

Crisis Conversations: To Have and to Have Not — Family Leave in the Pandemic

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BRIGID SCHULTE, HOST: Welcome everyone to *Crisis Conversations* live from the Better Life Lab. It's yet another Friday and we're all still social distancing, although some states and some businesses are beginning to open up again. We're still right in the middle of the pandemic. Today, we're going to be talking about paid family leave. The United States, as many of you know, is really alone in its peer economies. They're really alone in the world as really the only advanced economy, the only country that doesn't offer paid maternity leave after the birth of a child. We don't offer paid parental leave. We don't offer paid family leave. We leave it to the discretion of employers, so it's all voluntary.

That has huge problems to begin with. About 17%, 18% of the civilian workforce has access to paid family leave in the best of times, and in a pandemic when you've got families juggling, trying to figure out how to work, how to take care of their children with schools and childcare is closed, how to homeschool their children, the pressures on families are really intense.

Congress did pass an emergency paid family leave law which is historic and important, and yet at the last minute, there were a number of exemptions that were written into the bill which leave a lot of people out. That's what we're going to be talking about today. That while this is a really important first step, it also is creating a gulf between have and have-nots, and what we need to learn and what we can do to fix this moving forward.

I'd like to open today with Rebecca Gale. Rebecca is a journalist based here in DC. You've just written a story that was published in the New York Times where this is the very issue that you explored. How is this emergency paid family leave playing out?

Who is eligible? Who's using it? Who isn't? Who needs it? What are you finding in your reporting?

REBECCA GALE, PANELIST: Well, Brigid, thank you so much for having me on. Like you said, this was historic. This is the first time the United States has really done something like this, to give this widespread federally mandated paid leave, and it hasn't really gotten the attention of everybody because most people don't even know if they're eligible. The problem is a lot of people actually are not eligible. They were these two huge carve-outs at legislation.

One for companies that have over 500 people, which is a good chunk of the workforce, and one for companies who have under 50 people, who can claim a hardship exemption. This hardship exemption can be really anything. There's not much needed to really claim it. You can just say, if allowing employees to take any sort of extended paid leave would be harmful to your business, then you don't have to offer it.

What's so interesting is, for years, people have wanted national paid leave plan, have always worked with small businesses who want to give these to employees, but can't afford to do it on their own. Finally, we have a federally paid for leave, because this leave is paid for by the government. It's done so through a tax credit. There's a little bit of a hurdle there, but there is legislation that allows it to be fronted for organizations that need it ahead of time.

The problem we're seeing is that people don't know they're eligible, people who need it aren't eligible, and people who are eligible are reluctant to take it because they're afraid they'll get laid off down the line, or what happens when those 12 weeks are up, and camps aren't open and schools aren't back. The level of uncertainty, both with regard to the workforce, and with regards to the future, is really preventing people, the half of America's working for that's eligible for it, it's really preventing them from taking it.

BRIGID: Thank you so much for that, Rebecca. I spoke earlier this week with Marissa Korbel, I hope I'm pronouncing that correctly. We have a tape from our conversation. Angela, if you could get that queued up. Marissa is a lawyer in Portland, Oregon. Works full-time. Her partner, her husband works full-time as well for university. They have a five-year-old daughter and she said that she was just under so much stress trying to cram 40 hours of work into a workday, and try to do all of the childcare when the childcare closed, and try to homeschool and do kindergarten.

She was under a lot of stress and then she found out about this emergency paid family leave, and she really described it as something that really helped keep her family afloat. Can we play her clip, Angela?

You write that this was like they offered you a lifeboat and you chose to climb aboard. What do you think about the fact that it's only certain people that have access to the lifeboat?

MARISSA KORBEL, PANELIST: Yes, I think it absolutely contributed to my hesitancy and my guilt about taking the time. What I had to realize for myself is that me not taking that leave isn't going to fix that for anybody else. It's not like by taking this leave that means that some working single mother doesn't get to take it. They're sort of independent problems, and it's frustrating and terrible that we have a system that would create a lifeboat that really only helps people who are somewhat privileged.

I work for an organization that happens to qualify, and I have a partner, so that helps, too. There are so many things about my life that made it easier for me and made me feel, "Well, I'm not the person that's worst off," and it felt weird to be taking leave even though I knew that I was not the person that needed it the most.

BRIGID: Here's Marissa, she's really struggling with the fact that she is eligible, she does need it, but really struggling with the knowledge that not everybody is going to get it. At this point, I want to turn over to Ondrea Patrick. Ondrea is joining us, she's a member of United for Respect. She also works at Aldi's, which is a large corporation and one of those with more than 500 employees who were exempted from this paid family leave.

Ondrea, you've got a number of children, you are an essential worker, you have to go to work. Talk about how you've been navigating all of these additional pressures and is this something that you really could have used?

ONDREA PATRICK, PANELIST: Yes, thank you. I really could have. I honestly didn't know anything about it until it was just recently brought to my attention. However, as you mentioned, I do have many children. I have four, three of which are toddlers, 3, 4, and 5, and I have a 12-year-old. If I would have been offered this extended leave, it would have helped out a lot when I was homeschooling my children because we went on a stay-at-home order in March in the State of Illinois, and my children were out of

school, and it was very difficult for me to try to juggle being a teacher, on top of a mother, on top of an essential worker. It is very difficult.

I mean, being a parent is difficult in itself, but then these educators that are not able to step in and help us out one-on-one like they would love to, it adds that stress on our already stressful lives. If I would have had a chance to take a paid leave to really truly focus on my children and their education, it really would have bettered the lives of not just myself, but my kids, too.

BRIGID: Ondrea, when we were talking the other day, you talk about you've got four children and we'd talked earlier about how the United States doesn't have. It's really the only country along with a handful of little teeny tiny island nations in the Pacific that does not guarantee every mother paid maternity leave in the United States. Now, you've had four children, how did you handle that? Did you have any paid leave at all or what was that like before the pandemic just in terms of starting a family?

ONDREA: Well, at the time that I got pregnant with my three youngest children, I was working at Kmart, very well-known corporation. I had my oldest daughter in January of 2015, had my son in December of 2015. Mind you, that's all in the same year. I was off for a number of weeks, that I was only part-time, because I had a child who was in school and things of that nature, so I only worked nights. Me being part-time, I was not allowed any kind of paid leave when I was off from my company.

The first time I was off I was able to take up some vacation time and things like that, so I wasn't completely broke. You can't go collect unemployment because you had a baby. That's not even thought about. It was okay the first time. Now, turn around and had my son in December the same year I was off for six more weeks. All of that income lost really made it difficult to pay my bills. The first time all this was going on, I was going into a place to where they were talking about foreclosing on my home. Here, I'm having babies, and they're saying, "Hey, you're going to be homeless."

I was able to get some assistance with that, but then I had my youngest daughter in May of 2017 and I was still trying to get on my feet from having the other two, without the income I desperately needed. I went through a second process of possible foreclosure on my home. It's very difficult. I feel like here we are trying to populate the world, trying to populate the United States, but the United States isn't helping us to be able to make ends meet while we are doing so, while we are healing from having

children. It really would have been helpful because I would have not had that stress of possibly losing my home with three very young children at the time.

BRIGID: That's such a frightening story, Ondrea, thank you so much for sharing that. What I'd love to do now is again, continuing on with the story. Kelly, you're on the other end of the spectrum, and yet you've experienced a little bit of what Ondrea has. you were saying that you and your wife, when you brought a new child into your home, you had paid maternity leave because you live in the state of New Jersey and Jersey is one of a handful of states that do have their own paid leave, and your wife, because she works in Pennsylvania, had no paid leave. You were already struggling with that, and then talk about what it's been like then with the emergency paid leave and what that's meant for your family.

KELLY NEWMAN, PANELIST: Certainly. Thank you for the opportunity to do so. As you said, in January, my wife and I welcomed our sixth child, and she was able to take unpaid family leave for the first few-- more than a few, it was close to five weeks. We had planned and had some money saved to spend that time without her income stream. Then it was my turn to-- we were able to piggyback our leave times, and I took mine after she did, and because mine was paid leave, we were able to sort of build up our reserve again, by no means a meaningful savings, but we were able to resume our normal lifestyle.

Then literally the Friday I was supposed, that was the last day of my leave was the day everything shut down. We were stuck with no real answer for how are we going to make it through, because our finances had just leveled off, and with six children, you do need a bit of an assurance that you're going to be able to make payments on your housing expenses and electricity expenses.

We scrambled and I was desperate and I called up my employer and I said, "Hey, there's no way I can work. I have six kids. I can't work from home. That's an impossibility. With an infant and with two toddlers, there's no way." I said, "Listen, I need you to lay me off." They said, "Let's get back to you," and thankfully they did. They said, "Hey, you can get this leave, you're eligible for it."

It had been a couple of weeks that passed in between where we were all figuring things out, but they called back and said, "There's this leave." To tell you that it goes from dangling at the edge of a cliff to just relief that your family will have electricity and food on the table, it's an experience no one should ever have to go through. To believe that

only a handful of states, either six or maybe seven plus Washington, DC, have paid family leave.

Even beyond the coronavirus pandemic, that's astonishing that we don't place families at the forefront of what matters and that stability that we all need, not just for our health, but for our well-being and our mental health. It was a true crisis for us when we looked around and said, "Oh my God, there's no paycheck coming our way." The Emergency Family Leave Act really did enable us to survive, not just carry on or make it through, but it really was a survival issue at that point. What do you do when you can't pay your rent for an indefinite amount of time and you're a family of eight, including a brand new baby?

BRIGID: Wow. Well, Kelly, thank you so much for sharing that story. What I'd love to do now is go to Tanya. Tanya Goldman, she's with the Center for Law and Social Policy, senior attorney and policy analyst, and make sure that I get your title, right. Tanya, feel free to correct me, but you've been watching, not only paid family medical leave in pre-pandemic times but really looking at what's happening now with this emergency law. What are you seeing out there in terms of are you seeing these have, and have-not experiences are, how are firms implementing this? What are you looking at out there?

TANYA GOLDMAN, PANELIST: Thanks Brigid, so much. I'll echo a little bit of what Rebecca said, but we're really seeing three overarching problems of making sure people can access is critical right now. The first is that millions of people are simply not eligible for the paid family leave that Congress passed, and this includes a lot of essential workers. Just like Ondrea, there are more than two million workers who are employed just in large grocery store chains that are not covered by the Family's First law. Therefore all of them who are parents have no right to this or childcare leave within the Act.

Then the US Department of Labor took this law and narrowed it even further and really negated a lot of what Congress had been trying to do. They've really narrowed who is eligible for the leave in addition to, in many ways, giving small businesses almost a free pass to decide if they're covered by the law or not.

Then the second major problem as Rebecca also noted is just tons of people do not know they even have a right to take paid leave or paid sick days. A survey that was done for the New York Times found that nearly half of people had heard very little or had heard nothing at all about their rights. Another poll that was done, only one in five

voters said they had taken or are planning to take leave and this was just 7% were reporting that they plan to take leave for childcare reasons, which many people are entitled to up to 12 weeks of paid leave for childcare reasons.

I can hypothesize about some of these reasons. A quarter of them said they didn't think they qualified, and that may very well be true because of the exemptions. Many of them may not be able to afford a pay cut. You only get paid two-thirds of your wages and we know a lot of people can't afford that. Then Rebecca mentioned this also, that a lot of workers just fear retaliation if they take time off, and it would be illegal for their employers to punish them for doing that, but we know the reality is that many workers are very fearful of that.

That really connects to my third point, which is that the US Department of Labor is really advocating this responsibility here to protect workers and help them. They just are not putting out the kind of know your rights information from trusted sources, in a variety of languages, in a variety of media that working people need to know about these rights and then kind of doing that really robust enforcement that let workers know if they take the leave, that they'll be protected and that the USDOL has their back. If I can, Brigid, I just want to add, and this is really implicit in our conversation, but this is a real gender and racial equity issue, too.

I think these stories and thank you, Ondrea and Kelly for sharing, really highlight that women are more likely to be caregivers, but also that many mothers are the key breadwinners in their families. This is really true for low-income women. It's true for Black mothers, it's particularly true for Latina mothers, but also Native American mothers, and Asian and Pacific Islander mothers contribute significant percentages to their family's income and stability. All these women who are now caregivers, and mothers, and essential workers, and lacking affordable childcare, are really left without good choices in this moment.

BRIGID: Those are such important points. Thank you so much for sharing that, Tanya. When Tanya was talking about retaliation, I saw Ondrea and Kelly, you were nodding, both of you, vigorously. Ondrea, let me go to you in terms of worrying about retaliation, is that something that-- why were you nodding so vigorously there?

ONDREA: Well, I think a lot of it really has to do with that is your only source of income. A lot of companies will say, "Hey, don't speak poorly of us on social media," or something of that nature. Because you are afraid to really lose your job, and especially

in a time like this, especially with mothers, and caregivers, and things of that nature. You need that income, but you also need that respect, and that dignity, that what you're doing is the right thing, and what this company is doing is really truly caring about their employees.

You need to know that you're safe, but you need to know that you can speak out and say, "Hey, there's some injustice going on right now. Can we fix this?", without the fear of them saying, "Get out."

BRIGID: Ondrea, just as Tanya mentioned. You are also the main breadwinner in your family. Isn't that right?

ONDREA: That is right.

BRIGID: You have this additional pressure then that you're really trying to hold everything together.

ONDREA: Absolutely. My children's father actually worked for Walmart, and he was wrongfully terminated awhile back and he decided, "You know what? We have all these children. Childcare will be ridiculously expensive, so I will stay home and watch the children as you work." With me being in a grocery store, it is very much like the retail hours that everyone speaks about. It's here, there, and everywhere.

Some weeks you have more hours, some weeks you have less hours, so the instability of the fair work weeks. It puts a damper on him being able to even get a job, because we don't have any other source of childcare if there's an overlap between when I have to leave work and he has to go in. Being the sole, as you were saying, breadwinner, it does add that extra stress.

BRIGID: Rebecca, if I could go back to you. You've heard Ondrea, and Kelly, and Marissa earlier. Do they sound familiar? What are some of the other stories that you're hearing out there? What are people experiencing?

REBECCA: It's what they're saying, I'm hearing a lot of. Not only do they not have the paid leave when they need it, they don't feel comfortable taking it unless their workplace is being very forthcoming with the details and very encouraging. Even within that framework, even within people who's offices are telling them about this benefit and saying, "You might qualify. You should look into this." There's that fear that there's so much unknown.

You see the headlines, record unemployment claims, and even how to fill those, states are dealing with. People are worried that if they step away from that job, whether it's in-person as an essential work or like Ondrea is, or whether it's behind a screen like we're talking now, that they'll be the first ones to go when layoffs come. Research shows they're not wrong. In fact, research actually does show that the people most likely to take leave are at companies when the senior people there and the higher-ups not only encourage taking paid leave, but actually take it themselves, too. I'm not sure if we're seeing that yet in this current situation.

BRIGID: Yes. Thank you so much for that Rebecca. Tanya, to go back to you. Do we have any idea? Is there any data about how many people are actually using this? What do we know and do we know? Is there data? Is it mainly women? Marissa, she was worried that it was mainly somebody who's like her, with resources. Do we have any data about whether this is, who's using this, and is this exacerbating any quality, or what's happening on the ground, or do we just not know?

TANYA: I think we don't know enough yet. The Department of Labor really isn't able to track at this point the reason people aren't taking leave or are taking leave. They have been able to resolve some complaints, but nowhere near the scope of the calls they're getting, and the questions they're getting, which suggest to me that a lot of the calls, they're being told they're not eligible for the leave.

As I mentioned, they're letting small businesses decide on their own, and self-certify that they're exempt from providing it, and that covers basically 90% of the firms covered by the law, fall within that small business category. That really were just leaving out so many of the workers, and it's hard, even if we have the data, to get the good data. The way we'll really know is when employers claim their-- As Rebecca mentioned, employers get reimbursed for this by the federal government, so the best way for us to know is when the IRS is able to release data on who's claiming reimbursement for this.

BRIGID: We may not really know how this law is really working until tax time, some time a year from now. Kelly, let me go back to you, and we do want to call out to the participants today, if you have thoughts, or questions, or stories, we'd really like to hear from you as well. Kelly, let's go back to you. You're one of the lucky haves if you will, and you're taking about how this really-- you're hanging on by a thread, and this threw you a little lifeline.

In your view, how would it feel? How differently would it feel if somebody like Ondrea was also able to be eligible, and to be able to have some kind of paid leave like this? What does it mean when you get this, and you know so many other people don't?

KELLY: Like Marissa, I share that sentiment of how it feels to be benefiting from a benefits program that we essentially paid into already, when it comes to taxes. It feels to me that walking through this privilege, and walking through my experience as someone who is already in a comfortable position, it just feels-- I won't say dirty and I won't say guilty, but I just feel like this excruciating sense of loss for my sisters who don't get to participate in this program for which they're eligible, for which their service is so necessary, and for which they sacrifice a tremendous amount that's unnecessary when we live in a nation that has the means to provide for them.

BRIGID: Ondrea, I want to go back to you. You have so many other workers I imagine, in your position. What does that feel like when you're part of the ones that are left out?

KELLY: I feel like they may say I'm essential, but they don't treat me as such. We're very important. We are trying to grow our economy, we are trying to help people. We put our lives on the line everyday that we clock in, everyday we walk into our business, and it makes me feel like they're just like, "Oh, good job. Here's a high five." It's like, "Oh, just make sure you don't get sick."

We do the best we can, but we all know that with this coronavirus, it sees nothing. It just does what it wants to do. If we get sick, we get sick. Our stores can do so much, but I should feel like, "If I get sick, it'll be okay. My family will be fine." I shouldn't feel like if I'm not feeling well, I need to still get up and go to work so I don't lose my job, or something of that nature.

BRIGID: Last thoughts. Rebecca, let me go to you for closing thoughts. What kind of discussions are out there that you're hearing? What's happening on the ground in terms of what's next? Even this emergency paid leave law, it expires in December. While it's historic, it's imperfect, and it's temporary. Are there movements afoot to try to fix it now, and fix it for later and for the future.

REBECCA: There are movements to fix it, and I know the House is taking up something, but the Senate and the administration indicated that they want to go further on these benefits. What we are seeing more of in the conversations I'm having is that there's going to be the significant mental health effect. A lot of people are reporting

anxiety, and stress, and depression. A lot of people are actually starting to say, "Wait a minute, I need to focus on my kids. I need to focus on my family." We can't just keep pushing them through in this current system, and expect it to be okay at the end without putting any effort now.

In my conversations I was having with people who do take leave, they're citing that as the reason. It isn't really the Zoom school, it isn't really even the hours. It's, "I need to be there for my family right now. We can't just put the kids in front of tablets for eight hours while we do our jobs, and then sit down for dinner and do this for weeks on end." I hope this is very temporary, and we're looking at sea of change coming this summer, but there's a lot of conversation that shows that might not be the case, so it's possible this conversation goes on a lot longer.

BRIGID: Right. Thank you so much for that Rebecca. Childcare centers, there was a survey done that about half are closed. Many may not open up again, schools, that's still up in the air, what schools are going to do, summer camps. There's just a lot of insecurity and uncertainty for families out there still, so thank you. I'd like to thank all of you for joining us for another *Crisis Conversation*.

Thank you so much to the panelist for being here, for sharing their stories and their perspective. Thank you so much to the participants and the chat. We left a number of links here in the chat and we're happy to send those out again to Rebecca's story, to Marissa's story. She wrote a piece about her own experience in the Washington Post, to a lot of the work that we do at the Better Life Lab around paid family leave, which we see as a real fundamental human right that we really need to be pushing for, universally in the United States.

Thank you all so much. I would like to thank my wonderful Better Life Lab team. Jahdziah St. Julien, who's just a wonderful backup partner in this. I'd love to thank the New America events team. Our producer David Schulman. Thank you all so much for coming. Next week, we're going to be talking about return to work. What that's going to be like, whether you're in an office, or out of an office with Alex Pang, looking at short-term, as well as long-term effects. In the meantime, I just heard a wonderful phrase which I think we could all use, which is, reduce the chaos and be kind. With that, I thank you all so much for joining. We'll see you next week.

KELLY: Thank you.



ONDREA: Thank you very much.