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PAID FAMILY LEAVE IN NEW JERSEY:
THE GRADUAL EXPANSION OF SOCIAL INSURANCE TO WORKING-AGE ADULTS IN
THE UNITED STATES

by

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List of Abbreviations

ACS	United States Census Bureau's American Community Survey
AFL-CIO	American Federation of Labor and Congress of Industrial Organization
CPS	United States Bureau of Labor Statistics' Current Population Survey
FMLA	Family and Medical Leave Act of 1993
LWD	Department of Labor and Workforce Development
NJFLA	New Jersey Family Leave Act of 1989
NJFLI	New Jersey Family Leave Insurance
NJTDB	New Jersey Temporary Disability Benefits
SDI	State Disability Insurance

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Introduction

In May of 2008, New Jersey passed the Family Leave Insurance law to provide working adults with the ability to take paid time off of work to care for a newborn or a family member with a serious health condition. Though workers across the nation were already entitled to take up to twelve weeks off following the birth of a child under the Family and Medical Leave Act (FMLA), New Jersey's program greatly expanded the accessibility of taking leave by creating a government-provided benefit funded by an employee payroll tax: workers became entitled to two-thirds of their average weekly wage for six weeks, up to a cap, distinguishing the type of leave provided under the Family Leave Insurance from that of unpaid iterations of family leave policies.

Though other states—California, Washington, Rhode Island, New York—have passed legislation to implement state-level paid family leave programs, New Jersey provides an interesting case study for a multitude of reasons. First, the policy's place as the second-in-the-nation paid family leave program, in conjunction with the increasing rates at which other states have begun to adopt or to consider paid leave, makes it an important pioneer in U.S. family policy and therefore an important influence on U.S. leave programs going forward. Second, though the program has been in place for almost a decade, New Jersey's Family Leave Insurance has received much less research attention than has the equivalent program in California. Examining the ways in which paid family leave has functioned in one state in contrast to another is critical in determining reasons for potential differential impacts, as well as the ways in which similar policies might function in other states with different political, economic, and social contexts going forward. And third, New Jersey has a particularly unique combination of policies surrounding women's participation in the workforce that make it an interesting political context

in which to examine family policy. As Washbrook, Ruhm, Waldfogel, and Han show, generous spending on childcare subsidies (in the 90th percentile of the existing state distribution), lack of a lengthy infant work exemption for those on welfare, and the recent passage of a universal state leave law has made New Jersey into a model state in terms of policies intentionally designed to maximize the work participation of new mothers (Washbrook et al. 2011). Such a combination of policies has deep-reaching economic significance. The authors find that compared with mothers of young children in other states, mothers in New Jersey are seven percentage points more likely to be working by the time their child is nine months old, and, compared with single mothers in other states, single mothers in New Jersey are fifteen percentage points more likely to be working by the time their child is nine months (Washbrook et al. 2011, *Table 3*).

Though New Jersey's paid leave program was designed to promote female labor force participation in the long-term, so too does it have the potential to decrease the burden of family care disproportionately placed on women by creating a gender-neutral ability to take temporary paid absence from work. Through both of these mechanisms-- increasing female participation in paid employment and increasing male participation in unpaid care labor-- paid family leave programs have important potential implications for reshaping social inequalities and their relationship to economic, social, and labor rights provided by the state. Building on the leave programs previously established under the Family and Medical Leave Act and New Jersey's state-level Family Leave Act, Family Leave Insurance extends the right to take leave to care for a child or an ill family member to those who could not afford to take such leaves if they are not paid. In doing so, the policy extends the net of social insurance benefits available to working-age adults in New Jersey, and may be part of the wider process of expanding the social insurance net

at the federal level through processes of vertical and horizontal diffusion of paid family leave policy in the United States that seem to be taking root.

However, though unpaid leave programs such as the Family and Medical Leave Act were also created with the goal of narrowing gender inequalities in employment opportunities through making access to leave gender-neutral (Greenhouse 2003), leave programs in the United States-- both paid and unpaid-- have in practice been disproportionately taken by women (United States Department of Labor 2018; California Employment Development Department 2018; New Jersey Department of Labor and Workforce Development 2017). These statistics on the use of leave programs by gender, as well as the potential of leave policies to amplify discriminatory hiring practices against women of child-bearing age, have led many to argue that the current system of leave in the United States exacerbates gender inequality in the workforce rather than merely failing to attenuate it (Armenia and Gerstel 2006; Gerstel and McGonagle 1999; Glass and Estes 1997). As Megan Sholar writes, “because [family leave programs] are partially responsible for women’s greater time at home, the argument can be made that [they] have helped to undermine women’s earning potential in the United States while doing little to alleviate their responsibilities in the so-called private sphere.” Thus, “because of the existing structural gender inequalities and dominant gender norms in society, the gender-neutral language of the laws actually reinforces women’s status as full-time caregivers” (Sholar 2016, 79-80).

Though presenting family leave policies as gender-neutral may aid the process of adoption by expanding the group of individuals that is perceived to benefit from them, such tactics may also work against the expansion of such policies through weakening the possibility of positive feedback. In his work on policy feedback and political change, Paul Pierson has demonstrated that policies have both “resource” and “interpretive” effects that shape the political

landscape surrounding an issue in meaningful and enduring ways (Pierson 1993). Expanding on this work, Eric Patashnik and Julian Zelizer argue that these mechanisms affect the direction and strength of feedback during two key stages of policy development: the enactment phase, when policies are designed and feedback potential emerges, and the post-enactment phase, when implementation begins and processes of self-reinforcement either take off or do not (Patashnik 2013, 1075). Policymakers have incentives to sprinkle the benefits of a bill widely across groups during the policy design process so that “everyone gains something,” thereby building political support and increasing the likelihood of adoption; however, this also means that “the benefits to any one area may be too small to generate support,” and “after the high enthusiasm that surrounds the reform’s passage fades, the interest of ordinary citizens may wane” (Patashnik 2013, 1076). If groups purported to benefit from family leave policies are not indeed benefitting, then it is more likely that interest wanes and that the policy subsequently fails to receive the positive feedback necessary for continued support or expansion.

To investigate the ways in which paid family leave has shifted the political and economic landscape surrounding social insurance programs provided to the working-aged in the United States, I use a combination of qualitative and quantitative research on the framing, adoption, and take up of Family Leave Insurance in New Jersey. Though family leave in New Jersey was first framed as a women’s issue-- and specifically a low-income women’s issue-- an evolution in framing throughout the process of adoption for political purposes shifted the provisions of the bill to present it as beneficial to other large interest groups such as fathers, the elderly, and the disabled. However, analysis of the program’s use since its adoption shows that women are disproportionately taking leave compared to men, both to care for young children and to care for ill family members, and that the program is being used very little to care for the sick, the elderly,

and the disabled. Thus, there exists a mismatch between the political framing of NJFLI's beneficiaries as an extensive and diverse group and the relatively homogenous cohort that has actually benefited from policy since it has been in place.

Additionally, data on the rates of leave-taking for women with children under the age of one in New Jersey compared to other U.S. states demonstrate that NJFLI has had a statistically and economically significant impact on women's likelihood to take leave to care for an infant. Yet this impact has not been evenly spread across demographic groups, benefiting mothers who are white, mothers who are single and have never been married, mothers with a high school degree or less as their highest educational attainment, and mothers born in the United States much more than mothers with other backgrounds. Certain disadvantaged groups, such as black mothers, Hispanic mothers, and mothers born outside of the United States, have not benefited from the program. However, the program has led to meaningful increases in leave-taking for other disadvantaged groups such as single mothers and mothers with low levels of education.

Though the positive impact of the program on certain types of mothers' leave-taking rates could strengthen processes of policy feedback by generating a group that is directly and tangibly benefitting from the program, data demonstrating such effects have been largely ignored by those involved in the policymaking process. As a result, positive feedback in support of the program has been attenuated. New Jersey Family Leave's low per capita benefits, lack of institutional and educational support, and layered positioning atop pre-existing state and federal programs have also undermined the prospects for positive feedback generation. In this way, Family Leave Insurance not only arose as a product of the politics that surrounded its adoption, but has actively shaped the political landscape surrounding the program that continues to inform family leave policy in New Jersey and the rest of the United States.

Family Policy and the Incorporation of Working-Age Adults into the Concept of Social Citizenship

Paid family leave programs have quickly become a focus of state-level policymaking in the United States. The U.S. has not only recently experienced the adoption of five statewide paid leave programs, but has seen a dramatic increase in the attention provided to family policies in general, with some form of paid leave legislation introduced in a majority of state legislatures over the past decade (A Better Balance 2015). Beyond paid leave programs, blue states and cities across the country have expanded access to other “worker friendly” policies that extend the social protections provided to workers. A 2016 report from the National Partnership for Women and Families finds that “an ever-growing number of liberal cities and states have implemented or are in the process of implementing minimum wage hikes, earned paid sick time programs, and protections for pregnant and nursing women in the workplace” (National Partnership for Women and Families 2016).

Through the adoption of social insurance policies focused on workers at the state level, it is possible that the dynamics of American federalism will lead to eventual expansion of the social protections afforded to families at the national level. States are often conceptualized as “laboratories of democracy” through which policies undergo processes of experimentation and adaptation before developing into national programs. As Megan Sholar argues, such was largely the case with passage of the federal Family and Medical Leave Act, as thirty-four states had already adopted some sort of family and medical leave laws before the creation of the federal program, and innovations in paid family policies are arising in a similarly subnational manner (Sholar 2016). However, adoption of a national paid family leave program would mean

divergence from the residual nature of the American welfare state, which privileges reliance on the private sector to provide social protections rather than an expansive social insurance net.

The Bifurcation of Citizenship in the American Welfare State

Compared to other systems of social welfare provision, the American welfare state is ‘residual’ in three respects. First, it adopts a narrow definition of who should be eligible for public programs. Second, it adheres to a narrow conception of the risks that should be considered social in the first place. Third, it encourages reliance on the market (Esping-Andersen 1999, 75-76). This is apparent in the country’s lack of social insurance programs such as maternity benefits, family allowances, parental leave provisions, and national health care, combined with targeted government approaches to address specific gaps in coverage for defined groups-- the EITC provided to low-income working families with children, TANF concentrated on lone mothers, SSI for those with disabilities, and Medicaid and Medicare for the poor and aged (Esping-Andersen 1999, 75). In the United States, the government has taken a limited role in providing social welfare benefits. In addition, when benefits are provided, they are conceptualized in terms of civil citizenship-- based around principles of market exchange, independence, and individual liberties-- rather than in terms of social citizenship (Fraser and Gordon 2012).

As Gosta Esping-Andersen has pointed out, such a liberal welfare approach bifurcates American public social policies into a limited social insurance branch for the upper- and middle-classes on one hand, and a larger, selective welfare branch targeted at defined groups of the poor that are understood as deserving on the other. Policies under the former branch are universal and contractual in the sense that individuals “get out what they put in,” and therefore deliberately aim

to eliminate any kind of status distinction; policies under the latter branch are means-tested and understood as “handouts,” therefore provoking stigma and dualisms (Esping-Andersen 1999, 33). This has created what Nancy Fraser and Linda Gordon refer to as a “contract-versus-charity dichotomy” in the government provision of welfare in the United States: programs with the most legitimacy are framed as guaranteeing secure entitlements to some citizens by mimicking private contracts, while other programs are framed as offering unreciprocated aid to the “innocent” poor by assuming the role of previously private charity (Fraser and Gordon 2012, 60).

Central to their analysis is an acknowledgment that the bifurcation of the American welfare state following the post-war policy enactments of the New Deal fell along coded gendered, racialized, and classicized lines. American social insurance programs historically embodied contractually-based principles of exchange because they were designed by reformers to appear contributory, contingent on intended beneficiaries being white, male, and relatively privileged members of the working class who were understood as entitled due to their status as wage earners and economic contributors (Fraser and Gordon 2012, 61). However, the trend of the American welfare state in recent decades has been the gradual nationalization of income transfer programs, driven in large part by the expansion of Social Security (Pierson 2004, as cited in Howard 2007, 34). In this way, national institutions have “invited a growing and increasing” portion of the population “into the full embrace of citizenship” (Lieberman 1998). Yet despite this augmentation of the upper-tier of the welfare state, social insurance programs in the United States have not expanded to cover working-age adults and their families. This stands in contrast to industrialized European nations, which provide benefits to working-age adults through policies such as sickness pay, temporary disability benefits, and family allowances. In the United States, employment is the primary source of coverage, if it provides coverage at all.

Under such a framework, it is not surprising that the United States political and economic context has produced significantly less generous family leave policies than other welfare nations. The “contract-versus-charity” dichotomy forces an “ideological disjuncture” between claims to social resources that arise from the “male sphere” of contractual relations and those that arise from the “kinship sphere,” constructing kinship as natural and thus outside of the circuit of exchange (Fraser and Gordon 2012, 58). Paid family leave policies attenuate distinctions between the two spheres-- they bring kinship into the realm of exchange by providing financial compensation for childrearing and family care.

Social Inclusion and the Dynamics of Federalism

The arrangements of American federalism may work to incorporate citizens into a unified concept of “social citizenship” through mechanisms of upward policy diffusion; public programs experimented on by the states may morph into a unified, more inclusive policy at the federal level, as was the case with unpaid family leave schemes that resulted in the eventual adoption of the FMLA. However, Suzanne Mettler demonstrates that the exclusion of groups from a nationalized concept of social citizenship is also exacerbated by the very arrangements of federalism themselves. Through social policies arising under the New Deal, Mettler argues white men in the United States became “endowed with national citizenship as they were incorporated into policies to be administered through standardized, routine procedures by the national government” (Mettler 1998, 5-6). Women and minorities were instead “relegated to those social and labor policies to be administered primarily by the individual states, [...] subject to highly variable forms of citizenship inherently tied to the politics of place,” and were not incorporated

into a nationalized concept of citizenship until institutional shifts that occurred following the post-war period (Lieberman 1998; Mettler 1998, 5-6).

The policy incongruencies created by the dynamics of federalism and their subsequent effects on social inclusion are apparent in the provision of a right to unpaid leave before and after the federal adoption of the Family and Medical Leave Act. Most states introduced some form of family leave legislation through the 1980s and 90s, and by the time FMLA became law, thirty-four states had already enacted unpaid family leave policies through their own mechanisms. However, in line with the incongruent nature of social citizenship when welfare is provided through states, there was significant variation in generosity, state-wide universality, and inclusiveness of these state policies: some provided time off for pregnancy and childbirth and nothing else, while other policies allowed for the gender-neutral care of infants, parents, or other family members with serious health conditions (Sholar 2016, 103). Many leave policies exempted firms under a certain size, but not all. Even more variable, the length of leave provided within states ranged from sixteen hours to one year (Women's Bureau 1993). In these ways, conceptualizations of the economic, social, and labor rights of individuals in the United States-- in this case the right to take family leave-- were highly variable and inseparably tied to the politics of place before reaching a degree of standardization through policy making at the federal level.

However beyond this, American states have tended to incorporate citizens in a manner inferior to that of the national government, effectively institutionalizing social inequalities. Though states serve as experimental "laboratories" of democracy, so too do they compete with each other in a "free trade" market for labor. As Mettler argues, "the willingness of the states to enact and carry out broad and inclusive social and labor policies has been and continues to be

restrained by the political-economic features of U.S. federalism. [...] States must compete with one another to establish a favorable business climate in order to attract and retain business,” which forces reluctance to adopt policies that are perceived as increasing the cost of business (Mettler 1998, 15). Such a view sheds light on the many failed attempts to adopt state-level paid leave programs in the U.S., which have met opposition from groups promoting business interests due to fear that a paid leave program will encourage firms to move elsewhere.

Adopting Paid Family Leave in New Jersey

Despite meeting resistance based on such fears created by the “free market” of a federal system, New Jersey provides a case study of a state that was able to pass paid family leave legislation through expanding the group perceived to benefit from the policy in conjunction with careful, organized lobbying. The politics of NJFLI’s adoption demonstrate how framings of paid family leave policies’ purpose and potential create feedback effects that then shape the political landscape surrounding such policies. In this way, NJFLI and other social insurance policies crafted at the state level create new politics, both within the state and within the country, and have tangible impacts on family-focused policymaking beyond their direct economic effects (Schattschneider 1935).

Methods

The New Jersey Legislature maintains a website that compiles information on its activities over time, including a record of the bills that have been brought to the Assembly and/or the Senate since 1996. In some cases, the website provides transcripts of public hearings, archived recordings of proceedings, and legislative reports of specific policies evaluated by

legislative committees, commissions, and task forces. However, these records are not available for the handful of bills considered by the New Jersey Assembly and/or the Senate related to paid family leave from 1997 to the present. The one exception is an archived recording of a hearing held by the Assembly Appropriations Committee about Assembly Bill 873-- the iteration of the bill that eventually became law-- which occurred in the afternoon on March 10, 2008 (New Jersey Assembly 2008). I used this recording to provide information on the debate around paid family leave that occurred in the Assembly, especially around questions of financing the program, as well as to understand the political and economic reasons behind the amendments that were made to the bill by the Assembly Appropriations Committee prior to its adoption.

I also searched through transcriptions of open meetings held by various New Jersey Assembly committees concerned with family and labor issues from 1997 until the present day. Records of these open meetings have been archived by the New Jersey State Library and are available through their New Jersey State Publications Digital Library (NJ DSpace). The records from two public meetings in particular-- an Assembly Labor Committee meeting on January 24, 2000 and one on February 4, 2002-- were helpful because they document the public positions of important interest groups in the New Jersey family leave debate, including the New Jersey chapter of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), the New Jersey Business and Industry Association, the New Jersey Industrial Union Council, New Jersey Citizen Action, the New Jersey State Chamber of Commerce, and the New Jersey Anti-Poverty Network.

Beyond this, I relied on media accounts of the process of adoption of paid family leave in New Jersey to supplement the formal archived information provided by the legislature, looking specifically at newspaper accounts of the public hearings, legislative proceedings, and lobbying

surrounding the various paid family leave bills that were brought to the New Jersey Legislature between 1997 and 2008. I primarily used the ProQuest “Current News” database to find relevant newspaper articles, searching for them using variations on the terms “paid family leave,” “family leave insurance,” and “temporary disability insurance” and looking at those articles that have been published in the past three decades. Additionally, I relied on information provided by individuals at organizations central to family policy in New Jersey, including the Rutgers Center for Women and Work, New Jersey Policy Perspective (NJPP), and Advocates for Children of New Jersey. Elaine Zundl, the Research Director at the Rutgers Center for Women and Work, provided me with a preliminary look at forthcoming research that is being done by the Robert Wood Johnson Foundation related to awareness of the program among New Jersey residents.

The Center for Women and Work, New Jersey Policy Perspective, and Advocates for Children of New Jersey each played a critical part in drawing attention to paid family leave in New Jersey, organizing interest groups, and coordinating the lobbying around Family Leave Insurance as a policy. Therefore, first- and second- hand accounts of the process, obtained through conversations with individuals working at each organization via email and the phone, served an invaluable role in my understanding of the political history of paid family leave in New Jersey.

When it came to understanding the perspective of the critical political actors who led the efforts to adopt the law, I relied heavily on the work of two scholars who have independently engaged in research characterizing the process of adopting paid family leave policies in the states that have done so. Their work not only gave me access to political reasons behind the final provisions of Family Leave Insurance as distinct from previous iterations of the proposed program, but additionally allowed me to comparatively look at the process of adopting paid

family leave in New Jersey in contrast to that of California, Washington, Rhode Island, and New York. First, I used the qualitative research conducted by Madeleine M. Kunin, a former governor of Vermont and US ambassador, on the past five decades of advocacy around gender-focused policies in the United States. In her book *The New Feminist Agenda*, Kunin looks at the adoption of paid family leave laws in California, Washington, and New Jersey to “gather views” on how “state action can build momentum for the passage of [paid family leave laws] at the national level” (Kunin 2012, 66). Due to her status as an important American political actor, she is able to directly interview the politicians that were most central to passage of the bill in New Jersey, such as Steve Sweeney (D- Gloucester)-- the bill’s primary sponsor-- and state senator Loretta Weinberg (D- Teaneck)-- a vocal advocate for it in the senate. Kunin uses these interviews with key political actors to draw conclusions about how and why proponents finally succeeded after twelve years of trying to pass the legislation in New Jersey.

More recently, Megan A. Sholar has investigated the development of state family leave policies in her book *Getting Paid While Taking Time*. Relying on interviews with activists, politicians, and scholars, Sholar provides an in-depth study of the ways in which women’s groups exerted pressure on New Jersey public officials to sway family leave policymaking. This lens allows her to look at the various political forces that culminated in the policy’s adoption in New Jersey in comparison and in contrast to those which occurred in the other states that have adopted the law. Sholar’s comprehensive analysis of the political processes surrounding the adoption of Family Leave Insurance in New Jersey greatly informed the direction of my own research, and I relied greatly on the information she gained through interviews with key lobbyists and activists.

Introduction of Paid Leave Policy

Paid family leave legislation was first proposed in New Jersey in 1997 through the introduction of the Paid Family Leave Act. The original bill would have provided up to 12 weeks of paid time off at two-thirds an employee's average weekly wage, funded through the existing employer-employee joint tax set up under the state's temporary disability insurance program. It had bipartisan co-sponsors in both the Senate and the Assembly, and through the promotional efforts of the New Jersey State chapter of the AFL-CIO, received significant support from labor unions and employee's rights groups (Business Wire 1997). Laurel Brennan, the Secretary-Treasurer of New Jersey State AFL-CIO who headed the efforts to pass the legislation, argued that the use of welfare as a form of "maternity leave" was a pressing problem in the state of New Jersey and offered up the Paid Family Leave Act as a potential remedy. Throughout her work to stir up support for paid family leave, she repeatedly focused media attention on a 1996 report to Congress that found that nationwide nearly 20 percent of poor mothers used welfare to support themselves while caring for an infant (Business Wire 1997, using statistics from the US Department of Labor 1996). As a result, New Jersey AFL-CIO's efforts to spearhead the messaging surrounding the 1997 bill grounded early conversations on paid leave in New Jersey in more widespread state- and national-level conversations about increases in welfare caseloads that resulted in the passage of the Personal Responsibility and Work Opportunity Act later that year.

However, the bill received little support beyond the efforts of the AFL-CIO and met significant opposition from the New Jersey Business and Industry Association and the State Chamber of Commerce (New Jersey Assembly 2000). As a result, paid family leave did not gain much traction among New Jersey legislators until California passed its law in 2002, after which

advocacy groups gained vigor by witnessing the quick passage of the nation's first paid family leave law and the multitude of interests that had coalesced around the policy (White 2011). California provided a particularly useful model because the state had relied on its existing temporary disability insurance program as a mechanism to fund the leave legislation, requiring minimal increases in state infrastructure to evaluate claims and administer benefits. One of only four other states in the nation with TDI, many policymakers viewed New Jersey as a natural parallel to California due to the state's similarly long-established temporary disability insurance program. Both states have had a temporary disability program in place since the mid-1940s, and both have extended partial wage replacement benefits to women through these programs since 1970 (Sholar 2016, 115).

Process of Adoption

The version of New Jersey Family Leave Insurance legislation that was eventually enacted (S2249/A3812) was introduced in the Senate by Steve Sweeney (D- Gloucester) and Barbara Buono (D- Middlesex) in 2005, the year immediately following the implementation of California's program. Unlike its predecessors, the version of the family leave bill that became law did not receive bipartisan sponsorship and was a Democratic-led effort in both the Assembly and the Senate throughout its evolution. Its specific provisions, including requiring employees to use vacation time before receiving family leave benefits and funding the program in full through employees without additional contributions from employers, were heavily based on the model of paid family leave provided by California. New Jersey policymakers seemed to have learned the lesson from the bill introduced the decade prior that businesses-- especially small businesses-- would provide strong opposition to any version of a law in which they would have to pay for the

leave. This lesson was also reinforced by the process of adopting paid family leave in California: members of the California Chamber of Commerce had sent out thousands of letters to legislators opposing a version of the bill that called for an employer contribution, stemming from concerns that businesses would be driven out of the state by the imposition of an additional financial requirement (Milkman and Appelbaum 2004).

The strength and diversity of lobbying efforts in support of paid family leave, coordinated by the work of a grassroots organization, was central to the passage of New Jersey Family Leave Insurance. Created in 2003 with Family Leave Insurance as its explicit first priority, the New Jersey Time to Care Coalition drew support from a range of invested constituencies that might otherwise have been less involved in lobbying for paid leave such as children's advocacy groups, disability rights groups, and the AARP (Kunin 2012). These efforts in the mid 2000s headed by Time to Care, as opposed to efforts from a decade earlier headed by the American Federation of Labor and Congress of Industrial Organizations, were more focused on the impacts on those *cared* for through family leave-- children, the elderly, and the disabled-- rather than solely on the labor rights of the employees taking leave themselves. Family Leave Insurance still received support from a number of important actors concerned with worker's rights, especially those involving women in the workforce, but expanded to include groups focused specifically on the rights of children, seniors, and the sick and disabled. The diversity of the coalition promoting the adoption of paid leave contributed to discourse that the bill would benefit many groups in New Jersey beyond the original target group of the bill-- namely lower-income women (Sholar 2016, 116) In such a manner, political framing carefully expanded the collection of interest groups perceived to benefit from the policy, thereby growing the support for its adoption.

Additionally, rather than focusing on the impacts of paid family leave on poor mothers taking leave to care for an infant, politicians and advocacy groups shifted messaging surrounding the campaign in the mid to late 2000s to focus attention on the benefits to middle-class families and highlight the importance of providing leave for the care of ill family members and not just for infant children. Many of the politicians spearheading the fight for paid family leave in 2008 spoke publicly about personal experiences caring for family members or being cared for by family members and pushed for adoption of the bill along these lines (Sholar 2016, 70). Democratic Senator Loretta Weinberg (D-Teaneck) was a primary champion of the bill and spoke about the leave benefits she received as a state legislator that allowed her to take care of her terminally ill husband: “[She] could be with him in the hospital, when he came home, and when he was at hospice” without “having to worry about losing [her] job and [her] health benefits,” but most workers in New Jersey would not have had the same privilege. Primary sponsor Steve Sweeney (D- Gloucester), the Senate Majority Leader at the time, similarly expressed gratitude for a leave he had taken to care for his daughter during a period in which she was hospitalized and argued for the extension of the same right to other workers in New Jersey (Sholar 2016, 71). Governor Jon Corzine (D) provided critical backing for the bill as a personal lobbyist for its passage because of a serious injury he had previously suffered following an automobile accident. He spoke publicly about the importance of receiving care while injured, arguing that when he was in the hospital after his accident “it was the strong support from [his] family,” who “had the flexibility to be there for [him], day in and day out, [...] that kept [him] going” (Office of the Governor of New Jersey 2008).

Political support of the bill on the Assembly and Senate floors disproportionately centered around the use of paid leave to care for ill, injured, and temporarily disabled family

members compared to its use to care for newborn infants. Key politicians' personal narratives related to temporary disability (Weinberg on her terminally-ill husband, Sweeney on his disabled daughter, Shure on recovery from his accident) played a critical a role in swaying public opinion in favor of the bill, and specifically, contributed to a political framing of the policy as gender neutral and beneficial to may groups of individuals who require care. By focusing on its importance for groups of men, the elderly, and the disabled, framing through politicians' personal narratives became critical to drawing public support that extended beyond that of women's groups (Zalkind 2017). This mirrored trends in the take-up of unpaid leave that were unfolding concurrently at the state- and national-level: early research on the Family and Medical Leave Act of 1996 found that, though women take leave to care for newborns and for ill family members at significantly higher rates than men, the greatest gender gap in utilization of the program in terms of length of leave taken was in care for newborns, while the smallest gender gap was for care of a sick spouse, sick parent, or a ill child (Armenia and Gerstel 2006, 887).

Additionally, statistics on the take-up of California's family leave program provided evidence that a paid leave program-- like its unpaid counterparts-- would be disproportionately used by women to fund leaves taken to care for newborns. In 2007, the year before the adoption of New Jersey's Family Leave Insurance program, 88 percent of total paid family leave claims filed in California were to care for newborns, and 79 percent of those claims filed to care for newborns were filed by women (CA Employment Development Department 2018).

Policymakers had multiple years of data on the take-up and use of California's program available to them, as well as data on the similarly-patterned use of the FMLA in New Jersey and around the country, and thus the heavy focus on the use of paid leave to fund the care of ill family members rather than the care of newborn children during legislative debates, especially based

around the testimony of male workers and politicians, demonstrates a reluctance to frame the policy solely in terms of it being a women's issue.

Taken together, the evolution of debates around paid family leave as they occurred in both branches of the New Jersey legislature over time demonstrate a growing reluctance to frame the wider debate over paid leave in terms of gender equality. Instead, Democrats came to push for the state adoption of paid leave on the basis of it being an issue that touches “nearly everyone at some point in their lives” (quote from Jon Corzine, Office of the Governor of New Jersey 2008). The political movement away from speaking of leave as a policy “for women, to care for children, for gender equality” may explain why the policy increasingly lost support from Republican lawmakers over time due to the party's historical willingness to be understood as pro-family rights, but not as pro-labor rights (Kunin 2012, 2). Indeed, state-level Republican politicians were reluctant to adopt paid family leave on the basis that its expansion of labor rights for workers would send business out of New Jersey. As Sholar argues, the resistance from politicians concerned about family leave's impacts on business were legitimized by the work of the New Jersey Chamber of Commerce to counter the bill (Sholar 2016, 117). Vehement opposition from the Chamber of Commerce ultimately had a strong impact on the provisions of the bill, cutting benefits from lasting for a maximum of twelve weeks-- as was proposed in the version of the bill first introduced in the Assembly in the 2008 legislative session-- to lasting for a maximum of six weeks. The ultimate adoption of the bill fell nearly entirely along partisan lines.¹

Thus during the process of adopting Family Leave Insurance, the provision of benefits to those taking leave to care for children and ill family members was increasingly framed in

¹ With the exception of two Republicans voting in favor and one Democrat voting against in the Assembly, and one Republican voting in favor and two Democrats against in the Senate.

contractual terms rather than in terms of social rights. Such a shift was largely an intentional move by those crafting the media's language surrounding paid family leave. As Jon Shure of New Jersey Policy Perspective explains, he had to work to “counter the notion that [paid leave] was a perk, giving them something they didn't deserve. This isn't a government benefit. It's government playing the role of mediator to help them [employers and employees] resolve something they couldn't do on their own” (Jon Shure, as quoted in Kunin 2012, 70). The shift to framing paid leave in terms of economic exchange is also evident in changes to the policy's name over time. The policy was first proposed in New Jersey as the “Paid Family Leave Act,” but came to be referred to as Family Leave Insurance as an intentional strategy to build support for its adoption. As Shure argues, “it's hard to be against [family leave insurance]. Everybody believes in insurance; not everybody believes you should be paid for not working” (Kunin 2012, 70). However, the terminological transition from “paid family leave” to “family leave insurance” coincided with the decrease in Republican support for the program; thus, Shure's words demonstrate a decidedly-left interpretation of the of the role of the social insurance net in the United States and paid leave's natural and incontestable inclusion into it.

Family Leave Insurance in the Policy State

Looking at the specific provisions of New Jersey's family leave policy, it is clear that the program's final form was complicated not only by the political processes surrounding its adoption, including concessions made to appease business opposition, but also by the existing network of policies present in both the local New Jersey context and in the wider U.S. context. This layering of policy structures atop one another led to specific program features that have shaped the patterns of utilization of the program since its adoption.

As Patashnik and Zelizer argue, layering in the policy state “generates conflicts among programs and agencies that undermine policy sustainability” and suppress mechanisms of positive feedback (Patashnik 2013, 1077). In the case of NJFLI, embedding state paid leave benefits in the right to take leave established under the federal FMLA created an inconsistency whereby individuals in small firms are at risk of losing their jobs after taking leave, and this inconsistency has played a key role in employees’ decisions about whether or not to utilize NJFLI when they are eligible for it (Eagleton Center for Public Interest Polling 2012). In addition, running the NJFLI program through New Jersey’s already-existing Temporary Disability Insurance infrastructure has privileged the claims of those who are eligible for both programs-- namely biological mothers who are able to file a claim for temporary disability related to pregnancy and later a claim for child care leave-- by automating the claim filing system that serves as the transition between the two programs. This may partially explain why NJFLI has been so heavily and disproportionately used by women, even when compared to utilization of the other state paid family leave programs in California and Rhode Island.

New Jersey Family Leave Insurance

The New Jersey Family Leave Insurance law (NJFLI) provides up to six weeks of benefits to employees taking time off from work to care for a child during the first twelve months after the child’s birth or adoption, or to care for a family member suffering from a serious health condition. Employees who have worked at least twenty weeks and earned \$168 per week, *or* those who have earned \$8,400 in the fifty-two weeks immediately prior to taking leave, are eligible for the program. All employers are subject to the law without exemptions based on firm size. Employees are eligible to receive two-thirds of their average weekly compensation, which is generally calculated based on the employee’s earnings in the eight

calendar weeks immediately prior to the week in which the leave begins, up to a maximum cap. The NJFLI wage replacement cap has grown over the years, from \$546 per week in 2009 to \$633 per week in 2017, as can be seen in *Table 1*. The cap under the current program is set at fifty-three percent of the statewide weekly average compensation.

Table 1: NJFLI Weekly Benefit Cap and Average Weekly Benefit in Dollars, 2009-2016

	2009 [July- December]	2010	2011	2012	2013	2014	2015	2016	2017
Weekly Benefit Cap	546	561	559	572	584	595	604	615	633
Average Weekly Benefit	471	479	482	487	496	505	516	524	data not yet available

Source: DoLWB Family Leave Annual Reports

New Jersey’s Family Leave Insurance program is funded entirely through employee payroll contributions, and benefits are administered through New Jersey’s Temporary Disability Benefits program. Each year, the Commissioner determines the annual rate of contribution to be paid by employees into the State Disability Fund (New Jersey P .L. 2011 c. 88). In 2017, the employee contribution rate to Family Leave Insurance was 0.1 percent of the taxable wage base, and the taxable wage base defined as the first \$33,500 in covered wages that an employee earns during the calendar year; this means that in 2017 the maximum yearly deduction for NJFLI for any worker was \$33.50 (New Jersey Department of Labor and Workforce Development 2017). Covered wages include those earned through nearly all employment, with some exceptions for agricultural and domestic labor receiving less than a certain level of remuneration. Though only workers contribute to NJFLI, both workers and their employers contribute to the state’s temporary disability insurance program. In 2017, the employee contribution rate to State Disability Insurance (SDI) was 0.24 percent of the taxable wage base, making the maximum employee contribution \$88.40, while the employer contribution rate varied between 0.1 and 0.75

percent of the same taxable wage base for each employee. Thus, across both the family leave and temporary disability insurance programs encompassed in New Jersey Temporary Disability Benefits system, workers in 2017 contributed 0.34 percent of the first \$33,500 of their coverage wages.

Both the earnings replacement rate and the maximum weekly cap make the program out of reach for many low- and middle-income families (White et al. 2013). Minimum wage, part-time, and single parent workers may find it particularly difficult to handle a 33 percent reduction in income for multiple weeks, while workers earning anything just above the state's median weekly earnings (\$832 in 2016) will hit the maximum weekly cap and experience an even larger percent reduction (US Bureau of Labor Statistics 2018).

Establishment of Leave Entitlement Under FMLA and NJFLA

Importantly, the New Jersey Family Insurance Law itself does not on its own establish any leave entitlement. Instead, NJFLI relies on leave entitlements that have already been created through existing state and federal laws and establishes a monetary benefit for the take-up of such programs. Employers in New Jersey are required to provide leave to new parents and those needing to take care of sick family members through two mechanisms-- the New Jersey Family Leave Act of 1989 (NJFLA) at the state level, which was the state predecessor to the federal program, and the Family and Medical Leave Act of 1993 (FMLA) at the federal level. Eligible employees are able to take up to twelve weeks of leave during a twelve-month period under FMLA, and up to twelve weeks of leave during a twenty-four-month period under NJFLA. Both FMLA and NJFLA cover employers who maintain fifty or more employees on their payroll

during the current or preceding calendar year, as well as all public agencies regardless of the number of employees. The leave provided through both programs is job-protected.

The Family and Medical Leave Act entitles employees to take leave for five distinct reasons, while the New Jersey Family Leave Act entitles employees to take leave for just two of these reasons. If an employee takes leave to either care for a new child or care for a family member with a serious health condition-- the two qualifying reasons that are included in both programs-- then FMLA and NJFLA will run concurrently to avoid a scenario of “double dipping.” A key difference when it comes to taking parental leave is that FMLA provides protected time for the employee’s own illness or medical condition, while NJFLA does not. In practice, this means that if an employee first takes time off for her *own* medical condition under FMLA, which includes the birth of a child and medical complications relating to childbirth and pregnancy, then NJFLA would *not* concurrently run and the employee could still take up to 12 additional weeks off for any of the reasons allowed under NJFLA.

Table 2: Qualifying Reasons for Leave under the FMLA and the NJFLA

Family and Medical Leave Act Qualifying Reasons	New Jersey Family Leave Act Qualifying Reasons
<ul style="list-style-type: none"> • The birth or adoption of a child or placement of a foster child 	<ul style="list-style-type: none"> • The birth or adoption of a child or placement of a foster child
<ul style="list-style-type: none"> • The care of a parent, child, or spouse with a serious illness, injury, or health condition 	<ul style="list-style-type: none"> • The care of a parent, child, or spouse with a serious illness, injury, or health condition
<ul style="list-style-type: none"> • The care of the employee’s own serious health condition (illness, injury, impairment, or physical or mental condition) 	
<ul style="list-style-type: none"> • The deployment of a spouse, child, or parent into active military duty 	
<ul style="list-style-type: none"> • The care of a U.S. service member with a serious illness, injury, or health condition 	

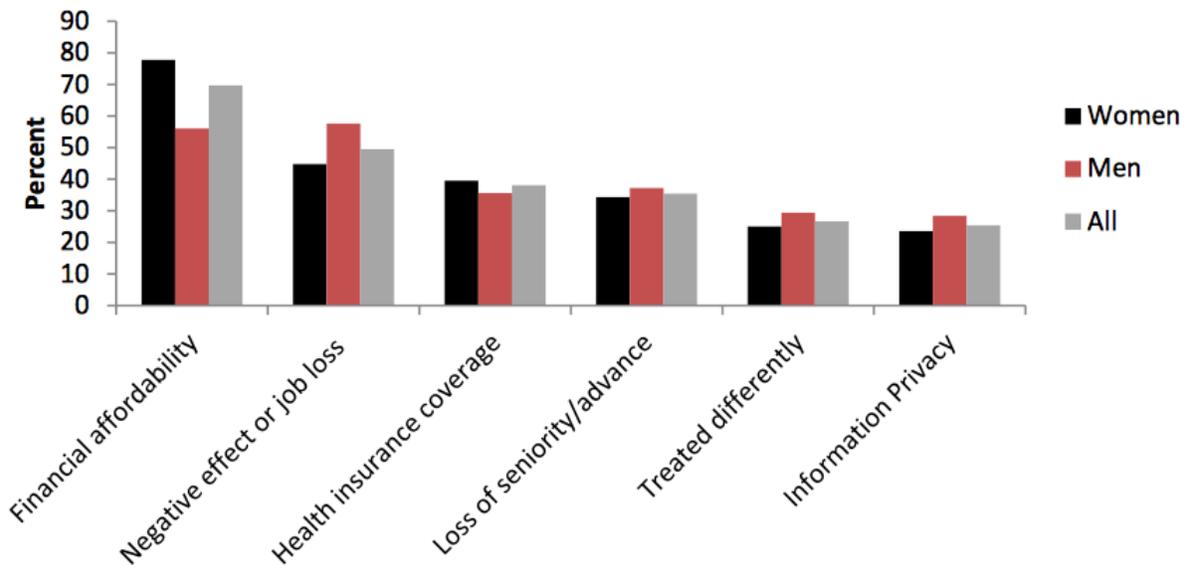
Biological mothers in New Jersey can thus take up to a maximum of twenty-four weeks of parental leave, as the first twelve weeks taken can be taken under FMLA for their own pregnancy-disability and the second twelve weeks under NJFLA for care of their child. Fathers, on the other hand, can take only a maximum of twelve weeks of parental leave because for them FMLA and NJFLA will run concurrently.

Both FMLA and the state-level New Jersey leave entitlement program are job-protected, providing employees with assurance that will receive their former position or one that is substantially similar when they return from leave, and both programs exempt firms with fewer than fifty employees. The Family Leave Insurance program, however, is not job-protected, and it provides no exemption for small businesses: all firms that employ more than a single person are covered. As a result, there is a mismatch between the job-protection provided by the programs that establish leave entitlements and the additional workers in small businesses who are covered under the Family Leave Insurance Act. Employees who work for firms that employ fewer than fifty people may take advantage of partially paid parental leave; however, they are not guaranteed that their job will be protected during the time in which they take their leave of absence.

In August of 2012, the Eagleton Center for Public Interest Polling at Rutgers University surveyed registered New Jersey voters to gather data on awareness, utilization, and opinions of NJFLI. The study found that 14.7 percent of women and 9.6 percent of men polled “experienced an event that might lead to family leave and seriously considered taking such a leave,” but ultimately did not take it. Among those included in this group, over 50 percent reported that they did not take advantage of the program out of concern that a leave might negatively affect or cost them their jobs. Such responses suggest that the lack of job-protection for workers employed in

small firms has a notable impact on individual-level decision-making surrounding the use of paid leave. The layering of NJFLI atop the conditions of leave established by the FMLA has likely attenuated the impact of the policy, although this cannot be concluded with certainty until more research is done into the decision-making of individuals who are aware of the availability of paid family leave but are choosing not to use it.

Figure 1: Reasons for Not Taking Leave by Gender



Source: reproduced directly from Houser (2012, p. 6, *Figure 6*)

Establishment of Maternity Leave as a Temporary Disability Benefit

The Pregnancy Discrimination Act of 1978 changed the family leave policy landscape in the U.S. by mandating states with temporary disability insurance programs to include pregnancy and childbirth as a qualifying disability for taking a temporary leave of absence from work. New Jersey’s Temporary Disability Benefits (NJTDB) program has therefore provided a form of maternity leave to mothers claiming temporary disability due to pregnancy, the birth of a child, and medical complications relating to childbirth since 1978. Like Family Leave Insurance, the

Temporary Disability Benefits law provides employees with the right to receive compensation while they are disabled and unable to work. It does not require employers to provide leave. Employees seeking a temporary leave from work must qualify for leave under the Family and Medical Leave Act, or under the employer's leave of absence policy or some other applicable law. For those eligible to take leave through other programs, NJTDB provides a partial wage replacement of two-thirds of the employee's average weekly compensation, up to a maximum cap; this cap is the same maximum weekly benefit rate as the Family Leave Insurance program, and in 2017 was set at \$633. NJTDB covers all New Jersey employers without exceptions based on firm size, and part- and full-time employees that worked at least twenty hours *or* earned \$7,250 in the preceding year are eligible for benefits.

Because of the existence of both temporary disability and family leave insurance, mothers in New Jersey who are covered by both programs are eligible to receive up to twelve weeks of partial wage replacement during the time in which they claim maternity leave. Fathers can receive up to six weeks of partial wage replacement under the Family Leave Insurance program, and they are unable to use NJTDB as a form of paternity leave because they cannot make a claim related to their own disability. The interaction between the two programs may hypothetically contribute to the disproportionate take up of Family Leave Insurance by women, as they may be more likely to take advantage of paid leave through NJFLI if they are already taking advantage of it through temporary disability benefits.

Beyond this, changes to New Jersey Department of Labor and Workforce Development's (LWD) claim filing system following the implementation of NJFLI have increasingly made it easier for women to "double-dip" into temporary disability and family leave benefits, as can be seen by the increasing number of NJFLI child care claims made immediately following

pregnancy claims for NJTDB shown in *Table 3*. In early 2010, LWD moved to a fully automated web-based process to transition mothers moving from a pregnancy-related NJTDB claims to NJFLI, which has “allowed claimants to move from one benefit to another and avoid disruption in receipt of benefits” (White 2013).

Table 3: NJFLI Child Care Claims Following a NJTDB Pregnancy Claim, 2009-2016

	2009 [July- December]	2010	2011	2012	2013	2014	2015	2016
Number of NJFLI child care claims immediately following a pregnancy claim for NJTDB	3,802	11,112	11,952	12,887	13,444	13,311	14,320	14,537

Source: DoLWB Family Leave Annual Reports

This improved system has likely contributed to the increase in the percentage of NJFLI child care claims that are filed immediately following a temporary disability pregnancy claim (White 2017).

Attempt at Expansion

In June of 2017, both the New Jersey Assembly and the Senate passed a bill that would have made benefits for some of those taking paid family leave more generous by increasing the cap to ninety percent of the statewide weekly average compensation, which would have raised the maximum reimbursement an applicant can receive to \$932 per week (Assembly Bill A4927). This bill would increase the generosity of New Jersey’s cap to fall closer in line with the family leave programs in California (capped at \$1,173 per week in 2017) and Rhode Island (capped at \$817 per week in 2017). However, this proposal was vetoed by Governor Chris Christie out of concern that it would force an increase in taxes on New Jersey residents, despite

a dominant view among Democrats that the funding for the program would not need to be increased because of the underutilization of the current program (Landerган 2017).

The NJFLI proposed expansion was criticized by state anti-poverty and labor lobbyist groups focused on the argument that it did not do enough to make the program accessible to low-income families (New Jersey Policy Perspective 2017). Because of its focus on raising the cap rather than changing the replacement rate, the bill would have made paid leave more generous for middle-class families rather than low-income ones who, even when receiving two-thirds of their average weekly compensation, do not meet the weekly benefit cap. However, these criticisms were largely ignored by policymakers, and the bill's primary sponsors in the Assembly² and in the Senate³ pushed it forward on the basis that it would lead to higher take-up of the program among men and middle-income families (Landerган 2017).

Implementation, Monitoring, Evaluation

Though the New Jersey Department of Labor and Workforce Development (LWD) is tasked with implementing, monitoring, and evaluating NJFLI, the agency has failed to serve as an advocate for the program in a multitude of ways. These include limited statewide outreach and education on the program, little available data on the ways in which it has been and is being used, and significant gaps in the annual data that are mandated to be collected by law.

² Primary sponsors in the Assembly include Vincent Prieto (D- Bergen), Sheila Oliver (D- Essex), Reed Gusciora (D- Mercer/Hunterdon), and Mila Jasey (D- Morris).

³ Primary Sponsors in the Senate include Stephen Sweeney (D- Gloucester), Patrick Diegnan (D- Middlesex), and Teresa Ruiz (D- Essex).

State Outreach

The LWD established notification procedures during the early months of NJFLI implementation as required by law. However, “no extensive, statewide outreach and education program was conducted to make sure that all of New Jersey’s covered workers, their families, and the businesses that employ them were made aware of the program, how it works, and how workers can access benefits when they need them” (White et al. 2013). This has led to particularly low levels of awareness about the existence of NJFLI and the benefits available under the program. The Eagleton Center’s 2012 NJFLI public opinion survey revealed that fewer than four in ten New Jersey residents (39.7 percent) are aware of the existence of paid family leave in New Jersey. Of those surveyed, women were significantly more likely to be aware of the program than men, and “awareness was lowest among less advantaged New Jerseyans, including adults with less than a high school degree (28.9%), black adults (32.3%), young adults (29.7%), retired (28.9%) and older adults (30.4%), non-partnered adults (33.4%), and adults earning less than \$25,000 per year” (Eagleton Center for Public Opinion Polling 2012). These groups are often cited as being the biggest beneficiaries of a paid leave program as opposed to an unpaid leave entitlement. As a result, the state’s lack of outreach, education programs, and coordinated efforts to bring awareness to NJFLI have undermined the prospects for feedback generation by inadequately engaging the interests that potentially have the most to gain from the program.

State Data Collection

New Jersey Department of Labor and Workforce Development (LWD) is mandated by law to collect data on Family Leave Insurance implementation, uptake, and usage because of the fact that paid leave program benefits are administered through its infrastructure. State law

requires that Family Leave Annual Reports be made available no later than December 31st of every year (P. L. 2008, c. 17). The LWD Commissioner also not only has the authority to direct studies aimed at monitoring and evaluating the program, but is actively encouraged to do so in the text of the law. As it states:

The Commissioner may conduct surveys and other research regarding the impact and potential future impact of the provisions of [Family Leave Insurance], including the costs and benefits from the provisions of [Family Leave Insurance] for:

- (1) Employees and their families, including surveys and evaluations of: what portion of the total number of employees taking leave would not have taken leave, or would have taken less leave, without the availability of benefits; what portion of employees return to work after receiving benefits and what portion are not permitted to return to work; and what portion of employees who are eligible for benefits do not claim or receive them and why they do not;
- (2) Employers, including benefits such as reduced training and other costs related to reduced turnover of personnel, and increased affordability of family temporary disability leave insurance through the State plan, with special attention given to small businesses; and;
- (3) The public, including savings caused by any reduction in the number of people receiving public assistance.

State of New Jersey Department of Labor and Workforce Development, P. L. 2008 c. 17

The text of the law demonstrates policymakers' attempt to institutionalize processes of policy feedback by encouraging the LWD to carry out extensive research on the program. Beyond just advocating for research to be conducted in general, the law lays out specific areas of concern and goes on to recommend specific studies that might be conducted.

However, in the near decade since the law's implementation no such studies have been undertaken. There have also been shortfalls in the legally-mandated aspects of LWD's data collection efforts due in part to a lack of administrative capacity: LWD made the decision to reassign Temporary Disability Benefit claims processors to family leave operations instead of hiring additional permanent staff members, and this has led to an inability to collect even that information which is required by law at certain times (NJ Department of Labor and Workforce

Development 2011). For example, LWD failed to conduct an annual report of the state Family Leave Insurance program in both 2009 and 2013, and as a result, program data from those years are missing in many categories of analysis even though this violates state reporting requirements.

In addition, only a small portion of the demographic and leave-related information that paid family leave applicants provide to LWD are required to be collected and reported publicly. As researchers from the Rutgers' Center on Women and Work note, far more data on family leave claims and claimants could easily be systematically processed, reported, and made available to the public, as LWD already has access to this information through the Family Leave Insurance applications that they received, and could be utilized as a mechanism of feedback as to how the policy can be improved in the future (White et al. 2013). In its current form, NJ LWD's publically-available data provides a breakdown of Family Leave Insurance claims made by sex, age category, and type of leave taken each year, but it overlooks critical individual-level demographic information such as race, ethnicity, education level, income level, occupation, and the business size of the employer. The data also provide statistics on the number of claims determined eligible and ineligible every year, but it does not provide information on the reason for the determination or on the demographic characteristics of the claimant. Such data are important in investigating whether or not there are disparities between groups regarding the proportion of claims that are rejected and the reasons for rejection.

In many ways, this lack of data may further political goals by failing to shed light on the ways in which the program is under-utilized, thereby advancing perceptions of paid leave as benefiting many different interest groups and types of people. Through this mechanism, policy opaqueness "may be a deliberate attempt to alter the way citizens and groups view the policy's benefits and costs"-- in this case by presenting the beneficiaries of NJFLI as a larger group than

new mothers (Patasnik 2013, 1078). However, the lack of available data also systematically reduces political interest in the program by limiting the amount of information that is available on it. Policymakers, lobbyists, and individuals would be more likely to pay attention to NJFLI if they had more of an understanding of its utilization; thus the LWD's limited and gap-filled research on the program's use to date has weakened policy feedback.

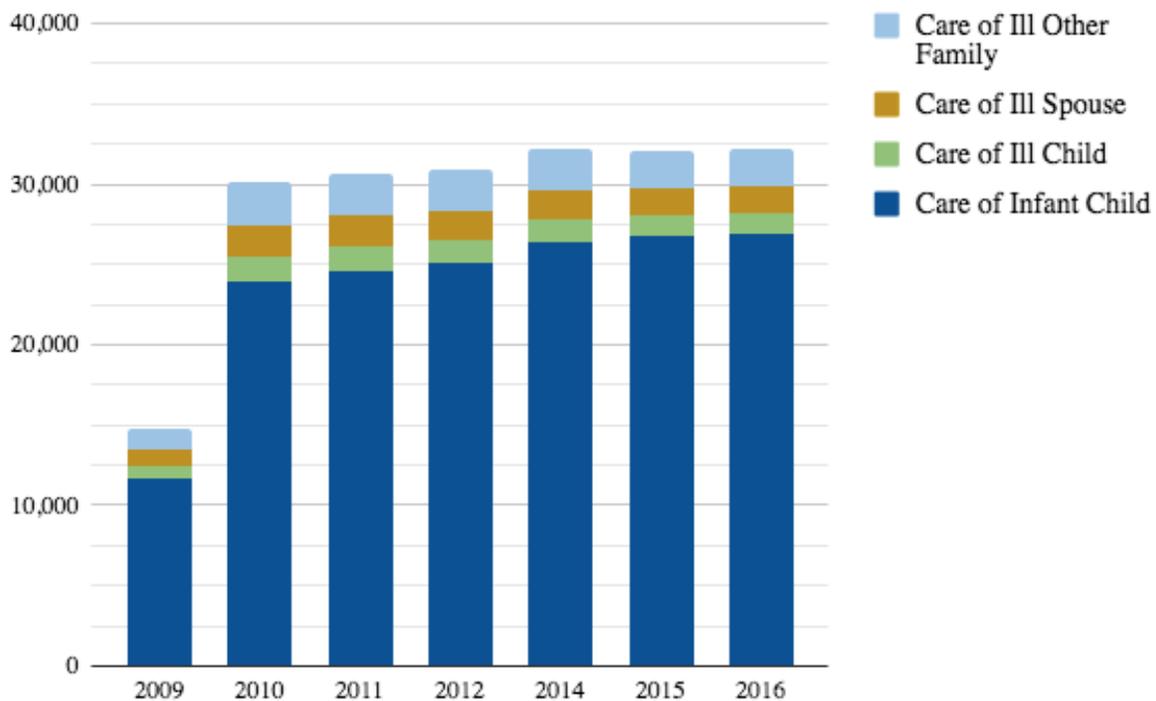
Methods

To understand the utilization of New Jersey's Family Leave Insurance, I start by using the data made available by the Department of Labor and Workforce Development and summarized in their yearly Family Leave Annual Reports. These reports are publically accessible on the LWD website. Due to the fact that the LWD does not currently have a Family Leave Insurance Annual Report in 2009 and 2013, program data from those years are missing in many categories of analysis. However, some data of the utilization data from these years is available in the 2010 and 2014 Family Leave Annual Reports, respectively.

Utilization of Family Leave Insurance

Based on aggregated numbers from New Jersey Department of Labor and Workforce Development's annual reports, just over 235,000 Family Leave Insurance claims have been approved in the eight years since the program's adoption. Both the total number of claims made and the total number of claims approved rose from the first full year of the program in 2010 to the most recent year in 2016. The breakdown of claims by claim type differed from 2010 to 2016, with claims for the care of newborn children comprising 78.6 percent of claims in 2009 and 83.6 percent of claims in 2016, as can be seen in *Figure 2*.

Figure 2: Number of NJFLI Claims by Claim Type, 2009-2016



Source: NJ Department of Labor and Workforce Development, Family Leave Annual Reports, 2010-2016. Calculations done by author.

Among claims for the care of ill family members, the undefined “other family” category has comprised a larger share of eligible claims than “care of an ill child” or “care of an ill spouse,” resulting in ambiguity around the exact ways in which the program is being used, as is shown in *Table 4*. The NJ Department of Labor and Workforce Development does not provide additional information on the types of leaves taken for the care of “other family.” However, because it is not included in any other category, it is likely that many of the leaves taken to care for “other family” are taken to care for aging adult parents.

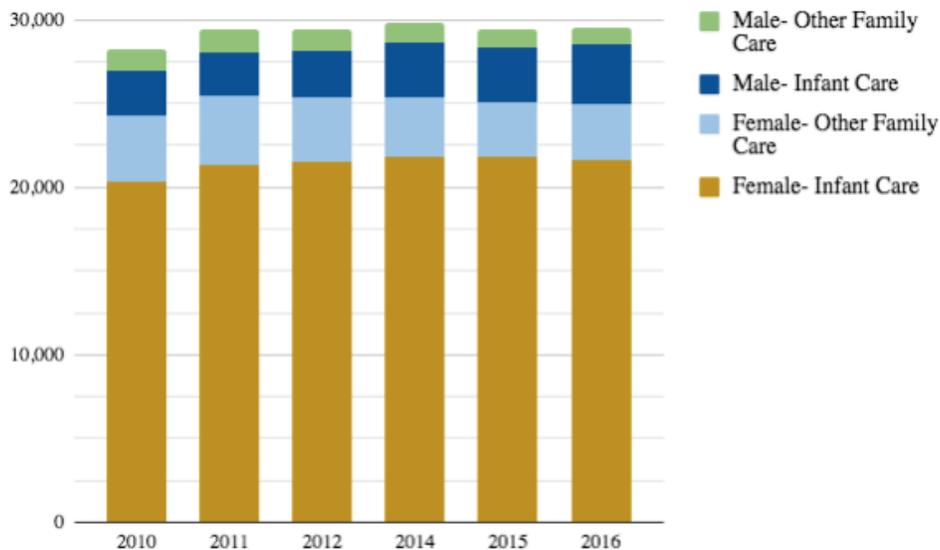
Table 4: Percent of Total NJFLI Claims by Claim Type, 2009-2016

	2009	2010	2011	2012	2014	2015	2016
Care of Infant Child	78.60%	79.35%	80.20%	81.18%	82.19%	83.63%	83.62%
Care of Ill Child	5.37%	5.11%	4.86%	4.72%	4.31%	3.95%	4.14%
Care of Ill Spouse	6.81%	6.41%	6.29%	5.67%	5.70%	5.32%	4.95%
Care of Ill Other Family	9.22%	9.12%	8.65%	8.43%	7.81%	7.11%	7.28%
Total	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

Source: NJ Department of Labor and Workforce Development, Family Leave Annual Reports, 2010-2016. Calculations done by author.

In both the child care and family care categories of Family Leave Insurance, the vast majority of leaves have been taken by women. In 2010, women made up 88.56 percent of eligible newborn child claims and 74.46 percent of eligible ill family claims. In 2016, women made up 85.95 percent of eligible newborn child claims and 76.35 percent of eligible ill family claims. In aggregate this has meant that the percent of eligible claims filed by women has remained relatively consistent over the years, from 85.9 percent of total eligible claims in 2010 to 84.53 percent of total eligible claims in 2016.

Figure 3: Number of NJFLI Claims by Gender and Claim Type, 2010-2016



Source: NJ Department of Labor and Workforce Development, Family Leave Annual Reports, 2010-2016. Percentages calculated by author. Calculations done by author. Note: LWD-provided administrative data is not available from 2013.

In light of the fact that the vast majority of claims filed in every year since the program's inception have been to care for infant children, political framing of the bill for the purposes of its adoption disproportionately centered around the use of paid leave to care for ill, injured, and temporarily disabled family members compared to the ways in which the program has actually been used. Though NJFLI was presented as a policy that would significantly benefit an extensive and diverse range of people-- including fathers, the elderly, and the disabled-- the individuals that have actually benefited from policy form a relatively homogenous group in terms of the gender breakdown of those taking leave and the age of those for whom the leave is used.

Effect of Family Leave Insurance on Mothers' Leave-Taking

Data

1. The Current Population Survey (CPS)

To analyze demographic traits of eligible mothers as well as mean leave-taking rates for different types of leave before and after the adoption of the New Jersey family leave program, I use data from the Current Population Survey Annual Social and Economic Supplement (CPS March ASEC) from 2000-2017, accessed through the Integrated Public Use Microdata Series (IPUMS) database. The CPS March ASEC collects information on employment and leave-taking for a nationally representative sample of the United States labor force. I limit my sample to women who have a child under the age of one during the time of the survey, as this includes the group that would be eligible for NJFLI to take care of their infant children during the reference week. A limitation of the CPS March ASEC is that it does not provide precise information on child birth dates. As a result, mothers who report taking leave could have children anywhere from 0-11 months old, making the “age of youngest child” susceptible to capturing a larger population than would be eligible to take paid leave under the New Jersey law. I also limit my sample to those women who report working “any usual hours” at a main job in an average week, regardless of the actual number of hours worked per week. This helps to account for the law’s requirement that individuals have worked at least twenty of the fifty-two weeks immediately prior to taking leave by eliminating those who do not work any usual hours at a main job.

Limiting my sample based on these proxies for eligibility for Family Leave Insurance narrows the pool from which I am able to draw conclusions. A total of 42,389 New Jersey women were sampled between the years 2000 and 2016 (23,233 during pre-policy enactment and 19,156 during post-policy enactment). This number drops dramatically when limiting the sample

only to those women with infant children: total of 849 New Jersey women with children less than one year old were surveyed during this period (523 during pre-policy enactment and 326 during post-policy enactment). Finally, after controlling for those who report having worked usual hours, the sample drops to 493 women (313 during pre-policy enactment and 180 during post-policy enactment).

A primary advantage of the CPS data is its nuance in terms of the types of leave from work that individuals are taking. Individuals who report being absent from work in the week immediately prior to the CPS March ASEC survey are asked directly about the use of maternity, paternity, and other forms of leave. In addition, individuals who report taking a temporary absence are asked whether or not they “received wages or salary for the time that they were absent from work during the preceding week” (CPS March ASEC). This allows for an approximation of the individuals who are taking advantage of Family Leave Insurance by determining those who report being absent from work for reasons related to family leave and who report being paid during their absence. I define “maternity leave” as those women with children under the age of one who report being absent from work due to maternity leave, and “paid maternity leave” as those individuals who report taking being absent from work due to maternity leave and being paid while absent. Following the approach used by Rossin-Slater et al. (2013), I also define “family leave” as including women with children under the age of one who report being absent from work due to maternity leave, child care problems, vacation/personal days, other family/personal obligations, or for other reasons, allowing for the possibility that an individual may consider leave taken under Family Leave Insurance to fall under any of these categories. I define “paid family leave” as those individuals who report being absent from work due to any of the above five reasons and who report being paid while absent. Finally, I define

“work leave” as those individuals who report being temporarily absent from work for any reason, even if that reason is completely unrelated to family leave, such as a labor dispute, civic or military duty, or poor weather.

2. *The American Community Survey (ACS)*

In order to gain access to a much larger sample, I turn to the American Community Survey (ACS), accessed through the Integrated Public Use Microdata Series (IPUMS), to estimate the causal impact of NJFLI on maternity leave-taking rates in New Jersey. The survey samples one percent or more of the U.S. population in most years, is nationally-representative, and is conducted yearly, thus providing the large samples necessary to examine leave-taking behavior. I use data from the 2000-2016 waves of the survey. I limit my sample to women who have a child under the age of one during the time of the survey, as this includes the group that would be eligible for NJFLI during the reference week. Like the CPS, a limitation of the ACS is that it does not provide precise information on child birth dates. As a result, mothers who report taking leave could have children anywhere from 0-11 months old, causing my sample to capture a larger population than would be eligible to take paid leave under the New Jersey law. I also limit my sample to those women who report working any number of weeks in the past year greater than zero; this helps to account for the law’s requirement that individuals have worked at least twenty of the fifty-two weeks immediately prior to taking leave by eliminating those who do not work any usual hours at a main job.

The dependent variable that I examine is whether or not the mother of an infant child is on leave from work in the reference week prior to the survey. Individuals taking a temporary leave of absence from work during some portion of the reference week, but who are still employed, are identified through questions on their labor market status. Thus, I define “work

leave” as those women with children under the age of one who are on a temporary leave of absence from work for any reason. However, a disadvantage of the ACS is that it is unable to observe parental leave specifically. The temporary absence from work could be for many reasons unrelated to parental leave, such as bad weather or an industrial dispute. The ACS also does not indicate whether or not an individual is being paid during his or her absence, and as a result, my dependent variable does not distinguish between those taking paid leave and those taking unpaid leave.

Demographic Differences between Mothers in New Jersey and Mothers in Other States

To determine whether there are statistical differences in the population of mothers eligible to take paid leave in New Jersey versus the comparison group of states (Connecticut, Massachusetts, New York, and Pennsylvania), I look at mean demographic characteristics in each group before and after the introduction of the law using data from the CPS.⁴ I use Welch’s two-sample difference in mean t-test to determine if any differences in the pre-law populations are statistically significant. I limit comparisons to eligible populations before the introduction of the law rather than after to account for the possibility that the law itself changed the types of working mothers living in New Jersey, but using post-2009 populations as the point of comparison yields similar results in terms of the statistically significant demographic differences between the two groups. I limit this analysis to women to provide a picture of population groups most likely to take leave, whether paid (in the case of New Jersey) or unpaid (in the case of the control group of states) (N= 3,454). This allows me to isolate the effect of gender when investigating the effect of other demographic differences between groups.

⁴ Though I use data from the CPS to compare pre-treatment population means, the ACS data produce qualitatively similar results.

Table 5: Descriptive Statistics for Mothers with Infants who Worked Any Weeks Last Year, Using CPS Data

Comparison of Pre-Treatment Population Means

	NJ mothers of children younger than 1 who worked any weeks last year				Control mothers of children younger than 1 who worked any weeks in last year			
	Pre-2009		Post-2009		Pre-2009		Post-2009	
	Mean	SE	Mean	SE	Mean	SE	Mean	SE
***mother's race/ethnicity: Hispanic	0.188	0.021	0.213	0.029	0.117	0.008	0.137	0.010
***mother's race/ethnicity: Asian	0.087	0.015	0.072	0.018	0.035	0.005	0.065	0.007
***mother's race/ethnicity: white non-Hispanic	0.612	0.026	0.614	0.034	0.746	0.011	0.697	0.013
***mother is born outside of the United States	0.252	0.023	0.251	0.030	0.162	0.009	0.192	0.011
***mother is below the poverty line	0.055	0.012	0.072	0.018	0.114	0.008	0.123	0.009
mother's education: less than high school	0.061	0.013	0.053	0.016	0.067	0.006	0.047	0.006
mother's education: high school degree	0.270	0.024	0.164	0.026	0.233	0.010	0.176	0.011
mother's education: some college	0.154	0.019	0.140	0.024	0.147	0.009	0.133	0.010
mother's education: college or more	0.438	0.027	0.556	0.035	0.446	0.012	0.546	0.014
***mother is married	0.826	0.020	0.812	0.027	0.755	0.011	0.721	0.013
mother is separated or divorced	0.046	0.011	0.034	0.013	0.048	0.005	0.037	0.005
***mother has never been married	0.128	0.018	0.152	0.025	0.193	0.010	0.241	0.012
mother's age: less than 18	0.003	0.003	0.000	0.000	0.002	0.001	0.000	0.000
**mother's age: 18 to 27	0.226	0.023	0.213	0.029	0.287	0.011	0.256	0.012
**mother's age: 28 to 37	0.658	0.026	0.671	0.033	0.591	0.012	0.629	0.014
mother's age: 38 to 47	0.113	0.017	0.106	0.021	0.115	0.008	0.106	0.009
**mother's age: 48 to 57	0.000	0.000	0.010	0.007	0.004	0.001	0.005	0.002
mother has a work disability	0.023	0.002	0.053	0.016	0.011	0.003	0.027	0.005
Sample Size:	345		207		1,660		1,242	

*Asterisks indicate statistically significant difference in pre-policy sample means: * $p < 0.10$, ** $p < 0.05$, *** $p < 0.001$*

As can be seen in *Table 5*, there were statistically significant differences between the population of eligible women in New Jersey and the same population in the comparison group of states before 2009. New Jersey women with infant children who worked any usual hours in the previous year were significantly more likely to be black or Asian, be born outside of the United States, be in the middle of the age range for mothers who have an infant child (aged 28-37), and

be married than their counterparts in Connecticut, Massachusetts, New York, and Pennsylvania. On the other end, women from the comparison group of states were significantly more likely to be white non-Hispanic, be below the poverty line, have never been married, and be either at the younger end (aged 18-27) or older end (aged 48-57) of mothers who have an infant child under the age of one.

Turning to the self-reported take-up of leave as is seen in *Table 6*, the percentage of women who reported taking maternity leave in New Jersey increased from 11 percent before 2009 to 14.5 percent after 2009. The comparison group of states also saw an increase in maternity leave taking but to a lesser degree: the percentage of women who reported taking maternity leave increased from 10.4 percent before 2009 to 11.4 percent after 2009. Similarly, the percentage of women who reported taking family leave in New Jersey increased from 12.8 percent before 2009 to 14.5 percent after 2009, while the percentage of women who reported taking family leave in the comparison group of states increased to a much lesser degree, from 12.2 percent before 2009 to 13 percent after 2009.

Table 6: Descriptive Statistics for Mothers with Infants who Worked Any Weeks Last Year, Using CPS Data

Comparison of Pre- and Post-Treatment Leave-Taking Rates

	NJ mothers of children younger than 1 who worked any weeks last year				Control mothers of children younger than 1 who worked any weeks in last year			
	Pre-2009		Post-2009		Pre-2009		Post-2009	
	Mean	SE	Mean	SE	Mean	SE	Mean	SE
on maternity leave last week	0.110	0.017	0.145	0.025	0.104	0.007	0.114	0.009
on family leave last week	0.128	0.018	0.145	0.025	0.122	0.008	0.130	0.010
on paid maternity leave last week	0.052	0.012	0.048	0.015	0.044	0.005	0.062	0.007
on paid family leave last week	0.055	0.012	0.048	0.015	0.051	0.005	0.073	0.007
on any leave from work last week	0.136	0.018	0.155	0.025	0.131	0.008	0.136	0.010
Sample Size:	345		207		1,660		1,242	

*Asterisks indicate statistically significant difference in pre-policy sample means: *p<0.10, **p<0.05, ***p<0.001*

Interestingly, the patterns in leave taking for those who report being paid for such leaves are strikingly different, with very little change in the pre- and post-policy averages. There was a 0.4 percentage point drop in the women who reported taking maternity leave *and* being paid after 2009 in New Jersey, as well as a 0.7 percentage point drop in women who reported taking family leave *and* being paid after 2009 in New Jersey. By contrast, the comparison group of states saw increases in both the percent of those who reported taking paid maternity leave and the percent of those who reported taking paid family leave following 2009.

However, the small sample size inhibits any conclusions related to the causality of the New Jersey law in bringing about such changes. In New Jersey, 36 women reported taking maternity leave pre-2009 and 29 women post-2009. This number is slightly larger for family leave, as it includes those women in the above category plus more: 42 women reported taking family leave pre-2009 and 30 women post-2009. The small sample size is especially problematic in the case of the two types of paid leave. 17 women reported taking maternity leave and being paid for that leave pre-2009, while 10 women reported taking maternity leave and being paid for that leave post-2009. The numbers are the same for those who report taking paid family leave with the addition of one more woman into pre-2009 category. Thus, I turn to data from the American Community Survey to investigate the significance of impact of NJFLI on mothers' leave taking on a larger and more representative sample.

Methods

Turning to the ACS, I employ a difference-in-differences framework to identify the impact of New Jersey Family Leave Insurance on mothers' leave taking behavior. This allows me to compare leave-taking rates among mothers of infant children in New Jersey who worked

some hours in the past year before the implementation of NJFLI to the same difference for a comparison group of mothers of infant children who worked some hours in the past year in other states. To illustrate, I estimate:

$$Y_{ist} = \beta_0 + \beta_1 Treat_{ist} * Post_t + \gamma' X_{ist} + \delta_s + \phi_t + \varepsilon_{ist}$$

where the outcome Y_{ist} is a dummy variable equal to one if individual i living in state s who is surveyed in year t is on leave from work in the reference week and zero if otherwise. The indicator $Treat_{ist}$ is equal to one if the individual is living in New Jersey and 0 if the individual is living in another state. $Post_t$ is an indicator equal to one if the individual was surveyed in 2009 or later and 0 if otherwise. The vector X_{ist} contains individual-level indicator variables related to the mother's age (<18, 18-27, 28-37, 38-47, 48-57), race/ethnicity (non-Hispanic white, Hispanic, black, Asian), marriage status (married, divorced or separated, never been married), education level (less than a high school degree, high school, 2-year degree, 4-year degree or more), and whether or not she was born in the United States. I also incorporate state fixed effects (δ_s) and year fixed effects (ϕ_t). The main effects of $Treat_{ist}$ and $Post_t$ are omitted from this model because they are collinear with the state and year fixed effects, respectively.

The coefficient β_1 measures the difference-in-differences estimate of the effect of NJFLI on the treatment group. I obtain an estimate of the β_1 coefficient by comparing mothers with infants residing in New Jersey to two different comparison groups: mothers with infants residing in all states other than New Jersey (excluding California and Rhode Island, which have implemented their own family leave laws over the analysis period) (N= 247,437), and mothers with infants residing in states similar to New Jersey but that do not have paid family leave-- Connecticut, Massachusetts, New York, and Pennsylvania (N= 43,217). The key assumption is

that trends in mothers' leave-taking rates between the treatment group and the control group of states would have been the same in the absence of NJFLI. The included state fixed effects control for confounding factors that vary across states but remain constant over time, and the included year fixed effects control for confounding factors that vary across time but remain constant across states. However, the assumption of common trends in leave taking for mothers of infants who worked in the past year in New Jersey and those in other states in absence of the policy could be violated if there exist changes in the rate of other, non-maternity-related leave-taking, due to the fact that leave taken to care for a child is not specifically observed in the ACS data.

As a result, I also estimate the difference-in-differences coefficient using CPS data, through which I am able to investigate the impact of NJFLI on maternity leave-taking rates specifically. However, this regression is based on a much smaller sample of women than the ACS, and thus has less statistical power. The outcome Y_{ist} becomes a dummy variable equal to one if individual i living in state s who is surveyed in year t is on maternity leave from work in the reference week and zero if otherwise. Though turning to the CPS data allows me to investigate a more accurate indicator for changes in leave-taking rates caused by NJFLI, it comes at the cost of statistical power. Using the CPS data, I obtain an estimate of the β_1 coefficient by comparing mothers with infants residing in New Jersey to mothers with infants residing in all other states other than New Jersey, excluding California and Rhode Island (N=26,149), and mothers with infants residing in states similar to New Jersey-- Connecticut, Massachusetts, New York, and Pennsylvania (N= 3,454).

Results

Table 7 presents the estimated effect of NJFLI on mothers' leave-taking in New Jersey using data from the ACS. The difference-in-difference estimate suggests that the policy leads to a 1.28-1.49 percentage point increase in mothers' leave-taking, representing a seven to eight percent increase from the pre-treatment mean of 18.21 percent.⁵

Table 7: Effects of NJFLI on Mothers' Leave-Taking Behavior

	DD All States (excluding CA and RI)	DD Comparable States (CN, MA, NY, PA)
Treat * Post	0.0149*** [0.00139]	0.0128*** [0.00320]
Observations	247,437	43,217
R-squared	0.008	0.007
Individual Controls	YES	YES
Time Fixed Effects	YES	YES
State Fixed Effects	YES	YES
Pre-Treatment Mean for NJ Mothers of Infants	0.1821	0.1821

*Asterisks indicate statistically significant difference in pre-policy sample means: * $p < 0.10$, ** $p < 0.05$, *** $p < 0.001$*

Notes: Standard errors are clustered at the state level. Individual controls include mother's age (<18, 18-27, 28-37, 38-47, 48-57), race/ethnicity (non-Hispanic white, Hispanic, black, Asian), marriage status (married, divorced or separated, never been married), education level (less than a high school degree, high school, 2-year degree, 4-year degree or more), and whether or not she was born in the United States.

Sample specifications show that the effect of NJFLI on mothers' leave-taking behavior varies by race and ethnicity. In *Table 8*, I categorize mothers into racial/ethnic categories based on demographic information provided by the ACS. The difference-in-differences estimator is largest for mothers who are white and non-Hispanic, leading to an estimated 1.81 percentage

⁵ The use of a synthetic control approach to account for violations of the parallel trends assumption in the difference-in-difference analysis produces qualitatively similar results to those shown here. However, the year-to-year variation in mean leave-taking rates for mothers within infant children in New Jersey makes the difference-in-difference regression to a comparison group of states preferable to constructing a synthetic control New Jersey.

point increase in leave-taking from the pre-treatment mean of 19.13 percent. Thus, the effect of NJFLI on leave-taking appears to be higher for women who are white than it is for the entirety of the eligible population, as estimated in *Table 8*. The effect of the law on leave-taking is statistically insignificant for mothers who are Hispanic or black, who have lower pre-treatment mean leave-taking rates than white mothers. It also has a negative and significant effect on leave-taking for mothers who are Asian.

Table 8: Race/Ethnicity Subgroup Estimates of Leave Use

Leave from Work	
NON-HISPANIC WHITE MOTHERS (Number of Observations= 31,913)	
Pre-FLI Treatment Group Mean	0.1913
Estimated NJ-FLI Effect	0.0181*** [0.00366]
HISPANIC MOTHERS (Number of Observations= 4,727)	
Pre-FLI Treatment Group Mean	0.1498
Estimated NJ-FLI Effect	0.0100 [0.00706]
BLACK MOTHERS (Number of Observations= 4,393)	
Pre-FLI Treatment Group Mean	0.1698
Estimated NJ-FLI Effect	0.0197 [0.0134]
ASIAN MOTHERS (Number of Observations= 2,789)	
Pre-FLI Treatment Group Mean	0.1902
Estimated NJ-FLI Effect	-0.0208** [0.00618]

*Asterisks indicate statistically significant difference in pre-policy sample means: * $p < 0.10$, ** $p < 0.05$, *** $p < 0.001$*

The size of the difference-in-differences estimator also varies based on mothers' marital status. The effect of NJFLI is largest for mothers who are single and have never been married, leading

to an estimated 2.86 percentage point increase in their leave-taking from the pre-treatment mean of 11.74 percent (see *Table 9*). The law also has a statistically significant and positive effect on leave-taking for mothers who are married, leading to an estimated 1.33 percentage point increase in their leave-taking from the pre-treatment mean of 19.37 percent.

Table 9: Marriage Status Subgroup Estimates of Leave Use

Leave from Work	
MARRIED MOTHERS (Number of Observations= 32,579)	
Pre-FLI Treatment Group Mean	0.1937
Estimated NJ-FLI Effect	0.0133*
	[0.00485]
DIVORCED OR SEPARATED MOTHERS (Number of Observations= 1,751)	
Pre-FLI Treatment Group Mean	0.1981
Estimated NJ-FLI Effect	-0.0206**
	[0.00602]
NEVER BEEN MARRIED MOTHERS (Number of Observations= 8,825)	
Pre-FLI Treatment Group Mean	0.1174
Estimated NJ-FLI Effect	0.0286***
	[0.00695]

*Asterisks indicate statistically significant difference in pre-policy sample means: * $p < 0.10$, ** $p < 0.05$, *** $p < 0.001$*

The largest estimated impact of NJFLI on leave-taking is for mothers whose highest level of education is a high school degree or less than a high school degree. *Table 10* suggest that the policy leads to a 4.11 percentage point increase in their leave-taking, from the low pre-treatment average of 13.37 percent. The estimated impact of the law on mothers who have received a four-year college degree or higher is minor and statistically insignificant.

Table 10: Education Level Subgroup Estimates of Leave Use

Leave from Work	
MOTHERS WITH A HIGH SCHOOL DEGREE OR LESS (Number of Observations= 17,195)	
Pre-FLI Treatment Group Mean	0.1337
Estimated NJ-FLI Effect	0.0411***
	[0.00503]
MOTHERS WITH A COLLEGE DEGREE OR HIGHER (Number of Observations= 22,029)	
Pre-FLI Treatment Group Mean	0.215
Estimated NJ-FLI Effect	-0.00246
	[0.00561]

Asterisks indicate statistically significant difference in pre-policy sample means: * $p < 0.10$, ** $p < 0.05$, *** $p < 0.001$

Lastly, the difference-in-differences estimator differs largely based on whether or not mothers were born in the United States. For mothers born in the U.S., NJFLI leads to an estimate 1.4 percentage point increase in leave-taking from the pre-treatment mean of 18.72 percent. For mothers born outside of the U.S., the impact of NJFLI on leave-taking is insignificant. These results are shown in *Table 11*.

Table 11: Immigration Subgroup Estimates of Leave Use

Leave from Work	
MOTHERS BORN IN THE U.S. (Number of Observations= 35,630)	
Pre-FLI Treatment Group Mean	0.1872
Estimated NJ-FLI Effect	0.0140**
	[0.00393]
MOTHERS BORN OUTSIDE OF THE U.S. (Number of Observations= 7,587)	
Pre-FLI Treatment Group Mean	0.1647
Estimated NJ-FLI Effect	0.00326
	[0.00766]

Asterisks indicate statistically significant difference in pre-policy sample means: * $p < 0.10$, ** $p < 0.05$, *** $p < 0.001$

Turning to the CPS data, the difference-in-differences coefficient estimating the impact of NJFLI on maternity-leave specifically is presented in *Table 12*. The results suggest that the policy leads to a 1.86-2.19 percentage point increase in mothers' maternity leave-taking, representing a 16.9 to 19.9 percent increase from the pre-treatment mean of 11 percent. The difference-in-differences estimator in both cases is statistically significant at the $p < 0.001$ level.

Table 12: Effects of NJFLI on Mothers' Maternity Leave-Taking Behavior

	DD All States (excluding CA and RI)	DD Comparable States (CN, MA, NY, PA)
Treat * Post	0.0186*** [0.00282]	0.0219*** [0.00379]
Observations	26,149	3,454
R-squared	0.016	0.026
Individual Controls	YES	YES
Time Fixed Effects	YES	YES
State Fixed Effects	YES	YES
Pre-Treatment Mean for NJ Mothers of Infants	0.1101	0.1101

*Asterisks indicate statistically significant difference in pre-policy sample means: * $p < 0.10$, ** $p < 0.05$, *** $p < 0.001$*

Notes: Standard errors are clustered at the state level. Individual controls include mother's age (<18, 18-27, 28-37, 38-47, 48-57), race/ethnicity (non-Hispanic white, Hispanic, black, Asian), marriage status (married, divorced or separated, never been married), education level (less than a high school degree, high school, 2-year degree, 4-year degree or more), and whether or not she was born in the United States.

Discussion

The impact of New Jersey Family Leave Insurance on maternity leave-taking specifically, as determined through the CPS data, suggests that results obtained through the ACS data are indeed driven by NJFLI rather than other changes in non-maternity, work leave-related policies. The pre-treatment mean for NJ mothers of infants taking maternity leave, as obtained through the CPS, is of course smaller than the pre-treatment mean for NJ mothers of infants

taking any type of leave, as obtained through the ACS. However, the difference-in-differences estimator is of a similar size in both regressions.

Taken together, these results suggests that New Jersey's paid leave program has led to somewhere between a 1.28 and a 2.19 percentage point increase on leave-taking for eligible mothers. However, the results also suggest that this impact is not even across demographic groups: white mothers, mothers who are single and have never been married, mothers with a high school degree or less, and mothers born in the United States are noticeably more affected by the presence of a paid family leave program in the state than mothers of different demographic groups.

Conclusion

Though New Jersey's Family Leave Insurance program has been in place for nearly a decade, little research has been done into the process of its adoption, ongoing implementation, and its impacts on leave-taking behavior. This paper fills many gaps in that literature by investigating the political evolution of paid family leave from its first introduction in the New Jersey legislature to its current policy structure, the state's monitoring and evaluation of its program, utilization of the program, and the differential impact that the program has had on groups of mothers across the state. The result is a complex analysis of the ways in which paid family leave has functioned in the New Jersey context, both in its political and economic dimensions.

However, the lack of attention that policymakers in the state and the rest of the country have paid to understanding the complexities of New Jersey's family leave program deserves analysis in its own right. Multiple mechanisms have attenuated positive feedback in support of the program over time, including its consistent underutilization, the mismatch between the expansive group of expected beneficiaries and the actual, limited ways in which it is being used, and a lack of monitoring and evaluation conducted by the state; however, perhaps the most important one is the lack of research attention that has been given to the program, extending far beyond the failures of the Department of Labor and Workforce Development. New Jersey Family Leave Insurance's low per-capita benefits, lack of institutional and educational support programs, and layered positioning atop pre-existing state and federal leave programs have also undermined the prospects for positive feedback generation. Understanding the ways in which the New Jersey policy influences the leave-taking behavior of different groups individuals, as this paper begins to do, is critical to bolstering processes of feedback and creating meaningful dialog

around family leave policies in the United States-- both as they exist today and as they might in the future.

As Schattschneider (1935) famously argued, “new policies create new politics.” Indeed, New Jersey’s paid family leave program has created its own unique politics that will continue to influence social insurance policymaking at the state- and federal- levels, and will likely play a role in a fundamental reshaping of the American policy landscape. Are state innovations in paid family leave such as that in New Jersey promoting a shift in the United States welfare state to expand social insurance to working-age adults and their families? Though it may be too soon to tell, the rate at which states across the country are introducing, debating, and passing their own paid family leave, sickness leave, and other employee-focused insurance policies suggests that this may indeed be the case. Such a shift would mean a dramatic and consequential re-characterization of the American welfare state.

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