



**College and University Professional  
Association for Human Resources**

September 14, 2020

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Under e-Docket ID number DOL-2020-0004

Joan Harrigan-Farrelly  
Deputy Director  
Women's Bureau  
U.S. Department of Labor  
Room S-3002  
200 Constitution Ave., N.W.  
Washington, DC 20210

**Re: RIN 1290-ZA03, Request for Information; Paid Leave**

Dear Deputy Director Harrigan-Farrelly:

We write on behalf of the College and University Professional Association for Human Resources (CUPA-HR) in response to the above referenced Request for Information issued by the U.S. Department of Labor (DOL)'s Women's Bureau. CUPA-HR serves as the voice of human resources in higher education, representing more than 31,000 human resources professionals and other higher education leaders at more than 2,000 colleges and universities across the country, including 93 percent of all United States doctoral institutions, 79 percent of all master's institutions, 57 percent of all bachelor's institutions and nearly 600 two-year and specialized institutions.

**SUMMARY**

CUPA-HR thanks DOL for its attention to this important issue. As part of our response to the RFI, we surveyed our member Chief Human Resources Officers (CHROs), and we received feedback from 59 of them. To summarize:

- As a whole, respondents found paid family and medical leave provides various benefits for employers and employees alike;

- Most respondents stated that they prefer a government-provided wage insurance to cover paid family and medical leave as opposed to a government-mandated employer policy;
- Almost half of all responding institutions located within a local or state jurisdiction that mandates paid family and/or medical leave offer additional leave benefits to employees beyond what the law calls for;
- The majority of responding institutions allow employees to supplement unpaid family and medical leave, as allowed under the Family and Medical Leave Act of 1993 (FMLA), with their accrued paid time off;
- Almost half of all respondents believed that allowing employees to take paid intermittent leave was extremely burdensome for employers; and
- Many respondents stated that the cost of paid family and medical leave programs was a major impediment in implementing a policy at their institution.

Our comments below provide more details on the response we received from our survey.

## **COMMENTS**

### **Benefits of Paid Leave**

Respondents to the survey found paid family and medical leave provides various benefits for employers and employees alike.

*Increased employee engagement:* When asked to identify the level of benefit an institution's paid family leave policy has on increasing employee engagement, 40% of employers said it was beneficial in that aspect. Of the 40%, 30% said it was mostly beneficial and 10% said it was extremely beneficial. When asked to identify the level of benefit an institution's paid medical leave policy has on increasing employee engagement, 57% of employers said it was beneficial. Of the 57%, 43% said it was mostly beneficial and 14% said it was extremely beneficial.

*Increased employee retention:* When asked to identify the level of benefit an institution's paid family leave policy has on increasing employee retention, 37% of institutions responded that it was beneficial. When asked to identify the level of benefit an institution's paid medical leave policy has on increasing employee retention, 50% of employers said it was beneficial.

*Decreased absenteeism:* When asked to identify the level of benefit an institution's paid family leave policy has on decreasing absenteeism, 10% of institutions responded that it was beneficial. When asked to identify the level of benefit an institution's paid medical leave policy has on decreasing absenteeism, 14% of employers said it was beneficial.

When asked to identify other benefits of offering a paid leave policy, one institution stated that it makes them competitive with other workplaces with respect to recruiting employees.

When asked to identify any negative impacts their institutions have faced as a result of implementing a paid leave policy, the majority of respondents identified the cost, abuse and staffing levels as the biggest downsides of implementing a paid family leave policy.

### **Government Funded vs. Employer Mandate**

According to our survey of member CHROs, only 14% of institutions are located in a jurisdiction with local or state government-provided wage insurance laws, and only 22% are located in a jurisdiction with a local or state government mandate requiring employers to provide paid family leave, paid medical leave, or both.

When asked which form of paid leave laws they'd prefer, 46% of respondents said that having a government provided wage subsidy for employees on leave was the most desirable option, 21% said that requiring both employers to provide paid leave and government provided wage subsidies for employees on leave was most desirable, and 12% said that only requiring employers to provide paid leave was the most desirable.

### **Interaction Between Government Funded Programs and Employer-Provided Paid Leave**

For institutions within jurisdictions that have local or state government provided wage insurance, 42% provide additional paid leave on top of the government wage subsidies. Fifty percent of these institutions reported providing additional compensation beyond what is provided by the government for days away from the office, 33% said they provided additional paid days off beyond what is provided by the government, and 17% said they provide both additional compensation and additional paid days off.

For institutions located within jurisdictions that mandate employers to provide paid family and medical leave, 56% report that they provide additional leave as compared to the government mandate. Thirty-three percent of these institutions reported providing additional compensation beyond what is mandated for days away, 56% reported providing additional paid days off beyond what is mandated, and 11% reported providing both additional compensation and additional paid days off.

### **Features of an Ideal Paid Leave Program**

#### **i. What would be the ideal duration?**

According to our survey, 5% of CHROs believe that an ideal duration for paid family and medical leave would be more than 12 weeks, 43% said it would be 9-12 weeks, 29% said it would be 4-8 weeks, and 23% said it would be less than 4 weeks.

#### **ii. How much pay should be replaced? Should the rate of replacement vary depending on how long leave has lasted?**

With respect to wage replacement, 27% of respondents said 100% wage replacement during paid family and medical leave is acceptable, 9% said 76-99% replacement is acceptable, 43% said 51-75% replacement is acceptable, 12% said 26-50% replacement is acceptable, and 9% think 0-25% replacement is acceptable. When asked if the rate of wage replacement should vary depending on the length of leave, 67% of respondents said it should not vary depending on the length of leave and 28% said it should.

**iii. Should it be permissible to take leave intermittently? Should there be a time period within which intermittent leave must be taken?**

When asked if paid leave should be allowed to take intermittently, 48% of respondents said yes and 52% said no. When asked what a reasonable increment for intermittent leave, 2% of respondents said minute increments were appropriate, 11% said quarter-hourly increments were appropriate, 4% said half-hour increments were appropriate, 32% said hourly increments were appropriate, 23% said half day or half shift increments were appropriate, 23% said daily or per shift increments were appropriate, and 5% said weekly increments were appropriate.

**iv. Are there other program elements not listed here that are important to consider?**

When asked to provide additional comments regarding whether paid leave should be allowed to be taken intermittently, many stated that tracking the intermittent would be an extremely difficult task and create an enormous burden for institutions.

### **Leave Benefits Provided by Survey Respondents**

According to our survey of member CHROs, 15% of institutions provide paid family leave as its own benefit, while 37% do not offer any wage replacement for employees while they take family leave or did not respond to our survey with their paid family leave policy. 56% of institutions allow employees taking family leave to use accrued paid time off wages to supplement their paid family leave policy or cover family leave entirely, and 5% allow employees to use short-term disability insurance to cover family leave.

When asked about providing paid medical leave, 12% of institutions responded saying they provide it as its own benefit, while 37% either did not or did not respond to this portion of the survey. Fifty-three percent of respondents said their institution allowed employees to use accrued paid time off to supplement medical leave or cover it entirely, and 10% said they allowed employees to use short-term disability insurance to pay for medical leave.

Wage replacement: Of the institutions that offer paid family leave as its own benefit, the majority responded stating they offered a 100% wage replacement for employees taking leave. Other responses indicated that they followed the state paid family leave model, which is 60% wage replacement for New York Paid Family Leave program and 55% wage replacement for California State Disability insurance.

Among the institutions that offer paid medical leave as its own benefit, most responded to our survey indicating that they provide 100% wage replacement for employees. Some institutions stated that the level of wage replacement varies depending on how much time employees are taking off, while a few others also had a constant rate that was below 100% wage replacement.

*Duration of Leave:* When asked about the duration of leave their institution allows for under their paid family leave policies, the majority of CHROs responded that they offered at least 12 weeks. The next most popular answer was 6 weeks of leave.

Answers widely varied among institutions when asked about the duration of leave they provide for paid medical leave. Of those who offered some type of paid leave, the duration of leave allowed ranged between 6 weeks and up to one year, with one institution stating they allow leave to be taken for “as long as medically necessary.”

*Minimum employment tenure:* According to our survey, most institutions require a minimum tenure of 1 year before taking both paid family and medical leave, citing the FMLA as their basis. Other answers from institutions included a tenure from as low to 30 days to as high as 6 months, but many of these answers referred to an employee’s ability to use accrued leave rather than access paid leave benefits.

### **Impediments to Providing Paid Leave**

The biggest impediment for the higher education community to implement or adjust an institution’s paid leave policy is the cost of paid leave programs. When surveyed on several factors that may have impacted an institution’s decision to implement a paid leave policy, 51% of CHROs answered that cost was one factor that institutions focused on to make their decision on whether or not to implement a paid leave policy.

### **CONCLUSION**

We hope DOL finds our input helpful. Please reach out to us with any questions or concerns.

Respectfully Submitted for:  
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A handwritten signature in black ink that reads "Bailey Graves". The signature is written in a cursive style with a large initial "B" and "G".

**Bailey Graves**

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