



**STATEMENT FOR THE RECORD**  
**BEFORE THE SENATE COMMITTEE ON LABOR & INDUSTRY**  
**ON THE**  
**PENNSYLVANIA FAMILY MEDICAL LEAVE ACT**  
**APRIL 17, 2018**  
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**SMALL BUSINESS MAJORITY**

Dear Chairwoman Ward, Minority Chair Tartaglione and members of the Committee:

Thank you for the opportunity to provide testimony on the small business perspective on the Pennsylvania Family Medical Leave Act, or Joanne's Law (SB 479), and its impact on the more than 2.4 million small businesses employees in Pennsylvania.

Small Business Majority is a national small business advocacy organization, founded and run by small business owners to ensure America's entrepreneurs are a key part of thriving and diverse economy. We actively engage small business owners and policymakers in support of public policy solutions, and deliver information and resources to entrepreneurs that promote small business growth and drive a strong, sustainable job-creating economy. Our extensive scientific opinion polling helps us educate and inform policymakers about key issues impacting small businesses and freelancers, including healthcare, access to capital, taxes, retirement, paid leave and other workforce issues.

Joanne's Law would allow eligible employees to use up to six weeks of unpaid leave to care for their sibling, grandparent or grandchild, as long as that person has no living spouse, parent under 65 or child over 17. The bill applies to employers currently required to offer unpaid leave under the federal Family and Medical Leave Act (FMLA), which is limited to businesses with 50 or more employees. It's important to note that most small businesses in the state have fewer than 50 employees (93% of all businesses in Pennsylvania, according to U.S. Census Bureau data).

Small business owners know it makes good business sense to take care of their employees, as it's crucial they retain a loyal, talented workforce. It's not surprising then that Small Business Majority's scientific opinion polling found small businesses are broadly supportive of programs similar to the Pennsylvania Family and Medical Leave Act. Indeed, [81% of small business owners](#) are supportive of FMLA at the federal level, and majorities support various state-based proposals that seek to expand upon FMLA.

Additionally, a majority of small businesses (71%) already have some type of policy, formal or informal, in place when it comes to family leave.

Small businesses realize how important it is for their employees to have extended-leave medical options and policies at their disposal should they need to take them. When small businesses offer leave to employees, they are not burdened by a loss of productivity. Fifty-six percent small businesses claim they simply reassign an employee's workload to another employee temporarily. Only 14% say they hire some sort of replacement.

Even small business owners without an official or formal family medical leave program in place support bills like the one on the table here in Pennsylvania. Ken Weinstein, owner of Trolley Car Diner, Trolley Car Cafe and the soon to open Trolley Car Station, all in Philadelphia, is one such business owner. Ken believes the kinds of situations that require employees to take family medical leave occur too often, and has historically offered time off for employees who need to attend to difficult family situations. Although Ken's business does not offer a formal, written policy for family medical leave, he liberally gives time to employees who need it to take care of themselves and others around them, including family members. Recently, Ken extended unpaid leave to an employee for four months after giving birth to her first son, regularly allows employees to take time off for medical or personal emergencies and would not hesitate to offer time off again to an employee who needs to care for a seriously ill sibling or family member. Ken supports the bill under consideration because this sort of policy builds loyalty among staff and is the right thing to do.

After two decades of experience with family medical leave, a [survey conducted by the Department of Labor](#) squashed claims that the program is abused. In fact, suspected and confirmed abuse of family medical leave is extremely rare—2.5% of worksites reported suspicion that an employee was abusing family medical leave, while an even lower 1.6% reported a confirmed case of misuse.

The national Family and Medical Leave Act has provided important safeguards to employees who need time off during a medical emergency or to take care of certain family members, but the law leaves critical gaps in protection. Allowing employees to take six weeks of unpaid leave to care for a sibling or grandparent should be a no-brainer, and will help small and medium-sized businesses offer protections to their employees. It will also help level the playing field for businesses that are already offering formal or informal family leave policies that cover this type of leave.

In conclusion, small business owners believe it's important for employees who need to balance their work and family responsibilities to have reasonable options for doing so—options that also meet the needs of employers. Small businesses' support of family medical leave policies is proof of this, as is the high percentage of small businesses that already have formal or informal policies for family and medical leave in place. With that in mind, it just makes sense to support the proposed policy allowing six weeks of unpaid leave to an employee to care for a sibling, grandparent or grandchild. Clearly, small businesses believe doing right by their employees is also the right thing for their bottom line.