

# Unpaid Family Leave

In 1996, 48 percent of full-time employees in small private establishments were eligible for unpaid family leave, compared to 84 percent in medium and large private establishments in 1995, and 93 percent in State and local governments in 1994.

PAUL SCHEIBLE

In 1996, 48 percent of full-time employees in small private establishments (those with fewer than 100 employees) were eligible to receive unpaid family leave from their employers. On average, they were allowed 12 ½ weeks per year. (See tables 1 and 2.) By far, the most common provision was 12 weeks—applicable to 4 out of 5 employees with unpaid family leave.<sup>1</sup>

The incidence of unpaid family leave in small private establishments was about the same as that measured in 1994, when the first survey was conducted following passage of the Family and Medical Leave Act of 1993. The act requires employers to provide up to 12 weeks of unpaid leave each year to care for a newborn, newly adopted or sick child, a sick spouse or parent, or for the employee to recover from an illness or serious health condition. The law, which applies to employers with 50 or more workers, became effective in August 1993. Thus, in the 1990 and 1992 surveys of small private establishments, the incidence of unpaid family leave was not measured. Rather, these surveys measured the incidence of unpaid maternity and paternity leave benefits. Roughly 1 out of 5 employees in both years had an unpaid maternity or paternity leave benefit.

The incidence of unpaid family leave in small establishments in 1996 varied somewhat by establishment and occupation characteristics. The highest incidences were recorded in the Northeast region (61 percent), and for occupations covered by union agreements (62 percent). (See table 1.) Among industrial sectors, 50 percent of employees in the service-producing industries were covered by unpaid family leave plans, about the same percentage as for the professional and technical and clerical and sales occupations.

Compared with small private employers, the incidence of unpaid family leave in the entire civilian economy and its complete private sector component were higher—68 and 64 percent, respectively. In medium and large private establishments (100 or more employees), 84 percent of full-time employees were eligible for unpaid family leave in 1995,<sup>2</sup> the most recent survey data available for them. Their average benefit was almost 14 weeks per year. Similarly, unpaid family leave was almost universal (at 93 percent) for full-time employees of State and local governments in 1994, whose average benefit was almost 28 weeks.

Reported unpaid family leave also reflects State laws that are more generous than the Federal Family and Medical Leave Act. Eighteen States either mandate family and medical leave (partial or comprehensive) for establishments with fewer than 50 workers, or, compared to the Family and Medical Leave Act, have fewer restrictions on coverage or purpose.<sup>3</sup> ■

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Paul Scheible is an economist in the Division of Compensation Data Analysis and Planning, Bureau of Labor Statistics.  
Telephone: (202) 606-6202  
E-mail: Scheible\_P@bls.gov

<sup>1</sup> These estimates are from the Employee Benefits Survey of private sector business establishments employing fewer than 100 workers. In the survey, unpaid family leave allows an approved absence from work to care for a family member, typically a newborn or newly adopted child, or a sick child or adult relative. See this issue of *Compensation and Working Conditions*, Employee Benefits Survey Technical Note, page 55.

<sup>2</sup> There are varied reasons why medium and large private sector employers might not report unpaid family leave for some of their full-time

occupations in this survey. Generally, the mandates of the Family and Medical Leave Act of 1993 extend to companies that employ 50 or more employees who all work within 75 miles of each other. To be eligible, employees must have worked 1,250 hours within the last 12 months. Employers also may exclude certain highly compensated employees. Moreover, some employers did not report an unpaid family leave benefit, legal coverage under the act notwithstanding.

<sup>3</sup> National Partnership for Women and Families, on the Internet at <http://www.nationalpartnership.org/workandfamily/fmleave/statelaw.htm>.

**TABLE 1. Percent of full-time employees covered by unpaid family leave plans by establishment and selected occupation characteristics, 1994-96**

Establishment and occupation characteristics	Small private establishments		Medium and large private establishments	State and local governments
	1994	1996	1995	1994
<b>Establishment</b>				
All establishments .....	47	48	84	93
Goods producing .....	41	40	87	91 <sup>1</sup>
Services producing .....	49	50	82	94 <sup>2</sup>
<b>Region</b>				
Northeast .....	55	61	87	99
South .....	43	43	87	96
Midwest .....	44	46	80	84
West .....	52	45	81	91
<b>Occupation</b>				
Professional and technical .....	53	53	89	93 <sup>3</sup>
Clerical and sales .....	50	52	86	96 <sup>4</sup>
Blue collar and service .....	43	43	80	90
<b>Union status</b>				
Union .....	61	62	82	94
Nonunion .....	47	47	85	92

<sup>1</sup> Full-time employees in State governments.

<sup>2</sup> Full-time employees in local governments.

<sup>3</sup> Full-time white-collar occupations, except teachers, in State and local governments.

<sup>4</sup> Full-time teachers in State and local governments.

**TABLE 2. Percent distribution of full-time employees with unpaid family leave by weeks of leave entitlement, 1994-96**

Weeks of unpaid family leave entitlement	Small private establishments		Medium and large private establishments	State and local governments
	1994	1996	1995	1994
<b>All occupations</b>				
Total .....	100	100	100	100
Under 12 .....	8	10	1	1
12 .....	79	82	86	67
Over 12 .....	13	8	13	31
Average .....	13.2	12.4	13.9	27.9
<b>Professional and technical<sup>1</sup></b>				
Total .....	100	100	100	100
Under 12 .....	6	11	1	1
12 .....	76	78	82	64
Over 12 .....	17	11	17	36
Average .....	13.8	12.4	14.5	27.2
<b>Clerical and sales<sup>2</sup></b>				
Total .....	100	100	100	100
Under 12 .....	5	10	1	1
12 .....	79	83	82	72
Over 12 .....	15	7	17	26
Average .....	13.0	12.6	14.5	25.4
<b>Blue collar and service</b>				
Total .....	100	100	100	100
Under 12 .....	9	9	1	1
12 .....	81	84	91	68
Over 12 .....	10	7	8	30
Average .....	13.0	12.4	13.2	31.4

<sup>1</sup> In State and local governments, estimates are for full-time white-collar occupations, except teachers.

<sup>2</sup> In State and local governments, estimates are for full-time teachers.