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### Getting to Yes: The Makings of Paid Leave in Massachusetts

Christa Kelleher

*University of Massachusetts Boston, [christa.kelleher@umb.edu](mailto:christa.kelleher@umb.edu)*

Laurie Nsiah-Jefferson

*University of Massachusetts Boston, [LA.NsiahJefferson@umb.edu](mailto:LA.NsiahJefferson@umb.edu)*

Priyanka Kabir

*University of Massachusetts Boston*

Lillian Hunter

*University of Massachusetts Boston*

Cassandra M. Porter

*University of Massachusetts Boston*

*See next page for additional authors*

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**Authors**

Christa Kelleher; Laurie Nsiah-Jefferson; Priyanka Kabir; Lillian Hunter; Cassandra M. Porter; and Center for Women in Politics and Public Policy, University of Massachusetts Boston



# Getting to Yes:

## The Makings of Paid Leave in Massachusetts

February 2022

CENTER FOR WOMEN IN POLITICS AND PUBLIC POLICY  
McCORMACK GRADUATE SCHOOL OF POLICY AND GLOBAL STUDIES



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## ABOUT THE CENTER FOR WOMEN IN POLITICS AND PUBLIC POLICY

The Center for Women in Politics and Public Policy at the McCormack Graduate School works to advance women's public leadership and the public policies that make a difference in the lives of women, particularly low-income women and women of color. Through its award-winning graduate certificate program, policy-relevant research, and public forums, it works to ensure that the voices, expertise, and experiences of women are valued and included in civic discourse and the policymaking process. Utilizing both an antiracist and intersectional approach, addressing ethnicity, class, sexual orientation, immigrant status, and other identities, the center works across sectors, including health, education, and employment, among others, to increase access and opportunity for women and families and inform policy analysis to ensure economic, social, and political equity and justice for all.

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## ABOUT THE AUTHORS AND CONTRIBUTORS

### Christa Kelleher

Christa Kelleher, PhD, has worked in nonprofit, legislative, and political settings and currently serves as Research and Policy Director of UMass Boston's Center for Women in Politics and Public Policy. She enjoys building and managing diverse teams to conduct collaborative action research on public leadership and a range of public policy issues. She earned her PhD in Sociology from Brandeis University.

### Laurie Nsiah-Jefferson, PhD, MPH, MA

Laurie Nsiah-Jefferson, PhD, MPH, MA, an expert on the intersection of race, class and gender in health, health care and social policy, has experience in multiple sectors and settings, including municipalities, nonprofits, public and private schools and universities, advisory boards, and health care institutions. As Director of UMass Boston's Center for Women in Politics and Public Policy and the Graduate Program in Gender, Leadership, and Public Policy, she is committed to equity and inclusion in her work as a faculty member, executive leader, and researcher in the university and beyond.

### Priyanka Kabir, PhD

Priyanka Kabir, PhD, is the study's Research Manager at UMass Boston's Center for Women in Politics and Public Policy. Her research interests range from Massachusetts public policies affecting women's lives to income inequality to democratic governance in the Global South. Her doctoral research addressed the impact of modernization on the emerging middle classes' attitudes towards democracy. She completed her Public Policy PhD in 2020 at UMass Boston's McCormack Graduate School of Policy and Global Studies.

### Lillian Hunter

Lillian Hunter is a 2022 Master's in Public Administration candidate at UMass Boston's McCormack School. She received her Graduate Certificate in Gender, Leadership, and Public Policy in 2021 and earned her BA in French Language and Interdisciplinary Studies from the University of North Carolina Asheville.

### Cassandra M. Porter

Cassandra M. Porter, Esq., CIPP/US, CIPM, PLS is a graduate student at UMass Boston working on her Certificate in Gender, Leadership, and Public Policy. She earned her undergraduate degree from Hunter College (CUNY), Master's in Information and Library Science from Pratt Institute, and a Juris Doctorate from Brooklyn Law School. When not studying equity issues, she serves as an associate general counsel for a software company, focusing on global data privacy law, and is the proud mom of a 2E kid who can negotiate with the best.

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The preparation of this case study required the efforts of a talented team at the Center for Women in Politics and Public Policy.

Christa Kelleher, PhD, Research and Policy Director, provided day-to-day management on all aspects of the project, including development of the interview guide, interview coordination, coding, data analysis, and development of the case study. Her contributions were invaluable to the project.

Priyanka Kabir, PhD, Research Manager, engaged in all facets of the study, and served as a lead interviewer and data analyst as well as coordinator of key project components, including scholarship and coding. Her analytical contributions and coordinating role were critical to the success of the project. Her attention to detail and strategic approach to data analysis shaped the case study in numerous ways.

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Lillian Hunter, a graduate student in UMass Boston's Master's Program in Public Administration who completed the Gender, Leadership and Public Policy certificate program, assisted with conducting interviews, transcription reviews, coding, data analysis, and the compilation of sources.

Cassandra Porter, JD, a graduate student in UMass Boston's Gender, Leadership and Public Policy program utilized her legal expertise and research skills to conduct contextual research on state paid leave laws and on the provisions of Massachusetts' paid leave law. She also assisted with conducting interviews, transcription reviews, data analysis, and the compilation of sources.

Laurie Nsiah-Jefferson, PhD, MPH, MA  
Principal Investigator

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# Getting to Yes: The Makings of Paid Leave in Massachusetts

**A Case Study of the Massachusetts Paid Family and Medical Leave Law**

prepared by

Center for Women in Politics and Public Policy  
John W. McCormack Graduate School of Policy and Global Studies  
University of Massachusetts Boston

Authored by Christa Kelleher, Laurie Nsiah-Jefferson, and Priyanka Kabir  
With Contributions from  
Lillian Hunter and Cassandra Porter

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February 2022

## Executive Summary

### How it Got Done: Making Paid Leave a Reality

Considered one of the strongest in the nation, the Massachusetts paid family and medical leave law is notable for its robust caregiving supports and protections for workers. But just as notable is how the law came to be. After all, paid leave bills had been filed for decades in Massachusetts. Yet until 2018, there had been limited movement in the legislature to establish a statewide program. What led to the passage of paid leave legislation in Massachusetts with approval from a Republican Governor? What factors influenced not only the scope and parameters of the paid leave program, but how it was developed and by whom? This case study, based primarily on in-depth interviews with those closely involved in the negotiation process that led to compromise legislation, tells the story of the makings of paid leave in Massachusetts.

### “Two-Pronged Strategy”: Pursuing Legislation and a Ballot Initiative

In 2014 a strong majority of Massachusetts voters cast their ballots in favor of earned sick time and laid the groundwork for the paid family and medical leave advocacy campaign launched in 2017. Taking a two-pronged legislative and ballot initiative approach to paid leave was a tested strategy for securing caregiving supports for workers. This approach also maximized the depth and breadth of the coalition that came together to move paid leave forward in the Commonwealth. The grassroots coalition Raise Up Massachusetts, comprised of labor, faith, and community organizations, proved to have the “people power” and “political muscle” that compelled legislative leaders to launch a negotiation process with coalition representatives and leaders of the business community.

### “Not a Monolith”: Understanding the Massachusetts Business Community

While some stakeholders from the business lobby opposed efforts to establish a statewide leave program,

“For a lot of employers, they were not in concept opposed to paid leave. It was about the details of paid leave.”

others indicated support for the concept of paid leave while raising a range of concerns about legislative proposals under consideration, as well as the ballot initiative spearheaded by Raise Up Massachusetts. As one member of the business community explained, “for a lot of employers, they were not in concept opposed to paid leave. It was about the details of paid leave.” Business stakeholders cited concerns about the cost to employers and employees, impact on economic competitiveness, alignment with federal Family and Medical Leave Act requirements, waiver process for employers already providing such benefits, hardships on

small businesses, and leave terms (including duration, intermittent utilization, and replacement rate), among others.

### “Good Faith Effort” Negotiations: Building Trust Between the Business and Advocacy Communities

With the intention of avoiding lawmaking at the ballot box and addressing key concerns raised by the business community, legislative leaders convened a working group to develop a feasible paid leave program through a closed-door negotiation process. With four individuals from the advocacy community and four from the business community, the group achieved consensus on the scope and provisions of a paid leave program. The clarity of the aim to reach consensus, hard deadline, development of trust among stakeholders with honest brokering by committed legislative leaders, incentives on both sides

“Legislative leaders convened a working group to develop a feasible paid leave program through a closed-door negotiation process.”

of the table, complexity of the issue with multiple decision points, trusted data modeling, and maintenance of integrity of negotiations outside of the news media all made a difference. The capacity of negotiators to serve as trusted representatives was also vital, lending legitimacy to the process by those most invested in it on both sides of the table.

### **“Getting it Right”: Developing a Workable Program**

By June 2018, the vast majority of program provisions were worked out with major items of dispute resolved. Some of the most contentious program parameters related to addressing the concerns of small businesses, determining the employer/employee cost-sharing arrangement, and allowing an opt out (private plan) option for employers already providing comparable benefits. Importantly, agreement was reached on the duration of various types of leave and wage replacement rates. Having cost and coverage estimates generated by a trusted simulator model was critical to reaching agreement on the opt out provision and several other program elements. The paid leave program resulting from the negotiation process represented a solution that wasn’t “one-size-fits-all” for just any state but was designed with the needs of the Commonwealth’s employers and employees in mind.

### **“As Good as We Could Get”: Reaching an Acceptable Compromise**

The plan that emerged from the negotiation process was considered one of the most generous in the country. Still, some from the business lobby, while accepting of the negotiated outcome, confirmed that the outcome

was largely influenced by the advantageous position of paid leave advocates given the pending ballot measure. Following the compromise reached by the paid leave working group in late spring 2018, a broader set of negotiations addressing additional employment issues took place. Final negotiations on the legislative package took place in June 2018 and reflected agreement on the paid leave program, minimum wage, sales tax holiday, and Sunday and holiday (time and a half) wages.

### **“Getting to Yes”**

Making paid family and medical leave a reality in Massachusetts

took a multi-faceted effort to achieve consensus on a feasible program. Broad and deep grassroots organizing, steadfast legislative leadership, good faith bargaining with many leverage points, and trusted data were critical elements. Within the context of strong public support for paid leave and a looming ballot measure, members of the advocacy and business communities worked collaboratively to overcome preconceived notions and wrestled with contentious elements to land a compromise. Finally, ensuring that deliberations were conducted outside of the media and having those at the table trusted by their fellow negotiators as well as the constituencies they represented also mattered. The process involved tradeoffs, particularly for business stakeholders, and the program is likely to undergo refinements as implementation proceeds. Nonetheless, the adoption of Massachusetts’ paid family and medical leave law demonstrates that strategic grassroots mobilization combined with strong legislative leadership and a commitment to sincere deliberation can make getting to yes not only possible but the preferred approach to addressing complex policy issues.

**“Broad and deep grassroots organizing, steadfast legislative leadership, good faith bargaining with many leverage points, and trusted data were critical elements.”**

**“The plan that emerged from the negotiation process was considered one of the most generous in the country.”**



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## Introduction

Considered one of the strongest paid family and medical leave laws in the nation, the paid leave law adopted in Massachusetts in 2018 was notable for the depth and range of robust caregiving supports and protections for workers. But just as notable is how the law came to be. After all, paid leave bills had been filed for years in Massachusetts. Decades in fact. Yet until 2018, there had been limited movement in the legislature to establish a statewide program. What led to the passage of paid leave legislation in Massachusetts with approval from a Republican Governor? What factors influenced not only the scope and parameters of the paid leave program but how it was developed and by whom?

This case study tells the story of the Massachusetts paid leave law primarily through the eyes of those closely involved in the negotiation process. Drawing on in-depth interviews with legislators, legislative aides, paid leave advocates, business leaders, and individuals from the academic and political consulting arenas, the following analysis incorporates legislative documents, including testimony, as well as reports issued by academic institutions, think tanks, and nonprofit organizations, press releases, news items, and other documents focused primarily on the *process* of securing paid leave. Therefore, this case study emphasizes the paid leave negotiation process that took place between November 2017 and June 2018. In addition, available information about the law's implementation is integrated to shed light on implementation to date. The comprehensive source list in Appendix A may be used for exploring other related analyses and resources as it is not possible to fully cover all aspects of the multi-faceted effort to realize paid leave in Massachusetts in this case study. The case study methodology may be found in Appendix B.

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## National and State Contexts

The United States remains one of the only developed countries without a paid family leave policy, despite efforts to build upon the Family and Medical Leave Act (FMLA) that became law in 1993, granting 12 weeks of unpaid, job-protected leave for family and medical caregiving needs.<sup>1</sup> Attempts to secure passage of federal paid leave legislation have not been successful to date, although in November 2021, the U.S. House passed a major social spending “Build Back Better” bill that included four weeks of paid family and sick leave.<sup>2</sup>

Like the movement to secure a federal paid leave policy, efforts to establish a paid family and medical leave program in Massachusetts go back decades. As early as 1988, various paid leave proposals offering protections and benefits beyond those provided by the FMLA were filed in the Massachusetts General Court.<sup>3</sup> The early to mid-2000s was marked by major pushes to secure paid time off to address caregiving needs related to child bonding and serious health conditions for Massachusetts workers.<sup>4</sup> For instance, in 2001, several leave programs were under consideration in Massachusetts but faced substantial opposition from business groups due in part to the state’s worsened budget situation following the September 11th attacks.<sup>5</sup>

Beyond Massachusetts, other states had moved ahead with guaranteeing paid family and medical leave to workers. While varied in scope and program specifics such as benefit levels, eligibility requirements, funding sources, and administrative mechanisms, California, New Jersey, New York, Rhode Island, Washington, and Washington DC all had paid leave programs in existence or underway by 2017 when the move to establish a program in Massachusetts picked up steam once again; however, many of those programs lacked job protection, making it challenging for workers to utilize the leave.<sup>6</sup>

Yet even before 2017, a critical step was taken in Massachusetts to address the health and caregiving needs of workers with voter approval of an earned sick time proposal, setting the precedent for the eventual adoption of a paid family and medical leave program.<sup>7</sup>

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### Building on the Earned Sick Time Victory

In 2014 a strong majority of Massachusetts voters cast their ballots in favor of earned sick time and laid the groundwork for the paid family and medical leave campaign launched in 2017. According to one interview participant, paid family and medical leave was considered by advocates as the “next step in that spectrum of caregiving support that families needed.” He explained that the messaging around earned sick time and paid leave was similar as it was easy for people to make the connection between having time for a doctor’s visit and ensuring access to paid leave for longer-term, serious health conditions.

Given that earned sick time was a voter-approved statute, business leaders did not have the capacity to shape it once the measure landed on the 2014 ballot—a situation that influenced the active participation of business leaders in paid leave negotiations several years later. In the words of Deb Fastino: “the catalyst was Raise Up Massachusetts winning 60/40 in 2014 on the earned sick time ballot question without the input of business leaders.” While

earned sick time legislation had been considered by Massachusetts lawmakers during several sessions leading up to the 2014 general election, it was the ballot measure that made the difference.

Following the earned sick time victory, it became clear that the combination of ballot and bill was a winning one. Taking a two-pronged legislative and ballot initiative approach to paid leave was both a tested strategy for securing caregiving supports for workers and one that maximized the depth and breadth of the coalition that came together to move paid leave forward in the Commonwealth. That coalition was Raise Up Massachusetts.

### Raise Up Massachusetts: From “People Power” to “Political Muscle”

Raise Up Massachusetts was formed in 2013 when separate coalitions working to raise the minimum wage and guarantee earned sick time in Massachusetts joined forces. Harris Gruman described it as “a big coalition of 100 organizations,” explaining that “the labor movement

is one of the key parts of the coalition, but we think of the coalition as being held up by the three legs of a three-legged stool... community, faith, and labor.” This tripartite combination proved to be a powerful one as someone affiliated with the coalition noted: “I think the power of that coalition was that it was made up of so many different organizations; it wasn’t a single nonprofit or a single union.” Labor was actively engaged in the coalition which included teachers’ unions such as Massachusetts Teachers Association (MTA) and American Federation of Teachers (AFT) as well as several of the local SEIU (Service Employees International Union) chapters representing workers in healthcare and human services along with the AFL-CIO state federation and other local unions. The strength of Raise Up was in its broad and deep engagement of many organizations across the state. Its partner in the Coalition for Social Justice was significant, as confirmed by Harris Gruman: “when you have a group like the Coalition for Social Justice, which is a powerhouse of community organizing saying ‘this is our top priority,’ everybody listens to that. Without them we wouldn’t have this power, and so it makes people stop

and listen.” Furthermore, as someone affiliated with the Raise Up Coalition remarked, it made a difference to have knowledge about the potential utilization of paid leave from the perspective of workers. This individual explained, “Both the unions, as well as Greater Boston Legal Services, was a really important member of the coalition because they do a lot of work with workers who are trying to access FMLA [the federal Family and Medical Leave Act] leave and so they had a lot of expertise about some of those practical implementation features.”

With paid leave, as well as the minimum wage, prioritized by Raise Up as ballot initiatives in addition to filed legislation, it’s clear that the coalition’s strength was bolstered by several waves of signature gathering for ballot questions which required broad and deep community engagement. In this way, the ballot question provided leverage that was both direct, as a measure to be voted on by the electorate, and as a community-building tool that increased the political power of the coalition through extensive voter engagement.



## Dual-Strategy: Bill and Ballot

Despite opposition from some segments of the business community that had stopped paid leave bills in their tracks in past legislative sessions, there were indications that Massachusetts was poised to adopt a paid leave program by the start of the 2017-8 legislative session. First, the Massachusetts Senate passed a paid leave measure in 2016, signaling support from the chamber, even though the bill never made it to a vote in the House.<sup>8</sup>

Second, resources to support paid leave efforts were made available through national organizations, foundations, and the federal government. National groups such as A Better Balance, Family Values at Work, and the National Partnership for Women & Families provided policy expertise, model language, and guidance to advocates in Massachusetts. The United States Department of Labor (DOL) provided Women's Bureau grants for the development of a cost simulator to estimate costs of a statewide paid leave program—a data modeling tool that turned out to be vitally important during the negotiation process.<sup>9</sup> Massachusetts was clearly seen by national organizations and federal agency officials as not only ripe for the adoption of a program but as one of the states that could potentially offer a robust program with model provisions to inform the development of programs in other states. To this end, U.S. Secretary of Labor Tom Perez and Undersecretary Chris Lu visited Massachusetts on two separate occasions in 2016 to discuss the importance of instituting a statewide paid leave program in the Commonwealth.<sup>10</sup>

Finally, by the time Raise Up started to plan the dual legislative and ballot question strategy, national polling data indicated widespread and deep public support for a paid family and medical leave program. Popular support across demographics and typical partisan divides, along with a formidable grassroots campaign to generate momentum for the ballot question, helped ensure deep support of the measure both in the general public and among legislators.

Beyond the ballot initiative which included provisions for a statewide program, several separate paid leave proposals were filed in the 2017-8 session, sponsored by Senator Karen Spilka, Representative Ken Gordon, and

Representative Antonio Cabral, with broad support in both chambers. Key legislative provisions, including the ballot initiative proposal, may be found in Table 1 on page 40.

The paid leave campaign launched by Raise Up in January 2017 was part of a multi-issue effort that also aimed to secure an increase in the minimum wage and an income tax increase for those earning more than a million dollars—referred to by advocates as the Fair Share Amendment. Both the paid leave and minimum wage increase proposals were ballot initiatives, with additional filed bills under consideration by lawmakers. While both the paid leave ballot initiative and filed legislation met with vigorous opposition from various segments of the business community, by the time the ballot initiative was heard in January 2018, several business organizations indicated support for the concept of paid leave while raising a range of concerns about the proposals on the table.

As indicated in the Chronology found in Table 2 on page 41, hearings were held in June 2017 and January 2018 on paid leave proposals (legislation in 2017 and ballot initiative in 2018).



## “Not a Monolith”: The Business Community in Massachusetts

The types of concerns raised by business groups varied as some business stakeholders were vehemently opposed to a paid leave mandate while others cited practical concerns about how to develop a feasible, workable program and ensure that employers would be able to manage associated costs and program requirements. While several business entities rejected outright the legislative and ballot proposals, some business groups favored the establishment of a state program, and some others supported the concept of paid leave, but not the proposed scope nor program parameters outlined in the ballot initiative. As one business leader noted, “for a lot of employers, they were not in concept opposed to paid leave. It was about the details of paid leave.”

At the January 2018 Labor and Workforce Development Committee hearing on the ballot initiative petition, most business groups testified in opposition, including the Associated Industries of Massachusetts, National Federation of Independent Business, Retailers Association of Massachusetts, Massachusetts Restaurant Association, Greater Boston Chamber of Commerce, Springfield Regional Chamber of Commerce, and Bristol County Chamber of Commerce. Several business organizations addressed the need to find “ways to balance the needs of work and family,” but did not agree with the ballot initiative provisions. For instance, Nancy Creed, President of the Springfield Regional Chamber of Commerce, suggested at the hearing that “this initiative petition is neither a reasonable, manageable nor affordable approach to addressing these needs.” Additionally, the Greater Boston Chamber of Commerce indicated support for the concept but an overall concern that “the ballot proposal would place a new \$1 billion cost on both employees and employers and, in some cases, provide a less generous benefit than employees already receive.”

The Massachusetts Business Roundtable (MBR) issued testimony supportive of the concept of paid leave yet cited

substantial reservations about the proposed program. As explained by JD Chesloff, Executive Director of MBR, “the business community strongly urges a balanced approach to this complex issue. It is critical that both the needs of employees and the potential impact on employers are well considered, especially in the development and implementation of a new insurance mandate.”

One business group, the Alliance for Business Leadership (ABL), a progressive business coalition and member of Raise Up Massachusetts, favored the establishment of a paid family and medical leave program as outlined in the

ballot initiative. ABL Vice President, Beth Monaghan of InkHouse, insisted that “paid leave is good for businesses” and that “we can’t rely on the good intentions of a small group of progressive employers.”

The range of testimony submitted by business group leaders and the variation in the membership and mission of business groups in Massachusetts confirm that “business is not a monolith”—a sentiment shared by several interviewed for this case study. For instance, as a coalition largely driven by the values of social responsibility and economic equity, the Alliance for Business Leadership (ABL) demonstrates that the business

landscape in Massachusetts is diverse and that progressive business leadership both exists in the Commonwealth and has the voice and resources of a coalition behind it. Further, the very concept of the business community may encompass various meanings as one interview participant referred to workers (and labor) as a part of the business community whereas this individual characterized the business lobby as reflecting the interests of business employers in the Commonwealth. Finally, several of those interviewed mentioned the complex and diffuse business lobby landscape in Massachusetts with one individual explaining the potential of having a “membership organization that’s large and well-funded by its members that may have an outsized influence.”

“For a lot of employers, they were not in concept opposed to paid leave. It was about the details of paid leave.”

The following analysis employs a range of terms when discussing business interests and leadership—business community, business lobby, business stakeholders, and business leaders—in order to capture the multiple ways that business groups and individuals engaged with this policy issue at different stages in the process. A list of key business stakeholders mentioned in this case study may be found in Table 3 on page 42 along with brief descriptions of each.

Overall, business stakeholders shared several key concerns about the ballot proposal in their testimony, even while their specific arguments varied in some cases. The program’s cost to employers and employees, impact on economic competitiveness, alignment with federal Family and Medical Leave requirements, waiver process for employers already providing such benefits, hardships on small businesses, and leave terms (including duration, intermittent utilization, and replacement rate) were some of the most commonly cited concerns. The inclusion of self-employed individuals, context of existing employer mandates, and lead time for implementation reflected additional concerns mentioned.

### FINANCIAL IMPACT

The vast majority of business stakeholders cited increased costs to employers and employees as a primary reason they could not support the ballot initiative proposal. Anticipated costs of providing the new benefit through a state plan were understood to be significant and business leaders cited various estimates at the hearing and during the many months during which a paid leave program was under consideration by lawmakers. The Massachusetts Restaurant Association testimony summed up the overarching argument: “This proposal would be very costly to both employers and employees.” According to Nancy Creed of the Springfield Regional Chamber, “estimates by the ballot initiative proponents and validated by the Massachusetts Taxpayers Foundation note that this initiative petition, if passed and enacted, could have close to a \$1 billion financial impact on the business community across the state—an impact that clearly, at least our members, cannot absorb.” Additionally, the Greater Boston Chamber of Commerce testimony claimed, “employers that participate in the state

program and maintain a standalone paid leave program would likely see increased costs due to a greater cost of administration under the state program.” The financial burden to employers was seen as significant by many in the business community. According to the Massachusetts Restaurant Association, the “proposal would be the first state to fully mandate an employer funds the cost of the program for both family and medical leave.”

### ECONOMIC COMPETITIVENESS

An argument related to the costs associated with a paid leave program focused on the Commonwealth’s economic competitiveness, and particularly the anticipated negative impact on the state’s small businesses. Several business leaders claimed that Massachusetts was an expensive state for employers. Christopher Carozzi, State Director of the National Federation of Independent Business testified that “Massachusetts is already a high-cost state for employers with highest in the nation energy costs, taxes, unemployment insurance costs, annual health insurance premium increases, mandated sick leave benefits, employee salary and benefit costs at or near the highest in the nation along with the new MassHealth assessment. These costs and mandates, although not an exhaustive list, are reflected in the small business sector’s economic struggles over the past several years—a sector that has historically served as the state’s job incubator.

Small business owners are not a bottomless pit. Now is not the time to impose a new mandate on employers for paid family leave for workers—a mandate that will make the state less economically competitive.”

“This proposal would be very costly to both employers and employees.”

The Massachusetts Retailers Association suggested that the “proposal would render Massachusetts a national outlier and add to the ever-growing list of costly mandates imposed on employers within the Commonwealth. As a result, this proposal would create a competitive disadvantage for Massachusetts businesses when compared to their counterparts operating out of state and over the internet. This cost will be significant as the proposal calls for Massachusetts to adopt the most generous leave program in the country in terms of wage reimbursement rate and duration of benefits.”

## **SMALL BUSINESS CARVE OUT**

Additionally, the Massachusetts Business Roundtable expressed the concern that “small employers do not have the same ability to absorb lengthy and costly leaves.” The Springfield Regional Chamber encouraged a “carve out” for small businesses “similar to the one in the FMLA that omits business with 50 or less employees.”

As a business group that consistently maintained vigorous opposition to establishing a paid leave program in Massachusetts, the National Federation of Independent Business (NFIB) claimed in its testimony that “time-off for family issues are currently worked out in tens of thousands of small businesses in the Commonwealth every day without government intervention. Several existing laws, such as the sick leave law, the small necessities act, and others cover many personal issues for workers as well.” NFIB concluded that the “ballot initiative mandate is an economically dangerous imposition of additional costs on many Massachusetts employers” and further that “in a small business, mandated family leave programs significantly impact productivity and operations. ... [leave taken intermittently] would prove a scheduling and logistical nightmare for many small businesses and serves as an additional complication.”

The Bristol County Chamber of Commerce testimony addressed other measures under consideration in Massachusetts that, in combination with a paid leave mandate, would negatively impact small businesses. As Robert Mellion, President and CEO of the Chamber explained, “it is additionally important to recognize that the current Legislative Session includes bills and initiative petitions that if enacted would mandate three weeks in advance employer scheduling, establish a \$15 minimum wage, establish a millionaire’s tax... The newly enacted employer paid health care assessment is just now hitting businesses. Another hit is Unemployment Insurance. All of these hardships are coming at Massachusetts companies at once. It is too much for many small businesses to endure.”

The Retailers Association of Massachusetts (RAM) suggested that the burden of the earned sick time requirement was being experienced by many in the industry and that additional costs of a paid leave benefit would be harmful, especially for small businesses: “Despite two years having passed since its implementation, many RAM members still struggle with the cost of complying with the Massachusetts paid sick leave law. Businesses

that have completed or are currently still in the process of disrupting their budgets and redrafting their employment policies will once again have to incur additional costs necessary to make further revisions. Again, for small businesses in particular such undertakings are financially burdensome.”

## **EMPLOYER WAIVER/OPT OUT**

The Massachusetts Business Roundtable cited the importance of establishing a “waiver process for employers offering equal or greater benefits.” Similarly, the Greater Boston Chamber of Commerce maintained that without an “option for employers to opt-out of the state program in favor of administering a private program with more-generous benefits,” the “proposal is an added expense for employers already providing generous paid leave benefits.”

## **CONFORMITY WITH THE FEDERAL FAMILY AND MEDICAL LEAVE (FMLA) ACT**

Several from the business community suggested that any plan adopted in Massachusetts conform with the federal Family and Medical Leave Act (FMLA). Specifically, the Greater Boston Chamber of Commerce (GBCC) argued that “aligning the eligibility requirements with FMLA,” would “give employers predictability around when their employee will return to work.” The testimony from GBCC also indicated that the proposal “disrupts the ability of multi-state employers to ensure the same benefit—and therefore, similar compensation—is provided to employees doing similar work.”

## **LEAVE DURATION AND WAGE REPLACEMENT**

As was the case for other business leaders, the Springfield Chamber of Commerce President argued that the generosity and intermittency of the benefits were cause for concern. President Nancy Creed explained that “the 26-week leave terms and the ability to take them intermittently, far greater than the FMLA—are not only overly generous but also overly burdensome to an employer’s ability to manage their own workforce.” Further, the “terms of the wage replacement in this initiative petition (90% wage replacement) are overly rich and would merely incentivize potential abuse.”

## **SELF-EMPLOYED INDIVIDUALS**

Extending paid leave benefits to self-employed individuals was an additional concern expressed at the hearing. According to the Springfield Regional Chamber of



Commerce, “self-employed individuals should not be included in coverage as this creates overly burdensome administration for employers and an additional incentive for potential abuse.”

### IMPLEMENTATION LEAD TIME

JD Chesloff of the Massachusetts Business Roundtable called for adequate lead time and potentially phased-in benefits to meet the needs of employers. As he testified: “Establishing a new state paid leave system will place a burden on employers, so it is critical that they have enough lead time to implement it effectively. The Legislature could also choose to have benefits phased in over time to limit the impact on competitiveness, disruption and costs.”

While the hearing surfaced claims from some business leaders that the economic competitiveness of Massachusetts employers would be negatively impacted by a mandated paid leave benefit program, other business entities foresaw benefits to a state program. One of the lead sponsors of the filed legislation, Representative Ken Gordon, offered insights about the economic competitiveness argument, referring to the business support from some employers: “It’s really not a monolith because we did have some business groups that supported it. Specifically, a majority of members of the digital or high-tech industry supported it because they were competing with San Francisco and Silicon Valley companies, which offered the benefit through the California Family Leave Act. They offered the benefit here, but they were paying for it themselves.”

The public hearing on the paid leave ballot initiative held in 2018, during which other ballot measures were heard, saw numerous lawmakers, advocates, academic researchers, and others speak to the pressing need for paid family and medical leave. As was the case at the June 2017 hearing on filed legislation, many of those testifying in support cited evidence that paid leave would not only be beneficial for workers and families but also for businesses. “Businesses experience cost-savings and other benefits such as enhanced employee engagement, productivity and morale when workers can take paid leave to address family and medical needs” according to the testimony submitted by the National Partnership for Women & Families. Testifiers also included MassBudget’s Nicole Rodriguez, who summed up many of the arguments offered by supporters claiming that the proposal would address the gap in existing law and “provide more workers

## THE PAID LEAVE WORKING GROUP

With working group members representing two primary stakeholder groups, Raise Up Massachusetts and the business lobby, with a total of eight individuals, there was an overall sense that those at the table would be able to produce compromise legislation. As Senator Lewis recalled: “I think they [working group members] trusted that this would be a real rigorous process and we made sure it wasn’t too many people around the table...They decided who they wanted to kind of have at the table. We didn’t dictate that...So they sort of got to choose that on their own. And then the people that ended up coming around the table, most of them kind of knew each other already—not in all cases, but most of them had been around state politics and policy for a while.”

The working group was comprised of four representatives from the business lobby and while initially there was a representative from the National Federation of Independent Business, he did not remain a member of the working group. Therefore, the business leaders at the table were John Regan from Associated Industries of Massachusetts (AIM), JD Chesloff from the Massachusetts Business Roundtable, Carolyn Ryan from the Greater Boston Chamber of Commerce, and Nancy Creed from the Greater Springfield Chamber of Commerce. The four individuals representing Raise Up Massachusetts included Deb Fastino of the Coalition for Social Justice, Elizabeth Whiteway from Greater Boston Legal Services, Chris Condon from SEIU Local 509, and Jesse Mermell from the Alliance for Business Leadership. In terms of diversity in leadership at the paid leave table, JD Chesloff stated, “in retrospect I would say the black and brown community was not at the table... I think we could have been much more sensitive to having diverse voices around the table... there was gender diversity around the table.” Additionally, reflecting on the racial and ethnic composition of those involved in the working group and the coalition, someone from the advocacy community commented that “Raise Up historically struggles with diversity in its upper ranks... although we have a very diverse coalition.”

with the ability to address health issues and have time to bond with a child without having to sacrifice their jobs or their wages.” She concluded that, “evidence shows that alleviating barriers to participation in the economy is good for families, good for firms, and good for the economy.”

While the public hearing on the ballot measure took place in January 2018, closed door negotiations were already underway as coalition advocates and business stakeholders worked to address many of the concerns discussed at the hearing—concerns that had hampered previous efforts to institute a statewide program. The closed-door negotiations opened the door for consensus-building between the advocacy and business communities that led to what is now considered one of the strongest paid leave laws in the nation. Getting business leaders together with advocates required a clear directive from legislative leadership committed to making paid family and medical leave a reality in Massachusetts.

Senate President Harriette Chandler and House Speaker Robert DeLeo encouraged lead sponsors and the co-chairs of the Joint Committee on Labor and Workforce Development to launch and oversee a negotiation process

with business stakeholders and coalition advocates. As one bill sponsor, Representative Gordon, noted, the working group was launched with the clear intention of achieving consensus on the parameters of a program. He recalled the move to broker a meeting that included advocates and business community members with one overarching aim: “let’s assume we’re going to pass this program so we’re not arguing about is it good or bad. Let’s assume we’re going to do it.”

From the accounts offered, the composition of the group was advantageous for collaboration and consensus-building. As Robert Cohen commented, “in the grand scheme of things, the people who were at the table were the right ones to be there. They were all people who represented large swaths of both sides and at the same time were extremely knowledgeable and ready to get down into the details of the policy.” As Senator Lewis commented, “these were people who were kind of known quantities. They were known as people who are reasonable, thoughtful, understood how the legislative process worked, weren’t going to be like dogmatic but could be reasonable and practical.” One other individual noted that those at the table “were always very productive and focused on the details of the legislation.”



## Getting it Right and Getting to Yes

What made it possible for the working group to achieve consensus on the scope and shape of the paid leave program eventually signed into law? In short, the clarity of the aim to reach consensus, hard deadline, development of trust among stakeholders with honest brokering by committed legislative leaders, incentives on both sides of the table, complexity of the issue with multiple decision points, trusted data modeling, and maintenance of integrity of negotiations outside of the news media all made the difference.

**“The negotiation team leaders set the tone and both Raise Up Massachusetts and the business leaders agreed to get to yes on passing paid family and medical leave through the legislature...”**

First, the collective understanding that the group was convened with a clear charge was vital to its success. The working group’s directive was to determine the legislative provisions for a workable statewide program acceptable to key stakeholders

and constituencies represented at the table. The legislators who launched the group made the aim clear and set the tone at the outset. Deb Fastino noted the importance of the expectation: “The negotiation team leaders set the tone and both Raise Up Massachusetts and the business leaders agreed to get to yes on passing paid family and medical leave through the legislature...it was important to hear that.” What was also clear to everyone was that “the ballot question was forcing the conversation,” as confirmed by JD Chesloff.

Several of those interviewed pointed out how much it mattered to have strong legislative leadership to move forward with negotiating a deal and ensuring passage of legislation in both chambers. Furthermore, it was

critical to have the active engagement of lead sponsors who worked to address concerns from businesses. For example, reflecting on one lead sponsor’s engagement with the business community, one person affiliated with the coalition recalled that, “he brought in experts and did tours with businesses. It was critical to that success, the lead sponsors.”

The effort to reach agreement on program specifics was driven in part by an understanding, particularly from legislators and business leaders, that a program negotiated with key stakeholders “would end up being better public policy if everyone could be at the table and we could negotiate for a program in which business had some input into,” as Representative Gordon noted. As Robert Cohen said, the collective effort to secure consensus “would put the state in a better place to implement it and make it slightly easier for businesses to actually apply the rules.” The threat of a ballot question was a motivating factor especially for legislators and members of the business lobby. They didn’t want to see, as was the case with earned sick time, the business community uninvolved in a process to determine the parameters of a law adopted by voters.

Many of those interviewed expounded on why making policy at the ballot box wasn’t ideal. For instance, one business leader explained why it was “important for legislation to go through a deliberative messy process where you get a ton of input from people from both sides. You hammer out a compromise, you get every word right and what comes out as a is a piece of legislation or a law that has gone through and that has just been properly vetted...a ballot initiative is not that. A ballot initiative is an up or down vote.” This person noted the role of lawmakers to legislate by suggesting that “there’s

**“...important for legislation to go through a deliberative messy process where you get a ton of input from people from both sides.”**

a pride factor where the legislature doesn't want to be circumvented...what they do is make laws and if that process is circumvented through a ballot initiative, then they're like, well, what's the point?"

Finally, it was clear that paid leave advocates had the capacity to win a ballot measure on paid leave. The strength of the Raise Up Coalition and its strategic approach to paid leave put advocates in an advantageous position. As Senator Lewis noted, "the fact that the Raise Up Massachusetts coalition had prioritized paid family and medical leave was very significant because the coalition is very broad—it consists of dozens of different advocacy organizations—and also because that coalition had a track record of getting things done [such as] earned paid sick time...So people inside the legislature knew that if Raise Up was behind an initiative, that gave it a lot of significant support." Randy Albelda referred to the effectiveness of the dual strategy of bill and ballot as a "classic political lesson," explaining how "the beauty of the initiative petition is that it was more of an outside strategy to begin with. It's as outside as you get in the sense of saying we're going to organize people and we're going to get signatures and we're going to put this on the ballot. But then it became an inside project of working closely with the legislators that were promoting it and then the legislators were the ones that brought people to the table. And that was more of the inside game. But I think it was sort of the perfect example of the only way you can get the inside to work is if you get the outside."

### **"Good Faith Effort"**

The leverage of the ballot question ultimately drove the compromise and both the business community and advocates were compelled to negotiate terms that worked for their constituencies. As one individual from the legislative arena recalled, "There was no one ever, at any point who said, like, 'Yeah, at the end of this, no matter what, I'm going to agree to anything' so people were incentivized to kind of work it out." Senator Lewis spoke about the coalition's intentions saying that from the "standpoint of Raise Up, they wanted to get a universal paid family and medical leave program and they certainly cared about some of the details. But it wasn't that they were inflexible on exactly how many weeks of leave and

what the replacement wage should be and all of those details, and they knew if they took it to the ballot they were going to have to raise a lot of money and mobilize voters and they could lose. So, they were motivated as well to sit down." In terms of what motivated the business community, Senator Lewis further explained, "I know there were some things in the Raise Up proposal as it was originally filed that they [some business leaders] had major concerns with so they did recognize that not all paid family and medical leave programs are the same; the details matter a lot. They knew if they didn't come to the table and they didn't work in good faith, then there was a real pretty good chance they could get a really bad outcome whereas if they came to the table and worked... no guarantee of success, but if there was a negotiated agreement, it might still not be something they would be thrilled about, but they could better live with it."

Moreover, having a hard deadline mattered. As someone explained "I think it was a bit atypical in terms of how long it took, and how serious everyone took it, but because, I

think, in part cause of those hard deadlines...I think these ballot initiatives created real drop-dead dates where you can't talk about it for another week, or you can't put it off."

The negotiation process itself allowed for the development of relationships and trust over time. It also provided a structure that made it possible to achieve early consensus on a number of items. Getting to know and trust one another laid the

foundation for working toward an agreement, particularly given that the majority of working group members—even if most knew of one another—had never worked together previously. As one business leader remarked, "the first few meetings...were really more about relationship building and trust-building than it was about let's bang out some details here. These were eight people who had never worked together before and who frankly probably didn't have a great deal of trust for each other. And I think what happened was over those first few months, we came in as a business community and said, we are very interested in getting a paid family medical leave law and I think that disarmed them a little bit."

It was clear that legislative committee staff described by

**“Not all paid family and medical leave programs are the same; the details matter a lot.”**

## BUILDING TRUST, REACHING CONSENSUS

Several working group members remarked how the ability to listen to the other side and develop a sense of trust went a long way to being able to work collaboratively, particularly when it came to addressing the more challenging items. As JD Chesloff discussed the process of securing trust: “I don’t think it was conscious. We didn’t do like trust-building exercises... don’t fall backwards and someone catches you...we didn’t do any of that stuff.... it just took some time...it took a lot of time for us to convince them that we were sincere in our desire to see something positive emerge and, on the flip side, it took us a long time to become convinced that they understood our perspective and weren’t dismissing it. And that just took time.” Deb Fastino noted that, “as we started to get to know each other, it was refreshing to hear business leaders open up and acknowledge what we were saying. Both sides eventually built enough trust to have a real discussion about getting something done. Listening and acknowledging each other’s experiences were necessary ingredients for forming consensus.” She further explained that the consensus-building process provided a solid foundation for making decisions along the way, with the easier ones tackled first, and that helped members of the group become friendly over time. She referred to the importance of “being strategic about it. Breaking it down. These are the provisions we need to talk about. This is a level one, two, three or four discussion. Starting easy allowed us to build up small victories, make some jokes, share a little about ourselves. The process we developed helped get us through the more difficult discussions and accept each other’s perspective.”

As she recalled, after several weeks of meeting, “we could actually go in the room and not be uptight and talk to each other.” She commented: “I think it was based on getting there early and engaging in discussion other than policy which loosened us up.”

According to one working group participant, “when we sat down at the table for the first time, I would say within the first few meetings, the tone turned very quickly. We developed trust very, very quickly.” She also remarked that, “we were closer together on issues than we ever anticipated, and that people who had no relationship, for the most part, actually wound up not just building trust and working together well but liking each other.” This person also explained that the resulting relationships influenced how these individuals interacted going forward, apart from the product of their collective work. In her words, “even if it’s just a quick text behind the scenes to someone you built a relationship with in that negotiating room...like ‘Hey we’re coming out with this, do you know what your reaction is going to be?’ doesn’t mean we’re going to agree on everything moving forward, but there’s a different level of collegiality and partnership that wasn’t there before.”

Elizabeth Whiteway as “all very bright and hardworking” provided a useful framework for taking a systematic approach to working through the provisions, one by one. As one working group member recalled, there was “a ton of staff also in the room doing the heavy lifting, quite honestly.” In this way, the trust considered central to the working group went beyond who was in the room to trust in the information being brought to bear on discussions as well as trust in the staffers working primarily behind the scenes to support the development of compromise legislation. As one working group member, JD Chesloff, stated, “it wasn’t just eight people huddled in a room and banging this thing out. There was some real thought to bringing in outside experts and studying other data to

make informed decisions. I think that was a little part of the trust-building to getting back to that point where we had to trust the data sources that the other person was bringing to the table.”

Another element of trust that seemed essential to the negotiating process related to the negotiators’ capacity to represent their constituencies by soliciting feedback and/or approval during the process. Several interviewees mentioned the importance of updates from those on the negotiating team to keep their members and constituencies informed. Further, negotiators took steps to ensure that decisions being made were aligned with the interests of those they were representing, which sometimes

**“We had to trust the data sources that the other person was bringing to the table.”**

warranted a vote by member organizations to indicate approval. The capacity of negotiators to serve as trusted representatives was vital, lending legitimacy to the process by those most invested in it on both sides of the table.

Finally, the agreement that the working group discussions would remain outside of the press afforded members of the group the ability to negotiate without worrying about such deliberations making the news before consensus was reached. As one member of the working group recalled “not being in the press was big... we always would say whatever we’re talking about stays in this room, okay, and it never left the room ever.” Another individual who participated in the working group explained, “we set ground rules in that first meeting and I really do credit [legislative leaders] for leading the effort and being clear that ‘nothing is going to happen here that’s successful if we have leaks, if we start negotiating this in the media.’”

### **“Never Really Took our Foot off the Gas”**

The process of working out a compromise started with a spreadsheet with “the 40 some-odd different components of the paid family and medical leave ballot question” that allowed for consensus on easier items first and demonstrated that it was conceivable to negotiate a program that would meet the needs of both sides. As one negotiator explained, “One of our assignments in those first weeks was for each side to go back and sort of say ‘We agree with this, we don’t agree with this, this is a deal

breaker for us, okay you’re talking about X number of weeks, we’d actually like it to be Y number of weeks.’ The staff compiled that and we were able to see that there was actually a significant number of issues where we were either already completely on the same page or very close together. I think as soon as we realized that we had a ton of work to do and it wasn’t going to be easy, but we weren’t starting from these diametrically opposed spaces, right? There was a lot of common understanding and the mood shifted significantly of like ‘Oh, okay. This is actually feasible and they’re not the enemy, we’re not the enemy. We’re closer together than we thought.’”

Becoming familiar with concerns about program elements and addressing them directly with the other side allowed for honest discussions. As one interviewee reflected, “sometimes the differences between proponents and opponents of a policy are smaller in practice than they can appear when you’re in campaign mode and that getting people in the same room working in good faith can be effective at figuring out what the actual concerns are and whether they can be addressed.” The large number of provisions to work out served the process well even if coming to agreeable terms wasn’t so simple. As one person noted, it “was never as clean as like a real estate negotiation. It’s never like ‘You say ten, I say five, let’s go with seven.’ It was never that simple, because there’s so many moving parts, which actually helped because there’s so many moving parts. There’s a lot of different leverage points.”

**“This is actually feasible and they’re not the enemy, we’re not the enemy. We’re closer together than we thought.”**

## Not “One-Size-Fits-All” Solution

By June 2018, the vast majority of program provisions were worked out with major items of dispute resolved. Some of the most contentious program parameters related to addressing the concerns of small businesses, determining the employer/employee cost-sharing arrangement, and allowing opt out options for employers already providing comparable benefits. Importantly, agreement was reached on the duration of various types of leave and wage replacement rates. The paid leave program settled on through the negotiation process represented a solution that wasn't “one-size-fits-all” for just any state but was designed with the needs of the Commonwealth's employers and employees in mind.

Getting beyond preconceived notions was cited as important to determining the program details. Sometimes

there were surprising insights about negotiators' stances and concerns. For instance, ensuring employee job protection was one provision that was settled more easily than expected by advocates. As one advocate recollected, “A big moment was when business leaders just threw out that they would support job protection which every other state had to fight to the death for and some didn't even get it.” Yet other provisions required intense negotiation, and in some cases, data to inform the decisions ultimately made.

### Small Businesses

As was the case from hearings on legislative proposals to press statements from some of the most vociferous opponents, there was significant concern about the capacity of small businesses to manage the costs and other implications of a state program. Challenges related

## THE SMALL BUSINESS CASE

As he worked to both field concerns of and educate small business owners, Representative Ken Gordon explained: “I approached small businesses, one after the other and explained how it worked and almost all of them were opposed at first. I heard how the system would be just nickel and diming them again—another government run system and all of those things that sound somewhat opinion media-driven if I could use that expression. And then when they heard the details, they realized the program made logical sense.” He recalled an interaction with the owner of a sub shop “who at the beginning of the conversation was skeptical and after hearing about it he completely turned around” and shared that “my best worker here is my daughter, and what would give me the greatest pleasure is to become a grandfather. But I can't become a grandfather without losing my best worker. I have to choose. It's the thing that gives me the most pleasure to think about... and the most anxiety. So now you're telling me...that for a little over \$4 a week I could solve that? I could hire someone to help me while my daughter takes care of a new baby and I could get by? He said, ‘tell me how fast it... when can you pass this? Can you do this tomorrow? Next week?’ ... And when I would see him as time went on, he would ask, well did you do it yet? And I was able to say yes and he was really happy.” A similar story was offered by an individual from the advocacy community who remarked, “in talking to small businesses who, in many cases, would like to have some sort of paid leave, especially paid parental leave benefit for their employees, but could never afford to do it on their own, or they would say they would have an ad hoc program where were you know someone who owned a local restaurant would say ‘oh yeah my employee a few years ago was in a car crash, and he had to miss two months of work and I paid him for two weeks out of out of my own pocket because I wanted to help him and his family, but I can't afford to do that on a formal basis,’ so I think that was important with the legislature to show that the opposition from businesses whose employees were low-wage was not from all businesses, it was mostly from the larger corporate interests.” Advocates of paid leave engaged extensively with the small business community, as confirmed by Elizabeth Whiteway who said: “a lot of outreach and education was done by the Coalition for Social Justice and other groups in their communities to educate these smaller businesses.” As former State Representative Paul Brodeur recalled, soliciting input from and offering information to small business owners and groups was critically important as “the small business community doesn't always have the time or resources to track legislation as complicated as what we were discussing during negotiations. They need to concentrate on making payroll, covering rent, marketing, maintaining inventory, and managing employees. Some are up at six, going to bed at two. Many are trying to raise a family. For many, there isn't much time left over to talk about the long-term business impacts of complicated legislative proposals.”

to getting work done with one or more employees on leave and difficulties hiring temporary replacement workers were cited. For instance, as one business leader explained, “not every employer has the financial ability to hire a temporary replacement.” There were also concerns about the requirements imposed on small businesses through a mandated paid leave benefit. Yet paid leave advocates insisted that small businesses needed access to a statewide benefit program. According to Representative Ken Gordon, who worked to engage small business owners about their needs and concerns, “It was most important to me and what ended up surviving into law was that every worker was covered in the plan. We heard from some in the business community that the small businesses couldn’t afford it and their employees shouldn’t be covered. My opinion was just because a person works for a small business, that doesn’t mean they’re less important, it doesn’t mean it’s less important that they have time to spend with their family and their infant or newly adopted child. It’s just as important to an infant or newly adopted child of a parent who works for a bigger business and so it just didn’t seem fair at all to draw a line there. The line that I could draw would be the amount of benefit to the highly paid, higher paid worker.”

Small business representation at the negotiating table, and even beyond it as paid leave was considered by lawmakers and pushed by advocates, was complicated in part due to the diffused landscape of chambers of commerce in Massachusetts. Furthermore, one national business association invited to participate in the negotiations did not want to participate and therefore was not engaged in the negotiating process. The National Federation of Independent Business (NFIB), describing itself as the “state’s leading small business advocacy group,” asserted that the paid leave “mandate is an economically dangerous imposition of additional costs on many Massachusetts employers” and remained one of the most vocal opponents of the efforts to establish a state program.<sup>11</sup>

Other interviewees cited the advantages to small (and medium-sized) businesses better positioned to compete for talent with a state paid leave program in place. One negotiator explained the significance “for small and mid-sized companies to know that they would be leveling the playing field, by setting a baseline funded paid family and medical leave program that they could of course add onto.” This person asserted that “we were closing the gap in a way that they never would have been able to do on their own, because of scale. They would not have the capacity

## DOING THE MATH

As one negotiator recalled, “at one point we brought in an economist who did the math and said can this program financially survive without these contributions from folks from companies like that had already had a program? [It] turned out the answer was yes. If you think about it, the concept of giving a large company an opt out on something is not probably the starting point of comfort for some of the advocates. But when we said look, if this is really about getting people covered...The employees of those companies are covered. I think their point was they should help to subsidize companies who can’t provide a program and when we were able to show through the math that it would work, we all came to agreement on that issue.” The resolution reached served as “an example of how a preconceived notion could change based on relationships and data.”

## MAKING THE CASE

Senator Lewis spoke of the use of policy analysis and data to help “make the case for why paid family medical leave is really important. There’s a variety of benefits that you derive from having universal paid family medical leave. And it’s not just a benefit to the individual person who gets to take leave...but the benefit to leveling the playing field so that all employers can offer it to their employees, which wasn’t the case, the benefit to public health, the benefit to child development, for young children, the benefit to the economy. Laying that all out to help make the case was one of the benefits of research and policy. And then, of course, having Randy and Alan able to help us to model different scenarios so to know if we did this many weeks of leave at this kind of wage replacement rate, what would that cost? Because we obviously needed to get some idea of what would it take to implement that program... How much would that cost and then we obviously have to figure out how to pay for it, but their modeling of different scenarios was very important as well and we recognized early on that we would need that because otherwise we would have these questions that we just couldn’t answer.”



to scale that up. By paying into a large statewide system, different things become possible.”

While there were some efforts to exempt employers with 50 or fewer from the law, the agreement reached was, in the words of Representative Ken Gordon, “the smallest of businesses—25 and fewer employees—don’t have to pay their half of the premium, and they can elect to pay the employees’ share if they choose.”

### Private Plans

Another major concern of some business leaders related to allowing employers already providing paid leave to continue doing so through their private, and not state, plan. One of the business leaders at the table, JD Chesloff, recalled the common question raised by businesses represented by his organization: “Why would you force a company to abandon what it was already doing to go into a state program and, in some cases, the state program was less generous than what the company was offering already?”

Another business leader cited concerns from businesses already using “parental or bonding leave as an employee attraction and retention tool.” This person detailed such concerns fielded from employers: “if you put everybody on equal footing, we lose our ability to use that as a benefit.” Not wanting to be stuck in the state system, “they wanted to be able to compete with other employers for talent.”

Further, some in the business community expressed concern about interacting with yet another state agency. As one person explained, the business community was like “A lot of our members don’t want another government agency that they have to interface with. They just have ten,

they don’t want eleven” and Raise Up was like, “fine. Just opt out. Get your own thing...” The advocates found this a valid concern and agreed that an opt out option that ensured the same or better leave provisions set by the new law made sense.

### From Data to Decisions

Having cost and other estimates was critical to reaching agreement on the opt out provision and several other program elements such as the wage replacement rate and leave duration. Moreover, data modeling conducted by two local economists was essential to assessing the overall feasibility of a program.<sup>12</sup> According to someone involved in the Raise Up paid leave campaign, “one tool that was extremely helpful was the research model that was developed at UMass Boston by Professor Randy Albelda. That was really helpful because it was a cost model where you could change inputs and see the results. The model was based on the experience of other states so that was really helpful to us, I think, in our conversations with the business community as it was a trusted model.” Being able to “see the actual drivers of cost in the program rather than just making assumptions” allowed negotiators to develop a workable program that would support workers and be acceptable to the businesses represented at the negotiating table. Many decisions that needed to be made entailed tradeoffs to ensure program solvency and to meet the policy goals of legislative sponsors and advocates alike.

As one of the economists who developed the simulator model with funding from the U.S. Department of Labor’s Women’s Bureau, Randy Albelda stated “we understood what the tradeoffs are in paid family leave and that helps with the mechanics of the policy. So, for example, the

## RESPONDING TO LIFE CONDITIONS

Randy Albelda, an economist engaged in policy analysis on paid family and medical leave for decades, explained that framing paid leave as a necessary response to life conditions was critical: “Getting sick, having kids, taking care of ill relatives is a condition of employment. And it happens already, the question is, how are we going to deal with the inequity and the inability of many workers to be able to both be employed and also deal with their life conditions?...I would always start from the premise that people already take family and medical leave. A paid leave program doesn’t generate leaves. A paid leave program responds to leaves and it creates a system that perhaps equalizes the responses to leave...if you get sick, you have surgery, you have to leave work. These events already happen. So, the question is how do people cope with them now versus how would they cope with them with the program? And that was sort of the way that I would like to talk about it. There will be some new costs as people may take a longer leave with partial wage replacement, but in fact what we’re talking about is redistributing most of the cost.”

more generous the program is, the more expensive it is. And the more difficult it is, then, to pass. So we had to think about ways to figure out how to make it as generous as we could, particularly for the people who needed it most without having it cost a lot. So that's where the sliding scale comes in. Then there's also eligibility. How do you structure eligibility? We were able to articulate [tradeoffs] in ways that people could understand." Members of the advocacy community, business leaders, and legislators involved in the negotiation process agreed that the simulator developed by UMass Boston Professor Randy Albelda and Northeastern Professor Alan Clayton-Matthews allowed for the provisions of a "workable" program to be hammered out. Determining how the program costs would be borne required considerable negotiation and having access to cost estimates based on policy levers allowed for agreement on an employer-employee cost-sharing plan. Having a split between employer and employee represented a departure from what had been done in previous states and reflects the strength of the Massachusetts program. As someone affiliated with Raise Up remarked, Massachusetts "has the largest employer contribution" of any state with a paid leave program.<sup>13</sup>

In addition to the employer-employee contribution arrangement, other key provisions were worked out and outlined in Table 1 on page 40. Given the complexity of the program, there were numerous details to address, including "questions about preemption of federal law and ensuring that the Massachusetts law didn't conflict with federal law," as related to multi-employer plans," as recalled by one person familiar with input from unions. While this case study does not address each negotiated aspect of the program, Table 1 provides additional details about major provisions.

As previously indicated, support for smaller businesses was secured by relieving companies under 25 employees from paying into the fund and their share was to be borne by larger businesses. Workers would have up to 20 weeks for their own health leave and 12 weeks for family leave for a maximum of 26 weeks in any given benefit

year. By default, workers are covered by the state plan yet employers have the option of an "opt out" by gaining approval for a private plan equivalent to or better than the state plan. The plan that emerged from the negotiation process was considered one of the most generous in the country, while not as generous as what was proposed through the ballot initiative.

### **"Everything is a Tradeoff"**

As the negotiations took place with the eight selected individuals, legislators and legislative staffers, and eventually a representative from the Governor's Office were in the room to observe the proceedings. One negotiator described the scene: "staff from the Speaker, Senate President, the Governor, Ways and Means (Senate and House) had people at these paid leave negotiation meetings...They were along the walls sitting in chairs, taking notes, and sometimes engaged in side discussions. They were watching to see what would happen between Raise Up and the business leaders."

What unfolded between paid leave advocates and the business community was agreement on a program sufficiently acceptable to both sides that eventually got wrapped into a

broader package of workers' rights measures, alongside a contentious measure regarding premium pay for Sundays and holidays. Even while the paid leave program that made it into law received the support of those negotiators representing several key business organizations, labor and community advocates pushing for a paid leave program had significant leverage. As a result, some of the program details were not considered ideal by business stakeholders. Given the goal of generating a "policy that could be implemented the easiest and would have fewest repercussions both politically and on a policy basis," Robert Cohen remarked that "in policymaking, everything is a tradeoff. There is no perfect decision. There was always going to be a winner and a loser in anything you do."

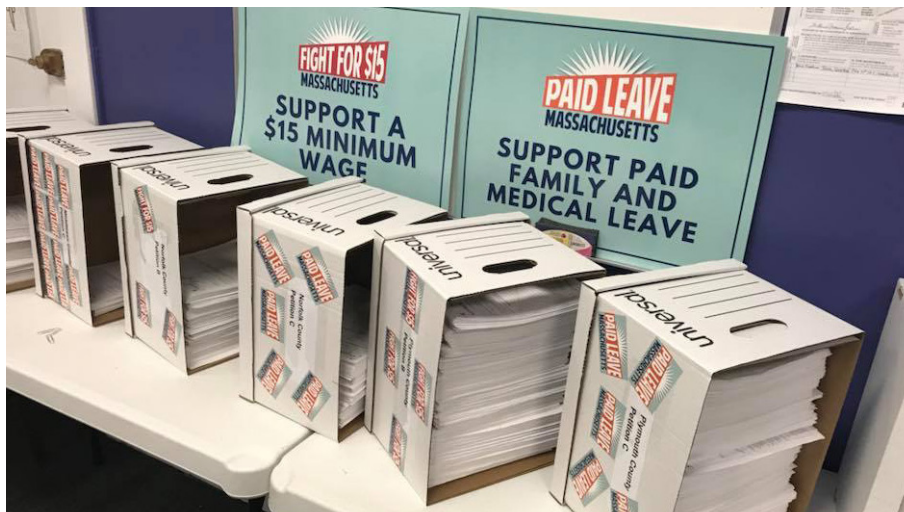
**“There is no perfect decision. There was always going to be a winner and a loser in anything you do.”**

## “As Good as We Could Get”

Some from the business lobby, while accepting of the negotiated outcome, confirmed that the outcome was largely influenced by the advantageous position of paid leave advocates given the pending ballot measure. As one business leader explained, “What ended up coming out was a pretty decent compromise of priorities from both sides. Having said that, I will say this. They had the upper hand because they had the ballot question. The business community had no leverage in these negotiations...if we were to draft a paid family medical leave law from scratch as opposed to starting with the ballot question and then sort of trying to pull it back, we would have ended up in a very different place than we did. I mean there are a lot of people who are not happy with this paid and medical leave law on the business side.” Another member of the business community remarked that the final paid leave legislation was the “product of pretty fraught negotiations.” Negotiating down from the ballot question provisions was clearly advantageous for Raise Up Massachusetts given that the starting point had been set through the ballot initiative process.

Following the compromise reached by the paid leave working group in late spring 2018, a broader set of negotiations addressing additional employment issues took place. As JD Chesloff recalled, “We got to the 10-yard line and at that point our paid family medical leave conversation got caught up in a much bigger conversation which resulted in this ‘grand bargain.’”

“What ended up coming out was a pretty decent compromise of priorities from both sides.”



## The Grand Bargain

Aside from the paid leave ballot campaign, Raise Up was positioned to place a \$15/hour minimum wage question on the ballot and the Massachusetts Retailers Association had led an effort on a question to reduce the sales tax. The repercussions of such ballot campaigns—and their potential outcomes— contributed to the convening of labor advocates and business leaders by the Senate President and Speaker interested in trying to ensure a legislative resolution to these matters rather than at the ballot box. As one interviewee noted, “what drove it in the end was the Legislature’s desire to not have all these ballot questions go to ballot...because if they did and if they passed. Particularly the sales tax reduction question that would have cost state government over a billion dollars.”

The effectiveness of the paid leave working group offered hope that minimum wage and the sales tax issues could be similarly addressed by negotiations with business and labor stakeholders. It became clear to legislative leaders that the success of the paid leave working group could be extended to addressing other issues before they found their way to the ballot. This final set of negotiations was described by one interviewee as a “series of simultaneous negotiations.” As this person explained: “the legislation was all one bill that included those three issues, but it’s not like the retailers and Raise Up and the other members of the business community and the Legislature all sat in one room and made that one agreement.” That agreement became known as the “grand bargain.”

Finding common ground on the minimum wage increase, which involved a negotiation regarding tipped wages, and other issues, was difficult, with discussions focused initially on the potential for setting a teen and/or training and/or sub-minimum wage for certain groups of workers. As one negotiator recalled, “the most fierce battle of all, without a doubt, was on the \$15 minimum wage, stopping the inclusion of a teen minimum wage of some kind.” Instead, the “final result was no more Sunday premium pay. It was phased out on the same timeline as the \$15 was phased in, and no sub-minimum wage, no training wage, no teen sub-minimum wage was included. It was \$15 for everybody.”

The sales tax ballot question effort by the Massachusetts Retailers Association served as an important leverage point for the business lobby and led to an agreement



about phasing out time and a half wages for Sundays and holidays as well as establishing a permanent sales tax holiday. Labor advocates wanted to ensure that their proposed minimum wage increase would be adopted and the sales tax reduction would not be accepted. The competing ballot questions set the stage for incentivizing each side of the table to work out a compromise. In the words of a business leader, “the Retailers Association filed a ballot question to reduce the sales tax...sort of using the hammer the way the other group was using the hammer. But it was just in the opposite way. So when the ‘grand bargain’ conversation came up the folks who filed that—the Retailers Association—were at that table...And that’s when issues like Sunday, the holiday thing and the Sunday time and a half came up.” Furthermore, “without the time and a half on Sunday piece, the small business probably wouldn’t have been on board with the compromise so that that was the legislative dance they were doing...how do we craft something that gets enough votes to win.” The phasing out of premium pay for Sundays and holidays left some advocates, particularly from labor unions, bitter about this aspect of the “grand bargain” which they perceived as harmful to workers who would face lost income as a result.

The final negotiations on the legislative package took place in June 2018 and reflected agreement on the paid

leave program, minimum wage, Sunday and holiday (time and a half) wages, and the sales tax. According to someone associated with Raise Up Massachusetts, “there was this interplay sometimes referred to in the media as the ‘grand bargain.’ I think that term kind of overstates the extent to which it was one agreement.” “Grand bargain” negotiations involved a larger set of negotiators than the paid leave working group and the Governor’s office weighed in toward the end of the process. The Governor’s acceptance of the negotiated legislative package reflected the sense that Governor Baker found the process that led to consensus on paid leave and the other items in the “grand bargain” to be credible, particularly given that members of the business community were at the table. As someone from the legislative arena remarked, “we got buy in from the Administration, but very much late in the deal...when the cake was basically baked, we had some meetings...and they shared some concerns and I think we addressed one or two of them, but it was more-or-less the deal...then you have the business community buy-in [and] that helps with the Governor as well.” In considering partisanship in light

of the approved paid leave program in a state with a strong Democratic-majority legislature, Harris Gruman noted that’s “where the bipartisanship happened was having the business lobby, which is not all Republican by any means, but has some strong Republican people in it, people who might lean that way in the election, at the table so that it felt legitimate to the Governor and to the Republicans in the Legislature.”

On June 28, 2018, Governor Charlie Baker signed the “grand bargain” bill into law, creating a permanent sales tax holiday, increasing the minimum wage, and creating a new paid family and medical leave program, stating, “I am thankful that all parties came together, compromised and found common ground to produce a better set of policies than what the ballot questions represented.” The law also raised the minimum base wage rate for tipped workers and phased out time and a half pay on Sundays and holidays.<sup>14</sup>

Photo: Office of the Governor, Commonwealth of Massachusetts



## Implementation

What do we know about implementation of the Massachusetts paid family and medical law to date? One year after going into effect, what can be gleaned about its utilization? While there are limited sources of information available about implementation, it's clear that establishing a new department and complex program was a major undertaking. In the words of Lew Finfer, "they certainly had a challenging administrative job to set up a program and set up the application, along with hotline and staffing and training of hotline workers." Interviewees asked about implementation generally expressed satisfaction with

“Most people say it’s a lifesaver.”

the establishment and operation of the Department of Family and Medical Leave, with several suggesting that needed modifications had been made as the program and

website were launched and utilized in the initial months. Representative Ken Gordon noted that the Department of Family and Medical Leave “has one of the easiest, most user-friendly websites in any state government.” Furthermore, according to Diana Painter, who has received feedback from potential program participants as well as program users, “most people say it’s [the program] a lifesaver.” With 85,887 approved leave applications in 2021 (36,841 of which were for a worker’s own serious health condition and 34,035 for child bonding), many employees across the Commonwealth have benefited from the program. Additional information about the leave types for the initial year of the program may be found in Table 4 on page 43.

### “Get Its Legs Under It”

Based on the perspectives of interviewees most familiar with implementation, a range of items warrant attention to ensure that the program works well both for employees and employers. As Senator Lewis explained, “like any new program we’re going to need to see how things go and if we need to make adjustments we should certainly be open to that. I wouldn’t argue that what we passed into law was perfect. I’m sure there’s going to be things we learn as we go forward about ways we can make the program better for both workers and employers and for the state

and I think we should be open to continue to make the refinements to it.” Representative Gordon commented on current efforts to have the Department of Family and Medical Leave be as effective and efficient as possible: “the Governor’s office is working on the department and trying to make it as efficient as it can be and to the extent that they need legislative fixes we’re doing the same thing. It’s running well now. It’ll run better in the future, as it gets its legs under it.” The overall theme of running better was reflected in many of the observations about implementation offered by members of the business community as well as advocates.

According to advocates wanting to ensure that the law meets the needs of eligible workers, improving access to information and enhancing outreach mechanisms were considered critically important. Additionally, making the appeals process more efficient, establishing a formal advisory committee, utilizing an equity framework, having a more comprehensive data tracking process, and ensuring that private plans are consistent with the law’s intent were discussed during interviews. Finally, several employer-related items such as topping off and the use of replacement workers were identified as topics warranting clarification and potentially legislative and/or regulatory changes.

“We should be open to continue to make the refinements to it.”

### Access and Information

Improving access to the program, including removing barriers that may prevent eligible workers from knowing about and/or utilizing the benefit, was top of mind for several individuals. Diana Painter confirmed that a primary focus of the advocacy coalition is to ensure “that the program is reaching the people that it needs to and not hurting the people we want to be using it.” One of the concerns identified by the coalition related to outreach and education. She explained that, because of the pandemic, [the Department of Family and Medical

Leave] leans too much on online forms of education.” Given data from the Department’s annual report on the age of the people able to access the benefit and the combination of the types of jobs held by applicants which reflect regular access to computers, “this primarily online system for education may not reach the people who are going to have the least access to it. Because folks who have good relationships or work at a business large enough to have an HR manager is going to have someone to talk to about it, where there are a lot of people who don’t have that access.” As a result, advocates are “trying to get the state to lean in and take on a more grassroots educational individual worker approach.” Another advocate suggested that there hasn’t been adequate targeted outreach to medical facilities in order to reach patients who may be eligible for the program. As Lew Finfer remarked, “I particularly pressed them to do more outreach with hospitals and community health centers and medical providers, and they have been slow to do that. And I think they’ve done some, but much less than they should have.” An additional outreach and education issue related to the translation of materials as one person suggested that it was important to ensure that community members could review translated materials in order to best inform and reach populations requiring materials in languages other than English. Specifically, Diana Painter indicated that “translating materials so that every draft can be reviewed by a community, so the people who are working at the organizations may have input too” would go far to ensure more effective engagement of employees for whom English is not their first language.

Other access and information concerns included the clarification of differences between sick time and paid leave with Diana Painter confirming that there have been “a couple of issues by helping individuals understand that doctors are prescribing intermittent leave as if it’s an extension of sick time which it is not. We need to talk about what is leave versus what is sick time.”

One additional issue mentioned by an advocate related to the wage replacement rate. As Diana Painter commented, “We’ve also heard people who think that the return rate at 80% of average weekly wages was too little and because it’s not 100% they’re not going to be able to take it.”

### **Appeals Process**

Another area of concern identified by Diana Painter was the appeals process which “can be really long and that pushes people off because they’re like ‘I just went through

all the work to try and gather all the stuff with several visits with my doctor and I’m already in physical therapy and I’m doing all these things, and now you want me to spend time on appealing it? It’s just not worth it.” As a result of this feedback from workers, “we’re trying to work on how to make that appeals process faster and also let people know that they don’t have to do it alone.”

### **Formal Advisory Committee**

While there exist informal mechanisms for offering input on program implementation to the Department of Family and Medical Leave, there is no formal advisory role for community partners or nonprofit organizations familiar with employees navigating the paid leave program. One recommendation offered by an advocate working to ensure the law’s effective implementation was to establish a formal advisory committee similar to what exists in Washington state. This would help ensure an official role for advocates who, given their connection to employees and groups representing workers, are knowledgeable about barriers to program access and aspects of the program necessitating improvement.

### **Equity Framework**

Employing an equity framework was suggested by a member of the advocacy community who explained that such a framework would help ensure that the program is equitable and works well for all those needing it. Diana Painter recommended that the Department “adopt a race and equity framework” which would involve “determining questions that always need to be asked before an activity is done.” She argued that using an equity framework would help ensure greater collection of “information that would be useful to understand how effective the program is.”

### **DATA TRACKING**

Related to the equity framework explicitly mentioned by Diana Painter was an interest in seeing more data collected by the Department that would be shared publicly. Improving data requirements was seen as critical by several individuals interviewed. As another member of the advocacy community, Elizabeth Whiteway, remarked, there have been individuals from various stakeholder groups who “see the deficiencies of the tracking.” This includes people from the “areas of public health, child health and well-being,” as well as “activists who are very concerned about fathers accessing the benefit.”

### **Private Plans**

Other aspects of program implementation identified for

potential modification or improvement related to private plans (employers opting out of the state program), topping off, and unemployment for replacement workers.

Several concerns about employers' private plans were raised during interviews, indicating that distinct issues related to the approval and utilization of such plans may warrant attention. One interview participant suggested that there may be a higher percentage of employees "in firms where the employers have opted out," than expected and reflected on a media inquiry about potential "gaming of the system" potentially for firms that are self-insuring if they don't believe that their workers will use paid leave.

Another individual addressed the use of Temporary Disability Insurance (TDI) by workers in the context of private plans provided by employers. According to Elizabeth Whiteway, "that's an area that needs some scrutiny. The Department of Family and Medical Leave (DFML) has approved the private plans of thousands of Massachusetts employers, some of whom are meeting their obligations under the law through commercial TDI policies. What happens to workers when an employer's commercial TDI provider denies an employee a leave protected by statute? I would submit to you that the employer would be obligated to cover the worker's leave out of pocket if their TDI policy doesn't cover the leave protected by statute."

One final concern about private plans related to the capacity of workers under a private plan to remain eligible for the paid leave benefit up to six months after separation from their former Massachusetts employer while working for another employer outside of Massachusetts. Someone from the business community described this type of scenario: "you are in a private plan. For whatever reason, you separate from the employer. You're eligible to be part of their plan for six months after that date. If you are going to do remote work in Massachusetts for an employer in another state, you are technically an employee of the company located in another state, so you are not covered under Massachusetts law. You could still go back to your former employer and say 'I want my paid leave coverage.' That is a flaw. The concept was if you were paying into a state system, you should still be able to draw the benefit, even if you are not employed because you have paid into it. But that breaks down when you integrate private plans. We never got to a place where we ironed that out."

Interviewees also expressed concern about two other aspects of the law affecting employers that may require legislative and/or regulatory modification.

### **TOPPING OFF**

Massachusetts' paid leave program allows for employers to add to the mandated state benefit level, resulting in a "topping off" to provide employees the most generous leave package possible. According to one business leader, "how we have approached the 'topping-off' in Massachusetts is very confusing for employers. I don't think we got that right. Some of that is in regulation, some in the law. There was wariness on both sides; we were wary that they were not confident that the fund was going to be solvent without these employers participating. And so, I think the result was again, not very good language, and has not been very good implementation."

### **REPLACEMENT WORKERS**

Another employer-related concern spurred the filing of legislation currently under consideration. The use of replacement workers for those employees out on paid leave can negatively affect the experience rating of the employer due to how the unemployment system treats such replacement workers.<sup>15</sup> According to someone familiar with pending bills related to paid leave, "there is a concern about unemployment for replacement workers, because the way that the unemployment system works if a company hires someone, and they meet the eligibility requirements and then go on unemployment that is now added to the experience rating of the employer. We have legislation pending because there was a concern that if person A goes out on family or sick leave and then the company has to hire replacement worker B, when they lay off that replacement worker because their original worker comes back, this may affect the experience rating of the employer."

While interview participants cited both major and minor issues related to implementation, there are limited data available to place their insights into context. There remains a lot to learn about the implementation of Massachusetts' paid leave program. Yet with nearly 86,000 employees accessing the benefit in the first year of the program, it's now possible to draw upon user experiences of the program and systematically explore employer experiences as well in order to evaluate its effectiveness and identify areas for improvement.



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## Learnings and Advice

Those interviewed for the case study offered both broad and specific suggestions for developing paid family and medical leave programs in other states. The lessons gained from the Massachusetts process may also be relevant for the development of a federal paid family and medical leave program and applicable to other public policy issues in Massachusetts and beyond.

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### ▶ DEVELOP A GOOD PROPOSAL

“You need good proposals, so you have to do your research on the policy issues to construct the proposal. And part of that is also evaluating who would object to what’s proposed and why would they object.”

### ▶ MAKE THE CASE

“I think it certainly starts with making the case for why paid family and medical leave is a very important public policy. You can’t just assume that everybody accepts that and everybody has the same knowledge base, so I think you have to start with making the case, educating legislators, certainly, particularly key decision makers in the legislature. You have to discuss it in public.”

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“You certainly have to have the statistics, the knowledge, the studies, all those, the think tank stuff. But also... who is going to be the face of this? People who can tell good stories, true sincere stories about why they need this, how it helps, and how it keeps them at work.”

### ▶ DEVELOP MULTIPLE LEVERAGE POINTS

“Being able to have leverage...that one constituent who can provide a firsthand account will send them [legislators] over the edge and kind of light a fire for them to say this is something we want to see happen. So definitely the personal stories for the people in power is useful. If there is a ballot question, really anything you can do to get leverage while you’re negotiating... would really be key.”

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“Either ballot process or some other avenue as leverage will help the negotiation.”

### ▶ TAKE IT TO THE BALLOT

“If you have an initiative petition process, use it.”

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“Definitely go the ballot if that’s an option. I think even to this day...minimum wage increases pass in red states all the time. I am convinced paid family and medical leave would have similar successes that even if people vote for candidates that don’t embrace it, it is a policy that they understand and value.”

### ▶ RECOGNIZE THAT EVERY STATE IS DIFFERENT AND STRATEGIZE ACCORDINGLY

“You have to be very shrewd about what’s possible...I think in every state advocates have to look at the landscape and say ‘what can I do’...you have to conceive of your program that way. What you can do in any given state is going to be determined by the reality of that state...you have to fight for something that’s viable.”

### ▶ PRIORITIZE BROAD AND DEEP ENGAGEMENT

“The more engagement the better...That coalition of directly affected folks those folks would lift up things that we had to pay attention to...the huge takeaway is the bigger the tent, the better. Bigger groups of stakeholders are a lot more work but that’s the nature of democracy. You want it to be a democratic effort that is really mindful of equity and inclusion. Nobody left behind.”

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“You can go big if you build this kind of tripartite coalition of labor, faith, and community...the three pillars of organizing. Like regular folks who are the common people, the working class, whatever you want to call us, the 99% even, a lot of whom are middle class by income standards: the idea is those three pillars of labor, community, and faith cover that broad group, and if you organize people where they work through their labor union, where they live through their

community organization, and where they worship through their congregation, you're really deeply organizing people, reaching them in their work life, their home life, and their moral life."

#### ▶ TAKE A GRASSROOTS APPROACH

"There was an immigrant from the Dominican Republic, not fluent in English, yet he knows more about state politics and what's going on than almost anybody...He was brought into the struggle from three very different venues, his union, his neighborhood organization, and his church. He cared very, very deeply about the issues. He was out there, collecting signatures every day, and that's the point: we were able to do what nobody had been able to do before, collect way more than enough signatures to put two things on the ballot at one time just with grassroots people, no paid signature gatherers."

#### ▶ CAPTURE PUBLIC SENTIMENT

"To the extent that whatever campaign that is behind a paid leave effort has the resources to capture public sentiment [engage in polling]. Consistent polling in Massachusetts that paid leave was so popular really gave us a lot of power."

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"You have to invest in polling and public opinion research. It's absolutely essential."

#### ▶ OFFER PERSONAL STORIES FROM LEGISLATORS

"It was always helpful when legislators would share their personal paid leave story. Because then their constituents heard that they were human and also then felt comfortable sharing."

#### ▶ SECURE BUSINESS SUPPORT

"I would start with your opponents. I would start with the people that hate it the most and work your way down from there...: I think you just go right at their concerns, one-by-one, and you try and address them... I think if you can just go right to the heart of what people's concerns are, it helps."

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"Engaging business as early in the process as you can [is critical]...necessarily realizing that they're not going to embrace you immediately but having their input in program design and development at the outset can save a lot of headaches down the line."

"I do think business community buy-in, especially if you go into even more conservative states is essential and making them comfortable with the plan and...a lot of those trade groups are reactionary and just say no by their nature, so that type of buy-in is really, really helpful."

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"The best advice I'd give is to try to get as many members of the business community to come on and agree. I think they're always going to be the stumbling block. I think one of the things that actually ended up helping the advocates a lot was having an organization like the Alliance for Business Leadership that could parse through some of the business arguments and create, and turn them around and say look, we also run businesses, we also understand these concerns, but we think this is the most important or one of the more important things. We think this is important and worth the cost."

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"Having a progressive business voice at the table is very important and makes a big impact...being able to counter that monolithic voice with a different perspective made a big difference."

#### ▶ PUSH FROM THE TOP: POLITICAL LEADERSHIP KEY

"It is very important to have strong support and a push coming from the top so either I think you need whether it's the Governor or the leaders of the legislature to say that we want to get this done."

#### ▶ CONDUCT A POWER ANALYSIS

"In Massachusetts we have a lot of C4 organizations sitting at the table who know how to get people elected and know how to hold their electeds accountable. It is a reality that they want to be voted back in and if they think their constituency is going to kick them out over this, then they'll vote for it. A lot of funders expect groups to do a power analysis."

#### ▶ OBTAIN CANDIDATE SUPPORT

"It doesn't just take popularity, it doesn't just take power, it takes guts...you have to have legislators with some guts so ask candidates about how their position on it before the candidate ever is endorsed."

▶ **GET THE EGO OUT OF THE WAY AND AVOID PRECONCEIVED NOTIONS**

“Be teachable. Be open. Listen.”

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“My number one lesson is don’t prejudge someone else’s position. I think what happens these days is because of social media and otherwise people just don’t talk to each other. We were just put into a room and said we’re told to figure it out.”

▶ **NEGOTIATE...IN GOOD FAITH**

“I think to the extent that, because it is a policy area again, unlike minimum wage where it’s fairly straightforward...it’s complex. There’s lots of design details to figure out that lends itself to trying to bring people around the table together, so I think creating some kind of process...include some social justice, economic justice advocates, unions and business organizations, together is a good way to move forward, because again there’s lots of room to listen to each other in terms of concerns. There’s lots of room to design make design changes that can accommodate the needs of that particular state.”

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“If you want something really big done, you should get everybody involved...I think consensus-based negotiations are like, incredibly annoying and inefficient, but the end-product is usually pretty strong. Usually a little more complicated than anyone would like but it’s usually a pretty sound end-product.”

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“... both sides of an issue have validity and there are times where you can get them together and there will be...compromise can happen. You can kind of get both sides to come together, to sit down, to go get beyond talking past each other. Stop just using talking points and instead actually discuss the issues at hand and when you get to that point, you can sometimes get a compromise.”

▶ **UTILIZE EFFECTIVE MESSAGING AT THE RIGHT TIME**

“You can’t have that reach without having feet on the ground and having the popular support. But you also need people who are there with the right message at the right time.”

▶ **USE DATA TO INFORM PROGRAM SCOPE AND PARAMETERS**

“[Economists] Randy [Albelda] and Alan [Clayton-Matthews] were, no question, the biggest piece of the puzzle. The ability to go back to them and have them turn around in relatively short order numbers that allowed us to understand whether or not this new fund we were creating would be solvent or not based on the estimates of how many people would or would not be participating and the rates at which they would be paying in and the rate at which people would be then having a percentage of their salary covered. I think everyone understood that we couldn’t do this if the fund wasn’t going to be solvent. There was just this very basic math that we needed to understand and while there were plenty of smart people around that table, none of us are economists...So we needed that policy analysis.”

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“To be prepared. Be prepared with data. My personal belief is go beyond telling a story of someone who needs a benefit because that’s sort of not debatable, but it’s emotional.”

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“But when you’re talking to someone who is opposing you, go with the data. We used surveys that came out of Rhode Island showing that many businesses with experience in the system were either satisfied with it or neutral to it. Go with data showing that you know the success that business has with a program like this. And it’s really hard to argue with data.”

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## Conclusion

Based on the insights of those interviewed for this case study, making paid family and medical leave a reality in Massachusetts took a multi-faceted effort to achieve consensus on a feasible program. Broad and deep grassroots organizing, steadfast legislative leadership, good faith bargaining with many leverage points, and trusted data were critical elements. Within the context of strong public support for paid leave and a looming ballot measure, members of the advocacy and business communities worked collaboratively to overcome preconceived notions and wrestled with contentious elements to land a compromise. Finally, ensuring that deliberations were conducted outside of the media and having those at the table trusted by their fellow negotiators as well as the constituencies they represented also mattered. The final paid leave measure involved tradeoffs, particularly for business stakeholders, and the program is likely to undergo refinements as implementation proceeds. Nonetheless, the adoption of Massachusetts' paid family and medical leave law demonstrates that strategic grassroots mobilization combined with strong legislative leadership and a commitment to sincere deliberation can make getting to yes not only possible but the preferred approach to addressing complex policy issues.

## Notes

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- <sup>2</sup> Paid Leave for All. (2021, November 19). *Paid Leave for All's statement on House passage of the Build Back Better Act*. <https://paidleaveforall.org/wp-content/uploads/2021/11/Paid-Leave-for-Alls-Statement-on-House-Passage-of-the-Build-Back-Better-Act-.pdf>
- <sup>3</sup> Dickert, J. P. (1999). *Making family leave more affordable in Massachusetts: The temporary disability insurance model*. Publications from the Center for Women in Politics and Public Policy, 43. [https://scholarworks.umb.edu/cwppp\\_pubs/43/](https://scholarworks.umb.edu/cwppp_pubs/43/)
- <sup>4</sup> Following the adoption of FMLA, the option of building in bonding leaves into the state's unemployment insurance (UI) system emerged through an opportunity provided by the U.S. Department of Labor.
- <sup>5</sup> Estes, A. (2006, April 23). *Family paid leave on Massachusetts agenda: Proposal in Senate is nation's most generous*. Boston.com. [http://archive.boston.com/news/local/articles/2006/04/23/family\\_paid\\_leave\\_on\\_mass\\_agenda/](http://archive.boston.com/news/local/articles/2006/04/23/family_paid_leave_on_mass_agenda/)
- <sup>6</sup> A Better Balance. (2022, January 4). *Comparative chart of paid family and medical leave laws in the United States*. <https://www.abetterbalance.org/resources/paid-family-leave-laws-chart/>. It's important to note that California, Rhode Island, New York, and New Jersey were the earliest states to pass paid family and medical leave laws given that they built their programs into existing temporary disability insurance laws: <https://www.abetterbalance.org/wp-content/uploads/2016/11/TDIchart.pdf>
- <sup>7</sup> Vaccaro, A. (2014, November 4). *Massachusetts 2014 ballot question results: sick time approved*. Boston.com. <https://www.boston.com/news/finance/2014/11/04/massachusetts-2014-ballot-question-results-sick-time-approved/>
- <sup>8</sup> The Senate action took place on the last day of the session, with little time for the House to take up the measure.
- <sup>9</sup> Clayton-Matthews, A. & Albelda, R. (2017). *Description of the Albelda Clayton-Matthews/IWPR 2017 Paid Family and Medical Leave Simulator Model*. Economics Faculty Publication Series. 41. [https://scholarworks.umb.edu/econ\\_faculty\\_pubs/41/](https://scholarworks.umb.edu/econ_faculty_pubs/41/)
- <sup>10</sup> Hayes, R. (2016, April 29). *State Rep. Ken Gordon discusses Paid Family Leave with U.S. Labor Secretary*. Wilmington Apple. <https://wilmingtonapple.com/2016/04/29/state-rep-ken-gordon-discusses-paid-family-leave-with-u-s-labor-secretary/>
- <sup>11</sup> National Federation of Independent Business. (2017, June 13). *NFIB MA submits testimony against employer funded paid family & medical leave mandate*. <https://www.nfib.com/content/nfib-in-my-state/massachusetts/nfib-ma-submits-testimony-against-paid-family-medical-leave-mandate/>
- <sup>12</sup> For a detailed description of the model, please see *Description of the Albelda Clayton-Matthews/IWPR 2017 Paid Family and Medical Leave Simulator Model*.
- <sup>13</sup> According to Senior Staff Attorney Molly Weston Williamson, Director of Paid Leave and Future of Work at A Better Balance: The Work & Family Legal Center, this assertion requires contextualization. Not all Massachusetts employers pay an employer contribution—those who have fewer than 25 employees are exempt from paying in. Among those who are required to make employer contributions, Massachusetts employers likely pay more in dollar terms (as opposed to percentage of wages) than comparable employers in most other paid leave states, but less than comparable employers pay in D.C. or will pay in Colorado.
- <sup>14</sup> Office of Governor Charlie Baker and Lt. Governor Karyn Polito. (2018, June 28). *Press Release: Governor Baker Signs Grand Bargain Legislation*. Mass.gov. <https://www.mass.gov/news/governor-baker-signs-grand-bargain-legislation>

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## Appendix B. Methodology

The research team from UMass Boston's Center for Women in Politics and Public Policy began its work in August 2021 with submission of the research protocol to UMass Boston's Institutional Review Board (IRB) which determined that the study considered 'exempt' could proceed given the planned protocol.

The team began with a comprehensive search of documents related to paid family and medical leave, with a focus on Massachusetts, through academic search engines as well as the internet. Public testimony from the bill's hearing was obtained via a request to the Legislature's Labor and Workforce Development Committee. Bill summaries were also requested and received from the Labor and Workforce Development Committee.

Interviews were conducted primarily with individuals involved in advocacy and policymaking processes surrounding the passage of the paid leave legislation in Massachusetts. A few of the interviews emphasized the implementation process. Potential participants were identified in three primary ways: 1) document analysis of the legislative and ballot campaigns; 2) phone contact with several of the primary stakeholders in the process; 3) snowball method when suggestions of additional key stakeholders were offered during interviews themselves. Individuals were selected for the study based on their knowledge, expertise, and experience of the efforts and processes associated with the establishment (and, in some cases, implementation) of a paid leave program in Massachusetts.

In total, thirty-three individuals were contacted from the business lobby (N=5), nonprofit/community organizations (N=5), labor unions (N=6), government (N=12), political strategy/consultant arena (N=3), and academic institutions (N=2). Emailed requests for interviews were followed up with phone calls as needed. Fourteen individuals never responded to the request for an interview and two declined, although one deferred to another individual in their office. Seventeen interviews were completed with three from the business community, four from nonprofit/community organizations, two from labor, six from government (all legislative branch), one from the academic community, and one from the political consulting arena. Given the limited number of members of the business community interviewed for this case study, it is important to acknowledge that most interview data came from individuals associated with the advocacy effort to secure paid leave or from persons serving in or working for the Massachusetts Legislature. The UMass Boston team worked to provide a balanced and inclusive approach to understanding

the process by which paid leave was adopted by drawing on documents, such as testimony and press releases, from the business lobby to supplement the relatively minimal interview data available.

The semi-structured interviews lasting between 35 and 60 minutes were conducted via Zoom between September and December 2021. Topics included political dynamics, advocacy efforts, policy analysis, and negotiation of the "grand bargain." All interviews were audio recorded. Interview transcripts were extensively checked against the interview recording to ensure transcript accuracy. Data were coded using the software program NVivo and memos on major and minor topics were generated based on the coding scheme developed in NVivo. Intercoder reliability was ensured through a process of checks following the completion of all stage one coding. Information provided by study participants was confidential to the extent desired. Identifiable direct quotes were only included with explicit permission from the study participant.

The team aimed to prepare a case study that portrayed the negotiation process, including how it was launched and how it concluded, accurately and with careful attention to varying perspectives on what transpired. Given that much of the case study focuses on what occurred behind closed doors, the team determined that having one individual from the business side of the table and one from the advocacy side review the entire case study in advance of its publication would help to ensure that there were no reporting errors or misunderstandings about the negotiation process. The anonymous reviewers were selected due to their extensive background in policymaking in Massachusetts, particularly in the area of employment, and deep familiarity with the specifics of paid leave as a policy topic. They were asked to consider the following questions in their review: Do you see any factual errors in the case study that need attention? Is there any missing information that is necessary to include in order for the case study to be complete? Are there any sections of the case study that require additional voices or perspectives?

It is important to acknowledge that one member of the research team, Christa Kelleher, the center's Research and Policy Director, assisted in the production of three publications on the costs and benefits of paid leave co-authored by Randy Albelda and Alan Clayton-Matthews and issued by UMass Boston's Center for Women in Politics and Public Policy in 2016, 2017, and 2018. Her familiarity with the analyses conducted by Drs. Albelda and Clayton-Matthews and knowledge of the legislative process informed the preparation of the case study.

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## Appendix C. Key Informants

### *2017-8 Affiliations Listed Below*

Randy Albelda  
Professor of Economics, University of Massachusetts Boston

Paul Brodeur  
Massachusetts State Representative (32nd Middlesex)  
House Chair, Joint Committee on Labor and Workforce Development

JD Chesloff  
Executive Director, Massachusetts Business Roundtable

Robert Cohen  
Research Analyst, Joint Committee on Labor and Workforce  
Development, Massachusetts Legislature

Chris Condon  
Director of Political Action and Legislation, SEIU Local 509

Andrew Farnitano  
Communications Consultant, Crawford Strategies

Deb Fastino  
Co-Chair, Raise Up Massachusetts; Executive Director,  
Coalition for Social Justice

Lewis Finfer  
Co-Director, Massachusetts Communities Action Network

Kenneth I. Gordon  
Massachusetts State Representative (21st Middlesex)

Harris Gruman  
Executive Director, SEIU Massachusetts State Council

Samuel Larson  
Research Director, Joint Committee on Labor and Workforce  
Development, Massachusetts Legislature

Jason M. Lewis (5th Middlesex)  
Massachusetts State Senator; Senate Chair, Joint Committee  
on Labor and Workforce Development

Jesse Mermell  
President, Alliance for Business Leadership

Diana Painter  
Massachusetts Organizer, Main Street Alliance Action Fund

Emily Reynolds  
Counsel, Joint Committee on Labor and Workforce  
Development, Massachusetts Legislature

Carolyn Ryan  
Senior Vice President, Policy & Research, Greater Boston  
Chamber of Commerce

Elizabeth Whiteway  
Senior Attorney, Employment Law Unit, Greater Boston Legal Services

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## Appendix D. Interview Guide

### STANDARD QUESTIONS, NOT INCLUDING PROBES

1. When did you first become familiar with efforts in Massachusetts to pass a paid leave bill? What was your role and affiliation at that time? [If needed] In 2017 and 2018, what was your position/affiliation?
2. Please tell me about your involvement in the issue of paid leave in 2017-8. At what point did your involvement commence? What was your role/affiliation at this time?
3. As the ballot question efforts and legislative process were underway, who had the most impact in the process to secure a paid leave program?
4. Please describe the nature of opposition to establishing a paid leave program in Massachusetts.
5. Please describe the nature of support for establishing a paid leave program in Massachusetts.
6. How would you describe the process that led to the “grand bargain?”
7. How would you characterize negotiations?
8. How was broad bipartisan support achieved? What did it take to move the Governor toward the compromise?
9. Who had the most influence in the process? Did this change over time?
10. How do you feel about the compromise that was achieved?
11. What do you see as the most important learnings or lessons from the process to adopt paid leave in Massachusetts?
12. What do you see as necessary ingredients for securing paid leave program in other states, knowing that there is wide variation in the political, business, and advocacy landscapes in other places?
13. What advice would you give to advocates working to establish paid leave in another state?

### IMPLEMENTATION QUESTIONS, NOT INCLUDING PROBES

1. Now that implementation is underway, what are you hearing about the law’s effectiveness or utilization by residents of the Commonwealth?
2. Do you think there are changes that you think may be important to consider (law and/or regulations)?
3. What sources of information are available about the law’s implementation?
4. Is there any information not available that would be useful to have in order to understand how the program is working?
5. What steps can be taken by a Governor and/or administrators implementing a paid leave program to ensure that the law can have the best impact and outcome for a state?

**Table 1. Comparison of Legislative Provisions, 2017-8 Paid Family and Medical Leave Proposals**

Element	Senate 1048 (Sponsor: Senator Spilka)	House 2172 (Sponsor: Representative Gordon)	House 3134 (Sponsor: Representative Cabral)	House 4110 (Initiative Petition)	House 4640 (Consensus 'grand bargain' bill)	Mass. General Law Chapter 175M
<b>Family Leave Maximum Benefit Duration</b>	16 weeks	12 weeks	12 weeks	16 weeks	12 weeks	12 weeks
<b>Medical Leave Maximum Benefit Duration</b>	26 weeks	26 weeks	12 weeks	26 weeks	20 weeks	20 weeks
<b>Military Service Leave Duration</b>	16 weeks	Duration not specified	NA	26 weeks	26 weeks	26 weeks
<b>Key Eligibility Requirement</b>	accrue at least 1,250 hours of work for an employer	meets the financial eligibility requirements of MGL Chapter 151A	at least 1,250 hours of work for an employer and employed for 9 months, whichever occurs later	meets the financial eligibility requirements of unemployment insurance	meets the financial eligibility requirements of unemployment insurance	earnings of at least \$5,700 over the past 4 calendar quarters; and at least 30 times benefit amount for which employee is eligible
<b>Weekly Benefit Amount</b> <i>(calculated as a percentage of employee's average weekly wage, unless otherwise noted)</i>	50% with eventual increase to 70% and then 90%  maximum weekly benefit: \$1,000	90%, for portion of employee's average weekly wage that is not more than 30% of the state average weekly wage  Plus, 33%, for the portion of an employee's average weekly wage that is more than 30% of the state average weekly wage  maximum weekly benefit: \$650	60%  maximum weekly benefit: \$1,000	90%  maximum weekly benefit: \$1,000	80%, for portion of employee's average weekly wage that is not more than 50% of the state average weekly wage  Plus, 50%, for the portion of an employee's average weekly wage that is more than 50% of the state average weekly wage  maximum weekly benefit: \$850	portion of average weekly wage equal to or less than 50 percent of the state average weekly wage shall be replaced at a rate of 80 percent; and portion of covered individual's average weekly wage that is more than 50 percent of the state average weekly wage shall be replaced at a rate of 50 percent  maximum weekly benefit: \$850; annual adjustment to be 64 percent of the state average weekly wage

**SOURCES**

Senate 1048: <https://malegislature.gov/Bills/190/S1048>  
 House 2172: <https://malegislature.gov/Bills/190/H2172>  
 House 3134: <https://malegislature.gov/Bills/190/H3134>  
 House 4110: <https://malegislature.gov/Bills/190/H4110>  
 House 4640: <https://malegislature.gov/Bills/190/H4640>  
 MGL Chapter 175M: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXXII/Chapter175m>

**NOTES**

- Changes have been made to MGL Chapter 175M since the 'grand bargain' paid leave measure was signed into law; changes are noted in the chapter: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXXII/Chapter175m>
- This table provides limited information in each cell; for a more detailed table with additional specifics on key elements listed here, please refer to expanded table available at: [https://scholarworks.umb.edu/cwppp\\_pubs/63](https://scholarworks.umb.edu/cwppp_pubs/63)

**Table 2. Chronology**

Year	Date	Action/Milestone
2014	November 4	Earned sick time ballot measure is approved by voters
2016	July 30	State Senate passes paid family and medical leave legislation; bill not taken up in House of Representatives
2017	January 31	Raise Up launches legislative campaign for paid leave, \$15 minimum wage, 'Fair Share' amendment
	February 3	Paid family and medical leave bills supported by Raise Up cosponsored by 93 State Representatives and 25 State Senators
	June 13	Joint Committee on Labor and Workforce Development holds public hearing on paid leave bills
	September 6	Attorney General clears paid leave ballot initiative for signature gathering
	November 3	Paid leave working group meetings commence
	December 5	Raise Up submits more than 135K signatures for paid leave ballot initiative
	December 21	Secretary of State certifies initiative to move forward in ballot process
2018	January 30	Ballot initiative proposal is heard by the Joint Committee on Labor and Workforce Development
	May 2	Legislature fails to act on paid leave initiative, requiring more than 10K additional signatures to place measure on November ballot
	June 20	House approves paid leave measure by vote of 126-25 and Senate passes it by voice vote as part of 'grand bargain' compromise bill
	June 26	Raise Up announces dropping paid leave and minimum wage ballot questions if Governor signs 'grand bargain' legislation
	June 28	Governor Baker signs paid leave into law (MGL c175M) as part of 'grand bargain' compromise
2019	September 26	Paid leave program begins
	October 1	Employee and employer contributions to state's paid leave program commence
2021	January 1	Massachusetts employees eligible for paid leave benefits under new state program
	July 1	Covered employees may take paid leave for family member with serious health condition
	October 1	The Department of Family and Medical Leave issues annual report for Fiscal Year 2021

## Table 3. Selected Massachusetts Business Organizations\*

\*The list below includes business organizations referenced in the case study.

Entity / Website	Mission / Brief Description
<b>Alliance for Business Leadership (ABL)</b> <a href="https://allianceabl.org">https://allianceabl.org</a>	<p>“The Alliance for Business Leadership is a coalition of progressive business leaders who believe that social responsibility and sustainable growth go hand in hand.” Its members are comprised of long-established and new, small and large companies and organizations based on a shared “commitment to creating growth, opportunity, and a fairer society for everyone. The Alliance uses the platform and privilege of the business community to move the needle on issues of economic inequality and social mobility.” It represents “the voices of progressive business leaders” to “change the perception of where the business community stands on the issues.” It provides networking opportunities to members with “like-minded peers,” key policymakers and thought leaders.</p>
<b>Associated Industries of Massachusetts (AIM)</b> <a href="https://aimnet.org">https://aimnet.org</a>	<p>“We believe that business can create a better, more prosperous world through the power of positive change. Our objective is simple—create public policy that allows employers to create jobs and economic opportunity.</p> <p>We further assert that such economic opportunity must reflect the principles of diversity, equity and inclusion. Everyone must have a voice in the economic future of Massachusetts.”</p>
<b>Bristol County Chamber of Commerce</b> <a href="https://onesouthcoast.com">https://onesouthcoast.com</a> <i>*Merged with One SouthCoast Chamber in January 2020.</i>	<p>“One SouthCoast Chamber serves 19 communities in the South Coast of Massachusetts, including Acushnet, Assonet, Dartmouth, Dighton, Fairhaven, Fall River, Freetown, Marion, Mattapoisett, New Bedford, Rehoboth, Rochester, Seekonk, Somerset, Swansea, Tiverton, RI, Wareham, Warren, RI, and Westport. One SouthCoast is a progressive organization that participates in initiatives that positively impact our business members and the quality of life in the South Coast region. Initiatives include education, economic development, trade shows, and legislative affairs.”</p>
<b>Greater Boston Chamber of Commerce</b> <a href="https://www.bostonchamber.com">https://www.bostonchamber.com</a>	<p>“An independent, non-profit organization that is the convener, voice and advocate of our region’s business community. We help our members and Greater Boston succeed by: connecting business leaders to build meaningful professional relationships; informing the business community on the most important issues facing our region; shaping public policies that sustain Greater Boston’s competitiveness; and providing leadership development programs that foster professional growth.”</p>
<b>Massachusetts Business Roundtable (MBR)</b> <a href="https://www.maroundtable.com">https://www.maroundtable.com</a>	<p>“The Massachusetts Business Roundtable (MBR) is a public policy organization comprised of Chief Executive Officers and Senior Executives from some of the state’s largest employers. MBR’s members employ more than 250,000 people in the Commonwealth. MBR’s mission is to strengthen the state’s economic vitality. MBR engages with public and private leaders to develop public policy solutions that enhance Massachusetts’ long-term competitive position and make it a highly desirable place to do business within a global economy. MBR’s agenda is driven by the membership working together on issues that have broad impact on the social and economic well-being of the Commonwealth. The members select issues where they can provide input from their knowledge and perspective as CEOs and business leaders. MBR has done extensive policy work on education, health care, competitiveness, workforce development, social and infrastructure issues.”</p>
<b>Massachusetts Restaurant Association (MRA)</b> <a href="https://www.themassrest.org">https://www.themassrest.org</a>	<p>“The MRA provides access, influence and protection to restaurant professionals allowing for the ultimate opportunity to lead thriving businesses. ...The MRA is the voice of expertise for the restaurant industry in Massachusetts manned with a powerful team of advocates with an impressive reputation.”</p>
<b>National Federation of Independent Business (NFIB)</b> <a href="https://www.nfib.com">https://www.nfib.com</a>	<p>“NFIB is the voice of small business, advocating on behalf of America’s small and independent business owners, both in Washington, D.C., and in all 50 state capitals. NFIB is nonprofit, nonpartisan, and member-driven. Since our founding in 1943, NFIB has been exclusively dedicated to small and independent businesses and remains so today.”</p>
<b>Retailers Association of Massachusetts (RAM)</b> <a href="https://www.retailersma.org">https://www.retailersma.org</a>	<p>“RAM has been the voice of the Commonwealth’s retailers for almost 100 years.” It provides “our members with valuable regulatory and policy briefings, money-saving tools, and highly effective representation on Beacon Hill.”</p>
<b>Springfield Regional Chamber of Commerce</b> <a href="https://springfieldregionalchamber.com">https://springfieldregionalchamber.com</a>	<p>“The Springfield Regional Chamber is the voice of business for our members. We work together to create a shared vision for our region, strengthen and improve our economy, develop the region’s workforce and provide legislative advocacy. For more than a century, the Chamber has promoted, supported and enhanced the economic health of the region.”</p>

**Table 4. Approved Applications, By Leave Type, 1 January through 31 December 2021**

Reason for Leave	Total
Serious Health Condition - Employee	36,841
Child Bonding	34,035
Pregnancy/Maternity	10,150
Care for a Family Member	4,819
Military Exigency Family	33
Military Caregiver	9
<b>Total</b>	85,887

Source: Department of Family and Medical Leave. (2022, 3 February). Executive Office of Labor & Workforce Development.

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UNIVERSITY OF MASSACHUSETTS BOSTON

100 Morrissey Boulevard  
Boston, MA 02125-3393

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