagleton Center for Public Interest Polling. Summary of Poll Results on Family Leave Insurance. Memorandum dated November 9, 2006. According to this random-digit telephone survey, 23% of respondents said that either they or their spouse had taken time off from work in the past five years to care for a sick family member or a newborn or newly adopted child. More than one-third (39%) of those respondents who took time off did so without pay.

<sup>18</sup> Eagleton Center for Public Interest Polling, October 29 to 31, 2006. Results of this random-digit telephone survey indicated that 78% of New Jersey residents supported and 16% opposed a hypothetical family leave insurance program. Among registered New Jersey voters, proportions supporting and opposing such a program were 76% and 17% respectively.

<sup>19</sup> The Eagleton Institute of Politics at Rutgers University surveyed 916 registered New Jersey voters between August 23<sup>rd</sup> and 25<sup>th</sup>, 2012, to assess their awareness and opinion of the State's FLI program. Results were weighted to represent New Jersey residents based on 2010 U.S. Census Bureau data. All results are reported using the weighted data. The margin of error for reported results is +/-3.2% at a 95% confidence interval. This poll was paid for and sponsored by the Eagleton Institute of Politics.

<sup>20</sup> The proportion of New Jersey registered voters indicating favorability toward the existing FLI program is slightly higher than the proportion of such voters indicating support for a hypothetical family leave insurance program in the 2006 survey.

<sup>21</sup> Questions about awareness preceded questions about favorability.

<sup>22</sup> Data for this group should be interpreted with caution as they represent only 4% of the total sample. Differences in awareness among New Jersey residents grouped by levels of education are not statistically significant.

<sup>23</sup> Data for this group should be interpreted with caution as they represent only 4% of the total sample. Differences in reported family leave need among New Jersey residents grouped by levels of education are not statistically significant.

<sup>24</sup> Although these proportions are low, they are consistent with 2010 and 2011 administrative data on FLI use from New Jersey's Department of Labor and Workforce Development.

<sup>25</sup> Unlike California employers under its PFL program, New Jersey employers can opt to have their own private family leave insurance plans as long as they provide coverage commensurate to that provided under FLI. Employees must endorse the private plan alternative through a vote. Employees who opt for a private plan do not pay into the State plan.

<sup>26</sup> The number of those covered by UI is the same as the number covered by FLI plus the number covered by private plans.

<sup>27</sup> Source: New Jersey Department of Labor and Workforce Development, Labor Market and Demographic Research, Current Employment Statistics, Nonagricultural Wage and Salary Employment. [http://lwd.dol.state.nj.us/labor/lpa/employ/ces/ces\\_index.html](http://lwd.dol.state.nj.us/labor/lpa/employ/ces/ces_index.html)

<sup>28</sup> New Jersey Department of Labor and Workforce Development. (n.d.) "Discussion Points." *Response to the New Jersey State Legislature on the Budget, FY2011–2012*. Trenton, NJ. Retrieved January 26, 2013, from [http://www.njleg.state.nj.us/legislativepub/budget\\_2012/DOL\\_response.pdf](http://www.njleg.state.nj.us/legislativepub/budget_2012/DOL_response.pdf)

<sup>29</sup> The rate of decline in UI/FLI coverage from 2009 to 2011 (3.0%) is statistically significantly greater than the rate of decline in total nonfarm employment over the same period ( $p < .01$ ).

<sup>30</sup> As of October 2012, 100,339 FLI claims have been determined eligible.

- <sup>31</sup> The increase in overall FLI claims from 2010 to 2011 is numerically modest but nonetheless statistically significant.
- <sup>32</sup> The increase in the proportion of FLI claims for newborn bonding between 2010 and 2011 is statistically significant ( $p < .01$ ).
- <sup>33</sup> Martin, J. A., Hamilton, B. E., Ventura, S. J., Osterman, M. J. K., Wilson, E. C., and Matthews, T. J. (2012). "Births: Final Data for 2010." *National Vital Statistics Reports, Vol. 64, No.1*. Hyattsville, MD: National Center for Health Statistics. Retrieved January 26, 2013, from [http://www.cdc.gov/nchs/data/nvsr/nvsr61/nvsr61\\_01.pdf](http://www.cdc.gov/nchs/data/nvsr/nvsr61/nvsr61_01.pdf)
- <sup>34</sup> New Jersey Department of Children and Families. (2010). Annual Agency Performance Report. Trenton, NJ. Retrieved January 26, 2013, from [http://www.state.nj.us/dcf/documents/about/AnnualAgencyPerformanceReport2010\\_021611.pdf](http://www.state.nj.us/dcf/documents/about/AnnualAgencyPerformanceReport2010_021611.pdf); Bureau of Consular Affairs. (2011). *FY 2011 Annual Report on Intercountry Adoption*. Washington, DC: U.S. Department of State. Retrieved January 26, 2013, from [http://adoption.state.gov/content/pdf/fy2011\\_annual\\_report.pdf](http://adoption.state.gov/content/pdf/fy2011_annual_report.pdf)
- <sup>35</sup> The 14% estimate is based on 2010 estimates for public plus international adoptions in the state. The 10% estimate is based on a full reporting of New Jersey adoptions as recorded in court records in 2008 that placed the total number of adoptions that year at 2,412 (Child Welfare Information Gateway. [2011]. *How Many Children Were Adopted in 2007 and 2008?* Washington, DC: Children's Bureau, U.S. Department of Health and Human Services. Retrieved January 26, 2013, from <http://www.childwelfare.gov/pubs/adopted0708.pdf>). If we assume that the total number of adoptions remained the same in 2010, we would estimate that 239 of 2,412 families (10%) used FLI for adoption-related bonding leave.
- <sup>36</sup> New Jersey Department of Labor and Workforce Development. (n.d.) "Discussion Points." *Analysis of Governor's Budget, Fiscal Year 2012–2013: NJ Department of Labor and Workforce Development Response to Office of Legislative Services Questions*. Trenton, NJ. Retrieved December 6, 2012, from [http://www.njleg.state.nj.us/legislativepub/budget\\_2013/DOL\\_response.pdf](http://www.njleg.state.nj.us/legislativepub/budget_2013/DOL_response.pdf)
- <sup>37</sup> New Jersey Department of Labor and Workforce Development. (n.d.) *Family Leave Insurance—Program Statistics: 2012 Monthly Statistics*. Trenton, NJ. Retrieved January 26, 2013, from [http://lwd.dol.state.nj.us/labor/fli/content/2012\\_monthly\\_report\\_fli.html](http://lwd.dol.state.nj.us/labor/fli/content/2012_monthly_report_fli.html)
- <sup>38</sup> Ibid. The rate of initial claim eligibility determination is calculated by taking the total number of claims determined eligible for the year and dividing by the sum of the total number of ineligible claims plus the total number of eligible claims. The difference between proportions of bonding claims determined ineligible in 2010 compared with 2011 is statistically significant ( $p < .01$ ) and thus unlikely to have occurred by chance. Reported totals are from initial determinations, not including redetermined claims.
- <sup>39</sup> Ibid.
- <sup>40</sup> Ibid. The rate of initial claim eligibility determination is calculated by taking the total number of claims determined eligible for the year and dividing by the sum of the total number of ineligible claims plus the total number of eligible claims. The difference between proportions of family care claims determined ineligible in 2010 compared with 2011 is statistically significant ( $p < .01$ ) and thus unlikely to have occurred by chance. Reported totals are from initial determinations, not including redetermined claims.
- <sup>41</sup> The total duration of wage replacement for family leave may be longer than six weeks for birth mothers when a period of FLI is added to a period of TDI. However, the six-week maximum for FLI alone still applies.
- <sup>42</sup> Inflation-adjusted values shown in Tables 6 and 7 were adjusted using the Bureau of Labor Statistics' Consumer Price Index (CPI) database for New York–Northern New Jersey–Long Island (New York, New Jersey, Connecticut, Pennsylvania): Bureau of Labor Statistics. (n.d.). *Consumer Price Indexes*. Washington, DC: U.S. Department of Labor. Retrieved January 26, 2013, from <http://www.bls.gov/cpi/data.htm>. Adjustments using the CPI for Philadelphia–Wilmington–Atlantic City (Pennsylvania, New Jersey,

Delaware, Maryland) differed by less than \$5.00 for the total benefit amounts presented in Table 6 and by less than \$1.00 for the weekly benefit amounts shown in Table 7.

<sup>43</sup> Nonfamily is defined as people living alone, with unrelated roommates, or as unmarried partners.

<sup>44</sup> Lofquist, D., Lugaila, T., O'Connell, M., and Feliz, S. (2012). *Households and Families: 2010* (2010 Census Brief No. C2010BR-14). Washington, DC: U.S. Census Bureau. Retrieved January 26, 2013, from <http://www.census.gov/prod/cen2010/briefs/c2010br-14.pdf>

<sup>45</sup> Appelbaum, E. & Milkman, R. (2011). *Leaves That Pay: Employer and Worker Experiences with Paid Family Leave in California*. Retrieved January 26, 2013, from [http://www.paidfamilyleave.org/pdf/leaves\\_that\\_pay.pdf](http://www.paidfamilyleave.org/pdf/leaves_that_pay.pdf)

<sup>46</sup> New Jersey Time to Care. *Family Leave Insurance*. Retrieved 21 January 2013, from <http://www.njtimetocare.com/our-agenda/family-leave-insurance>.