Paid Family Leave and New Jersey's Service Sector Workforce

Despite the widespread need to take leave from work when faced with a caregiving obligation or when welcoming a new child to the family, many workers in the U.S. lack comprehensive paid leave with job protection and so are forced to choose between taking care of their families or preserving their jobs. While the U.S. is one of only a few industrialized countries that does not offer comprehensive paid leave with job protection to its citizens, New Jersey has been at the vanguard of providing this valuable benefit so that workers can afford to take off the time they need.

New Jersey's Family Leave Insurance (FLI) program covers workers who have welcomed a new child through birth, adoption, or fostering, caring for a loved one with a severe illness, as well as time away from work to recover from an incident of domestic violence. New Jersey already provides coverage for leave due to one's own severe illness through its Temporary Disability Insurance program. The state has also expanded job protection to some workers that are not covered by federal legislation through the New Jersey Family Leave Act (NJFLA).

But, passing a law does not always guarantee that workers can access paid leave and barriers to access may be especially acute for low-wage hourly workers. In particular, while these workers in the service sector have provided crucial front-line essential service through the pandemic, their work is characterized by unpredictable schedules, low wages, high turnover, and scant employer-provided benefits. Research on service sector workers shows that job conditions in retail, food service and hospitality contribute to economic insecurity and poor health outcomes for workers and their children.[1] In order to implement paid leave programs that support service sector workers, we need more data on public awareness, need, and uptake of paid leave in states like New Jersey that offer paid leave benefits.

We utilize survey data from 1,185 New Jersey service sector workers, collected in Fall 2021 as part of The Shift Project. Our data permit an unprecedented view of New Jersey's frontline workers' need for and access to paid leave and provide unparalleled insight into the work and family lives of low-wage workers. We harness these data to document the prevalence of needing leave and the characteristics of those with a qualifying leave event. We then examine access to leave among those eligible and consider barriers to access such as lack of knowledge about the benefits. Then, we ask workers with a qualifying paid leave event how they progressed through the application process, asking about points of attrition. We are also able to examine a set of consequences of gaining access or lacking access to the leave program. Finally, we use this analysis to recommend program changes that would address the needs of low-wage workers.

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Background on New Jersey's Paid Leave Law

New Jersey's paid leave law, first passed in 2009 and expanded in 2020, replaces workers' wages up to 85% capped at $903 per week. In 2020, over 40,000 workers claimed paid leave benefits, as the law helped to fill the gap in access to paid leave faced by many workers who cannot access paid leave from their employer.

New Jersey's program could be a lifeline for low-income hourly workers, but prior research suggests that utilization of the program is uneven and unequal. While limited data on claimants' characteristics is available, many estimates show lower income workers are underrepresented relative to their size in New Jersey's population.[2] In a study examining uptake of paid leave in Rhode Island, New Jersey, and California, Rhode Island's program was found to serve the most low-income workers.[3] Nationally, research from other paid leave states has found that claimants from the lowest income quartile are considerably underrepresented.[4] Difficulty accessing paid leave may be especially pronounced for hourly service sector workers. Estimates from a national sample of service sector workers show that nearly half of such workers who needed leave did not take it. The majority (71%) said they could not afford to take leave.[5]

Only a few studies explore the reason for lagging uptake among this lower income demographic. In San Francisco, only 6% of Medicaid-covered women knew that they were covered by a paid leave ordinance.[6] Even when the hurdle of awareness has been conquered, workers are confused and discouraged by poor administration.[7] In New Jersey, workers are confused about how to apply and utilize the programs and worry if their job will be held for them until they return from leave.[8]

These formidable barriers to use are significant because paid leave programs bestow gains in economic security, health, and well-being to the workers who successfully access their benefits. Research on California's paid leave program shows that paid leave decreases the risk of poverty in the year following a birth by 10.2 percent and increases household income over the same period by 4.1 percent, with particularly strong gains concentrated among less educated and low-income single mothers.[9]

Access to data that could guide paid leave implementation, identify points of attrition for applicants, and ease the administrative burdens claiming workers face, is severely limited. The Current Population Survey, one of the most relied upon surveys in the United States, has very limited information about family and medical leave. The Family and Medical Leave Act (FMLA) survey administered by the U.S. Department of Labor offers the most comprehensive portrait of leave-taking, but the national focus of the dataset and lack of oversamples in paid leave states limits generalizability or insight about policy usage and uptake.

Data collected during program administration in paid leave states offers the richest information about usage and uptake of low-income applicants. However, the annual reports that states currently release do not provide enough detail to drive program improvements. New Jersey releases annual digests of FLI and Temporary Disability Insurance (TDI) claims that summarize gender, race, education, gross benefits paid, average days paid per claim, and the average weekly benefit amount. Without near real-time data on who is applying, outreach cannot be targeted to those most in need.[10]

Low-wage, hourly workers are the least likely to be able to afford to take unpaid leave, while also the least likely to receive paid leave as a benefit from their employer. To ensure that New Jersey's paid leave program is meeting the needs of these workers, this report uses data from the Shift Project survey that offers an unprecedented look at job quality for low-wage workers. Our unique methodology helps us to overcome data gaps in the Current Population Survey, a data-set that offers widespread coverage of workers but little information about job quality, hours, or benefits, and the Department of Labor's FMLA survey that oversamples low-wage workers about leave but does not capture barriers to using paid leave programs.[11]

For this analysis we utilize data from 1,185 New Jersey

service sector workers, collected between October and November 2021. The Shift Project methodology utilizes Facebook's detailed audience targeting capabilities that are at the heart of Facebook's advertising model to construct samples of this otherwise difficult-to-sample population. Acting as an "advertiser," we use Facebook's audience targeting tools to purchase and place survey recruitment advertisements in the newsfeeds of Facebook users who work at specific companies. A key advantage of this sampling approach is that we purposefully capture workers who are covered by family leave laws, which apply to large retail and food employers and exempt smaller establishments. By targeting our data collection to these large establishments, the workers in our survey sample are precisely those who would be affected by job protection laws and participation in Family Leave Insurance.

We constructed our survey questions to fill in the gaps between existing data and unanswered research questions. A first module of questions asked if workers had heard of the law and to parse the kinds of events that would allow one to use New Jersey's Family Leave Insurance program. Workers are asked about child events and care events over the prior 12 months that would have triggered the need to take leave. Then they are asked about their decision to take leave, applying for benefits, including questions about where they turned for information on taking leave.

Need for Paid Leave in New Jersey

Nearly a third of New Jersey workers (27%) we surveyed experienced a qualifying leave event covered under New Jersey's Family Leave Insurance (FLI) program in the past 12 months. Thirteen percent of workers experienced a caregiving event and 8% welcomed a new child. An additional 12% experienced both caregiving and a new child event in the past twelve months. (Table 1)

Nearly three quarters (65%) of workers who experienced a qualifying event took some type of leave from their job. The leave-taking captured in Table 2 includes any leave that respondents took from work due to a child or care event regardless if the leave was paid, unpaid, or if the worker received benefits from New Jersey's Family Leave Insurance Program. There were notable disparities by gender and race. Men were more likely to take leave than women (70% vs 58%). Black workers were more likely than White workers to take leave (68% vs 57%) and Hispanic

Table 1: Type of Qualifying Leave Event by Race and Gender

Experience a NJ Qualifying Event, among whole sample	All	Women	Men	White, Non-Hispanic	Black, Non-Hispanic	Hispanic	Other/Multiple race, Non-Hispanic
No Event	73%	79%	67%	73%	45%	81%	88%
Any Event	27%	22%	33%	28%	55%	20%	12%
Child Event	5%	4%	7%	6%	11%	2%	3%
Care Event	13%	11%	15%	13%	29%	10%	6%
Multi	9%	7%	11%	9%	15%	8%	3%
Experience a NJ Qualifying Event, conditional on Event	**All**	**Women**	**Men**	**White, Non-Hispanic**	**Black, Non-Hispanic**	**Hispanic**	**Other/Multiple race, Non-Hispanic**
Child Event	19%	17%	20%	21%	20%	10%	24%
Care Event	49%	53%	46%	46%	53%	51%	50%
Multi	33%	30%	33%	33%	27%	40%	26%

workers were slightly more likely to take leave than Black workers (87% vs 68%). When compared with White workers, those identifying as another race or as more than one racial category were 25 percentage points less likely to take leave (32% vs 57%). (Table 2)

Understanding that the decision to take leave is a complex one, we asked workers if they were satisfied with the amount of leave they took. Five percent took leave and did not want more, and the another share (10%) did not take leave because they did not want leave. The largest share of workers with a qualifying event took leave (65%) but wanted to take more leave. About a quarter of workers (26%) wanted to take leave but could not take it. A large majority of workers who had a New Jersey paid leave event (85%) did not access the leave they needed. (Table 2)

We find key differences between men and women when it came to the adequacy of leave. Men were 15 percentage points more likely than women to say that they would have liked to take more leave, but women were 24 percentage points more likely than men to want leave but were unable to take leave. Hispanic workers were the most likely to take leave but also the most likely (78%) to report needing more leave. (Table 2)

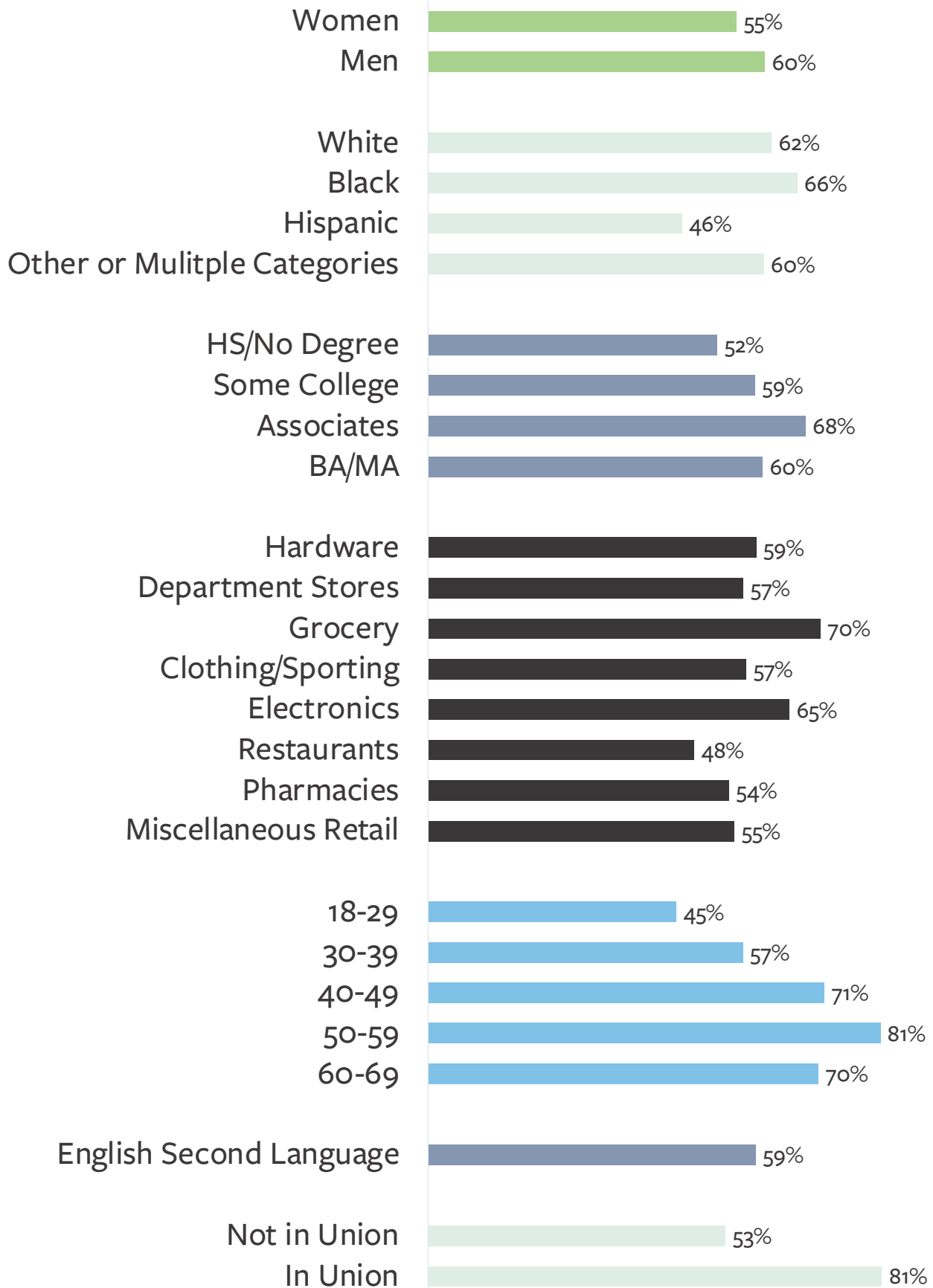# Awareness of New Jersey's Paid Leave Insurance Program

A key component to ensuring that workers can take leave, or as much leave as they need, is providing paid leave benefits like those offered through New Jersey's Family Leave Insurance program. One barrier that workers must overcome to utilize this program is awareness. Prior research has shown that awareness is a major factor contributing to program uptake for low-wage workers.[12] To gauge awareness of the program we asked all workers in our New Jersey survey whether they knew the benefit existed. Figure 1 shows awareness of the law by a variety of demographic and worker characteristics.

Men and women had nearly equal levels of awareness, but we observed greater variation by race and ethnicity. Black workers (66%) were the most likely to have heard of the program compared to 62% of White workers. Less than half of workers (46%) who identified as Hispanic were aware of the law, and a slightly greater share (60%) of workers choosing more than one race or a different racial category had indicated knowing about the law. The 16 point percentage difference in awareness between Hispanic workers and White workers is particularly stark.

Table 2: Leave Situation among Workers with Qualifying Events, by Gender, Race and Ethnicity

	All	Women	Men	White, Non-Hispanic	Black, Non-Hispanic	Latinx	Other/Multiple race, Non-Hispanic
Took Leave	65%	58%	70%	57%	68%	87%	32%
Unsatisfied with leave (b) + (d)	85%	87%	83%	82%	92%	88%	62%
Satisfied with leave (a) + (c)	15%	13%	17%	19%	13%	12%	38%
(a) Qualified, took leave, did not want more	5%	10%	2%	4%	7%	9%	0%
(b) Qualified, took leave, wanted more	59%	48%	68%	53%	61%	78%	32%
(c) Qualified, no leave, did not want leave	10%	3%	15%	15%	0%	3%	38%
(d) Qualified, no leave, wanted leave	26%	39%	15%	29%	31%	10%	30%

Figure 1: Respondents that have heard of NJ Paid Family Leave Law by Worker Characteristics

Characteristic	Percentage
Women	55%
Men	60%
White	62%
Black	66%
Hispanic	46%
Other or Mulitple Categories	60%
HS/No Degree	52%
Some College	59%
Associates	68%
BA/MA	60%
Hardware	59%
Department Stores	57%
Grocery	70%
Clothing/Sporting	57%
Electronics	65%
Restaurants	48%
Pharmacies	54%
Miscellaneous Retail	55%
18-29	45%
30-39	57%
40-49	71%
50-59	81%
60-69	70%
English Second Language	59%
Not in Union	53%
In Union	81%

We also observe a significant difference for workers by union status. Workers belonging to a trade union were substantially more likely to know about the program (81% vs 53%). Unions tend to educate their members about workers' rights and benefits, even those not provided directly by the union.

Older and more educated workers are more likely to have heard of New Jersey's paid leave program compared to younger workers in the early career stage. Eighty-one percent of workers in their 50's and 70% of workers in their 60's were aware of the law compared to 65% of workers in their 30's and only 55% of workers under 30. Older workers with greater work experience may have had more time to learn about the law and are more likely to have had a leave event that caused them to inquire about leave benefits. Compared to workers with a high school diploma or less (52%), awareness among workers with some college experience was between 7-16 percentage points higher.

Differences across subsector may point to industry and employer behaviors that support workers that need leave. Workers in restaurants and pharmacies had the lowest awareness compared to grocery and electronics stores where more workers had heard about the law. This aligns with other research suggesting that the culture in some subsectors may foster greater awareness and communicate better to their workers

about benefits than others. Grocery stores are also more likely to have a unionized workforce, and unions tend to facilitate access to state benefits and social programs.

Overwhelmingly, workers said their employer (37%) told them about paid leave benefits, followed by friends or family (27%). Healthcare providers (23%) also emerged as an important source of information followed by internet searches (23%) and coworkers (23%). Less common sources were from government agencies (11%), and non-profits (7%). About 24% of workers said that they were aware of the program but could not remember how they heard about it.[13]

Awareness among New Jersey's service sector workers is comparable to other states with paid leave programs. Using a national sample of Shift Project surveys, we find that slightly more hourly workers were aware of the program in New Jersey compared to Washington state. California's paid leave law was enacted 6 years before New Jersey's in 2002 but only a little more than half of workers in California were aware of its paid leave program compared to 66% in New Jersey. Awareness of paid leave in Washington State is similar to that of New Jersey, but New Jersey's population overtakes it by a little over 1 million. The population of California is about 4.5 times larger than New Jersey, making outreach and education programs more difficult and expensive.

Figure 2: Sources of Paid Leave Knowledge
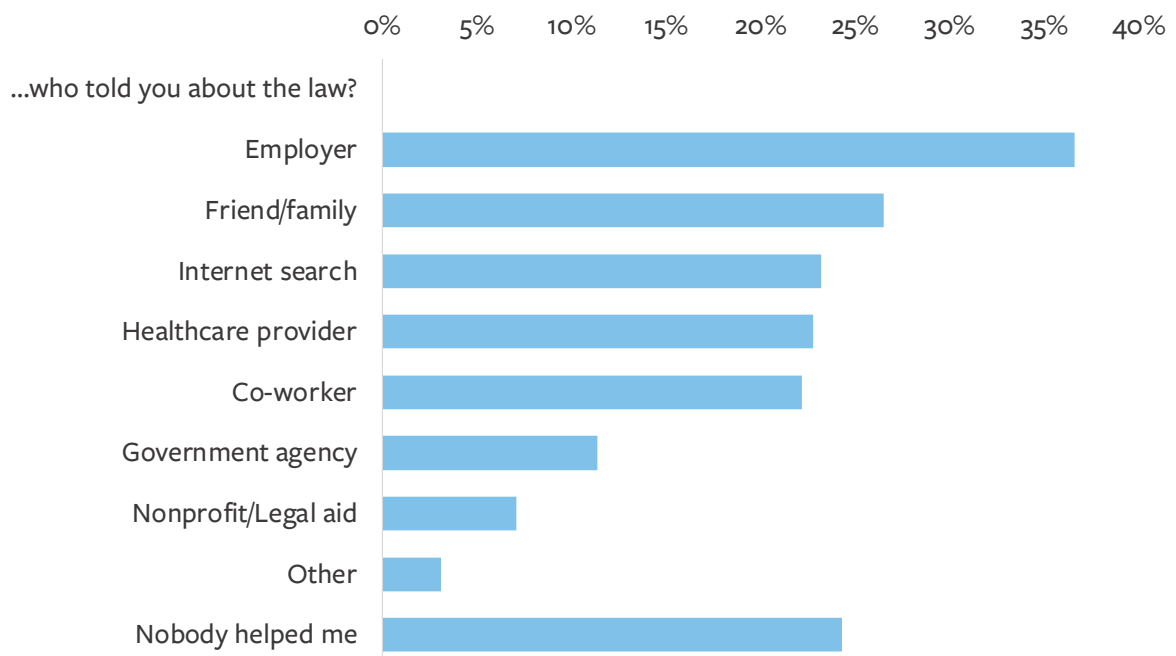
Knowledge of Covered Leave Events

Prior research has highlighted the overall confusion workers and employers experience about New Jersey's paid leave program. Low-wage workers are often confused about the different job protection laws that intersect with New Jersey's Temporary Disability Insurance and Family Leave Insurance programs. Although benefits are available for a great deal of common life events, workers remain confused about the myriad of situations covered by a patchwork of federal legislation, disability insurance, or the state's paid leave program.

To gauge worker's knowledge of the program, we asked survey respondents to identify all of the covered life events for New Jersey's Paid Leave Insurance Program. In addition to the three accurate covered life events we also offered respondents two false options: (1) recovering from one's own serious illness and (2) a qualifying military family leave event.

Figure 4 shows that knowledge of many of the laws' provisions were mixed. Nearly three-quarters of workers who had heard of the law (77%) could correctly identify the arrival of a new child as a covered leave event. Fewer workers (71%) were able to identify caring for a seriously ill loved one as a covered provision of the law. A little more than half (60%) of those who had heard of the law could identify both prominent leave reasons (child & caregiving) covered by the program. Provisions related to domestic violence leave taking were only known to 44% of workers.

Older workers were more likely to correctly identify covered leave events compared to younger workers. Workers in their sixties were 26 percentage points more likely to identify child leaves compared to workers under 30. This trend also held for caregiving leaves (94% vs 59%) and domestic violence leaves (58% vs 41%).

Although men and women were nearly equally likely to have heard about paid leave, men were far less likely to identify child or care events as covered under the law (49% and 69%). In addition to being more knowledgeable about child events (86% vs 66%) and care events (78% vs 62%), women were also much more likely to know that the program could be used to address domestic violence (49% vs 38%). Black workers were the most likely to have heard of FLI but the least likely to identify both child leaves and care leaves (51%) as covered events. Workers who identified as a different race or two or more races had the highest correct identification of caregiving leaves

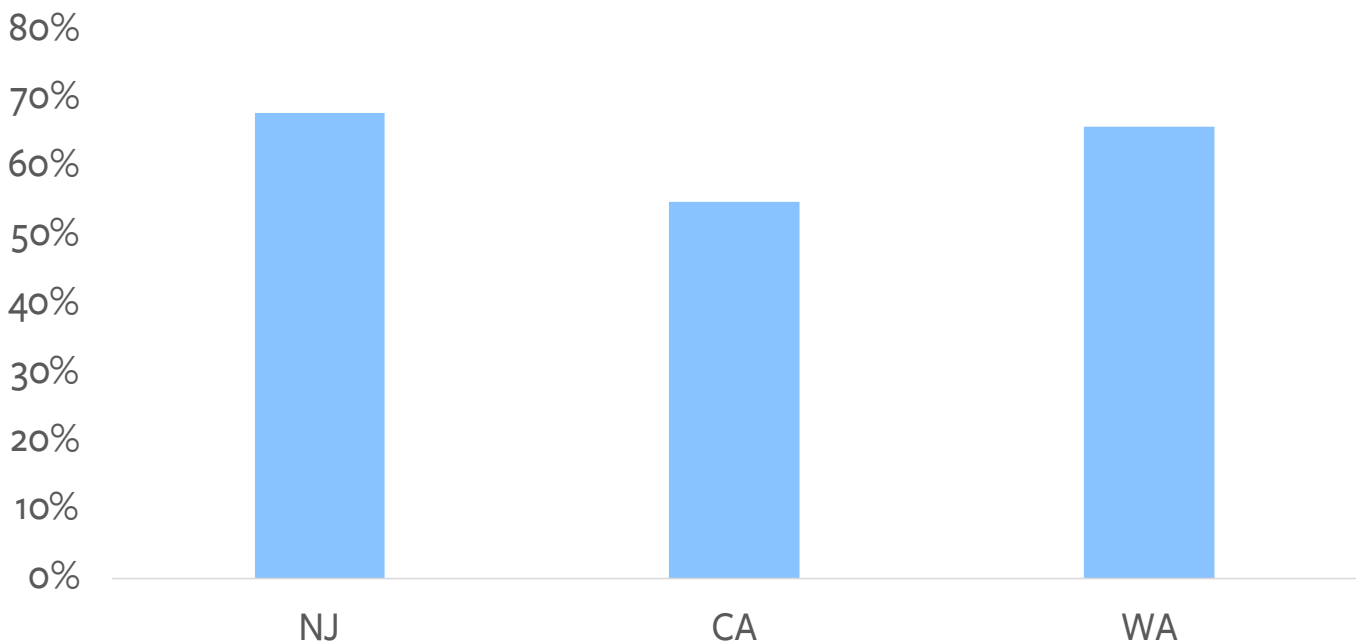## Figure 3: Awareness of Paid Leave Laws in NJ, CA, and Washington

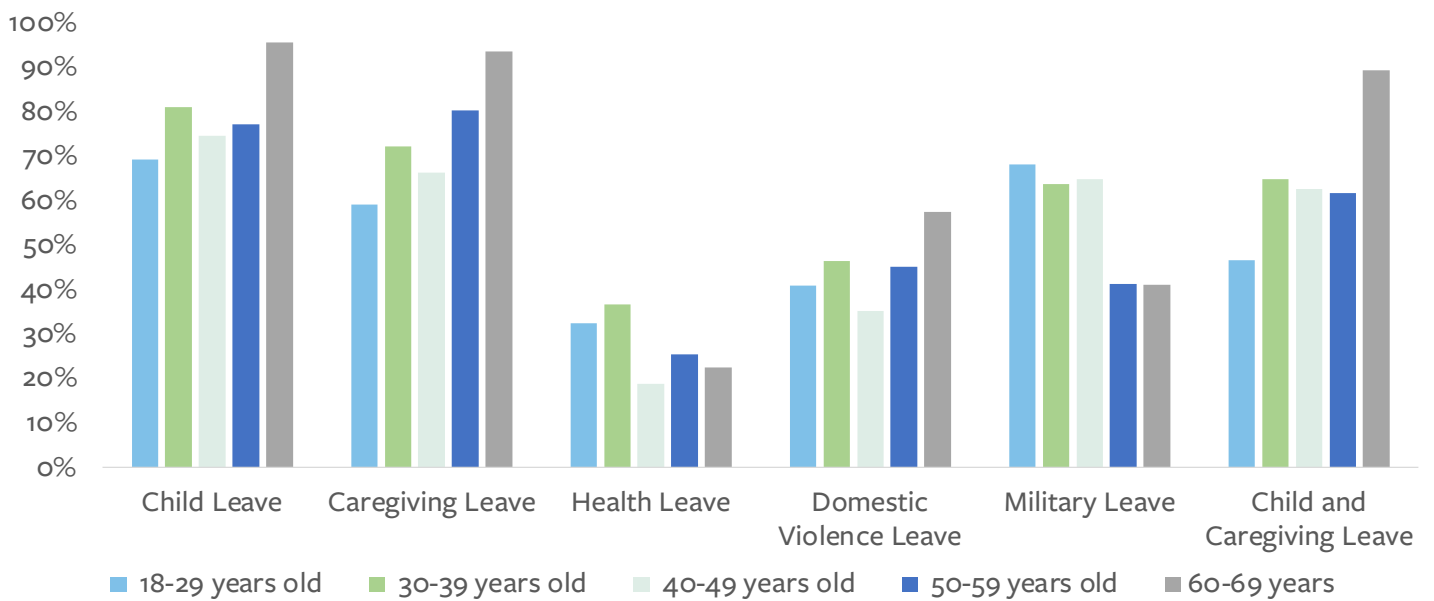## Figure 4: Awareness of FLI Qualifying Events by Age

Legend: 18-29 years old | 30-39 years old | 40-49 years old | 50-59 years old | 60-69 years

Figure 5: Awareness of FLI Qualifying Events by Gender

Legend: Men | Women
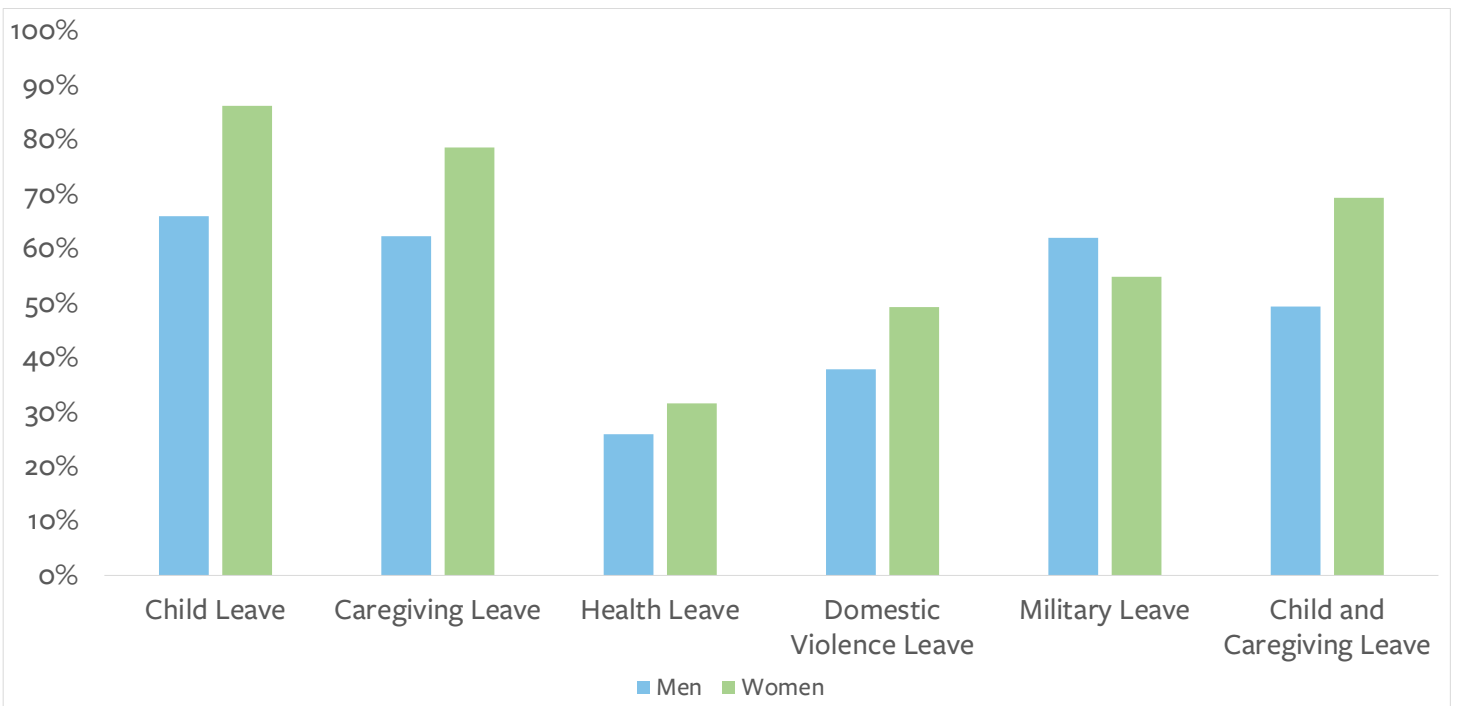
Figure 6: Awareness of FLI Qualifying Events by Race

Legend: White, Black, Latino/Hispanic, Other/Multi
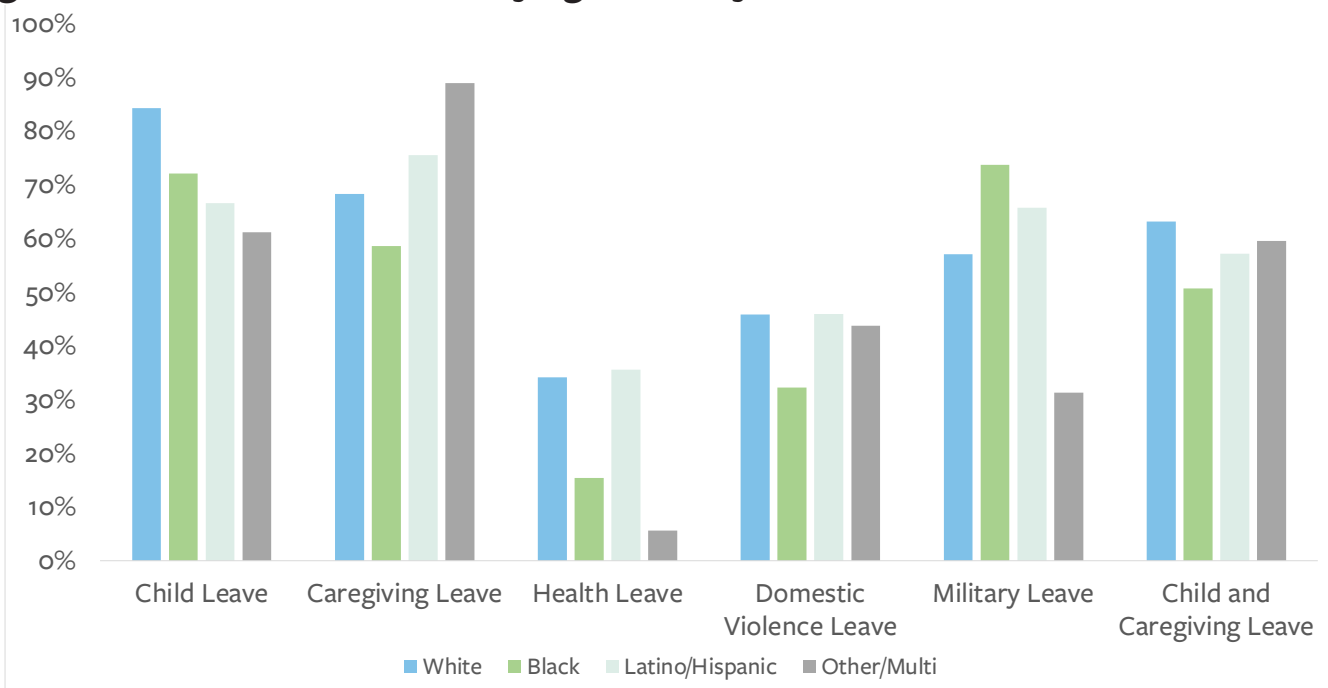
(89%) but the least knowledgeable about child leaves (61%). White workers were the most likely to identify child leaves (84%). (Figure 6)

A significant share of workers (29%) believed that FLI covered a leave that was due to one's own personal health or recovery, but this is likely because workers are familiar with New Jersey's Temporary Disability Insurance (TDI) program. Military leaves are covered by other states that offer paid leave as well as under federal unpaid leave (FMLA), but (58%) of New Jersey workers believed it was part of FLI.

Utilizing Family Leave Insurance

As one might expect, when introducing a new and ambitious benefit program, New Jersey has struggled to administer benefits to claimants. Recent program data suggests that investments in implementation have paid off, claims are increasing and the time to receipt of benefits has greatly improved.[14] Despite these transformations, focus groups and interviews with New Jersey stakeholders continue to show that employers and workers remain discouraged by the application process for FLI. Applicants are confused by questions in the application and struggle to find a contact at the appropriate agency to help. They are unsure if their healthcare provider has supplied required certifications. Each of these steps snowball
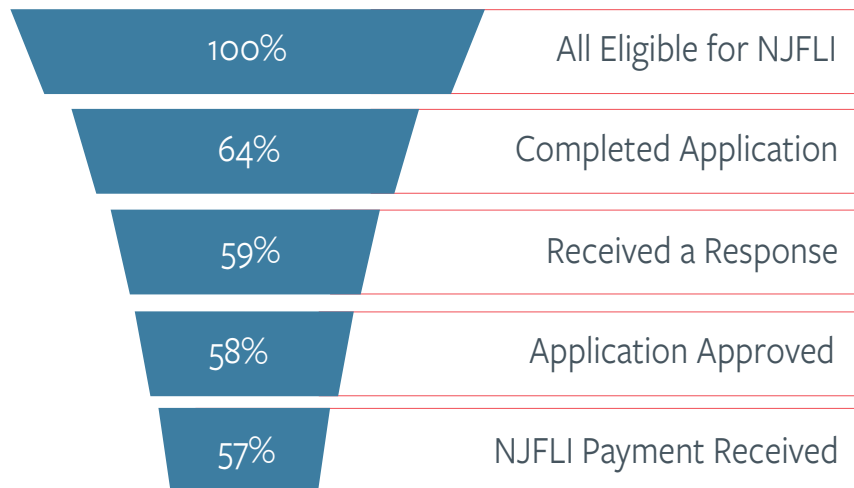
to exert a significant administrative burden on workers who lack the time and resources to navigate this system.

Results from workers in Fall 2021 demonstrate that New Jersey's paid leave program can be a lifeline for those who need it, but only about half of eligible workers accessed the program. Figure 7, shows the hoops workers must jump through to receive FLI benefits.

First, we asked workers with covered events if they needed to take leave, and omitted those that did not want and did not take leave. Among those who wanted leave 36% did apply for the program. Again, awareness played a key role as nearly half these non-applicants (64%) reported not knowing about the program. Smaller shares reported not knowing how to apply (14% of non-applicants) or not having had time to apply (6% of non-applicants). Another 6% said they could not get the required documentation from their health provider and 4% tried but could not complete the application. (Figure 7)

Additional barriers sidelined workers on their way to receiving benefits. A small share of those that applied (5%) never received a response to their application and another 1% of those that applied said their application was officially denied. At the final step of the process, 90% of those that completed an

Figure 7. FLI Funnel: From Eligibility to Receiving Benefits

100%	All Eligible for NJFLI
64%	Completed Application
59%	Received a Response
58%	Application Approved
57%	NJFLI Payment Received

application finally received a payment, but only about half of workers (57%) that needed and wanted leave received Family Leave Insurance benefits.

Lack of awareness and confusion around eligibility are consistent with prior studies on paid leave utilization.[15] Roadblocks like difficulty understanding the process or not receiving a response from New Jersey's Department of Labor are common experiences workers face when trying to access the program.[16] More workers would likely take advantage of the program if more knew about the program and the process could be made less burdensome. As New Jersey state agencies look to modernize systems and consider implementing new technologies to prevent fraud, efforts should be made to ensure administrative burden does not increase for low-income workers.

Experience of FLI/TDI Takers

The majority of those using New Jersey's paid leave program (96%) said that having these benefits available were important for their ability to take the leave. At the time they needed to take leave, 82% said they understood the FLI benefits available to them and 77% said they understood whether their job was protected. This group also reported greater support from their workplace when they were deciding to take leave. At the time they needed leave, 93% said their manager was supportive of their decision and 100%

said they had the support of their coworkers. (Figure 8)

Family Leave Insurance claimants were the fortunate ones able to take leave, but 93% of workers who used the state's program said they needed more leave than they were able to take. Yet, very few workers using FLI exhausted the maximum amount of leave the program provides. Table 4 shows that the average length of leave for workers using FLI/TDI for a child leave was about 4 weeks (4.4). Men took 4.2 weeks on average and women took almost 6 (5.5) weeks. Women took 3 more weeks of caregiving leave at 4.2 weeks on average compared to 0.8 weeks for men. Women who experienced multiple events over the course of a year took about the same amount of leave as men (1.5 weeks). Comparatively, men who did not claim FLI benefits for a child event took less than a week of leave on average. Our survey did not capture any women who took a child leave and did not use TDI or FLI. Women without FLI taking caregiving leaves took nearly 6 weeks on average while men took 9 weeks on average. Women and men with multiple leave events in the past year who did not claim FLI took an average of 4.9 weeks and 4 weeks respectively.

Prior research on New Jersey workers using Shift Project data provides some context as to why workers using FLI are taking shorter leaves. The median reported wage for New Jersey workers in data collected between March 2017 and June 2019 was

Figure 8: Those Who Took FLI: Outcomes

Leave Adequacy
- Took leave, needed more leave
- Took leave, took enough leave

Negative Consequences Due to Leave
- Treated differently at work
- Revealed information about health
- Revealed personal family information
- Lost seniority/advancement
- Fired

Job Protection and Workplace Support
- FLI very or somewhat important
- Very supportive coworkers
- Very supportive manager
- Understood Job Protection
- Understood FLI

Why Not Take More Leave
- Need insurance
- Pressure from coworkers
- Pressure from employer
- Afraid of losing job
- Could not afford it

When Benefits Arrived
- After my leave was over
- Near the end of my leave
- Several weeks after my leave began
- Soon after my leave began
- Right when leave began

Table 3: Mean Length of Leave in Weeks

TDI/FLI: Leave Type	All	Men	Women
Child	4.4	4.2	5.5
Care	2.1	0.8	4.2
Both	1.5	1.5	1.5
No TDI/FLI: Leave Type	**All**	**Men**	**Women**
Child	0.5	0.5	N/A
Care	6.2	9.4	5.8
Both	4.4	4.0	4.9

$12.00 per hour with most workers (66%) reporting wages that still fall below the estimated living wage for a single adult with no children ($13.92).[17] 68% of workers reported that, in a typical month, they find it very or somewhat difficult to cover their expenses and pay all their bills. When we asked workers whether they could come up with $400 if an unexpected need arose within the next month, 40% doubted that they could come up with the money.

Financially fragile low-wage workers often need more income than the FLI program provides. Nearly half of workers who used FLI (51%) reported that they would have taken more leave but could not afford it. Although FLI leaves are paid, wage replacement is only 85% of base wages and reduced-pay during leave can exacerbate economic instability. New Jersey's benefit calculation may also disadvantage hourly workers with unstable schedules and fluctuating hours if the lookback, or time period, used to estimate pay was particularly volatile. (Figure 8)

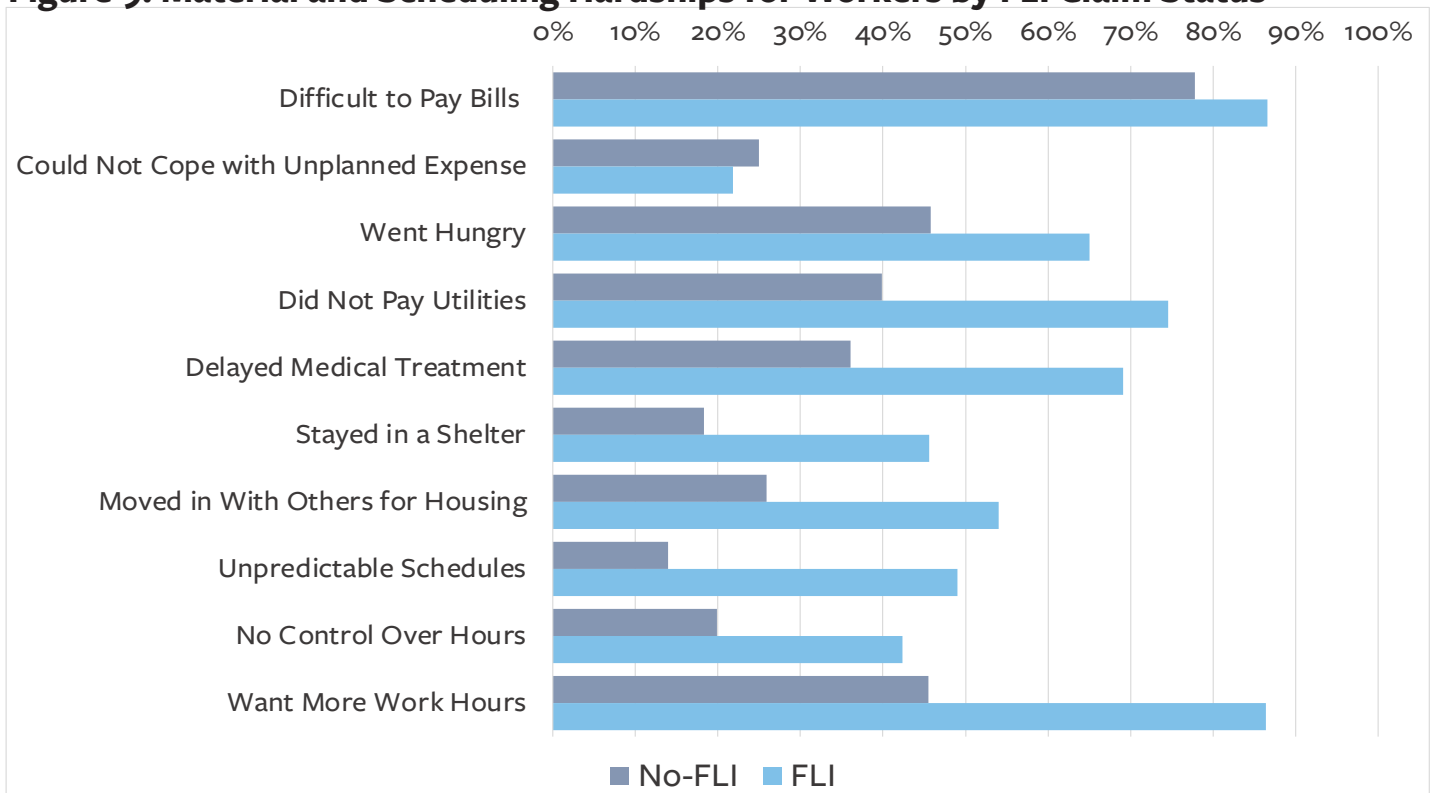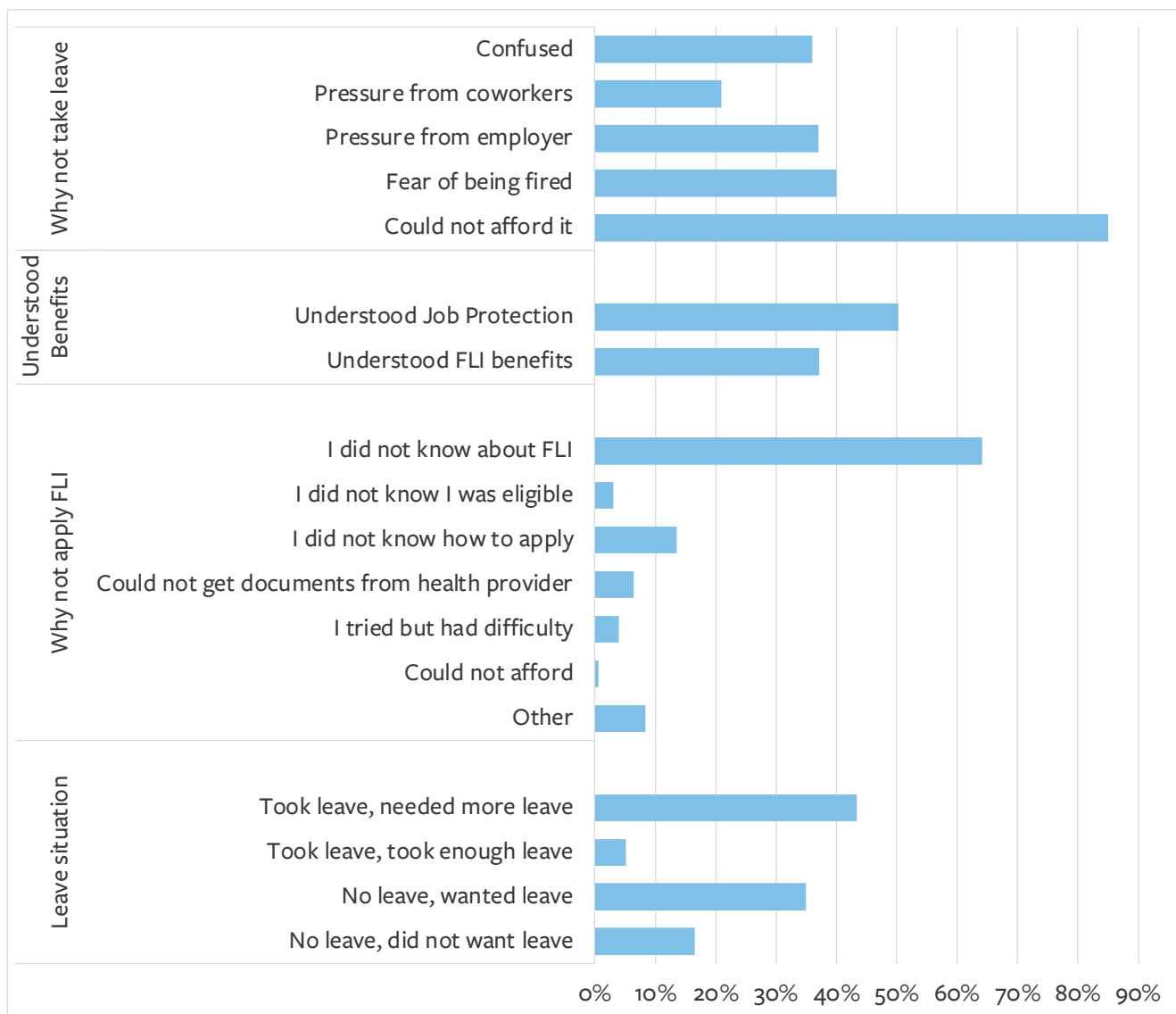## Figure 9: Material and Scheduling Hardships for Workers by FLI Claim Status

## Figure 10: Those who did not take FLI outcomes

The timing of benefits could also impact length of leaves. Seventy-nine percent of claimants reported receiving benefits after their leave began and 22% of those claimants did not receive payment for several weeks after their leave began. Households can experience increased economic insecurity around the birth of a baby, and this can be worse for households with limited savings.[18] These households cannot maintain their household budgets when benefits are not timed with their leave.

In addition to affordability, many respondents indicated they returned to work sooner than planned because of pressure from their employer (26%), pressure from their coworkers (38%), or because they feared losing their job (40%). Overall, nearly half (60%) of FLI recipients said they were afraid of some form of pressure from their workplace, which may help to explain both the relative short duration of leaves and the desire to take more leave. Workers also experience negative consequences or stigma when they take leave. Nearly a quarter of FLI recipients (21%) reported losing seniority or advancement opportunities and 12% said they were treated differently at work as a result of taking leave.

There were other notable differences between FLI users and non-FLI users that may explain differences in leave length. Figure 9 shows that FLI takers experienced a greater share of many economic hardships than their non-FLI peers. Paid leave claimants were more likely to have indicators of unstable schedules such as not having control over

Figure 11: Job Protection: FMLA and NJFLA by Qualifying Events and FLI Uptake

Figure 11: Job Protection: FMLA and NJFLA by Qualifying Events and FLI Uptake
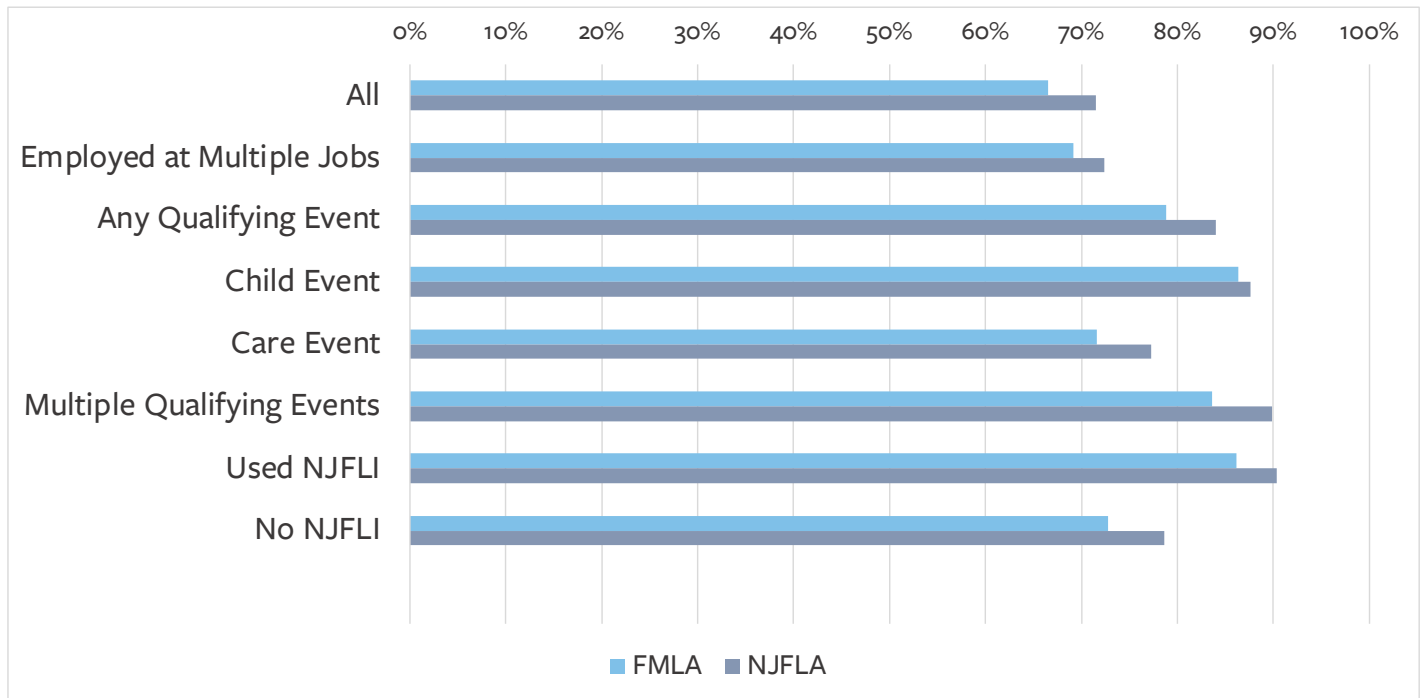
work hours, wanting more hours, and having the highest rating on the schedule unpredictability scale. FLI claimants were also much more likely to have had an incident of food insecurity, not paid their utility bill, delayed medical treatment, stayed in a shelter, or moved in with a relative for housing over the past year. These findings suggest that FLI is a lifeline for financially fragile households, but more could be done to ensure economically vulnerable workers have adequate wage replacement while on leave. Workers with more household resources may not rely as heavily on these benefits.

Experience of those without FLI

It is difficult to imagine how low-wage hourly workers coped without New Jersey's paid leave program. Unfortunately, a large share of these workers (35%) said they wanted leave but were unable to take leave, and the majority (43%) said they took leave but needed or wanted more leave. Only (5%) were lucky enough to take just the right amount of leave and less than a quarter percent (17%) said they did not take any leave because they did not want or need leave.

Among those 35% who wanted leave but did not take it, a familiar story emerged. Most said (85%) they

simply could not afford it. Workplace stigma also loomed large over non-FLI users. A large share (40%) said they were afraid they might be fired and 36% said they felt discouraged by their employer. Workers were also afraid they would lose their health insurance (3%) and another share were confused about being eligible for leave (36%). Non-FLI claimants were also less likely than their FLI peers to report understanding FLI benefits (37%) or job protection (50%) at the time they needed to take leave. Again, affordability and awareness arose as key reasons for not taking leave.

Job Protection

Along with being able to afford leave, workers need to know their job will be waiting for them when they return. However, the precarity and scheduling uncertainty of jobs in the service sector make it difficult to meet some eligibility requirements. The Shift Project targets surveys to workers at large national firms that meet the size threshold required for job protected leave under the Family Medical Leave Act. Some workers do not meet additional requirements for FMLA such as 1-year tenure and a 1,250 minimum hours requirement. New Jersey's Family Leave Act also includes a 1-year tenure but a

slightly lower 1,000 minimum hours.

In the overall sample of New Jersey service workers, only 67% qualified for job protection under FMLA and 72% under NJFLA. The high degree of precarity, including fluctuating hours and high turnover that characterizes service sector jobs can keep workers from meeting the minimum requirements for these programs. Workers who utilized FLI were 13% more likely to qualify for FMLA and 11% more likely to qualify for NJFLA.

Amending laws like FMLA and NJFLA so more workers have job protected leave is critically important, but might not go far enough to protect the workers in our survey from retaliation. The fear of retaliation is particularly salient for hourly workers in a sector characterized by high turnover and managers who can control much of workers' jobs. Managers can punish workers who take leave by assigning them poor shifts or cutting their hours. After all, a large share (40%) of workers who took leave said they felt pressure from their employer to return to work.

Discussion

Shift Project data provides unprecedented insight into New Jersey workers' decisions to take leave and their ability to access the state's Family Leave Insurance program. These data point to an uneven and unequal utilization of New Jersey's paid leave program. Latino workers were nearly 16 percentage points lower on awareness of the program compared to their White peers. Younger workers without a college degree were also less likely to know about the program. Only about 57% percent of eligible workers in our data were able to claim paid leave benefits from the state's program.

Overall, our analysis points to the need for equitable implementation of New Jersey's program with an eye toward service sector workers. Only about half of workers that were eligible for paid leave benefits under New Jersey's program received them. Most were unaware of the program and others had difficulty with the application, pointing to the need for greater education and outreach efforts. Even those who were aware of the program could not accurately identify all of the situations, particularly caregiving and domestic

violence, that could be claimed. Additionally, raising wage replacement rates above 85% and improving the timing of receipt of benefits would help more workers to afford leave. Financially fragile workers cannot weather a sudden loss of income if their benefits are delayed or if they must forego income not covered by the replacement rate.

Most workers look to their employer for information about paid leave and job protection. Ensuring that employers clearly inform workers of their rights and point them to the appropriate state agencies to fill out their applications would be an important first step for helping workers access leave. Service sector workers, used to a high degree of precarity in their jobs, may be less likely to expect a paid leave benefit as part of their employment. Even among workers that qualify for job protection, workers look to their employer for assurance that they are allowed to take leave. FLI claimants in our data also had more support from their employers and coworkers, which underscores the oversized role they play in normalizing the culture of leave taking.

Lessons learned from efforts to improve unemployment insurance could also apply to FLI, such as implementing a "Navigator" program, training workers to help other workers apply for the program or assembling a board of low-wage hourly workers to advise on program design and implementation.[19] Addressing gaps in awareness and knowledge will require partnerships with community organizers who are skilled in communicating effectively with their communities. New Jersey has already taken steps to empower these community groups to take action.

Clear data about claimants would help to ensure the program is reaching all who need it. Shift data provides a unique look into the firms where low-wage workers are employed but releasing regular updates using data collected from claimants' applications could better inform equitable uptake of the program.[20]

Consistent with prior analysis of administrative claims data, care claims are much less common than child claims, despite care events being more common among the workers we surveyed.[21] Prior research also shows that caregiving claims are substantively different than

welcoming a new child, and the application process should take this into account.[22]More outreach and education are needed to raise awareness about paid leave benefits for caregiving.

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Preferred Citation

Elaine Zundl, Daniel Schneider, Kristen Harknett. 2022. "Paid Family Leave and New Jersey's Service Sector Workforce." https://shift.hks.harvard.edu/paid-family-leave-and-new-jerseys-service-sector-workforce

Support

Addendum
6/29/23 - In Table 1, figures in line 2 of all columns and figures in column 7 lines 1-5 were updated. In Table 2, figures in lines 2 & 3 in all columns were updated.

End Notes

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10 Zucker (2021)

11 https://shift.hks.harvard.edu/wp-content/uploads/2022/06/Final-Data-Appendix.pdf

12 Bana S, Bedard K, and Rossin-Slater M. (2018).

13 Workers were asked to indicate all the ways they learned about the program so percentages do not total to 100%.

14 Retrieved from: https://www.myleavebenefits.nj.gov/labor/myleavebenefits/assets/pdfs/FLI Summary Report for 2020.pdf

15 Mason (2019); Logue-Conroy et al. (2021); Tisinger, R., Johnson, M., Hoffman, A., Davis, C., Jean-Baptiste, M., & Tanamor, M. (2016). Understanding Attitudes on Paid Family Leave: Discussions with Parents and Caregivers in California, New Jersey and Rhode Island. L&M Policy Research. https://www.dol.gov/sites/dolgov/files/OASP/legacy/files/Paid_Leave_AwarenessBenefitsBarriers.pdf

16 Mason (2019); Zucker (2021); Logue-Conroy et al. (2021)

17 Schneider, D., Harknett, K., & Collins, M. (2020). Working in the Service Sector in New Jersey. Shift Project Research Brief.

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20 For more information about data and reporting see Zucker 2021.

21 Zundl et al. (2021)

22 Zundl et al. (2021)