



Questions and Answers about the Family and Medical Leave Act: A Sloan Work and Family Research Network Fact Sheet

Introduction

The Sloan Work and Family Research Network has prepared Fact Sheets that provide statistical answers to some important questions about work–family and work/life issues. This Fact Sheet includes statistics about the Family and Medical Leave Act. (Last updated: August 2008)



Are many employees eligible for FMLA benefits?

- ✔ **Fact 1** In 2005, 76.1 million employees were eligible employees working at FMLA covered worksites. That is about 54% of all U.S. employees (Department of Labor, 2007, p. 35622).
- ✔ **Fact 2** In 2005, 94.4 million employees worked at FMLA covered worksites. That is about 67% of all U.S. employees (Department of Labor, 2007, p. 35622).
- ✔ **Fact 3** In 2005, “(t)here were about 76.1 million workers in covered establishments who met the FMLA’s requirements for eligibility” (Department of Labor, 2007, p. 35551).
- ✔ **Fact 4** In 2005, “(t)here were an estimated 94.4 million workers in establishments covered by the FMLA regulations” (Department of Labor, 2007, p. 35551).
- ✔ **Fact 5** “Among hourly workers, union employees are more likely to be covered and eligible for the FMLA–by 25%, on average” (Budd & Brey, 2003, p. 95).



Do employees know about their rights under the FMLA?

- ✔ **Fact 1** “[O]verall levels of awareness among (FMLA) covered employees are high. Ninety percent of women and almost three–quarters of men are aware of their right to family leave” (Baird & Reynolds, 2004, p. 343).
- ✔ **Fact 2** “[M]ore than two years after Congress passed the FMLA, only 63% of salaried and 50% of hourly employees reported ever having heard of the law” (Budd & Brey, 2003, p. 92).



✔ **Fact 3** "...[O]nly 35–40% of hourly employees who had heard of the FMLA also responded that they thought they were eligible to use it" (Budd & Brey, 2003, p. 97).

✔ **Fact 4** "A survey conducted by AARP of workers age 50 and over revealed that, although 91 percent were generally aware of the FMLA, only 50 percent of those workers reported that they first learned of the FMLA through their employer, suggesting that 'more can be done to improve employer–employee communication'" (Department of Labor, 2007, p. 35583).



Are employees using the benefits offered to them under the FMLA?

✔ **Fact 1** "The range of workers who took FMLA leave in 2005 was between 3.2 percent and 17.1 percent... The (Labor) Department recognizes it is possible that the number of workers who took FMLA leave in 2005 is more likely to be between 6.1 million and 13.0 million than between 2.4 million and 6.1 million" (Department of Labor, 2007, p. 35623).

✔ **Fact 2** "Between 8.0 percent and 17.1 percent of covered and eligible workers (or between 6.1 million and 13.0 million workers) took FMLA leave in 2005" (Department of Labor, 2007, p. 35551).

✔ **Fact 3** "Although it is not possible to calculate the mean of this survey, the median of those reporting a percentage [of workers using FMLA leave] is between 7 percent and 10 percent" (Department of Labor, 2007, p. 35623).

✔ **Fact 4** "The U.S. Postal Service reported that 18.4 percent of its 620,688 employees took FMLA leave in 2006" (Department of Labor, 2007, p. 35622).

✔ **Fact 5** "Madison Gas and Electric Company stated, '[o]ur data shows 30% of eligible workers requested FMLA leave. Of the 30%, only 69% of the requested leaves qualified as FMLA leave. This resulted in 20% of eligible workers taking a qualified FMLA leave'" (Department of Labor, 2007, p. 35622).

✔ **Fact 6** "Delphi reported that at one of its large manufacturing facilities in the Midwest 'nearly one of every five' workers took FMLA leave in 2005" (Department of Labor, 2007, p. 35622).

✔ **Fact 7** "First Premier Bank stated that '[o]n average, over 25% of our staff has been on FMLA at one point or another during the course of a year. There is almost 10% of our staff on FMLA at any given time'" (Department of Labor, 2007, p. 35622).

✔ **Fact 8** "The University of Washington noted that '[i]n our organization of 950 employees... we consistently have 20% of the workforce absent from work under FMLA'" (Department of Labor, 2007, p. 35622).

✔ **Fact 9** "A nationwide survey of 1,356 covered and eligible workers age 50+ by AARP found that 9 percent took leave under the FMLA" (Department of Labor, 2007, p. 35623).



✔ **Fact 10** “AARP’s national sample of workers 50 or more years old reported that ‘[d]espite high overall awareness of FMLA and the fact that the majority (58%) of survey respondents have taken at least some time off for family– or medical–related reasons within the past five years, only nine percent of respondents (or 15% of leave–takers) reported that any of the time taken was FMLA leave” (Department of Labor, 2007, p. 35623).



How are FMLA benefits used?

✔ **Fact 1** “According to the WorldatWork survey, 18.1 percent of FMLA leaves in 2005 were due to chronic conditions” (Department of Labor, 2007, p. 35625).

✔ **Fact 2** “[T]he United States Postal Service reported to the Department that, out of 179,370 FMLA certifications and 2 million days of FMLA protected leave in 2006, almost 38% of all leaves were chronic and intermittent, and ‘76.8% of all FMLA leave hours associated with a chronic condition were unscheduled” (Department of Labor, 2007, p. 35574).

✔ **Fact 3** “Nearly one–quarter of all employees who took FMLA leave took at least some of it intermittently” (Department of Labor, 2007, p. 35551).

✔ **Fact 4** Forty–eight percent of companies stated that FMLA leave was taken intermittently less than 5% of the time (Department of Labor, 2007, p. 35625).

✔ **Fact 5** “[T]he (Labor) Department estimated that about 700,000 workers (i.e., 45.4 percent of 1.5 million) took unscheduled intermittent FMLA leave in 2005” (Department of Labor, 2007, p. 35626).

✔ **Fact 6** “The Manufacturers Alliance reported that one ‘member company that is highly diversified, with eight business groups, states that the percentage of FMLA leave taken intermittently within those groups has ranged from a low of 10 percent to a high of 75 percent. Across all units, the company estimates that the percentage of intermittent leave as a percentage of all FMLA leave is in the range of 40 to 50 percent” (Department of Labor, 2007, p. 35623).

✔ **Fact 7** “Honda reported that 2,249 employees out of an employee population of 20,757 (about 11 percent) took a total of 22,250 days of intermittent FMLA leave in 2006” (Department of Labor, 2007, p. 35626).

✔ **Fact 8** “The National Association of Manufacturers said that ‘respondents to the NAM’s survey’ reported that 25 percent of those eligible for FMLA leave had medical certifications on file for a ‘chronic’ illness that permitted unannounced, unscheduled intermittent leave. If only those workers used intermittent leave, manufacturers are experiencing a use of intermittent leave at nearly 8 times the national average” (Department of Labor, 2007, p. 35627).



How has FMLA helped employees?

✔ **Fact 1** “When FMLA leave-takers in its survey ‘were asked to speculate about the steps that they would have taken if they had not received FMLA leave, approximately one in ten (11%) indicated that they would have had to quit their job or would have lost their job” (Department of Labor, 2007, p. 35627).



What types of employers offer family and medical leave (as defined in the FMLA)?

✔ **Fact 1** According to the National Study of Employers, “there is no statistically significant difference between the proportion of small employers (50 to 99 employees) and large employers (over 1,000 employees) that offer at least 12 weeks of caregiving leaves; that is, they offer full Family and Medical Leave coverage—79 percent and 82 percent, respectively” (Galinsky, Bond, & Sakai, 2008, p. 17).

✔ **Fact 2** According to the National Study of Employers, “between 15 and 24 percent of employers with 50 or more employees provide fewer than 12 weeks of leave of different types, while 13 to 22 percent provide more than 12 weeks” (Galinsky, Bond, & Sakai, 2008, p. 16).



What are some problems that employers face regarding implementing FMLA benefits?

✔ **Fact 1** “Three workgroups represent 82% of all FMLA leave at Southwest and each of them has operational job responsibilities: Ramp, Operations and Provisioning Agents; Reservations Sales Agents; and Flight Attendants * * * When these employees take FMLA, it directly impacts Southwest’s ability to operate our published flight schedule, much less on time and with efficiency. When these employees are absent, flights do not take off without another employee taking their place * * * the replacement staffing costs alone represent approximately \$20 million annually * * * Southwest estimates that it must employ and pay as many as 200 additional Reserve Flight Attendants each month to cover intermittent FMLA” (Department of Labor, 2007, p. 35634).

✔ **Fact 2** “CCH estimates that 18 percent of unscheduled absences are due to personal needs, 12 percent due to stress, and 11 percent due to an entitlement mentality” (Department of Labor, 2007, p. 35636).

The Network has additional resources related to this topic.

1. Visit a topic page on the Family and Medical Leave Act at: <http://wfnetwork.bc.edu/topic.php?id=7>
Topic pages provide resources/information including statistics, definitions, overviews & briefs, bills & statutes, interviews, teaching resources, audio/video, suggested readings and links.
2. Visit our database of academic literature with citations and annotations of literature related to the issue of the Family and Medical Leave Act. You can connect to this database at:
http://library.bc.edu/F?func=find-b-0&local_base=BCL_WF



References

Baird, C.L., & Reynolds, J.R. (2004). Employee awareness of family leave benefits: The effects of family, work, and gender. *The Sociological Quarterly*, 45(2), 325–353.

"The analyses use data from the young women's and young men's cohorts of the (1996) National Longitudinal Survey of Youth (NLSY), a nationally representative sample...The sample is limited to employees who should be covered under the FMLA according to Public Law 103-03 (1993)...The final sample consists of 1,333 women and 1,441 men for a total sample size of 2,774" (pp. 333–334).

Budd, J.W., & Brey, A.M. (2003). Unions and family leave: Early experience under the Family and Medical Leave Act. *Labor Studies Journal*, 28(3), 85–105.

"The congressionally-enacted Commission on Leave sponsored a 1995 survey of employees as part of the basis for its first report on the FMLA (Commission on Leave 1996). In summer 1995, approximately two years after the FMLA went into effect, the University of Michigan Survey Research Center conducted a random telephone survey of households. Respondents were restricted to United States residents who were at least eighteen years of age and who worked for pay at some point between January 1, 1994, and the time of the survey...The survey gathered responses from 2,253 individuals who were asked basic demographic questions on age, sex, race, marital status, number of children, and education. Queries about their employment included union status, whether they were salaried or hourly, number of employees at their work site, and number of hours they worked per week...On a cautionary note, the survey contains very little information on job and employer characteristics" (pp. 88–89).

Department of Labor (2007). Family and medical leave act regulations: A report on the department of labor's request for information. *Federal Register*, 72(124), 35550–35638.

"The Department of Labor's Employment Standards Administration/Wage and Hour Division undertook a review of the Family and Medical Leave Act ('FMLA' or the 'Act') and its regulations, and published a Request for Information ('RFI') in the Federal Register on December 1, 2006 (71 FR 69504). The RFI asked the public to assist the Department by furnishing information about their experiences with the Act and comments on the effectiveness of the FMLA regulations. More than 15,000 comments were submitted in response to the RFI. The following report summarizes comments the Department received from its RFI" (pp. 35550). Retrieved from <http://www.dol.gov/esa/whd/FMLA2007FederalRegisterNotice/07-3102.pdf>

Galinsky, E., Bond, J.T., & Sakai, K. (2008). *National study of employers*. Retrieved from <http://familiesandwork.org/site/research/reports/2008nse.pdf>

2008 NSE sample includes 1,100 employers with 50 or more employees—77 percent are for profit employers and 23 percent are nonprofit organizations; 40 percent operate at only one location, while 60 percent have operations at more than one location. Interviews were conducted on behalf of Families and Work Institute by Harris Interactive, Inc.
