



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

January 31, 2024

VIA Email to:

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Re: Paid Leave Working Group's Request for Information (RFI)

Dear Members of the Bipartisan, Bicameral Congressional Paid Leave Working Group:

On behalf of the College and University Professional Association for Human Resources (CUPA-HR), thank you for your leadership and for the opportunity to respond to the [Request for Information \(RFI\)](#). CUPA-HR serves as the voice of human resources in higher education, representing more than 33,000 human resources professionals and other higher education leaders at over 1,800 colleges and universities across the country, including 91 percent of all United States doctoral institutions, 74 percent of all master's institutions, 51 percent of all bachelor's institutions and over 500 two-year and specialized institutions.

CUPA-HR and our members believe that public policy should support workplace flexibility and encourage access to paid leave. To ensure policy initiatives in this area are effective, however, governments must design laws and programs to account for operational and financial constraints facing employers in a manner that minimizes unnecessary and duplicative burdens and legal pitfalls. With this in mind, and after consulting our members about their institution's paid leave policies and experience with state laws, we have compiled the following answers in response to the questions set out by the RFI.

RFI Questions & CUPA-HR's Responses

Question #1: What should the federal role be, if any, in providing, promoting, and/or incentivizing paid leave? And how should this interact with the role of state government programs, and/or employer programs?

Human resource professionals largely support access to paid leave as an important benefit for a healthy work environment, but overlapping federal, state, and local leave mandates have been a constant challenge for HR departments in many industries,¹ including higher education.² Multiple laws with different qualifying criteria, tracking, and recordkeeping obligations create unnecessary compliance burdens and costs, which complicates employers' ability to provide flexibility across the workforce. With this in mind, we recommend the federal government *ensure* that any federal law or program requires harmonization across federal, state, and local laws. This harmonization could establish national criteria for certain aspects of the leave, such as establishing a single program with consistent tracking and recordkeeping, while also leaving states greater leeway with respect to what circumstances qualify for leave, the duration of such leave, and the wage replacement level.

Question #3: Please describe your recommended framework/s, focusing on what you believe could be a bipartisan and passable solution/s to expanding paid leave nationally?

As described above, CUPA-HR supports a framework that would harmonize federal, state, and local paid leave laws through federal policy that would establish national criteria for certain aspects of paid leave policies, such as tracking and recordkeeping requirements, while also allowing states and localities the freedom to go beyond the federal requirements for other aspects of paid leave programs, including the types of leave that qualify for wage replacement, the duration of such leave, and the wage replacement level. We believe such a framework could garner bipartisan support as it will simplify the process of providing paid leave, which will ultimately result in greater access to such leave for employees across the country.

Through legislation, Congress can establish a program with consistent and straightforward tracking and recordkeeping standards that will help employers establish a uniform procedure for tracking employee leave across several states. Congress could either mandate that states adopt these standards or incentivize them to do so. At the same time, Congress could work to harmonize the differing federal existing leave laws and their tracking and recordkeeping requirements - rather than creating an entirely new policy - to ensure a smooth transition for employers and employees.

Uniform standards for tracking and recordkeeping will simplify the process, lower costs, and expand access to paid leave. At the same time, this model would allow states to address their own objectives with respect to the wage replacement levels, duration of leave, and types of leave that qualify for the leave programs. This would also minimize any displacement of existing state laws.

¹ United States Senate Committee on Finance, "[Exploring Paid Leave: Policy, Practice, and Impact on the Workforce](#)," October 25, 2023.

² According to [CUPA-HR's Multi-State Workforce Survey](#), 65.3% of responding institutions indicated that state-level employment policies are a challenge for institutions when hiring employees who live and work out of state. This includes state leave policies and requirements, which may be difficult to navigate when hiring employees who work and reside in different states.

Question #5: How can proposed paid leave frameworks avoid creating unintended distortions, such as marriage penalties, reductions of private sector paid leave coverage, etc.?

By establishing national criteria for certain aspects of paid leave programs like tracking and recordkeeping requirements, the federal government can help employers reduce existing compliance burdens and costs associated with providing paid leave to employees in different states and localities. As paid leave laws currently exist at the state and local levels, employers are often left with complex and differing requirements to navigate and ensure that they are properly tracking and recording the necessary employee information to provide paid leave. When states and localities have differing requirements for tracking and recordkeeping, HR professionals need more time to ensure full compliance with the differing laws, which ultimately increases the costs associated with providing the laws. By setting a federal minimum standard for tracking and recordkeeping requirements among different state and local leave laws, the federal government can reduce the time and cost burden that arises from the differing state and local laws.

On the other hand, the federal government can continue to allow flexibility at the state and local levels on other aspects of paid leave programs, such as the level of wage replacement, the duration of the leave, and the types of leave that qualify for the paid leave program. This will allow states to decide what level beyond the minimum set by the federal government is best for their economy and how best to avoid distortions.

Question #8: What does research say about the impact of providing paid leave on worker health, job satisfaction, economic mobility, child development, breastfeeding rates and related health outcomes, fertility rate, infant mortality, elderly health, public assistance levels, family income, and recruitment and retention efforts?

CUPA-HR has done research that proves the importance of providing paid leave in recruiting and retaining employees. According to our 2023 [Employee Retention Survey](#), CUPA-HR found that parental leave policy and childcare benefits are among the greatest areas of dissatisfaction with one's job, which may lead to lower employee retention. According to the survey:

Fewer than half of employees are satisfied with their institution's parental leave policy or childcare benefits. Virtually no employees stated they received any type of improvements to child or elder care benefits in the past year. Making improvements to these benefits will target those employees at most risk for leaving — those under the age of 45.

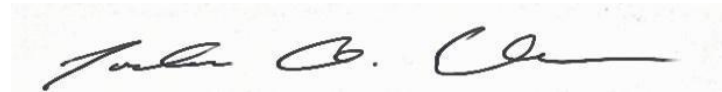
Our research shows that providing paid leave and childcare benefits increases job satisfaction, which leads to less turnover and higher retention of employees who receive such benefits. It is therefore imperative to employers that the federal government works to create a paid leave

policy that ensures employers have the flexibility and resources to establish coherent paid leave programs.

Conclusion

We hope the input we have provided is helpful to the Working Group's efforts. Please contact us with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh B. Ulman".

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