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224

STATE OF ALASKA
THE LEGISLATURE

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May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House Hess April 22, 1987

April 24, 1987

HB 224 An Act relating to employment rights based on pregnancy, childbirth, and adoption.

File Contents

- 1) Copy of HB 224
- 2) Bill Analysis by DFYS, 4/15/87
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- 6) Kay Brown memo 4/21/87
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HOUSE COMMITTEE REPORT

(7)

Date referred: 3/27/87

FURTHER REFERRALS: Judiciary
Finance

DATE: 4/24/87

The Health, Education and Social Services Committee has considered HB 224

"An Act relating to employment rights based on pregnancy, childbirth, and adoption."

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

W. Ellis
W. Korman
W. Korman
W. Korman

SIGNING OTHER RECOMMENDATIONS:

Roll E. ... No Rec
Bill ... -no Rec
~~*...*~~
Alice ... - No Rec

W. Ellis

 Cot Chairman's signature
W. Korman

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: HB 224
Publish Date: _____

REQUEST _____

Revision Date: _____ Agency Affected: All
Title: An Act Relating to Employment Rights BRU: All
Based on Pregnancy, Child Birth, and Adoption
Sponsor: * _____ Components: All
Requestor: _____

* Brown, Ulmer, Pearce, Ellis, Collins, Gruenberg, and Goll

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: Attach a separate page if necessary

HB 224 will not cause an increase in expenditures.

Prepared By: Diana DeSimone *DD* *MS* Phone: 465-4430
Division: Personnel *10* Date: 4/6/87

Approved by Commissioner: Garrey Peska *GP* Date: 4/7/87
Agency: Department of Administration

Distribution (by preparer):
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Senate Secretary



**STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS**

DEPARTMENT Health and Social Services	DIVISION Family and Youth Services	BILL NUMBER HR 224	SPONSOR Brown, et al.
DEPARTMENT POSITION Support in Concept			
PREPARED BY Yvonne M. Chase, Director	DATE 4/8/87	COMMISSIONER'S SIGNATURE <i>Marya M. Munnaw</i>	DATE 4/15/87

SUMMARY

OTHER AGENCIES AFFECTED BY BILL State Retirement and Benefits	CONSTITUENT GROUP(S) AFFECTED BY BILL Employers
ORGANIZATIONAL SUPPORT FOR BILL	ORGANIZATIONAL OPPOSITION TO BILL

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

To provide support to infants and working parents by mandating that employers allow parents reasonable leave from work at the time a child is born or adopted or placed into foster care.

ANALYSIS OF BILL/PROGRAM EFFECTS

Maternity leave for working parents is a need for the majority of families in Alaska and the U.S. In 46% of households in Alaska containing two parents, both work outside the home. 11% of Alaska's families are headed by a single parent and 60% of single mothers with children under age six are in the labor force. Research indicates that adjustment or bonding to newborns is seriously impaired if parents are not allowed to spend adequate time with the newborn. Positive adjustment of the family to any new family member is more likely if parents are provided an opportunity to bond with the child immediately after the placement.

AMENDMENTS PROPOSED

Due to the wide range of foster care situations and the number of placements which realistically may be made into a single foster home within a year, it is recommended that leave for placements into foster homes be either restricted in length of time or that leave be restricted to foster placements that are intended to be permanent at the time the placement is made. Generally, the recruitment of foster homes for preschool age children is focused on families in which one parent does not work outside the home since the adjustment of young children who have been removed involuntary from the parental home requires more support and attention than could generally be provided in a home in which both parents work.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

POSITION PAPER

For HB 224

House Bill 224 outlines the conditions and rights of employees and employers in regards to leave and medical insurance associated with the birth, adoption, or foster placement of a child and provides for continuing employment upon return from such leave unless the employer's business circumstances have changed to make it impossible or unreasonable.

The provisions concerning medical insurance and return employment rights are not inconsistent with current State practice. The proposed legislation would, however, make changes to existing State policy and practice concerning leave associated with childbirth and adoption. Current law [AS 39.20.225(b)(4)] entitles a female officer or employee to a maximum of nine weeks of leave for childbirth. Current collective bargaining agreements are consistent in providing nine weeks, and would not be affected by this proposed legislation as written. HB 224 would 1) increase the maximum leave entitlement associated with childbirth to 18 weeks; 2) provide a leave entitlement for adoption or foster placement; and 3) entitle male employees to take leave in association with the birth or placement of a child.

As the language is proposed, it appears that each parent would be eligible to take 18 weeks of leave, for a total of 36 weeks of family leave associated with the birth, adoption, or foster placement of a child. For an employer employing both parents, such a requirement may prove burdensome. We suggest consideration of the following additional language on page 2, following line 22:

Unless a longer period of leave is authorized under (a) of this section, a single employer need not provide its employees more than a total of 18 weeks of family leave associated with each instance of childbirth, adoption, or foster placement.

If this proposed legislation were to become law, Title 18 would be inconsistent with Title 39.

To provide for consistency in statute, we recommend that AS 39.20.225 be amended as follows:

Sec. 39.20.225. Use of personal leave. (a) An officer or employee may take personal leave at any time business permits upon permission by the head of the department or agency for which the officer or employee works.

(b) An officer or employee may take personal leave for medical reasons, regardless of whether business permits, upon permission by the head of the department or agency for which the officer or employee works. A department or agency head shall grant personal leave for medical reasons if the department or agency head is satisfied that the officer or employee is absent for medical reasons. The taking of personal leave for medical reasons shall be reduced by the amount of wage continuation payments made under the Alaska Workers' Compensation Act (AS 23.30). The following constitute "medical reasons" and are subject to the conditions noted:

(1) Medical disability of an officer or employee is a medical reasons for taking personal leave. A department or agency head may require a doctor's certificate showing the disability if the absence exceeds three consecutive working days.

(2) Medical disability of a member of an officer's or employee's immediate family is a medical reason for taking personal leave if the disability is such that the attendance of the officer or employee is required. A department or agency head may require a doctor's certificate showing the disability if the absence exceeds three consecutive working days.

(3) A medical condition of an officer or employee that makes presence at work a danger to the health of fellow employees is a medical reason for taking personal leave. A department or agency head may require a doctor's certificate showing the condition if the absence exceeds three consecutive working days.

(4) [PREGNANCY AND CHILDBIRTH IS A MEDICAL REASON FOR A FEMALE OFFICER OR EMPLOYEE TO TAKE PERSONAL LEAVE. A FEMALE OFFICER OR EMPLOYEE, OTHERWISE QUALIFIED FOR A LEAVE OF ABSENCE, IS ENTITLED TO TAKE A MAXIMUM OF NINE WEEKS LEAVE IMMEDIATELY PRECEDING AND FOLLOWING CHILDBIRTH. IF THE OFFICER'S OR EMPLOYEE'S ACCRUED PERSONAL LEAVE IS INSUFFICIENT FOR THIS PURPOSE, THE OFFICER OR EMPLOYEE IS ENTITLED TO TAKE LEAVE WITHOUT PAY FOR THE BALANCE OF THE NINE-WEEK PERIOD.

(5)] Death of a member of an officer's or employee's immediate family is a medical reasons for taking personal leave. No more than five days of personal leave may be taken for this purpose.

(c) Each officer and employee shall, during each 12-month period, take at least five days of personal leave. If the officer or employee does not take at least five days of personal leave during a 12-month period, the difference between five days and the amount of personal leave taken shall be canceled without pay unless the department or agency head certifies in writing that the officer or employee was denied the opportunity to take five days of personal leave during the 12-month period.


(d) An officer or employee, otherwise qualified for a leave of absence, is entitled to take a maximum of 18 weeks of leave immediately preceding and following the birth of a child or the placement of a child with the officer or employee for adoption or foster care. If the officer's or employee's accrued personal leave is insufficient for this purpose, the officer or employee is entitled to take leave without pay for the balance of the 18-week period. For each instance of childbirth, adoption, or foster placement of a child, officers or employees are entitled to a total of 18 weeks of leave under this section.

The Department of Administration is neutral on this legislation.



Diana DeSimone
Director
Division of Personnel

4/7/87
Date


Commissioner Garrey Peska
Department of Administration

4/7/87
Date

Kay Brown

Alaska State Legislature House of Representatives

M E M O R A N D U M

TO: Rep. Niilo Koponen, Co-Chair
Rep. Johnny Ellis, Co-Chair
HESS Committee

DATE: April 21, 1987

FROM: Rep. Kay Brown

RE: HB 224, an act
relating to em-
ployment rights

HB 224, an act relating to employment rights based on pregnancy, childbirth, and adoption, has been referred to the House Health, Education and Social Services Committee for consideration.

Thank you for scheduling a hearing on Wednesday, April 22 at 8:30 a.m. For your convenience, I have attached a sectional, a Bill Analysis from the Department of Health and Social Services, and a statement of support by the Alaska Women's Commission.

The problem is that while research indicates that bonding is seriously impaired if parents cannot spend a period of time with a new child, many parents may lose their jobs if they take a leave of absence when they have a baby.

According to the Economic Policy Council of the United Nations, the majority of working women nationwide will be forced to return to work within three weeks of a child's birth because of economic necessity and the need to ensure job security. The problem is particularly acute in Alaska where, as the Bill Analysis points out, both parents in 46% of Alaska's two-parent households and 60% of Alaska's single mothers with children under the age of six work outside the home. Furthermore, many parents in Alaska do not have extended family members to help during the critical adjustment period.

HB 224 would provide employees with a degree of employment security and a reasonable opportunity to adjust to and bond with a new family member. HB 224 would allow an employee to take up to 18 weeks of unpaid leave at the time of birth, adoption or placement of a child. It also would require an employer to make temporary disability benefits equally available to all employees (including those incapacitated by pregnancy) and, under certain circumstances, to transfer pregnant employees to less hazardous or strenuous positions.

HB 224 is similar to SB 124 introduced by Sen. Josephson, to pending federal legislation, and to existing California law. Similar legislation is under consideration in Maryland, New York, Washington, Wisconsin, Massachusetts, Connecticut, New Jersey, Kentucky, Colorado and Delaware. Most Western nations have already developed a parental leave policy. See: Global Survey, 1984, attached.

The bill has no fiscal impact since the leave time would be unpaid.

Kay Brown

Alaska State Legislature House of Representatives

M E M O R A N D U M

SUBJECT: HB 224, an act relating to employment rights based on pregnancy, childbirth, and adoption

DATE: April 21, 1987

FROM: Rep. Kay Brown *Kay*

The following is a section-by-section analysis of the draft Parental Leave bill.

Section 1 states the legislative findings regarding the social conditions which support this legislation.

Section 2, paragraph (a) requires an employer to grant pregnant employees the same benefits that the employer would grant to other employees who were temporarily disabled for other reasons. The section makes it clear that the employer is not required to carry health insurance covering pregnancy.

Section 2, paragraph (b) requires an employer to give an employee up to 18 weeks leave for the birth of a child or placement of a foster or adopted child. The leave may be unpaid. The employer can require or the employee can choose to substitute accrued paid leave.

Section 2, paragraph (c) requires the employee to give reasonable notice of the time and duration of leave.

Section 2, paragraph (d) requires the employer to maintain health insurance coverage during the period of leave. The employer may require the employee to bear all costs.

Section 2, paragraph (e) requires an employer to restore the employee to the same or substantially similar employment. The employer need not do so if the employer's business circumstances have changed to make restoration impossible or unreasonable.

Section 2, paragraph (f) requires an employer to transfer a pregnant employee to a vacant, existing and less hazardous or strenuous job if the employee's request is based on the recommendation of a licensed health care provider, the employee is qualified for the requested position, and the transfer will not subject the employer to legal liability (for

example, under a collective bargaining agreement). The employee will be paid at the lower salary.

Section 2, paragraph (g) prevents the bill from affecting any existing law regarding sex discrimination or pregnancy.

Section 2, paragraph (h) limits the scope of this bill to employers with at least 15 employees located within an 200 mile area.



**STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS**

DEPARTMENT Health and Social Services	DIVISION Family and Youth Services	BILL NUMBER HB 224	SPONSOR Brown, et al.
DEPARTMENT POSITION Support in Concept			
PREPARED BY Yvonne M. Chase, Director	DATE 4/8/87	COMMISSIONER'S SIGNATURE <i>Mike M. Minors</i>	DATE 4/15/87

SUMMARY

OTHER AGENCIES AFFECTED BY BILL State Retirement and Benefits	CONSTITUENT GROUP(S) AFFECTED BY BILL Employers
ORGANIZATIONAL SUPPORT FOR BILL	ORGANIZATIONAL OPPOSITION TO BILL

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ANALYSIS OF BILL PROGRAM EFFECTS

Maternity leave for working parents is a need for the majority of families in Alaska and the U.S. In 46% of households in Alaska containing two parents, both work outside the home. 11% of Alaska's families are headed by a single parent and 60% of single mothers with children under age six are in the labor force. Research indicates that adjustment or bonding to newborns is seriously impaired if parents are not allowed to spend adequate time with the newborn. Positive adjustment of the family to any new family member is more likely if parents are provided an opportunity to bond with the child immediately after the placement.

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PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.



STATE OF ALASKA

OFFICE OF THE GOVERNOR

ALASKA WOMEN'S COMMISSION
3801 C STREET - SUITE 742
ANCHORAGE, ALASKA 99503

STATEMENT OF SUPPORT
FOR PARENTAL LEAVE

The demographic forces shaping the Alaskan workforce require new solutions for the care of our children. Since 1950, Alaska women have increased their labor force participation by more than 500 percent. This rate of increase has been faster for Alaska women than for women nationally. More than one-half of all women in Alaska participate in the labor force, narrowing the gap of participation between men and women to only 22 percent.

The pattern of labor force participation for Alaska women has changed radically over the decade. Fewer women drop out of the workforce during their childbearing years, yet they continue to raise families, thus creating an increasing need for a policy on parental leave.

The two income family is no longer an anomaly but a necessity of life. Yet the dilemma exists. How do you balance the competing needs of job security and parenting?

This is a national problem since, unlike most other industrialized nations, the United States does not have a policy on parental leave. Extensive parental benefits are provided in over 80 nations either by the employer or by national insurance plans. In France, women are entitled to 90% of their earnings for a sixteen week period and are guaranteed the same or a comparable job on their return. In Sweden, "parent insurance" allows either parent to leave work for up to nine months after the birth of a child, without loss of pay. In West Germany, women receive about seven months paid leave.

The absence of a national parental leave policy has left the determination of parental leave up to individual employers. Some employers have recognized the important relationship of family to work. However, very often employers do not routinely assure that employees who must be out of work for any period of time can get their jobs back, regardless of whether they were out of work because they were having a child.

Two bills which have been introduced this session represent a positive response to the social and economic reality that the majority of parents - fathers and mothers - work outside the

home. HB224, introduced by Representative Kay Brown, and SB124, introduced by Senator Joe Josephson, provide 18 weeks of unpaid leave for either parent after the birth or adoption of a child. Both bills ease the burden on small businesses by exempting firms with fewer than 15 employees.

These bills represent an important starting place for Alaska employers and families. The details may change as the bills are discussed. Is 18 weeks too long or too short? Is the exemption for small businesses too high or too low?

But discussion of these details should not be allowed to obscure the need for the law. Alaska can no longer view family life as entirely separate from work responsibilities. These bills, and the policy that they will create, will put Alaska in the forefront of states whose employment policies recognize the importance of family life.

Kris Chatfield
Kris Chatfield,
Chair

ALASKA WOMEN'S LOBBY

POST OFFICE BOX 10-1571, ANCHORAGE, ALASKA 99510

April 22, 1987

Representative Niilo Koponen
Representative Johnny Ellis
Chairmen
House Committee on Health, Education and Social Services
P.O. Box V
Juneau, Alaska 99811

Mr. Chairman and Members of the Committee:

The Alaska Women's Lobby welcomes the introduction of House Bill 224, which would establish a statewide parental leave policy.

Statistics show that half of all mothers of children under three work outside the home, and that 85 per cent of all women in today's work-force are likely to become pregnant during their working years. The majority of mothers work because of economic necessity.

In January, the U.S. Supreme Court ruled that states may require employers to provide short, unpaid disability leave for new mothers.

We believe this legislation which would guarantee job security for all workers who want unpaid leave to care for newborn or newly adopted children is long overdue. It is time the workplace changed to accommodate the changing work force.

Nine (*) other states already give some job protection to new parents. Even these protections pale when compared to those in nations such as Sweden, West Germany and France, where workers get from 4.5 to 9.5 months of parental leave with pay of up to 90 per cent of their salary.

(*) Connecticut, Hawaii, Kansas, Montana, New Hampshire, Ohio, Washington, Massachusetts and California.

A recent survey of 400 major U.S. companies found that 65 per cent offered up to three months unpaid leave with the guarantee of a job upon return, and 46 per cent guaranteed a comparable job. Many Alaskan public and private sector employers already provide leave for childbirth.

Family leave is not a radical idea, but is an important step towards ensuring that families can function in today's environment. Society can no longer view the workplace and the family as two completely separate parts of an employee's life.

House Bill 224 will accommodate family life in the workplace, and will result in more productive workers and in healthier families. We urge its speedy passage.

Sincerely,

Sherrie Goll

Sherrie Goll
for the Alaska Women's Lobby

MATERNITY AND PARENTAL LEAVE POLICIES: A COMPARATIVE VIEW

COUNTRY	DURATION	JOB SECURITY	AMOUNT/DURATION	RECIPIENT
CANADA	17-41 WEEKS	YES	60%/15 WEEKS	MOTHER
ITALY	22-48 WEEKS	YES	80%/22 WEEKS	MOTHER
GERMANY	14-26 WEEKS	YES	100%/14-18 WEEKS	MOTHER
SWEDEN	12-52 WEEKS	YES	90%/38 WEEKS	MOTHER or FATHER
FINLAND	35 WEEKS	YES	100%/35 WEEKS	MOTHER or FATHER
AUSTRIA	16-52 WEEKS	YES	100%/20 WEEKS	MOTHER
CHILE	18 WEEKS	YES	100%/18 WEEKS	UNSPECIFIED
USA*	0	0	0	0

* No Federal Policy

Sources: Women at Work, ILO Global Survey, 1984;
Kemperman, Maternity & Parental Benefits & Leave, 1980.

Table 1. Pregnancy Leave Policies of Some Public and Private Sector Employers in Alaska

Employer	Applicable Policy	Number of Weeks Allowed	Compensation During Leave	Return Rights	Comments
PUBLIC SECTOR					
Anchorage School District (NEA represented employees)	disability leave	6 if natural, 8 if Cesarean	use sick leave then LWOP	Yes	
Bristol Bay Borough	maternity leave	9	use sick, then annual then LWOP	Yes	supervisor approval required if more than 9 weeks are required
City and Borough of Juneau	none	---	---	---	no policy for pregnant workers, an employee may use their accumulated personal leave or other employees may donate their leave
Fairbanks North Star Borough (APEA-represented employees)	maternity leave	13	use personal, then LWOP	Yes, with no loss of service time	may be extended an additional 90 days with a physicians statement; covered by medical benefits while on maternity leave
Juneau School District (NEA-represented employees)	maternity leave inc. in parental leave policy	not specified	use sick, then LWOP	Yes	the length of the leave period is determined by the employee and her doctor
Matanuska-Susitna Borough	maternity leave	8	use sick, then annual, then LWOP	Yes	this policy was just instituted with negotiation of current contract, prior policy was not formal, but generally 6 weeks were allowed
Municipality of Anchorage	medical LWOP or short-term disability	6 varies	no pay some possible	Yes	

file 56124
parental leave

Table 1. Pregnancy Leave Policies of Some Public and Private Sector Employers in Alaska

Employer	Applicable Policy	Number of Weeks Allowed	Compensation During Leave	Return Rights	Comments
PUBLIC SECTOR					
North Slope Borough	maternity leave	9	may use personal, then LWOP	Yes	may extend the leave period with doctor's certificate
State of Alaska (APEA-represented employees)	maternity leave	9	use sick, then annual, then LWOP	Yes	extensions may be granted with a doctor's certificate or by the supervisor
PRIVATE SECTOR					
ARCO	anticipated disability leave	25	may or may not be paid, can use sick leave for period actually disabled	yes, if return immediately after disability, otherwise, job not guaranteed	
construction companies (Teamsters)	disability leave	25	use sick, then annual may also be paid time loss benefits (\$100/week)	Yes, with seniority	

Table 1. Pregnancy Leave Policies of Some Public and Private Sector Employers in Alaska

Employer	Applicable Policy	Number of Weeks Allowed	Compensation During Leave	Return Rights	Comments
PRIVATE SECTOR					
Cook Inlet Region, Inc.	medical leave	12	LWOP	Yes	medical LWOP is used for r.l situations where an employee is absent for medical reasons, does not commence until sick and annual leave are used, health insurance is paid during medical leave; may be extended up to an additional 12 weeks
electrical utilities (IBEW-represented workers)	disability leave	8	LWOP	Yes, with seniority	the eight weeks begins after any medical disability ends, policy applies to the mother and father of newborns and adoptions
grocery stores (retail clerks represented by the UFCW)	maternity leave	25	use sick, may be paid \$100/wk for first 6 weeks	Yes, with seniority	
National Bank of Alaska	medical leave of absence	6	use sick, then annual, then LWOP	not guaranteed but will try to place in old or similar position	

Table 1. Pregnancy Leave Policies of Some Public and Private Sector Employers in Alaska

Employer	Applicable Policy	Number of Weeks Allowed	Compensation During Leave	Return Rights	Comments
PRIVATE SECTOR					
SeaAlaska	medical leave	varies	use sick, then annual, then LWOP	yes	medical leave is used for any situation where it is medically prudent for the employee to be absent, the length of leave determined between the employee and the Vice-President of Administration; temporary disability applies to extended illness or pregnancy, and a doctor's certificate is required
	temporary disability leave	varies	LWOP	yes	
Sohio	disability leave	12-25, but generally 6	may be paid	yes	
	or personal leave of absence	varies	no pay	no	

Data collected by telephone survey conducted during the week of January 19 - 23, 1987.

APEA = Alaska public Employees' Association

IBEW = International Brotherhood of Electrical Workers

LWOP = Leave Without Pay

NEA = National Education Association

UFCW = United Food and Commercial Workers

Prepared by the House Research Agency, January 1987 (87-079.wk1)

Maternity leaves

There are pluses, minuses to consider

By JOHN CREED
Staff Writer

Dentist Dennis Andersen has an all-women work force in his downtown Fairbanks office.

Like many Alaska businesses, most of his six full-time and two part-time employees, including his expectant wife Joan, are in their child-bearing years.

But unlike some American businesses, Andersen acknowledges his workers have babies.

"We give them time off to have their babies without pay," he said. "They have usually stayed out for about four months. And then they come back to work for us at the same job."

The term for this policy is maternity leave. Some call it parental leave, however, to include fathers—amid a radically changed family scene nation-

See related stories on maternity trends and legislation, pages 3 and 15.

wide over the past couple decades.

"The traditional American family model used to work well in the olden days when we had the husband at work and the wife at home," said Mia Oxley of the Anchorage Women's Commission. She is also a board member of Child Care Connection, a referral agency promoting pro-family work policies.

"But since the model of the traditional family is only 10 percent of the nation's families today, it just doesn't work anymore," she said.

Despite that change, Oxley said, less than 40 percent of to-
(See MATERNITY, Back Page)

MATERNITY

(Continued from page 1)

day's working women have the benefits of either parental or maternity leave.

Dentist Andersen wouldn't think of letting employees go because they need more time to give birth or to "bond" with their babies during those critical first few months.

"We put so much time and energy into our staff, it's worth it to us to get them back," he said.

Andersen has never considered paid maternity leave and "no one ever asked for it.

"It would be prohibitive for our small business to do that," he said. "Doing what we're doing is about as far as we can go."

Although this local example of an apparently viable parental leave policy might be following a growing trend to assist two-wage-earner households with children, Andersen has an added feature for mothers after they return to work.

Across the hall from the dental office is a "child development center," staffed by a certified primary teacher for the infant children of Andersen and his employees.

Nationally, Andersen may be more of an exception than the rule in private business.

The United States is the world's only industrialized nation without a national policy for parental leave or day-care centers, Oxley said.

"The main difference of the United States with every other country, is that they are not blindly com-

mitted to what's called free enterprise," said Andrea Helms, political science professor at the University of Alaska-Fairbanks.

In Sweden, workers are granted up to 52 weeks of paternity leave, with 38 of those weeks at 90 percent of their weekly salary. In Canada, workers receive up to 17 weeks parental leave at 60 percent salary for 15 weeks, according to the International Labor Office in Geneva.

Nevertheless, last month's U.S. Supreme Court decision, allowing states to order private companies to grant short, unpaid disability leaves to new mothers, promises to again push the issue of parental benefits before Congress and state legislatures.

In Alaska, the parental leave issue has potential political ramifications because much of the population is in its child-bearing years, so many more women with infants and young children are in the workforce, so many mothers in Alaska are single, and because families here are larger than the national average.

For example, the United States has 1.8 children per family while Alaska has 2.4, according to state demographer Greg Williams.

"We have the highest fertility rate in the nation," he said. "There's a mini baby boom going on up here."

Nationally, about 50 percent of women are in the work force, while in Alaska, 60 percent of women

work, Williams said.

Alaska is first per capita nationwide for adults with high school diplomas and No. 3 behind the District of Columbia and Colorado for adults with college degrees.

Higher education levels, Williams said, makes it even more likely for families to have two wage earners. Add to that, he said, the fact that the biggest bulge in Alaska's population chart occurs in the 15-44 age group—or the child-bearing years.

In addition, for the state's non-Native population, Alaskans lack extended family members who often help in child rearing.

Adding that up might point to a need for parental and maternity leave laws in Alaska, but private employers especially might balk at the potentially added costs for doing business in an already battered economy.

"We are small-scale enough at UAF so that we can close relationships to our employees," Helms said. "But training of employees is free at the university. If you are running a store downtown, that training is not free. We've socialized the costs at the university, and the taxpayer pays the price. Not so in private industry."

Nevertheless, having a baby might be postponed indefinitely if it might mean losing your job.

"It can be very devastating to a family if mothers go with the assumption that the job is going to

be there when they get back and it's not," said Penney Sales, coordinator for the Anchorage-based Northern Institute's Working and Family Project.

Clifford Brennen, head of the department of behavioral sciences and human resources at the University of Alaska-Fairbanks, said on-site day care facilities often cost employers less in the long run.

"One of the main reasons for employee absenteeism is for child care," he said. "It makes good dollar sense to provide facilities, when the company is large enough, for women with infants to care for them there. They could extend child care all the way to pre-school. Arrangements with baby sitters and the like causes mothers a lot of stress."

As for the recent Supreme Court decision on maternity leave, however, Brennen said the ruling has put the women's movement in a dilemma.

"You really can't have equality and ask for gender differences," he said.

"I think the ruling was a very good first step," said Ruth Lister, executive director of Women in Crisis Counseling and Adoption, or WICCA, which assists domestic-violence victims.

"Women that we see are very often in low-paying jobs, so they wouldn't be able to take that leave if no other means of support were there."

Parental leave law overdue?

Congress reacts to 'baby boomlet'

By JUDI HASSON
United Press International

WASHINGTON — With half of today's working women the mothers of young children, Congress is considering a controversial bill that would guarantee job security for all workers who want time off to care for their newborns.

The bill is the Parental and Medical Leave Act of 1986 and it would guarantee for the first time 4½ months off — without pay — and job security for parents who want to take time out to care for their newborn, newly adopted or seriously ill children.

With the nation's post-war "baby boom" generation now having a "baby boomlet" and with more mothers remaining in the workforce, experts say a national parental leave policy is long overdue.

The United States, they say, is the only industrialized nation with no guaranteed parental leave, lagging behind Canada, Italy, Finland and Chile, which provide as much as 39 weeks leave, some of it paid.

"When you have a demographic change such as we've witnessed, the country has to do something in order to make it possible for families to function," said Wendy Williams, a Georgetown Law School professor. "This is a very minor but important step to assuring that families can function well."

The bill, however, is facing stiff opposition from the U.S. Chamber of Commerce, the major business lobby, which maintains it is not the government's role to dictate employment policy.

The chamber's position and opposition from some key conservative lawmakers who say it is bad for business might make it hard to get the

... But supporters hope to hold hearings and press for a vote on the issue before November when the 135 House seats and one-third of the senators are up for reelection.

"One would think that this being an election year, the people in Congress are going to be attentive to the needs of their constituencies," Williams said. "And this has got to be high on the list of women in the workforce."

The bill, introduced in the House and Senate last week, calls for up to 18 weeks of unpaid leave and returning workers to their previous positions with full benefits and seniority.

"The new reality for most working women today involves remaining in the labor force despite pregnancy and childbirth, as well as child-caring and child-rearing responsibilities," said Sheila Kammerman, a professor of social policy and planning at Columbia University.

Labor Department statistics show that in 1985, half of all mothers of children under 3 were working — up from 34 percent a decade ago. The total number of mothers in the workforce with children under age 18 rose to 20 million last year — an increase of nearly 500,000 in just 12 months.

Statistics also say that 85 percent of the 50 million women in today's workforce are likely to become pregnant during their working years.

The surge of mothers into the labor force in recent years has increased the pressure on Congress and the corporate world for better child care, flexible work hours and other benefits.

"It is no longer 'Leave it to Beaver' time," said Rep. Patricia Schroeder, D-Colo., referring to the classic TV family model of father at work and mother at home.

"The superwoman has collapsed, collapsed of exhaustion," said Schroeder, the mother of two and a sponsor of the bill. She said it is time the workplace changed to accommodate the changing workforce.

Catalyst, a New York research firm on career and family issues, found in a recent survey of 400 major companies that 65 percent offered up to three months unpaid leave with the guarantee of a job and 46 percent guaranteed a comparable job.



Action Alert

American Association of University Women

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SENATE PARENTAL LEAVE BILL INTRODUCED ON FIRST DAY OF 100TH CONGRESS

On January 6, 1987, the historic day the Senate convened for the 100th Congress, Sens. Chris Dodd (D-CT) and Arlen Specter (R-PA) introduced parental leave bill S 249. This is the Senate companion legislation to Representative Patricia Schroeder's (D-CO) Family and Medical Leave Act scheduled to be introduced in the House in early February.

Both bills provide job security to employees who take unpaid leave for serious family or medical reasons. An exemption is provided for employers with less than 15 employees. Pre-existing health benefits must continue to be provided during the leave period, and the employee has the right to the same or an equivalent position upon returning to work. The provisions of S 249 are:

* Family leave--An employee may take up to 18 weeks of unpaid leave over a 24 month period for the birth, adoption or serious illness of a child. The House bill also includes dependent parents, but the Senate bill only covers children.

* Medical leave--An employee may take up to 26 weeks of unpaid leave over a 24 month period if the employee is unable to work as a result of a serious health condition.

AAUW has endorsed the Family and Medical Leave Act because mothers and fathers deserve the right to take a period of leave from their jobs to participate in the early care of newborn or newly adopted children, or to care for a child or an elderly dependent with a serious health problem. Support for family leave is part of AAUW's historic commitment to principles and policies that promote the economic well-being of all persons and ensure protection from discrimination.

Changes in the work force and in American families in the last decade have dramatically increased the need for a national family leave policy. More women work outside the home than ever before,

and people are living longer, often requiring the care of their families. The traditional family of two children, working father, and homemaker mother now makes up only 7% of all families. The federal government estimates that by 2025, 40% of the dependent care population will be over 65.

In 1986, there were 52 million women in the paid work force, an increase of 178% since 1950. Also, 80% of working women are likely to become pregnant during their working lives, and over half of these women are back at work within a year after childbirth. More than half of the 45.6 million children in two-parent families have both parents in the work force, and the majority of mothers in these families work because of economic need. Yet current federal labor policies force parents to choose between their families and their jobs.

Despite the increasing number of company-sponsored family leave policies, at least 60% of women employed by large companies (those with more than 500 employees) lack paid maternity-related benefits that would permit a six-week leave. Also, almost a third of all American workers are employed by companies with fewer than 25 employees, with women workers constituting 43% of this segment of the work force. While such small companies create the largest percentage of new jobs, they are the least likely to provide adequate employee benefits.

ACTION: FIRST, WRITE YOUR REPRESENTATIVE URGING HIM/HER TO BE AN ORIGINAL COSPONSOR OF THE FAMILY AND MEDICAL LEAVE ACT BY SIGNING ON TO THE BILL BEFORE ITS INTRODUCTION. THEN WRITE YOUR SENS. URGING THEM TO SUPPORT AMERICAN FAMILIES BY COSPONSORING S 249. TARGET MCS IN THE SOUTH BY URGING THEM TO SUPPORT FAMILIES AND COSPONSOR THESE BILLS.

Mission Statement The American Association of University Women promotes equity for women, education and self-development over the life span, and positive societal change.

RESPONSE TO INTRODUCTION OF PARENTAL LEAVE LEGISLATION
BY JOHN SLOAN
PRESIDENT AND CEO
NATIONAL FEDERATION OF INDEPENDENT BUSINESS

FEB. 3, 1987

As the representative for more than a half-million small- and independent-business owners all across America, the National Federation of Independent Business today re-confirms its opposition to any proposed legislation mandating benefits by employers.

The bill introduced today by Reps. Patricia Schroeder of Colorado and William Clay of Missouri is a measure which has been created in an atmosphere devoid of substantive information and input from the small-business community.

Rep. Schroeder, in a recent interview with a major daily newspaper, said that parental leave is more a "minimum labor standard" than a fringe benefit---not unlike child labor laws or wage and hour laws.

This statement reveals a shocking naivete by Rep. Schroeder concerning the relationship between benefits and jobs in the U.S. economy. Should mandated employee benefits such as parental leave and medical leave become "family rights," they will pre-empt the economic discretion of the employer and supplant bargaining between employee and employer.

The number one problem for American small businesses, according to a survey of NFIB members, is the cost of health insurance. Legislating new benefits will only exacerbate this problem and threaten the survival of smaller firms: For small businesses, health insurance is the most common type of fringe benefit provided to employees and yet, over one third of small employers do not provide coverage largely because of workforce composition or cost. Small businesses expand benefit coverage as their profitability increases; nowhere is this fact recognized in the legislation. Rather, dictating a new benefit is more likely to reduce an employee's total benefits package, eliminate some key benefits such as health insurance or pension coverage or worse, eliminate new jobs.

-more-

Rep. Schroeder also claims that parental leave has not caused problems in countries that have gone much further on the issue. We have only to look at the misbegotten European experience to see how devastating government-imposed benefits can be. Although the U.S. is the only industrialized nation without a policy for job and income-protected medical and family leaves, it continues to create jobs at an overwhelming rate. European countries, with their growing non-wage benefits, have seen no net job creation since 1975.

The major share, 70-80 percent, of all new job creation in this nation today comes from the small-business sector, not the Fortune 500, which lost 3 million jobs between 1980-83. At a time when the President and Congress have widely acknowledged that our nation is teetering on the brink of losing its competitiveness, to place burdens such as mandated parental leave on our most productive and competitive economic resource is unimaginable and most certainly unwise in today's rapidly changing global market.

Attached to this statement are charts which detail the relationships between such policies and economic indicators among the European nations. To highlight:

*Those nations with the lowest proportion of benefits to wages--Australia, USA and Japan--also have the highest levels of employment growth. (Charts 1 & 2)

*These same nations exhibit lower levels of unemployment and duration of unemployment. (Charts 3 & 4)

*Moreover, in looking at female labor participation rates, it would appear that increasing fringe benefits (as a percentage of wages) has no effect. (Chart 5)

*American companies have been boosting their productivity by adding more capital and more labor, but European companies have been utilizing capital instead of labor. Labor market rigidities, wage and benefit mandates are resulting in excessive substitutions of capital for labor in Europe. (Chart 6)

NFIB members, 82 percent of whom opposed mandated parental and disability leave in a recent survey, have been vocal on this subject. Here are some of their comments:

-Paris, TX: "These bills effectively increase an employer's cost of labor with no commensurate increase in productivity. It can only have an inflationary impact on our economy. It seems obvious that this discourages additional hiring instead of the encouragement that is needed."

-more-

-Pocatello, ID: "We are all sympathetic toward our employee's needs. We want the best for our people and therefore let us take care of our people on an individual basis. We certainly do not need any more paperwork and red-tape from our government. ...you could be doing everyone a disservice if this proposed legislation forces some of us out of business. The jobs for 50 people could be lost for the sake of one or two."

-Albany, GA: "If this bill came about, with 75 percent of my employees being female, I would have to add 10-15 employees to my payroll just to make up for their leave. I do have a voluntary plan with my employees that when they do leave for parental and family sicknesses they have paid days off and some unpaid days off. I do hold jobs open for them. I believe this action is better voluntary rather than mandatory."

-Dallas, TX: "Our company, as policy, has always granted non-paid leave for maternity and injury/health recovery, so this would make no difference to our pattern of employee relationships--what we feel is objectionable is the 'mandatory' nature of the policy. Step One in legislation is usually followed by Step Two, and that would be paid leave time for these extended periods. This, we feel, would be an oppressive burden of a small business."

As you can see from these statements, small-business owners are not anti-family or only pro-profit. They know the value of recruiting and retraining productive employees. An NFIB survey reveals that three-quarters of our members already provide time off to employees without loss of jobs or benefits. But, they are also realists who know that their operations can only sustain a certain level of government intervention.

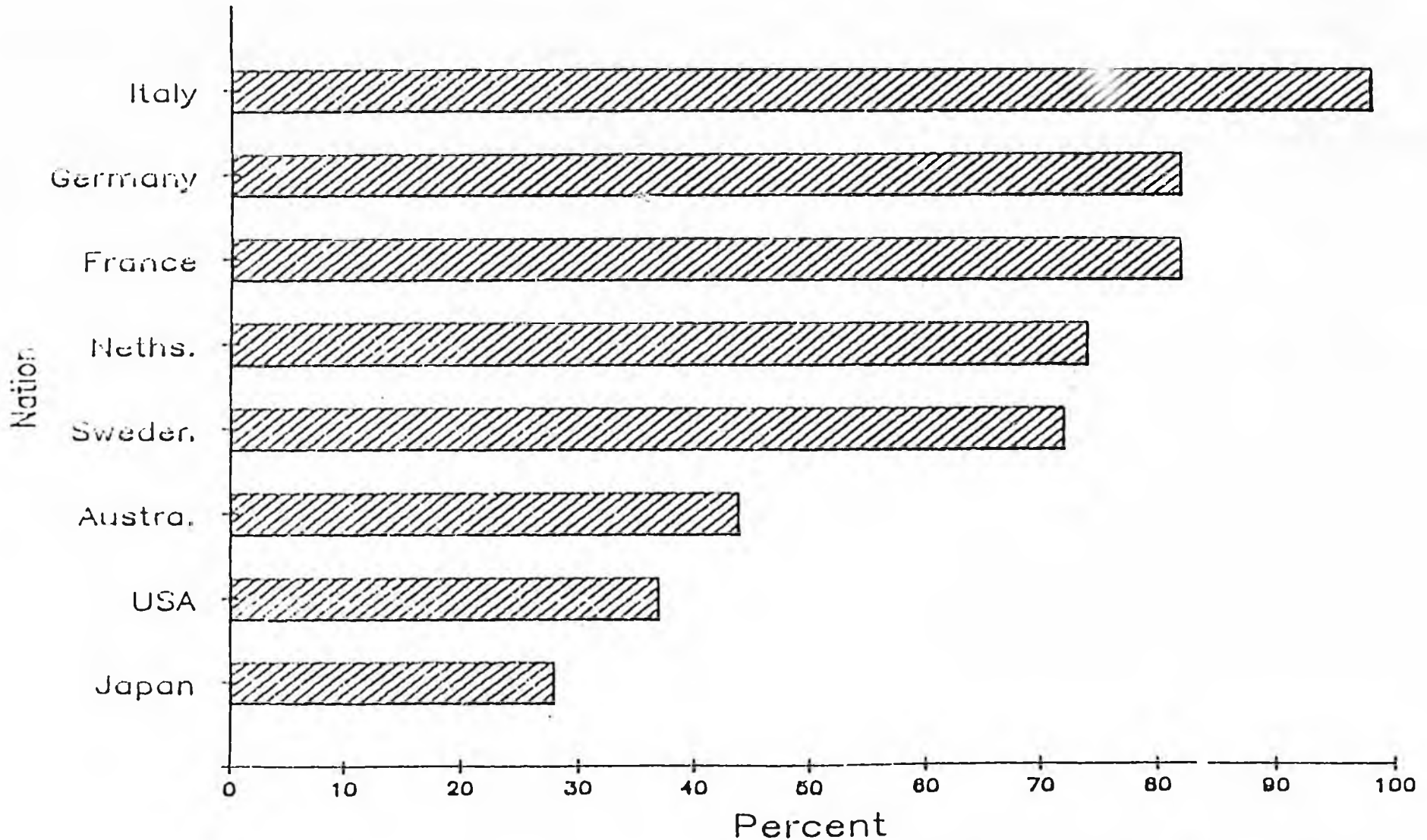
Tomorrow, the National Commission on Jobs and Small Business will release its report: MAKING AMERICA WORK AGAIN: JOBS, SMALL BUSINESS, AND THE INTERNATIONAL CHALLENGE. That report, which for the most part is embargoed, reaches some very important conclusions---not the least of which is that America must work to improve the environment for small business and encourage entrepreneurship, business formation and job creation---or suffer the consequences. The call for mandated employee benefits is contrary to that idea.

Legislation that mandates such benefits as parental leave will devastate small businesses and destroy the very jobs advocates seek to protect. We encourage Congress to weigh the costs of such a measure very carefully before proceeding toward action on this bill. To enact such an ill-conceived law will almost certainly eliminate jobs, bankrupt companies and, in the long run, ensure the continued downhill slide of our national competitiveness.

-end-

CHART 1

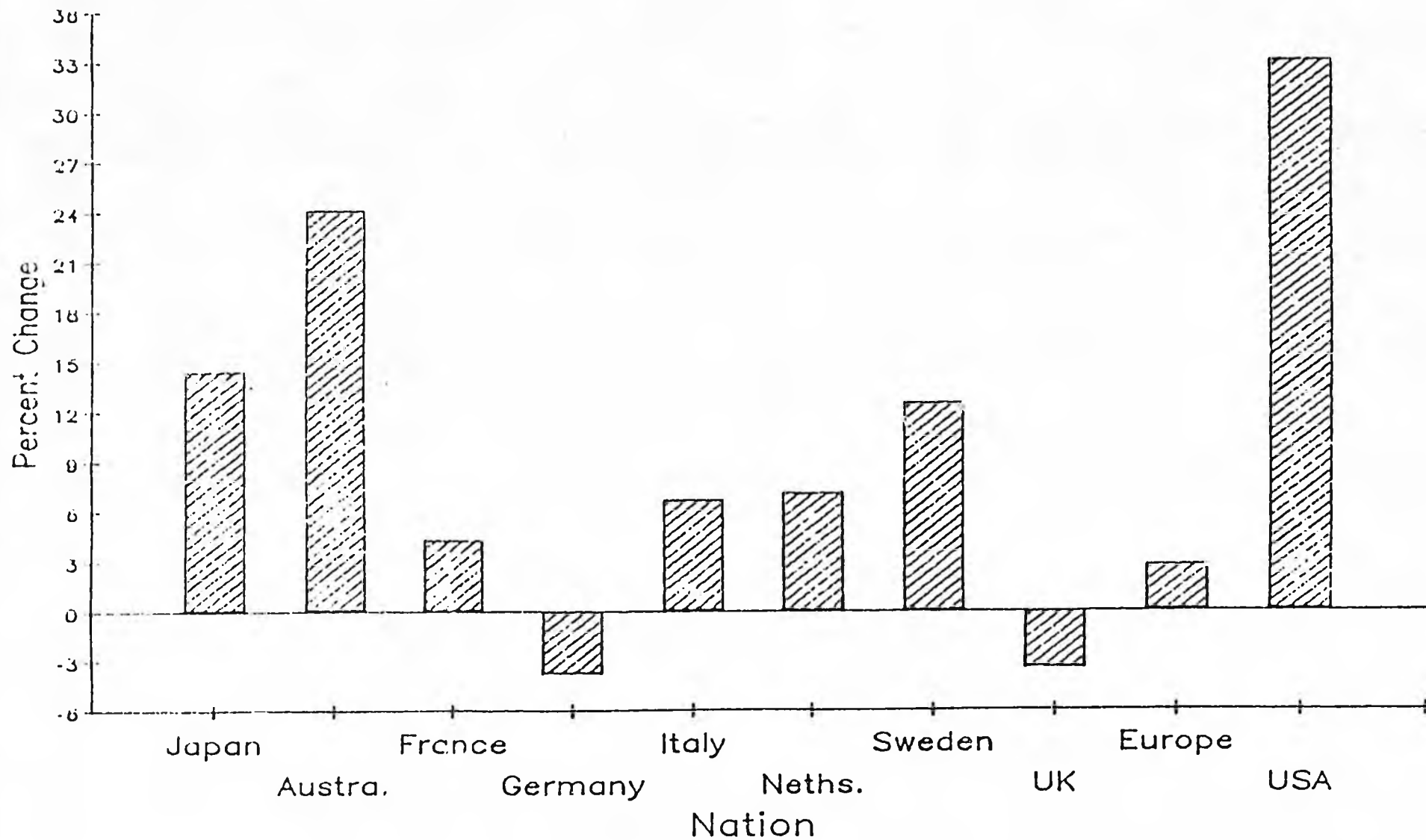
FRINGE BENEFITS AS A PERCENTAGE OF WAGES IN MANUFACTURING INDUSTRIES BY SELECTED NATION: 1985



Source: Cologne Institute of the German Economy

CHART 2

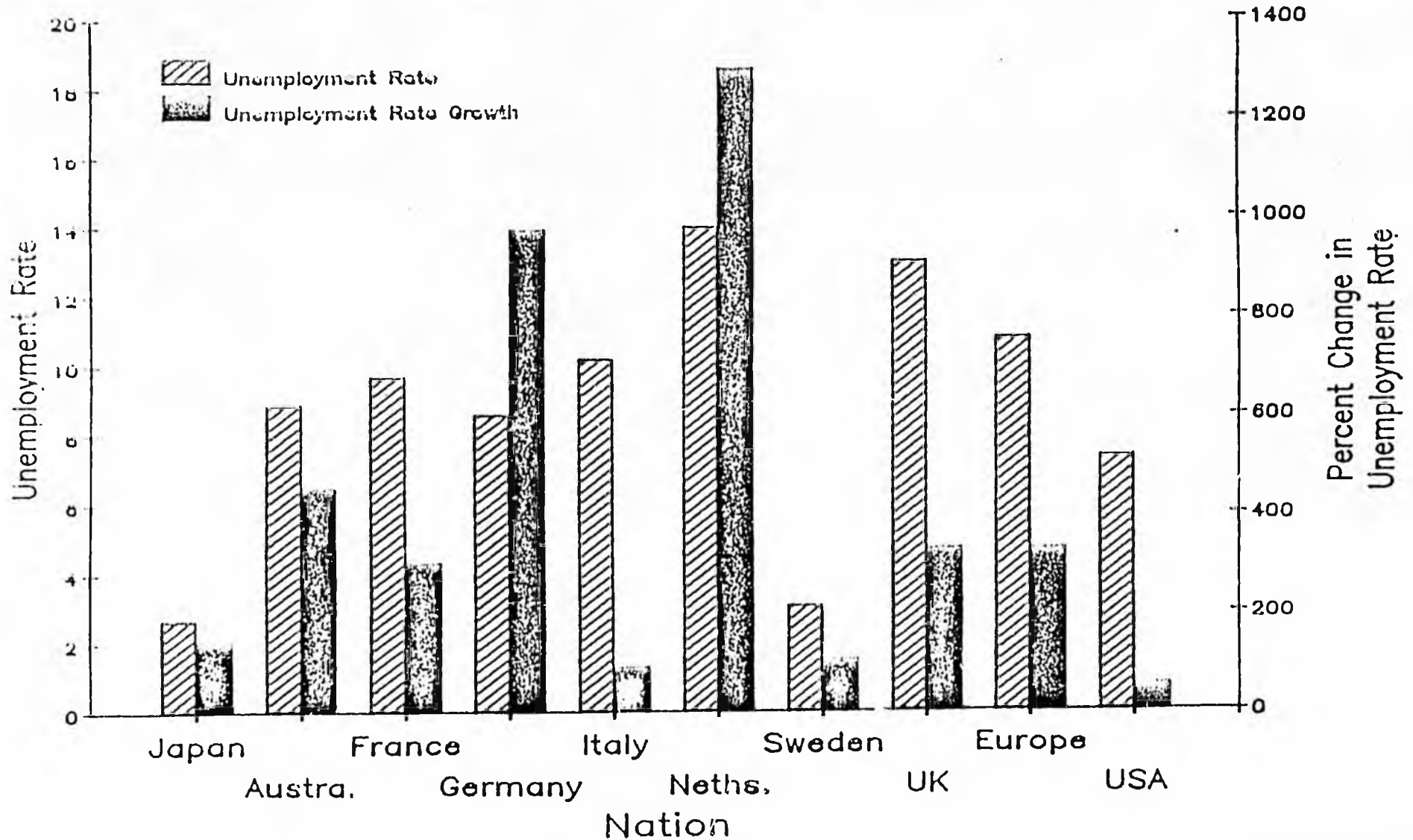
PERCENT EMPLOYMENT GROWTH IN SELECTED NATIONS: 1969-1984



Source: from OECD data

CHART 3

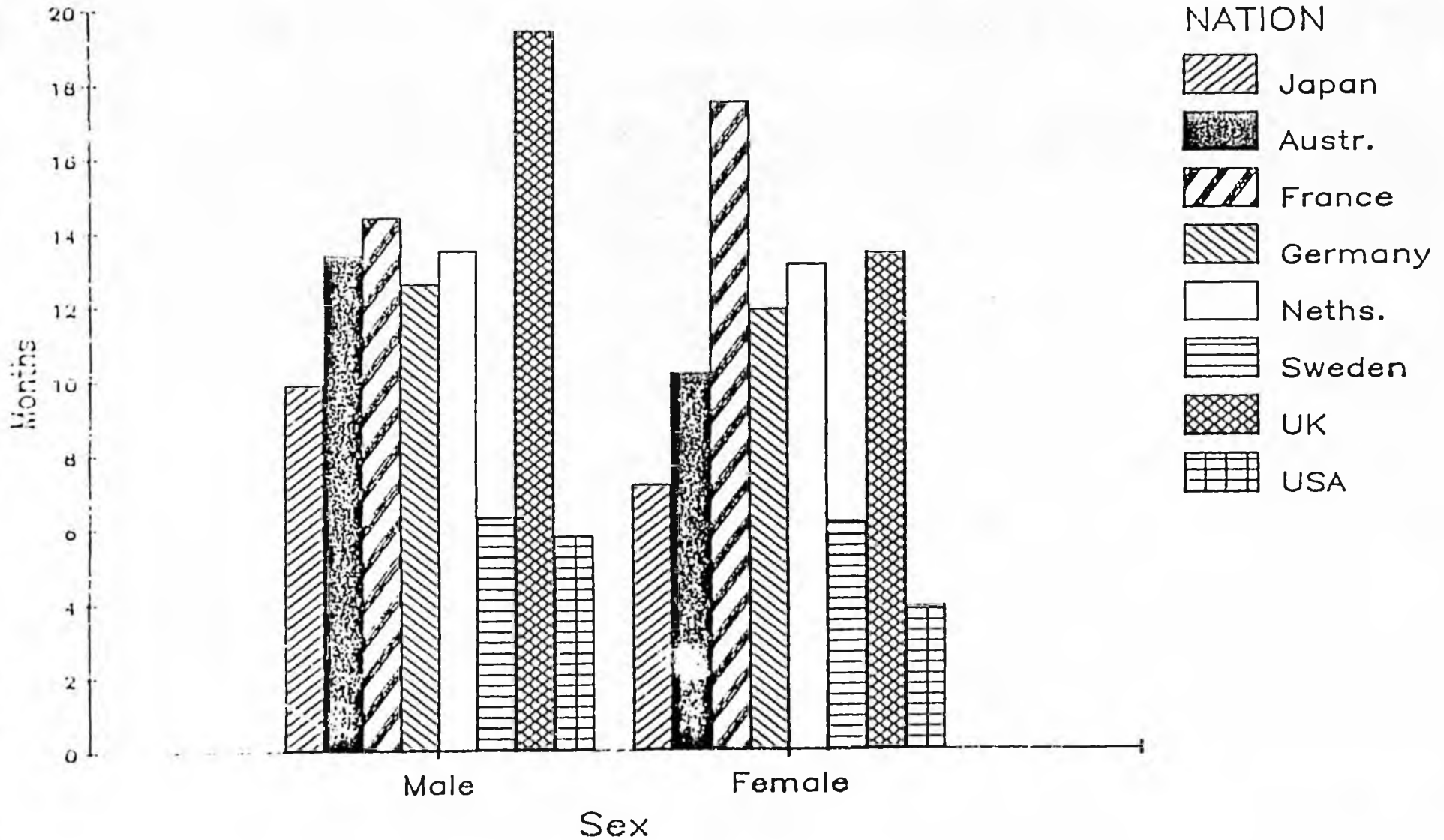
UNEMPLOYMENT RATE (1984) AND PERCENT GROWTH IN UNEMPLOYMENT RATE (1970 - 1984) BY SELECTED NATION



Source: OECD

CHART 4

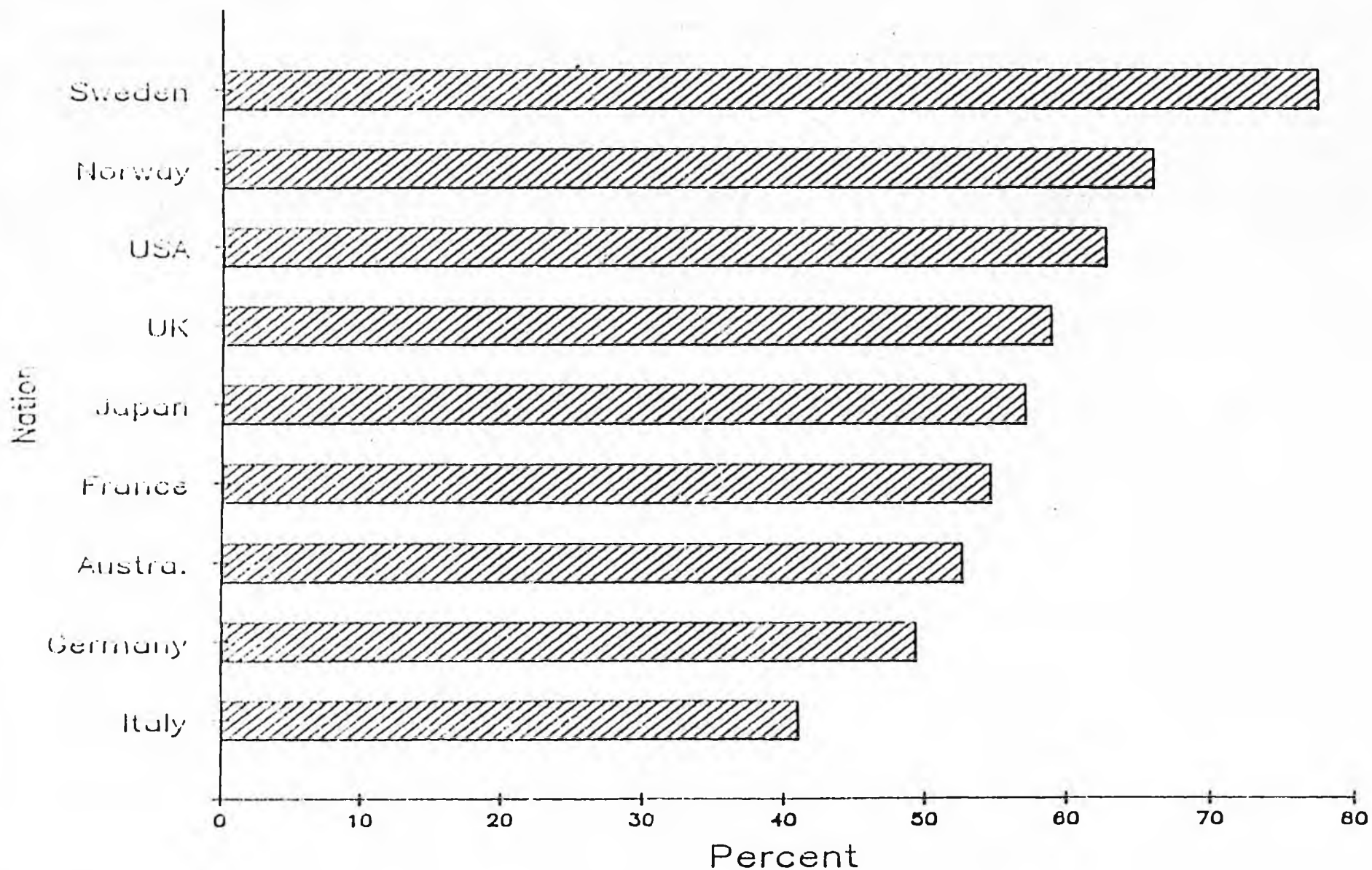
MEAN AVERAGE DURATION OF UNEMPLOYMENT IN PROGRESS BY SELECTED NATION - 1984



Source: OECD

CHART 5

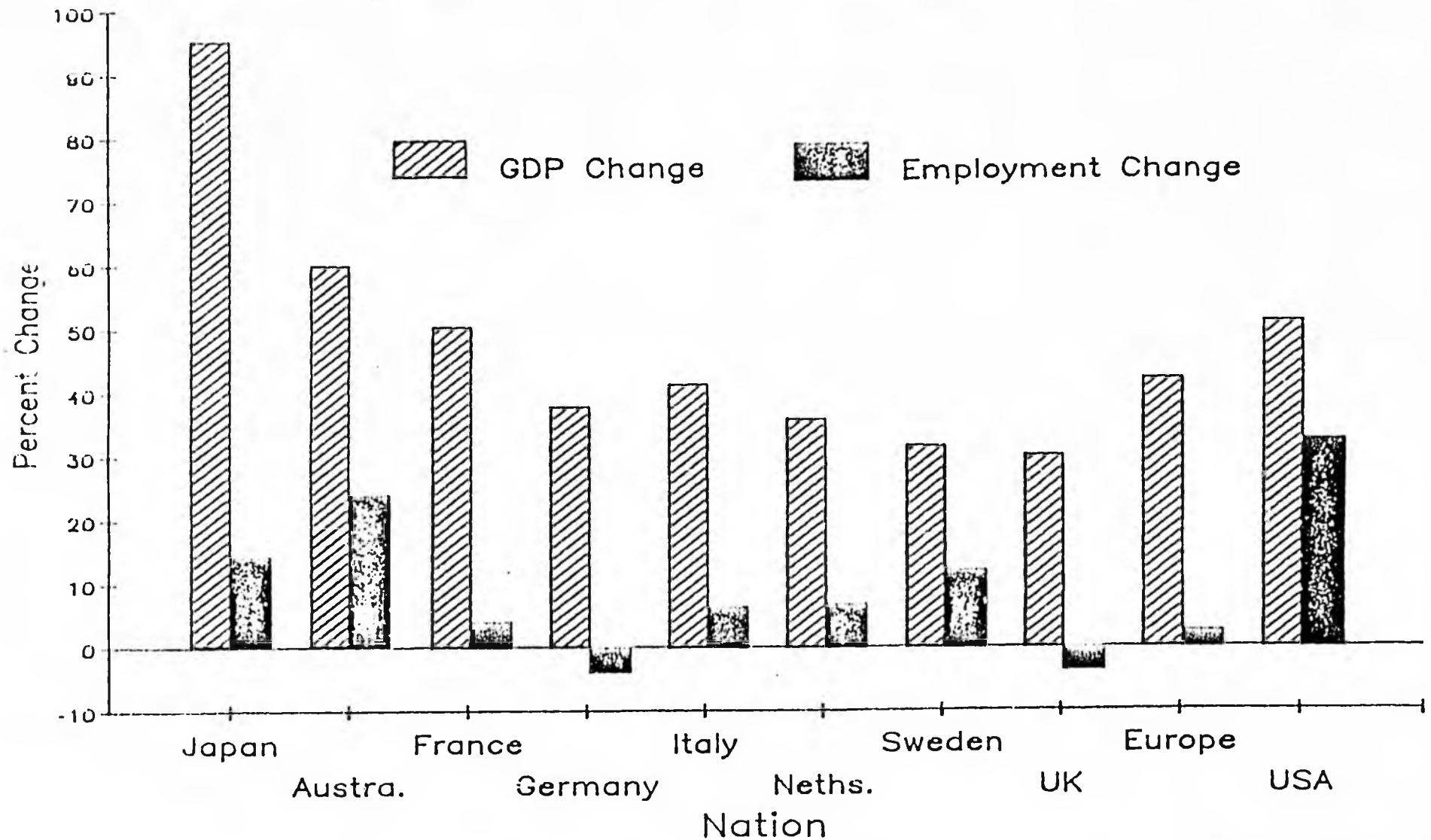
FEMALE LABOR PARTICIPATION RATES BY SELECTED NATION — 1984



Source: OECD

CHART 6

GROWTH IN GDP (1970 - 1985) AND EMPLOYMENT (1969 - 1984) BY SELECTED NATIONS



Source: from OECD data