Contact: Diane Harris, Policy Analyst, Education, Labor & Worker Justice, CLASP at **dharris@clasp.org**.
Contact: Elyse Shaw, Director of the Education, Labor & Worker Justice Team, CLASP at **eshaw@clasp.org**.
Contact: Juan Carlos Gomez, Director of Legislative Affairs, CLASP at **jgomez@clasp.org**.

CLASP
The Center for Law and Social Policy

Comprehensive Paid Leave

Almost everyone will experience a caregiving need at some point in their lives. But when workers in the United States face illness or need to care for a loved one, they often pay the price.

Introduction: The Problem and Solution

Almost everyone will experience a caregiving need at some point in their lives. But when workers in the United States face illness or need to care for a loved one, they often pay the price. Without federally guaranteed access to paid family and medical leave and paid sick days, many are forced to choose between their financial stability and their health and well-being.

Access to both longer forms of paid leave and short-term earned sick leave is limited: currently, 106 million workers lack access to paid family and medical leave, and almost 25 million workers lack a single paid sick day.[1] Access to leave is even lower for women and people of color, who are occupationally segregated into lower-quality jobs that are less likely to provide paid leave. Without access to public programs, workers are often forced to forgo either needed leave or their paychecks. As a result, the lack of paid leave and paid sick day policies exacerbates the current affordability crisis.

106 million **workers lack access to paid family and medical leave — and almost 25 million lack a single paid sick day**

With the rising cost of living and high cost of child care, establishing a federal floor for comprehensive paid leave is more critical than ever. An increasing number of Americans say their incomes aren't stretching to meet their expenses. Nearly half of workers who are paid less than $50,000 a year worry about being able to afford basic necessities and each day of lost wages makes it even more challenging for them to make ends meet.[2] For every week workers take unpaid leave, they lose on average $1,181.24, which is approximately the median monthly rent payment for American households.[3] Working families need universal, comprehensive federal paid leave and paid sick days to thrive.

AFFORDABILITY CRISIS IN PRACTICE

$406

LOST IN ONE MONTH · THREE SICK DAYS



TWO WORKING ADULTS



NORTH CAROLINA

Consider a household in North Carolina with two full-time working adults, earning between $50,000 and $69,999 per year. **If either or both of them fall ill and have to take unpaid sick days, just three sick days in one month in the household would cost them $406, equivalent to their entire monthly budget for groceries.**[4]

Comprehensive federal paid leave and paid sick days policies would allow all workers to care for themselves and their loved ones, regardless of which state they live in, who their employer is, or what sort of job they have. A federal policy can establish a nationwide minimum that builds on the lessons learned and successes of the 14 states and Washington, D.C. that have passed paid leave laws, as well as the 18 states and D.C. that have laws guaranteeing workers can earn and use paid sick time.[5] A national guaranteed right to paid leave and paid sick days would ensure that all workers can afford to care for themselves and their families, without risking their housing, utility bills, or other needed expenses.[6]

The Current State of Play

The United States remains one of few countries where federal law does not guarantee workers a single paid day off. This includes both paid family and medical leave and paid sick days, which differ in duration and scope. Paid family and medical leave (PFML) provides employees with extended leave away from work to address their own medical condition, bond with a new child, care for a seriously ill loved one, or address family circumstances arising from a military deployment. Paid sick leave laws, often referred to as paid sick days, provide workers with short-term paid time off to recover from their own illnesses or seek medical care.

In certain jurisdictions, workers can also use paid family and medical leave or paid sick days to seek assistance following an experience with sexual or domestic violence.

While the Family and Medical Leave Act of 1993 (FMLA) provides certain workers with job-protected leave, its strict eligibility requirements exclude over 40 percent of workers, and it does not guarantee pay.[7] Often, eligible workers cannot use FMLA because they cannot afford to forgo a paycheck.[8] In fact, over eight million leaves are needed but not taken every year.[9]

Without federal paid leave policies, workers have to depend on their employers, perpetuating systemic issues that make access to these programs inequitable. For instance, while nearly half of the highest-paid workers have access to paid leave, only six percent of the lowest-paid workers do.[10]

Women are also uniquely impacted by the lack of paid leave programs. Women are more likely than men to take leave that is either unpaid or only partially paid, causing women to lose nearly $19 billion each year—$3.2 billion more than men lose on an annual basis.[11]

> *When considering gender and race in the states without public programs, a CLASP 2024 analysis found that the lack of access disproportionately harms Latino, Black, and Native American women, who are less likely to take needed leave in comparison to white women.*[12]

In particular, Black women are the most likely of any demographic group to take needed leave unpaid and lose an estimated $3.9 billion in wages each year because they cannot take needed leave or do so unpaid.[13]

Many of these trends of inequitable access across income, gender, and race are also seen for paid sick day policies. For example, nearly one in five private-sector workers lack access to a single paid sick day to recover from a short-term illness, care for a sick family member, or go to the doctor.[14] Lower-paying jobs are less likely to provide their workers with forms of paid sick days. These jobs are often within the service sector, where workers forced to go to work while sick are in high levels of contact with the public.[15] This increases the risk of remaining sick and spreading illnesses to coworkers and others.

The lack of paid sick day programs also disproportionately affects women. Women are less likely to have access to paid sick days than their male counterparts despite being more likely to serve as both primary caregivers and breadwinners for their families.[16]

These disparities are magnified by geographical and regional differences. Many states bar or preempt local governments from passing paid family and medical leave or paid sick days laws, denying their workers these basic necessities, with huge consequences. Comprehensive paid leave and paid sick days are least present in the South, where over half of the country's Black population lives.[17] Eleven of the 16 states in the South preempt or block local governments from enacting paid leave or paid sick days legislation,[18] denying their workers these basic necessities and negatively impacting their financial, physical, and mental well-being.[19]

Of the 73 million workers that live in paid sick day preemption states, 71 percent live in the South.[20] While only 63 percent of workers in Alabama, Kentucky, Mississippi, and Tennessee and 71 percent of workers in Arkansas, Louisiana, Oklahoma, and Texas have access to paid sick days, these numbers pale in comparison to access in the Pacific census region (Alaska, California, Hawaii, Oregon, and Washington), where nearly every worker (98 percent) has access.[21] Workers in the South need national laws to guarantee their right to paid leave and paid sick days.

11 of 16 **Southern states that preempt or block local governments from enacting paid leave or paid sick days legislation**

These disparities exemplify the need for federal paid leave and sick day policies. Overall and especially for those with the lowest-paying, poorest-quality jobs, a lack of access to paid leave and paid sick time means working families face both compounding health issues and the stress of financial precarity. Without paid sick time, workers can not treat their illness and they suffer statistically significant, higher rates of psychological distress compared to those who have access to paid leave.[22] The emotional and economic toll is obvious: without paid sick days, taking even a few days off to heal can cost working families lost wages equivalent to the monthly cost of health care.[23] A recent CLASP report on Southern workers' experiences accessing paid leave found that without public programs, workers struggled to meet their basic needs and faced a higher exposure to poverty.[24]

The lack of paid leave has a direct impact on the U.S. economy. Overall, a lack of paid leave costs workers over $34 billion in lost wages annually.[25] Across states without paid leave programs, the economic consequences are clear:

FLORIDA

$2.7 billion

in lost wages every year, from 800,000 needed leaves workers do not take

MICHIGAN

$1.6 billion

in lost wages every year, from 355,000 needed leaves workers do not take

NEW MEXICO

$229 million

in lost wages every year, from 77,000 needed leaves workers do not take

OHIO

$1.8 billion

in lost wages every year, from 408,000 needed leaves workers do not take

Access to Paid Leave and Paid Sick Days Improves Lives, Well-being, and the Economy

The success of state and local paid leave and paid sick policies demonstrate how impactful a new federal standard would be. Access to leave strengthens families, improves health and economic outcomes, and supports overall economic growth. Access to paid leave has been shown to promote preventative care,[26] reduce infant mortality, and improve maternal health.[27] Paid sick days have been shown to reduce the spread of seasonal flu: the flu rate in locations with paid sick days decreased by 6.5 percent after laws took effect.[28] And when workers have access to paid sick days, they are more likely to seek both acute and preventative medical care, leading to long-term health gains.

Access to paid leave and paid sick days also improves the economy. Simulations of paid leave policies like the **FAMILY Act** show a reduction in poverty among families receiving benefits by more than 16 percent.[29] With access to paid leave, workers are more likely to remain attached to the labor force. Paid sick days have shown to improve retention, reducing employer costs.[30] On a larger scale, the U.S. would add $775 billion to its GDP each year if women were able to remain attached to the labor force at the same rate as women in countries with robust paid leave policies.[31] When workers are given the opportunity to care for themselves and their loved ones, we can build an economy that benefits all working families.



$775 billion

added to U.S. GDP each year if women stayed attached to the labor force at the rate of women in countries with robust paid leave

States Have Paved the Way

A blueprint for the paid leave and paid sick days policies that we need already exists. States and cities have paved the way for a federal floor. Currently, 14 states and Washington, D.C. have passed comprehensive and universal paid family and medical leave laws. Additionally, 19 states, 15 cities and 3 counties have passed paid sick leave laws.[32] Congress should look to these programs for best practices regarding eligibility, duration, wage replacement, and implementation. Strong and equitable paid leave and paid sick days laws need the following:

- **Broad Eligibility:** All workers should be able to take the time they need to care for themselves and their loved ones. Programs should cover all workers, including part-time workers, public- and private-sector workers, independent contractors, temp workers and gig workers, self-employed individuals, and all worksites regardless of number of employees. Additionally, eligibility requirements should be reasonable, avoiding rigid tenure requirements or minimum hours requirements. Policies should also be portable so that workers can access benefits when changing jobs.
- **Comprehensive Coverage:** Our leave policies should reflect our lives. For paid leave, qualifying events for leave should be flexible enough to match the circumstances of leave itself. Most state paid leave

programs encompass medical leave; bonding leave; family leave; military deployment; and, more recently, safe leave to address the impact of domestic violence, sexual assault, and other forms of gender-based violence and harassment. Paid sick leave should be equally broad. More and more states and cities are including safe leave as a qualifying need in their earned paid sick time laws.[33]

- **Adequate Duration:** Leaves need to be long enough to meet individual and family care needs. Most state paid leave programs provide at least 12 weeks of paid leave, with many of those (such as California, New Jersey, and D.C.) having increased their duration after evaluating their program needs and looking to the successes of other states.[34] Workers also need sufficient paid sick time to address short-term health needs throughout the year. Best practices suggest that workers should be able to accrue *at least *64 hours, or 8 days, of paid sick and safe time per year.[35]
- **Progressive Wage Replacement:** Because unaffordability is the primary reason workers do not take needed leave, paid leave should contain a wage replacement level that ensures workers can actually afford to take their leave.[36] Having learned from earlier programs like California's, more recent programs use a tiered wage replacement model, where workers earning lower wages receive the largest share of their pay and the replacement rate decreases as earnings rise. With an increased wage replacement, California found application rates rose by 16 percent.[37]
- **Inclusive Family Definition:** Paid leave policies should use a definition of family that matches the diversity of U.S. families. An inclusive family definition ensures that workers can take leave to care for their closest loved ones, regardless of legal or biological relationships. This is especially important for workers of color, who are more likely to live in multi-generational households, and LGBTQIA+ workers, who are more likely to provide care for loved ones to whom they are not legally or biologically related.[38] In recognition of this, California recently passed legislation to expand the state's paid leave program to allow workers to care for a "designated person," where the relationship is the "equivalent of a family relationship."[39]
- **Robust Job Protection:** Paid time off only works if workers are not afraid to take it. A 2025 CLASP study found that young workers often did not take needed time off, felt forced to leave their jobs, or came to work while sick because of concerns about retaliation.[40] Meaningful enforcement mechanisms ensure that workers take leave when they need it and can keep their job.

There is currently strong proposed national legislation that builds on the lessons learned from states to create truly comprehensive and universal paid leave and paid sick days laws. The **FAMILY Act** and the **Healthy Families Act** are both policies that incorporate state best practices to ensure that workers can afford to take the time they need to care for their families and thrive. The momentum and desire for paid leave has been clear and growing.[41] It is time for Congress to recognize that we cannot afford a country without care and pass strong, state-informed paid leave and paid sick days laws.

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