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**KENNEDY ON THE NEXT CHAPTER OF THE FAMILY AND MEDICAL LEAVE
ACT**

United States Senate Health, Education, Labor and Pensions Subcommittee Hearing

(As Prepared for Delivery)

I commend Senator Dodd for holding this important hearing. Striking the right balance between work and family is never easy. But it's especially difficult when serious illness or a medical emergency strikes.

In these turbulent economic times, workers face great challenges. More and more families are already strapped for cash and time, and taking time off from work to deal with a serious illness of family members can threaten their jobs. Countless American families depend on a second income to keep a roof over their heads, food on the table, and heat in their homes. Fewer and fewer families can afford to have a parent stay home with their children, and caregiving is even more difficult for single parents who constantly have to juggle the demands of work and family.

It's not just families with children who are struggling. Many working parents are part of the "sandwich generation"—they're working full-time, and struggling to care for both their children and their own elderly parents. They're stressed to the breaking point trying to balance the jobs they need and the families they love.

I learned first-hand just how difficult these crises can be when my son was diagnosed with cancer. Months of difficult treatment followed, and he had the good fortune to become cancer-free and return to a full life. I was fortunate enough to be able to take the time I needed to be there for him. Many people are not so lucky.

Fifteen years ago, we won a major victory by enacting the Family and Medical Leave Act. That landmark law passed with bi-partisan support, and it has enabled more than 60 million Americans to take time off when they need it most without the fear of losing their jobs.

The Act has been a huge success for both workers and employers. It lets workers get treatment for their own or a family member's serious medical condition, while keeping the job they need to pay for that treatment.

As one employee told the Department of Labor, "because of the Act, I was able to keep my parents out of nursing homes and still keep my job to support them later. This is the best thing you can do for working families around the country."

The Act has also provided important benefits to employers by allowing them to keep good workers. Employees feel increased loyalty to their company, and businesses say that workers with such leave are more productive and motivated, with less turnover and better workplace morale.

In the face of all this progress, however, the Bush Administration last week took a step backward, announcing new regulations that will limit workers' ability to use such medical leave when they need it.

The regulations place stricter requirements on when employees can request leave in advance, and shorten the window in which they can claim their rights after an emergency. As a result, many workers entitled to this leave are likely to have their requests unfairly denied.

The changes also make it more difficult for people to return to work when their health crisis has passed. They increase the amount of private medical information that employers can demand before employees can come back to work, and they require frequent certifications from workers taking periodic leave.

They also impose onerous new paperwork on both workers and health providers. Requiring workers with chronic conditions to have a doctor recertify twice a year that they suffer from a serious health condition is an extra burden for workers, doctors and employers. In addition, workers will have to shoulder the additional cost of unneeded doctor's appointments.

The new regulations also risk diminishing the enforcement of the Act's protections. By allowing private settlements without any oversight by the Department of Labor or the courts, vulnerable workers can be unfairly persuaded to give up their rights.

There is no basis for such changes. The Act has worked well in helping employees meet their health care needs.

The only real problem with the Act is that its protections don't go far enough. One out of 3 workers is not eligible, and the current law only guarantees unpaid leave. Since many working men and women can't afford to miss a paycheck, they don't take family and medical leave when they need it.

The leave for workers for serious health conditions should be paid leave, as proposed by Senator Dodd in his Family Leave Insurance Act.

We must also enact paid sick days, so that employees can recover from brief illnesses or obtain needed preventive care. It's a sensible policy to stop the spread of disease, reduce costs and protect our families.

With more and more people facing heavy demands at work and at home, families deserve more security, not less. Today's hearing will explore how we can preserve the protections of the Family and Medical Leave Act and build on them to benefit all working families. I welcome today's witnesses, and I look forward to their insights on this pressing issue for the nation's families.

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