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Testimony in Support of LD 1559, *Resolve, To Create the Commission To Develop a Paid Family and Medical Leave Benefits Program*
May 7, 2021

Good morning Senator Hickman, Representative Sylvester, and members of the Committee on Labor and Housing. My name is Kathy Kilrain del Rio. I use she/her pronouns and I'm the Director of Campaigns and Healthcare Advocacy for Maine Equal Justice, a nonprofit legal aid provider working with low-income Mainers to increase economic security, opportunity, and equity for people in Maine. Today I am supporting LD 1559.

A little more than four years ago, I spent every day for four weeks sitting in a small hospital room next to a small incubator in Maine Medical Center watching a tiny newborn struggle to learn to eat and grow. In my 35th week of pregnancy, my normal prenatal doctor visit took a stressful turn. 10 minutes into my appointment, my doctor told us to go straight to the hospital because I had developed preeclampsia and was going to need to give birth early. We weren't ready, but we had no choice. After a few days in the hospital trying to get my blood pressure under control, the doctors decided to perform an emergency c-section and Liam B came into this world.

Due to complications, I missed all but 5 minutes of his first 24 hours. But after that, I spent every day by his side while he was in that incubator in the NICU with a tube in his nose so he could be fed. With wires hooked up to alarms. With monitors surrounding his tiny body. Sometimes when I held him, alarms would suddenly sound and nurses would come rushing in to see if he just accidentally lost a connection because he was a baby and didn't know to not pull on the wires or because something was seriously wrong. For the first three weeks, I couldn't even hold little Liam without asking permission to take him out of the incubator even when he was crying and clearly in need of comfort from his mom.

Those four weeks and the following week in the Continuing Care Nursery were terrible, but I was extremely fortunate because I worked for an organization, the Maine Women's Lobby, that understands the value and importance of paid leave. Throughout that ordeal, I never had to worry about work. I never had to worry that because I was in the hospital for days before giving birth, that I wouldn't be able to be with my baby when he was in the hospital or when he came home. I never had to worry that by being by his side, where I belonged and where he needed

me, that we wouldn't be able to pay our rent or pay our medical bills, which were growing bigger every day, or buy food and put gas in the car. I didn't have to worry because I had paid leave. But in most of the rooms around me in the NICU, that wasn't the case. Many parents had to quickly return to work because they didn't have any paid leave and couldn't afford to take unpaid leave. Others with very little leave would save it for when their little one came home from the hospital because at least in the hospital there were amazing nurses to care for them.

Imagine that your baby was clinging to life, sometimes facing surgeries, always dealing with medical equipment and procedures, but you couldn't be there. Imagine a tiny baby lying alone in an incubator having to wait for nurses to come when they cry—and those nurses not always being able to come right away because they are always caring for multiple little ones. imagine trying to do your job while your baby—your heart—is in a hospital. That's the reality for most families because we don't have a paid leave system for all workers.

And it didn't end in the NICU. When I would take a brief break to grab a bite in the cafeteria—because you can't eat meals in your baby's room—there wasn't a day that went by when I didn't hear a family struggling to figure out how to care for a loved one when no one in the family could afford to be away from work. I vividly recall the four siblings who all had tears in their eyes as they tried to figure out if they could take out a loan to pay for their mother's care after a stroke because none of them had the ability to stay home from work. I remember the conversation I had with a father whose child was in the children's ward with a rare form of cancer, but neither he nor his wife could be there during the days because they didn't have any time off at work and had to go without pay on the days they had to meet with doctors. These tragedies are happening every single day in our hospitals and our homes.

In my family alone, my sister once needed leave (which she took unpaid and causing much financial hardship) because she was hit by a drunk driver, my dad needed leave when my mom had an unexpected series of strokes in her forties, we needed leave as my grandmother clung to life days after experiencing a stroke when my grandfather, her husband of 66 years, passed away from a heart attack.

This hit home again in the fall of 2018 when my father—our family's rock and strength—suddenly went into the hospital after seeing the last of several specialists about a pain in his side. Despite a clean bill of health at his physical just two months earlier, he was gravely ill. Several days after being admitted, we heard the terrible diagnosis—metastasized pancreatic cancer. They told us that with treatment he likely had less than 17 months to live. Until that week, my father was the primary caregiver for my mom who requires 24-hour care. My sister and I started running through all the ways we could support him and make sure Mom had the care she needed. But unfortunately, our hearts were all about to be crushed. One of the tests had affected my dad's kidneys. His body was failing. A day later, with the help of Hospice, we took him home so his family and friends could say goodbye and sing many songs (his favorite

thing to do aside from seeing his toddler grandson) to him in his final hours. Less than 48 hours later, he died at home with his family.

That was the worst moment of my life. But once again, I was lucky. My employer, Maine Equal Justice, provides paid leave so I was able to be with my mom and sister as we grieved, as we planned the funeral, and for another week and a half as we cared for my mom and made arrangements for her to be cared for when I had to go back to work. I didn't have to worry about choosing between my mom's well-being and being able to pay the mortgage on my new home or be sure I had heat for that home and food on the table for our then gigantic toddler.

Life is filled with these challenges. And no one should have to choose between their commitment to their job and the needs of their family. A paid leave system is a proven solution. We know it can be successfully done because we have models to follow.

While paid family and medical leave is a needed policy for all workers, it is particularly needed for low-income workers who often face impossible choices when trying to balance work and family. Lower-wage workers have less access to any form of leave, paid or unpaid, since they are more often employed in jobs with part-time or uncertain work schedules, have shorter job tenures, and typically work for smaller business that may not even meet the threshold for *unpaid* leave under the current Family and Medical Leave Act or Maine's Family and Medical Leave statute. Nationally, 93 percent of low-wage workers (in the bottom quarter of wage earners) and 94 percent of part-time workers have no access to paid leave.¹

These workers, many of them single parents, often find themselves having to forgo wages, or even jobs, to care for a child or family member, or cope with a serious illness or injury themselves. At the same time, low-income children have higher rates than other children of disability, chronic health conditions, and serious cognitive or developmental challenges that require parental attention. Low-income Mainers also have fewer resources to employ additional help in caring for an aging spouse or parent.

At Maine Equal Justice we have received calls seeking legal advice or other help from many of these families over the years. Calls from single parents working at convenience stores or fast-food restaurants who are suddenly needed at home to care for family member fallen ill. Already struggling to make ends meet, they face even deeper poverty as the price for caring for a sick child or other family member. With COVID, we received even more calls from people who had been forced to quarantine due to exposure or a positive test. Without alternatives, many lose their jobs or have to go to work even if they are sick and know they should not.

¹ <https://www.clasp.org/publications/fact-sheet/paid-family-and-medical-leave-critical-low-wage-workers-and-their-families>

Whether they lose their job, or must take leave without pay, many have no choice but to turn to public assistance to make ends meet. Access to paid family and medical leave can reduce these taxpayer-funded costs. Researchers from Rutgers University's Center for Women and Work found that when paid family and medical leave is available, it has reduced the number of women who relied on public assistance.² Moreover, an implementation study of California's Paid Family Leave policy³ found increased job retention among workers holding lower wage jobs who used the state's paid leave. The rate at which these workers returned to the same employer after their leave was eight percentage points higher (89 percent retention) than for those workers who did not use paid leave (81 percent retention)—nearly the same rate of return as for higher wage workers.

This is also an issue of equity – gender equity, racial equity, and equity for people with disabilities or chronic illnesses. Women are more likely to be caregivers – for children and for aging parents or other family members. Consistently moving in and out of the workforce exasperates financial inequities for women. Workers with disabilities or chronic illnesses may need leave for themselves and they may also need their family to have access so they can help support their care when needed.⁴ Additionally, many workers with disabilities are also caregivers, too, and may need leave in order to provide care for those loved ones like all other workers. Because Black and Latinx workers are more likely to work in low paying jobs, only 43 percent of Black workers and just 25 percent of Latinx workers have access to any paid parental leave and a majority of these same workers are either ineligible or unable to afford unpaid leave under FMLA.⁵ As others have highlighted, this is a factor that contributed to Maine's racial and ethnic disparities for COVID-19, which were some of the worst in the nation.⁶ Hopefully we will never face another year like the one we just experienced, but the reality is that we may and a strong paid family and medical leave program would make all Maine workers safer and better prepared to face a pandemic.⁷

As policymakers work to address the growing need for paid family leave, designing a policy that ensures access for the least advantaged workers should be a primary goal. The Commission To Develop a Paid Family and Medical Leave Benefits Program that would be created by LD 1559 is an important step to making a paid family and medical leave program that works for Maine. This commission, which would include members of the Legislature, people with expertise on paid family and medical leave, and key stakeholder groups will work with staff from the

² <https://www.rutgers.edu/news/rutgers-study-finds-paid-family-leave-leads-positive-economic-outcomes>

³ Milkman, R., & Appelbaum, E. (2013). *Unfinished Business: Paid Family Leave in California and the Future of U.S. Work-Family Policy*. Ithaca; London: Cornell University Press. Retrieved May 5, 2021, from <http://www.jstor.org/stable/10.7591/j.ctt32b5bx>

⁴ <https://www.americanprogress.org/issues/disability/news/2020/10/27/492351/disability-community-needs-paid-family-medical-leave/>

⁵ <https://www.clasp.org/publications/fact-sheet/paid-family-and-medical-leave-critical-low-wage-workers-and-their-families>

⁶ <https://www.pressherald.com/2020/06/21/maine-has-nations-worst-covid-19-racial-disparity/>

⁷ <https://www.kff.org/coronavirus-covid-19/issue-brief/coronavirus-puts-a-spotlight-on-paid-leave-policies/>

Governor's Office of Policy Innovation and the Future, which will ensure that both our government and those most impacted have critical input into the resulting study and plan.

In today's economy, paid leave has become an imperative for families as well as our economy overall. It is a policy that not only keeps people working and sustains family income, but one that also sustains consumer buying power, supports local tax revenues, and lowers government expenditures on programs to support the unemployed and caregivers who have trouble addressing conflicts between work and life.

The reality is that workers are human beings. At some point in our lives, we all experience the birth or adoption of a child, the death of a family member, disease, surgery, strokes or heart attacks, accidents, or other catastrophes because we are human. No matter your income, type of job, or employer, all workers should be able to access paid leave when needed.

For all the families in our state, I urge you to pass LD 1559 so that we can begin the process of creating a paid leave system for Maine. I'm happy to answer any questions you might have.