

Governor's Task Force on Caregiving

Family Medical Leave Act Amendments Proposal (Sept. 2020)

(Find complete Task Force Report and all recommendations [here](#).)

Brief Description

- Expand the coverage in the Wisconsin Family Medical Leave Act to include chronic conditions and caregiving responsibilities. Currently the law covers serious health conditions under the care of the physician which typically addresses only acute conditions.
- Expand the list of people covered to include grandparents, grandchildren and siblings.
- Expand the examples of how care can be used to include attending training and education on caregiving duties and responsibilities, discharge planning meetings, and care planning meetings.

Under current law, an employer that employs at least 50 individuals on a permanent basis in this state is required to allow an employee who has been employed by the employer for more than 52 consecutive weeks and who has worked for the employer for at least 1,000 hours during the preceding 52 weeks to take the following: (a) six weeks of family leave in a 12 month period for the birth or adoptive placement of a child; (b) two weeks of family leave in a 12 month period to care for the employee's child, spouse, domestic partner, or parent with a serious health condition; and (c) two weeks of medical leave in a 12 month period when the employee has a serious health condition that makes the employee unable to perform the employee's employment duties.

Implementation

- DWD would be responsible for implementation.

Analysis and Anticipated Benefit

This expanded FMLA policy would benefit working family caregivers by ensuring they can attend the necessary meetings and interactions with health care providers that are essential for them to continue to provide care to a loved one. Population trends indicate there are additional groups of people who now require leave flexibilities from their employment while they serve as a main caregiver. While some employers do allow for caregiving leave for chronic conditions, many do not. This Act would clarify coverage and ensure that more employers allow it.

- According to a 2020 AARP report, 61 percent of caregivers were employed at some point in the last year²¹.
- Six in 10 employed caregivers work full time (60 percent) and another 15 percent work between 30 and 39 hours. One in four caregivers work fewer than 30 hours a week. On average, employed caregivers work 35.7 hours a week
- According to 2017 data, 28,000 (2%) children in Wisconsin are living with a relative with no parent present²². • 74,457 (5.7%) of children under 18 are living in homes where householders were headed by grandparents or other relatives²³.

- 26,895 of Wisconsin grandparents are householders responsible for their grandchildren who live with them; 63.9% of these grandparents are in the workforce and 18.1% are in poverty.
- An increasing number of siblings of adults with intellectual and developmental disabilities are taking on care responsibilities for their brothers and sisters as their parents' age. In Wisconsin currently, 64% of people with intellectual and developmental disabilities in Wisconsin live with family and 25% of these family caregivers (typically parents) are over 60 years old.
- In the United States, over five million people have assumed - or expect to assume - responsibility for a dependent sibling, and that number is growing as baby boomers age 24.

Potential Funding Options/Cost Savings/Benefits

- No additional governmental funding is needed.
- Expanded FMLA policies can sustain a qualified workforce by allowing caregivers the relief they need to keep employment.

Cost estimate

- No additional cost to the state

Public Input

The Task Force Public Input Survey showed the FMLA expansion proposal received high support: 82% strongly support with another 10 % somewhat supporting it. There were two areas of concern expressed in both the comments at the Task Force public hearing and in the survey. One was that the benefit is too meager and should provide more time and pay. The other was that this proposal would be too burdensome for small businesses. The proposal was not changed for either of these concerns because (1) most small businesses are not covered by the current WI FMLA and (2) the Task Force workgroup viewed this expansion as a parity issue making caregiving for chronic conditions equal to the benefit for caring for someone with an acute health issue. In addition, Wisconsin population changes indicate a growth in kinship care, including an increasing number of grandparents caring for grandchildren. This updated FMLA policy addresses these trends.

21 Caregiving in the U.S. <https://www.aarp.org/content/dam/aarp/ppi/2020/05/full-report-caregiving-in-the-united-states.doi.10.26419-2Fppi.00103.001.pdf>

22 State Fact sheets for Grandfamilies: Wisconsin <https://www.grandfamilies.org/Portals/0/State%20Fact%20Sheets/Grandfamilies-Fact-Sheet-Wisconsin.pdf>

23 Tanis, E.S., Lulinski, A. & Wu, J., Braddock, D. & Hemp, R. (2020). The State of the States in Intellectual and Developmental Disabilities, Department of Psychiatry, University of Colorado. <https://stateofthestates.org/>

24 About Siblings <https://wisconsibs.org/who-we-serve/adult-siblings/>