



Policy solutions that work for low-income people

Testimony of Pronita Gupta, Director of Job Quality, Center for Law and Social Policy
at the Public Oversight Roundtable on the Implementation of Law 21-264
The Universal Paid Leave Act
Before The Committee on Labor & Workforce Development
Wednesday, January 31, 2018

Good morning, Councilmember Silverman and members of the Labor and Workforce Development Committee. My name is Pronita Gupta, and I am the Director of Job Quality at the Center for Law and Social Policy (CLASP). CLASP is a national organization that works to improve the lives of low-income people by developing and advocating for federal, state, and local policies that strengthen families and create pathways to education and work. We advocate for and conduct research and analysis on job quality policies, including paid sick days, paid family and medical leave, and fair scheduling. Further, we work with community and government partners to promote effective implementation and enforcement of labor standards policies.

I thank you for the opportunity to provide testimony at this oversight roundtable on the implementation of the Universal Paid Leave Act (UPLA, Law 21-264). CLASP is committed to working with the DC Paid Family Leave Coalition as well as with the Administration to ensure this important law is properly and effectively implemented. CLASP has a long history of working to both develop critical social policies and to advocate for the proper implementation and enforcement of these policies. We work closely with state and local agencies charged with implementing policies, labor enforcement agencies and advocates to improve policy implementation and foster systems change that increases access and improves services. We recognize that a law is only effective if it is correctly implemented and robustly enforced. However, even with strong laws and penalties, enforcement can be a challenge.

CLASP recently co-convened, with Family Values at Work, a one-day convening focused on state-level family and medical leave insurance policies and campaigns. We invited noted researchers and experts in this field, state government administrators, coalition leaders, state legislators, and advocates from across the country to connect and to share new research, best practices and lessons learned in order to improve existing programs and inform new paid family and medical leave (PFML) legislation. We appreciated having Councilmember Silverman and her staff as well as staff from the Department of Employment Services participate in this Convening.

A number of critical PFML implementation issues and lessons were shared by the three original PFML states (California, New Jersey and Rhode Island) and the newer states (New York, Washington and Washington, DC) in the process of implementing this new social insurance program. At least three issues and lessons may be instructive to the District as it begins implementing UPLA.

1. Community and Business Engagement

Outreach and education are critical components of a successful policy implementation and ongoing enforcement process. Three significant stakeholders to engage early and throughout this process are community and worker organizations and businesses. These organizations can inform the process, learn more about the policy and help increase compliance with the new law and also amplify the new program especially among hard-to-reach communities. Community and worker groups often have cultural and language competencies and trust within immigrant communities, among low-wage workers and communities of color to both inform these groups of the law and identify potential barriers, including worker retaliation for requesting leave. Our research has identified community and agency partnerships as the most effective models of outreach and education in the implementation of paid sick days and other labor standards.¹ California provides an important case study of how critical outreach is to the success of a PFML program and the vital role community community partnerships play in reaching underserved communities.²

Washington State's Paid Family & Medical Leave Advisory Committee offers another emerging model for community and business engagement.³ This Advisory Committee is comprised of eight voting members—four representing employees and four representing employers. Agency representatives serve on this Committee as ex officio members. The Committee meets monthly to comment on rules, policies or study key issues and matters related to the State's new paid leave law.

Additionally, regular stakeholder meetings, especially early in the implementation process, is another best practice. In Washington the Employment Security Department holds regular stakeholder meetings to inform the process. In New York community groups meet biweekly with the Governor's office and agency staff.

Medical practitioners, public benefits offices, educators and other community service providers are also important partners in an outreach and education campaign. Engaging representatives from these groups early in the implementation process can also be instructive as the agency develops marketing and outreach materials.

2. Workplan and Staffing

Developing a workplan to implement a policy can be a daunting exercise. However, creating a comprehensive plan that encompasses all stages of a new programs development, including long-term and short-term steps, and can be beneficial in identifying weak spots, rethinking timelines and sequencing stages, and ensuring no key pieces are inadvertently left out.

Furthermore, staffing a new agency can be a time-consuming process. Some best practices include formal or informal staff sharing arrangements across agencies for a short period of time, and cross-training staff to manage multiple aspects of a program. Washington has done a sound job of publicizing employment opportunities within this new section of the Employment Security Division in order to recruit new talent and to create more job opportunities in the local community.⁴

¹ <http://enforcingsickdays.org/reports-and-briefs-2/>

² http://paidfamilyleave.org/pdf/pfl_guide.pdf

³ <https://esd.wa.gov/paid-family-medical-leave/advisory-committee>

⁴ <https://esd.wa.gov/paid-family-medical-leave/employment-opportunities>

3. Technology

Technology is a costly and ongoing challenge faced by many of the states that have both implemented or are in the process of implementing PFML policies. Lessons from states grappling with legacy systems point to the need for IT systems development that utilizes agile principles and practices, is open source and is accessible and user-friendly. We know from New Jersey's experience, if the web portal for the program is inaccessible, regularly shuts down or is difficult to navigate, people will not apply for this important leave. This can really impact underserved communities who stand to benefit the most from a paid family and medical leave program. Other key lessons from IT procurement include the need for open and clear communication channels between the agency and vendor, and strong project management where the lead staff person has the authority to make decisions on behalf of the agency to ensure the development process can meet internal and external deadlines.

Thank you again for convening this conversation. We look forward to working with the Council, with the Administration and with community partners like the DC Paid Family Leave Coalition in implementing this vital and timely law.