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Law firms and other private employers are recognizing the need for paid leave and capitalizing on the provision of such benefits to employees, write attorneys Eric J. Holshouser and Katie Rudderman. **A8**

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PRACTICE FOCUS / LABOR & EMPLOYMENT

Paid Leave Expanding as More Employers Recognize Need

**Commentary by
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Since Congress enacted the Family and Medical Leave Act in 1993, businesses, including law firms, have been forced to recognize the significant role of family and medical obligations in employees' lives. Specifically, the FMLA provides up to 12 weeks of unpaid, job-protected leave for certain family and medical reasons and up to 26 weeks of unpaid, job protected leave to care for an injured or ill military member.



Holshouser

In 2010, the Patient Protection and Affordable Care Act amended the Fair Labor Standards Act to require employers to provide reasonable break time and a private place (other than a restroom) for nursing mothers to express breast milk for up to one year after the birth of a child.

While these laws have assisted with certain family and medical priorities, especially for women, most law practices have reached beyond mandated unpaid leave to attract and retain the best lawyers. The trend is toward pro-

viding paid family and medical leave to employees, and several states and private businesses have been expanding their paid benefits for the overall health and wellbeing of employees and families, to keep employees happy and productive and to recruit the best and brightest candidates for an expanding workforce.

Several states have passed paid leave laws for mothers, fathers and families. Three states — California, New Jersey and Rhode Island — have made a statement in offering state-funded paid family and medical leave programs for employees that support the employee during periods that would otherwise be unpaid. Other states have regulations that also help workers who are sick or injured. California, Connecticut, the District of Columbia and Massachusetts require employers to provide paid sick leave to employees.

Bloomberg Law's state comparison chart notes that several states have passed laws that require employers to provide a specific number of hours to employees to fulfill certain school and parental responsibilities, such as attending parent-teacher conferences. Although typically unpaid, the introduction of offering protected time to allow involvement in children's school activities indicates quite clearly that employers are acknowledging the importance of family obligations. Whether the provisions are a result of state law or simply

the decisions of ownership and management, the move toward this type of accommodation is both meaningful and increasingly popular.

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In addition to the states themselves, the White House has also been advocating the expansion of paid leave laws across the country. According to the White House report, "Why Our Economy Needs Paid Leave," studies find that "paid parental leave improves infant health and cognitive development, even increasing children's earnings in adulthood" and that it benefits employers "by increasing employees' productivity, reducing turnover and minimizing the loss of firm-specific skills and human capital."

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The White House also reported that, as to women, paid maternity leave increases the chance that working mothers will return to work after childbirth and may increase the length of their employment.

The legal industry has taken a leadership role in many instances as law firms have recognized the importance of providing paid leave benefits to their attorneys, regardless of any state mandated obligations. For example, several law firms are providing paid maternity and paternity leave to attorneys, ranging anywhere from 8 to 19 weeks of paid maternity leave and from 4 to 16 weeks of paid paternity

leave, according to Above the Law's chart on parental leave and related policies by firm.

In fact, the National Association for Law Placement includes in its law firm questionnaire an inquiry about paid medical leave offerings so that law students and other applicants can evaluate that information in assessing and comparing the benefits that various law firms provide to their employees. Yet, while many law firms are providing paid parental leave to attorneys, the same benefits are not necessarily provided to staff members.

As the trend toward offering paid parental leave to employees continues, hopefully the pool of recipients of these benefits will also expand, both within and outside of the legal industry.

Overall, the significance of providing leave to working parents, both paid and unpaid, has increased, and law firms and other private employers are recognizing the need for paid leave and capitalizing on the provision of such benefits to employees. The need to retain a strong workforce and achieve the long-term benefits from investing in personnel is important for expanding business and, in turn, yielding productive, longstanding employees.

Eric Holshouser is a shareholder and Katie Rudderman is an associate with Buchanan, Ingersoll & Rooney in Jacksonville. Holshouser is an expert in all aspects of labor and employment law. Rudderman counsels employers on best practices to avoid employment litigation.