



**CONGRESSIONAL
TESTIMONY**

STATEMENT FOR THE RECORD

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

**PROVIDED TO THE
HOUSE COMMITTEE ON OVERSIGHT AND REFORM**

HEARING ON

**"Leading by Example: The Need for Comprehensive Paid Leave for the Federal
Workforce and Beyond"**

June 24, 2021

Chairwoman Maloney, Ranking Member Comer, and members of the committee, my name is Everett B. Kelley, Ph. D. and I am the national president of the American Federation of Government Employees, AFL-CIO which represents over 700,000 federal and District of Columbia workers in over 90 agencies across the country and around the world. I thank you for the opportunity to testify on the importance of comprehensive paid family leave. Today I will talk about the critical need for this benefit for federal workers and how it will improve recruitment, retention, and employee morale. Taking care of loved ones and receiving care ourselves is part of what makes us human. Caring for one another is the foundation of a federal employee's decision to serve the American public. There would be no workforce if we did not have anyone to care for. Part of what it means to lead a fulfilling life is taking care of those around you.

AFGE represents government workers who are the vital threads of the fabric of American life. Government employees inspect the food we eat and the places we work, they protect citizens from the illicit flow of drugs, maintain the safety of our nation's borders, care for our nation's veterans, serve as a vital link to Social Security recipients, maintain the District of Columbia's infrastructure, keep the national defense systems prepared for any danger and much, much more. AFGE represents food inspectors, nurses, correctional officers, lawyers, police officers, census workers, scientists, doctors, park rangers, border patrol agents, transportation security officers, mechanics, and computer programmers, who would benefit greatly from paid family leave.

On Jan. 28, 2021, Chairwoman Maloney introduced H.R. 564, the "Comprehensive Paid Leave for Federal Employees Act," to provide federal employees with twelve weeks of family leave for all instances covered under the Family and Medical Leave Act (FMLA). This includes paid leave to care for seriously ill or injured family members; to tend to an employee's own serious health condition; and to address the health, wellness, financial, and other issues that could arise when a loved one is serving overseas in the military or is a recently discharged veteran. The Federal Employee Paid Leave Act, which went into effect on October 1, 2020, gave an estimated 2 million federal employees access to twelve weeks of paid parental leave for the birth, foster or adoption of a newborn baby. While this was a huge victory for federal workers, it is time for Congress to go further and implement paid family leave for all federal workers. No federal employee should have to choose between caring for a loved one and receiving a paycheck.

I have heard countless stories from AFGE members who have had to make the impossible choice between a paycheck or taking care of a loved one or themselves before they are ready to return to work. I have heard stories from VA nurses, civilian defense employees, correctional officers, social security claims adjusters, EPA attorneys and meat inspectors taking care of elderly grandparents, parents, children, and spouses. These hardworking civil servants provide care for loved ones suffering from agent orange exposure, cancer, traumatic brain injuries, and so many other ailments.

During the COVID-19 pandemic, and before the passage of the American Rescue Plan Act, federal employees were being forced to exhaust their sick leave and annual leave after they contracted COVID-19 making it difficult for them to support their families and recover from illness. The struggles our employees experienced illustrated the necessity of the expansion of paid family leave for all federal workers for all future crises and any instances of FMLA that

employees need to take paid leave to address. Employees should have the right to safely recover from illness, take care of loved ones and know they can support their families.

Congressional opponents of paid family leave for federal employees have raised objections to the cost of providing paid leave to federal employees. In the 2009 Congressional Budget Office Cost Estimate Document, CBO estimated that implementing paid family leave would cost \$67 million in 2010 and a total of \$938 million over the 2010-2014 period, subject to appropriation of the necessary funds. This is a small cost compared to the high cost of hiring new employees due to high turnover in the federal government due to lack of comprehensive benefits.¹

In a study conducted by the Employment Development Department of the State of California, entitled, “Paid Family Leave: Ten Years of Assisting Californians in Need. State of California Employment Development Department,” in the 10 years since California’s paid family leave program began, the number of claims has increased by more than 40 percent and the number of claims filed by men has increased by 400 percent. Of the total claims filed, approximately 10 percent are individuals caring for a seriously ill family member.²

In a study conducted by the National Bureau of Economic Research on the impact of paid family leave on employers they found that employer perceptions of their workers’ performance — an indicator of profitability — did not change after the policy took effect. They also show that, in the law’s first year, the businesses found it easier to manage leaves of absences of two weeks or longer. The improvement was driven by employers with 50-99 workers. Their study found that having a family leave policy in place reduces the burden on employers, especially when dealing with unprecedented situations like a pandemic.³

In a study conducted by the Center for Women and Work entitled, “Achieving a Workable Balance: New Jersey Employers’ Experience Managing Employee Leaves and Turnover,” New Jersey companies report little abuse of FMLA and only modest costs relative to the costs associated with employee turnover, which is both more frequent than the use of family leave and, generally, more disruptive and more expensive for employers to address.⁴

Opponents also assert that federal employees already have adequate paid leave and that if they were to save it for emergencies or otherwise be more prudent in its use, it would not be necessary to add paid family leave to their compensation. These arguments miss the point of paid family leave. The unpredictability of the circumstances when paid family leave might become necessary is the entire reason for the benefit. Telling a federal employee not to use sick or

¹ Congressional Budget Office Cost Estimate of H.R. 626 Federal Employees Paid Parental Leave Act of 2009. Congressional Budget Office. 2009. <https://www.cbo.gov/sites/default/files/111th-congress-2009-2010/costestimate/hr6260.pdf>

² Paid Family Leave: Ten Years of Assisting Californians in Need. State of California Employment Development Department, July 2014.

³ The Impact of Paid Family Leave on Employers: Evidence from New York. Ann P. Bartel, Maya Rossin-Slater, Christopher J. Ruhm, Meredith Slopen, and Jane Waldfogel. National Bureau of Economic Research., 2021. https://www.nber.org/papers/w28672?utm_campaign=ntwh&utm_medium=email&utm_source=ntwg1

⁴ Achieving a Workable Balance: New Jersey Employers’ Experiences Managing Employee Leave and Turnover. Eileen Appelbaum and Ruth Milkman. Center for Women and Work, Rutgers, State University of New Jersey, 2006. <https://smlr.rutgers.edu/sites/default/files/Documents/Centers/CWW/Publications/achieving%20a%20workable%20balance%202006%20Appelbaum.pdf>

annual leave throughout one's career because of the possibility of medical disaster striking one or more family members ignores the very reasons paid annual and sick leave exist in the first place.

The benefits of periodic breaks from work are well-established in management and organizational psychology literature. Productivity gains from employees' being rested and refreshed have been documented for many decades. If anyone doubted the value of paid sick leave prior to the pandemic, the risk to fellow workers of coming into work with a contagious disease should have changed their minds. Covid-19 is not the only virus that can spread at a workplace and it is clearly in the interest of any employer, especially an employer whose workers interact with the public, to allow workers to stay home when they are ill. Thus using annual leave for rest and using sick leave for recuperation from illness should never be discouraged.

It is also unrealistic to assume most federal employees could accumulate enough annual leave and/or sick leave to cover their needs for paid family leave. No one knows when the kind of emergency that requires paid family leave will occur. These emergencies are not the exclusive purview of those with decades of employment and thus the opportunity to accumulate stores of paid leave. They can occur to new employees who only accrue 13 days of annual leave per year and they can occur to employees who accrue 20 days of annual leave but need several additional weeks to fulfill family responsibilities.

Concerns about the possibility of fraudulent claims have also been raised. To deny paid family leave to all federal employees because of the possibility that some might intentionally leave out, misrepresent, alter, or hide vital information relating to their claim is not a valid concern. All rights and all benefits are subject to the risk of abuse. It would be the job of agency management to ensure that fraudulent claims are identified and denied. The worry that an employee might manufacture a family crisis to obtain this new category of leave is not a legitimate reason to deny the leave to those with valid claims; it is a reminder that agencies will have to be vigilant in making sure that only valid claims are approved.

Federal employees are dedicated hardworking civil servants committed to public service. These are citizens with integrity who are extremely unlikely to break the law and are responsible ethical members of society. The paid family leave program already includes policy checks and balances to ensure that information submitted in support of a request for the leave is confirmed and accurate. Concerns about the possibility of fraud should not be used by anyone as a reason to oppose this bill.

Finally, opponents have raised the issue of personal responsibility: that people should take care of themselves, so they don't get sick and need leave. While people can take care of themselves to avoid healthcare issues, there are still unexpected life events, accidents and healthcare issues that arise that are out of anyone's control. The simple truth is that federal employees should have the opportunity to address unexpected events in their lives that necessitate taking paid family leave because they cannot always plan for healthcare issues or dependent care responsibilities.

According to the National Partnership for Women and Families, “even scholars at conservative institutions recognize that policies supported by public funding are needed to make paid family and medical leave available to all workers.”

Productivity is lost when a federal employee returns to work too soon without securing proper care for a loved one or when federal employees come to work when they are ill because they used all their sick leave during the caretaking of a loved one. A lack of paid family leave also negatively affects the government when an experienced worker, , decides to leave federal service for another employer, often a government contractor, who does offer paid family leave and charges the government for its costs. It would be far less costly for the government to provide the leave to the employee directly, rather than pay even more for it to be provided by a for-profit entity

The reality is that it is extremely difficult for federal employees to accumulate enough leave to fulfill all their family responsibilities in the event of an emergency. Federal employees are only able to accumulate a maximum of 30 days of annual leave, not an adequate amount of time for other potential instances covered under FMLA. By most conservative estimates it would take a federal worker who takes two weeks of annual leave and three days of sick leave per year close to five years to accrue enough sick and annual leave to receive pay during the 12 weeks of family leave allowed under FMLA. Even if a federal worker never got sick and never went on vacation it would take over two years to accumulate enough leave to pay for 12 weeks of family leave. The alternatives suggested by federal employee paid family leave opponents are far too simplistic and unrealistic to adequately address the problem. Federal workers who take unpaid FMLA leave too often fall behind on their bills and face financial ruin.

Paid family leave will undoubtedly improve recruitment and retention of talented workers who would choose to work for other employers who provide such leave. The federal government currently reimburses federal contractors and grantees for the cost of providing paid family leave to their workers. Surely if such practice is affordable and reasonable for contractors and grantees, federal employees should be eligible for similar treatment.

The COVID-19 pandemic has demonstrated the critical need for paid leave for federal employees to be able to perform the mission of their agency and have time for dependent care needs. Paid family leave for federal workers is a policy that Congress should implement immediately to improve employee morale, productivity, recruitment, retention and to ensure federal workers can take care of themselves, their loved ones without fear of losing a paycheck. AFGE strongly supports paid family leave for federal workers. Too much is at stake for American families across the nation to allow anything less.

This concludes my statement. I will be happy to answer any questions that you may have.