

National Paid Leave Proposal Reintroduced in the Senate and House of Representatives

By Amanda M. Connelly

This past Friday, Democrats in both the Senate and House of Representatives reintroduced legislation that would create a paid leave program on the national level. Rep. Rosa DeLauro (D-Conn.) and Sen. Kirsten Gillibrand (D-NY) reintroduced the Family and Medical Insurance Leave (FAMILY) Act, which would allow workers to receive up to 12 weeks of paid leave for reasons such as health conditions, pregnancies, childbirth, or to care for a family member.

Currently, the 1993 Family Medical Leave Act (FMLA) grants qualified employees up to 12 weeks of unpaid leave for medical or family reasons. The COVID-19 pandemic has been identified as one of the reasons lawmakers are reintroducing this legislation, especially in light of Congress's emergency paid sick leave for COVID-19. Under the FAMILY Act, workers could receive up to 66% of their monthly wages while taking the 12-week leave.

In the past, Republicans also have introduced legislation that would grant paid leave to workers for medical or family reasons. The debate between lawmakers, however, is whether employers should pay for the leave or whether the state and federal government should.

Rep. DeLauro and Sen. Gillibrand previously introduced similar legislation in 2019. Their previously proposed legislation sought to establish the Office of Paid Family and Medical Leave within the Social Security Administration and to entitle individuals to a family and medical leave insurance (FMLI) benefit payment. The legislation also sought to amend the Internal Revenue Code to impose a tax on employers, employees, and self-employed individuals to fund the FMLI benefits.

The proposed text has not yet been released, but the legislation has been referred to the House Committee on Ways and Means and to the Senate Committee on Finance.

Roetzel will continue to monitor developments in this area. For more information and insight on this matter, please contact one of the listed Roetzel attorneys.

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