



What the FAMILY Act Means for People with Disabilities

By Sarah Jane Glynn December 12, 2013

In many ways, families look the same today as they have for decades. People fall in love and get married. Babies are born, grow up, and start the cycle anew. Parents and family members age and often rely on care from others during their senior years. While the love that bonds family life has not changed over time, the way families live and work has. Most parents work, and most families rely on two incomes¹; more families are providing elder care as Baby Boomers age,² and 80 percent of children live in a household without a full-time stay-at-home caregiver.³ Families today do not love each other any less than in the past, but how families juggle work and family has changed dramatically—and workplace policies have not kept up.

The United States is the only advanced economy in the world that does not guarantee workers access to any form of paid leave.⁴ Without access to leave, individuals too often find themselves in a position where they have to choose between providing care for a loved one and bringing in enough money to cover rent, groceries, and basic household repairs. The Family and Medical Insurance Leave Act, or FAMILY Act, will help address this core issue facing working families today: the need to coordinate paid employment with unpaid caregiving in the home.⁵ While we pay a great deal of attention to the role of mothers as caregivers, even mothers themselves will at some point rely on partners, sons, daughters, or other relatives for care. As gender roles and families change and as Baby Boomers retire, everyone is increasingly likely to be a caregiver. The FAMILY Act will provide up to 12 weeks of leave with partial wage replacement to male and female workers after the birth of a new child, to recover from a serious illness, or to provide care for a seriously ill family member.

Access to family leave insurance is designed to benefit all workers, regardless of their gender, parental status, age, ability, or income level. While the program has universal benefits, there are also specific ways that it will benefit Americans with disabilities.

Benefits to people with disabilities

Workers with disabilities

By the time average American workers reach retirement age, 72 percent will have experienced at least one period of disability.⁶ Some disabling conditions are relatively short lived, while others can continue for the rest of the individual's life, but the majority of workers will spend at least part of their adult lives living with a disability.

Advances in medical technology, in combination with public policies such as the Americans with Disabilities Act, have enabled millions of adults with disabilities to remain in the labor force. While employment rates for people with disabilities have been declining since the 1980s,⁷ nearly one in five people with disabilities—18.2 percent—are employed, and 12.8 percent are unemployed but looking for work.⁸ While workers with disabilities have a significantly higher unemployment rate than nondisabled workers, 70 percent of those who are employed report little to no difficulty completing their current work duties.⁹ In addition to the many less tangible benefits of working, employed adults with disabilities are also less likely to rely on financial assistance such as Social Security Disability Insurance, Supplemental Security Insurance, Medicaid, and Medicare.¹⁰

Current legislation

Title I of the Americans with Disabilities Act requires employers to offer “reasonable accommodations” to eligible workers in order to facilitate their employment, provided that these accommodations do not present undue hardship.¹¹ In addition to physical changes to the worksite and job restructuring, reasonable accommodations can also include modified or part-time work schedules and access to unpaid leave as necessitated by the worker's disability. These provisions are partly why people with disabilities are slightly more likely to work at home than workers without a disability—24.5 percent compared to 20.2 percent—and more likely to have flexible work hours—42.2 percent versus 35 percent.¹²

While the Americans with Disabilities Act has certainly helped adults with disabilities remain employed, there are limits to how far it can go. A worker, for example, can qualify for additional leave in order to obtain medical treatment or recover from an episodic flare-up of their condition, but there is nothing in the act that stipulates that leave must be paid. Slightly more than half of all leave taken under the Family and Medical Leave Act is for self-care, but that legislation only provides job protection, not wage replacement.¹³ Workers who experience the onset of a disability see their earnings drop, even when they are able to keep working, and part of this is likely due to the fact that medically necessary time off can legally remain unpaid.¹⁴

Benefits of the FAMILY Act

Unfortunately, the United States remains one of the only advanced economies that does not have a national system in place to help workers who are temporarily unable to work due to a disability.¹⁵ While there are five states that have enacted temporary disability insurance programs—California, New Jersey, Rhode Island, New York, and Hawaii—residents in the other 45 states are not able to access wage replacement if they are physically unable to work for a few weeks or months.¹⁶ While there are private temporary insurance policies to provide coverage, only 37 percent of workers are covered under such policies.¹⁷

The FAMILY Act would follow the same employment history eligibility rules as Social Security Disability Insurance but would allow workers to receive partial wage replacement when they experience less severe disabling conditions or when they need time away from work to receive medical treatment or to recover from a temporary flare-up of a disability or medical condition. Providing benefits more quickly for individuals who experience work-limiting disabilities will help them maintain their ties to the labor force when they are physically able to do so, as they will not have to worry about losing all of their income when their conditions necessitate time off.¹⁸

Conclusion

The FAMILY Act will help lift our entire economy by providing a vital and earned benefit for workers of every background, regardless of their gender, ethnicity, parental status, age, ability, or income level.¹⁹ It is impossible to predict what challenges individuals will face down the road, but supporting them with paid family leave is an important first step to ensure that these hardships do not spill over and negatively impact their families and our economy.

Endnotes

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- 3 Sarah Jane Glynn, "The New Breadwinners: 2010 Update" (Washington: Center for American Progress, 2012), available at <http://www.americanprogress.org/wp-content/uploads/issues/2012/04/pdf/breadwinners.pdf>.
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