



Who Bears The Burden?

Labor and family advocates have made concessions, but are still facing a battle to pass a paid family-leave bill in New Jersey

[Asbury Park Press](#) — Monday, December 24, 2007

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Kim Castor remembers the day in nursing school when she and other students encountered a sick child alone in a hospital with a parent nowhere to be found.

The lesson that day was simple: Don't assume the child's parents were bad. They probably had to work.

"We have safety nets in place for almost everything else," said Castor, now a 26-year-old nurse from Manchester and mother of a newborn son. "How can they not have one for someone who has kids?"

Advocates of legislation that would give New Jersey workers paid time off to care for family members have run into intense opposition that has forced them to scale back the bill time and again.

Business groups, however, say the only concession that will be satisfactory is to scuttle the bill altogether.

"This is something that really has galvanized the business community like nothing else in recent years," said Philip Kirschner, president of the New Jersey Business and Industry Association, the state's biggest business lobbying group. "It's difficult. Our members tell us they simply can't go for (several weeks) without key employees."

With the backing of Rutgers University researchers, labor unions and citizen groups, legislators introduced the bill in 2006 that would have provided workers with up to 12 weeks a year to care for sick family members.

The bill calls for workers to receive two-thirds of their pay, up to \$502 a week, from the state's Temporary Disability Insurance fund. To pay for it, workers would be taxed 0.1 percent of their wages, or \$1 a week on average.

The goal, supporters said, is to enhance the federal Family and Medical Leave Act, which offers up to 12 weeks a year of unpaid leave, covering only workers at companies with 50 or more employees.

It's time "to catch up with the rest of the world and deal with the realities that face modern families," said Katie Bethell, program director for MomsRising.org, an online advocacy group. "Most are two-income earners. This is a new frontier in terms of what American families look like, and we need policies that reflect that."

Opposition from business

Business groups don't see it that way, but instead see an idea that shifts the burden onto them. They say it would serve as an incentive not to work and strain small business owners who don't have human-resources departments to keep track of changing labor laws.

Moreover, even if business owners didn't have to keep the workers' jobs open for them, they still would have to recruit and train replacement employees, which is a costly endeavor.

"It puts an onerous burden on small employers," said Bill McLane, a partner with Littler Mendelson, a Newark law firm that represents employers.

Eileen Shrem, an insurance agent from Bradley Beach, knows how difficult it is to juggle a family and a career. She was a single mother with a daughter when she started her agency, and she didn't take a day off for the first eight years, she said.

Even so, she doesn't support the legislation. "It hurts the business either way, whether they are paid or not," said Shrem, who also is a former president of the New Jersey Association of Women Business Owners. "If somebody is out on leave for some reason, it really puts a strain on the business."

The lobbying by both sides has been heated. The New Jersey Business and Industry Association and New Jersey Chamber of Commerce repeatedly have said the legislation would add another mandate to businesses already struggling to compete in New Jersey, a high-cost state.

Advocates responded by delivering a loaf of bologna to the the NJBIA's office to symbolize what they believed were exaggerated claims that it would drive employers out of the state.

"The bill is fueled with wild speculation and political rhetoric," said John Sarno, president of the Employers Association of New Jersey, a Livingston-based organization that trains employers about employment issues.

Sarno's analysis: Paid family leave wouldn't force employers to leave, but it would make it more complicated to operate a small business.

The bill had the support of Gov. Corzine. It had passed the Senate Labor Committee in February and the Senate Budget and Appropriations Committee in May. It was set to take a similar road in the Assembly with a possible vote after the November election.

But its momentum was derailed earlier this month when Assembly Speaker Joseph J. Roberts Jr., D-Camden, told members of the New Jersey Business and Industry Association that the bill wasn't ready to become law and forced supporters back to the bargaining table.

One of the bill's main sponsors, state Sen. Stephen Sweeney, D-Gloucester, said last week he continues to make concessions. Among them: Workers would receive six weeks a year of paid time off instead of 12 weeks.

Standing pat

"We haven't watered it down, but we made reasonable adjustments to it to be fair – or at least an attempt to be fair," Sweeney said. "But at some point, you have to stop (making concessions). I've negotiated as much as I can to clean up the language."

Sweeney said if it doesn't pass before the end of the session, which is the first week of January, he will try again next year.

Business groups weren't swayed.

"This is not a matter of a few dollars more or a few dollars less," Kirschner said. "If you don't have the people you need to effectively operate your business, you're in a lot of trouble. Businesses feel they're already doing a good job working with employees whenever they have a time of need and are very reluctant to have this state impose a one-size-fits-all program for every business, regardless of their size."

For now, the bill is similar to a law in California – the only state that offers parents paid time off to care for a sick family member. In the Golden State, about 1 percent of eligible workers have used the program – half as many as experts anticipated, said Ruth Milkman, a sociology professor who directs the UCLA Institute of Industrial Relations.

One possible explanation is that workers aren't aware the program is available for more than maternity leave, Milkman said.

Castor hasn't kept up with the gritty details of legislation, but her support for it holds firm.

A nurse at Neptune-based Meridian Health, Castor said she has taken advantage of her employer's long list of benefits from flexible scheduling to sick days. But she has seen enough patients by now to know that there are no guarantees.

"They need to take care of everyone, not just people who have really good employers," she said.

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