



**CONSORTIUM FOR CITIZENS  
WITH DISABILITIES**

**Statement for the Hearing Record**  
**Paid Family and Medical Leave:**  
**Helping Workers and Employers Succeed**  
**United States House Committee on Ways and Means**  
**May 8, 2019**

Consortium for Citizens with Disabilities

May 22, 2019

Thank you for the opportunity to submit the following statement for the record of the Committee's May 8, 2019 hearing on "Paid Family and Medical Leave: Helping Workers and Employers Succeed." The Consortium for Citizens with Disabilities (CCD) is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

The undersigned organizations thank you for holding a hearing on this topic of great importance to people with disabilities and their families. Access to paid leave is vital for workers with disabilities, parents with disabilities, and family members of people with disabilities. A recent qualitative study released by The Arc of the United States and the National Center for Children in Poverty highlighted the importance of paid leave to people with disabilities, detailed the needs of people with disabilities for paid leave, and offered recommendations for how a program could be designed to meet those needs. It found that:

- "Workers take leave for diverse and often disability-specific reasons. Study participants often reported providing primary support for multiple people, and many also identified as having a disability, a serious health condition, or both.
- Study participants took leave both for their own health needs and to provide support to a family member with a disability or serious health condition.
- While some participants took leave for long periods of time, many took leave for shorter periods of time or intermittently – even when the underlying need for leave was long-term. For example, parents of children with disabilities reported taking leave to attend a school meeting for their child's Individualized Education Plan. Participants also experienced a need for leave to address both predictable and unpredictable needs.
- Workers want to maximize their time at work and benefit when they use paid leave in

conjunction with other employment benefits. Study participants valued being able to use formal and informal arrangements with their employers to work flexible hours or from home. Many preferred to use fully-paid employer-provided paid time off when possible, and used partially-paid state leave insurance programs as a last resort. Many also used or expressed a desire to use hourly intermittent leave in order to minimize time away from work.

- Workers value the Family and Medical Leave Act (FMLA) and other leave options. Many study participants used the FMLA and valued it for the flexibility it afforded them for managing health needs and work.”<sup>1</sup>

To meet the needs of people with serious health conditions and disabilities, the study found that the program of paid leave must be comprehensive, inclusive, and flexible. The report offered the following recommendations for consideration by policymakers creating a paid leave program to ensure it meets the needs of people with disabilities:

- “Provide job protection for paid leave programs.
- Include anti-retaliatory provisions.
- Ensure sufficient wage replacement and maximum benefits.
- Provide an inclusive definition of covered family.
- Ensure that application processes are as simple as possible for all parties.
- Cover self-employed and public employees in paid leave programs.
- Allow for hourly leave under all paid leave programs.
- Provide an adequate amount of leave time.
- Ensure that covered reasons for taking paid leave reflect the needs of people with disabilities and their families.
- Invest in outreach and education campaigns.
- Ensure adequate resources for paid leave insurance programs”<sup>2</sup>

In short, to ensure that a paid leave program meets the needs of people with disabilities it must be comprehensive including paid leave to care for oneself and paid leave to care for others using an inclusive definition of family. It must be flexible and allow people to take leave part-time or full-time, for uninterrupted extended periods of time, and short periods of time and long periods of time, both continuously and intermittently. It must also offer sufficient wage replacement to allow lower income workers with disabilities to afford to actually take the leave.

### **Paid Leave and Social Security**

Some proposals for paid family leave, such as proposal put forward by The Independent Women’s Forum (IWF), pay for the leave by asking workers to take a cut in their future Social Security benefits. Under the IWF proposal, for example, workers could receive up to 12 weeks of partially-paid parental leave, offset by a reduction or delay in their Social Security retirement

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<sup>1</sup> Suma Setty et al, Disability Perspectives on Paid Leave A Qualitative Analysis of Leave-taking Among Workers Affected by Disabilities or Serious Health Conditions, Research Overview, February 2019, [https://www.thearc.org/file/18-121-Family-Paid-Leave\\_Fact-Sheet\\_FINAL.pdf](https://www.thearc.org/file/18-121-Family-Paid-Leave_Fact-Sheet_FINAL.pdf)

<sup>2</sup> *Id.*

benefits. Participation would be voluntary. The undersigned members of the Consortium for Citizens with Disabilities oppose such proposals. The U.S. can create a paid leave plan affordably and responsibly – without reducing workers’ Social Security benefits or forcing them to delay retirement. We urge Congress to reject the IWF proposal and any similar proposals.

We offer the following considerations related to the impact of such proposals on Social Security:

- **Access to paid leave should not be carved out of funds dedicated to Social Security.** Our Social Security system is a foundation of economic security for workers and their families in the event of a worker’s retirement, disability, or death. Social Security represents a promise to U.S. workers that has been built up and honored for over 80 years that should not be limited or cut. Expanding access to paid parental leave is an important goal for all workers, including people with disabilities and their families. However, proposals to fund paid leave out of workers’ future Social Security benefits would break the promise of Social Security and should be rejected.
- **Workers should not be asked to pay for parental leave today by rolling the dice on their future needs for Social Security.** [Research](#) consistently finds that it is difficult to estimate financial needs in retirement, and workers often underestimate. Asking workers in their prime reproductive years to make decisions based in part on their prediction of future Social Security retirement benefit needs is unnecessary and unwise. Workers with disabilities and their families would be more likely to face this risky roll of the dice because on average, they are more likely to [work in low-wage, part-time, non-managerial jobs](#) that lack employer-based paid leave benefits.
- **Retirement security should be strengthened, not eroded or put at risk.** According to the Urban Institute, under the IWF proposal “...parents who take 12 weeks of paid leave through the program would have to delay their Social Security retirement benefits by 20 to 25 weeks depending on the repayment details.” Social Security represents a major source of income for most retirees: it provides over half of total income for most aged beneficiaries, and 90 percent or more of income for nearly 1 in 4 aged beneficiary couples and over 2 in 5 aged nonmarried beneficiaries. Even with Social Security, many seniors live in or near poverty – and seniors with disabilities are particularly likely to experience poverty. The CCD Social Security Task Force has long supported strengthening – not weakening – Social Security as a cornerstone of a financially sound retirement.
- **Any delays or permanent reductions in Social Security benefits could significantly harm the economic security of people with disabilities and their families.** IWF’s and similar proposals [could be funded](#) by raising the age at which a worker could collect full retirement benefits (in effect, a permanent reduction in benefits), or by withholding all of a worker’s initial Social Security retirement benefits for an amount equal to the paid parental leave taken (a delay in benefits). The more times a worker takes parental leave, the greater the future benefit reduction. The proposed treatment of Social Security disability or survivors’ benefits is not clear; any cuts in these benefits would be particularly harmful to people with disabilities and their families. Workers with disabilities on average [earn significantly less](#) than workers without disabilities and often

have [fewer opportunities to save](#). As a result, Social Security is particularly important to the economic security of people with disabilities, and any reductions or delays in benefits would disproportionately harm people with disabilities and their families.

- **Congress should adequately fund the Social Security Administration (SSA) to operate and strengthen its existing core programs – not repurpose existing limited resources to implement a new program.** From 2010 to 2018, SSA’s operating budget [shrank by nearly 9 percent](#) while workloads rose. As a result, customer service has been eroded across the agency. Today, nearly 725,000 people are waiting an average of over 524 days for a hearing before an SSA Administrative Law Judge. These historic waits lead to extreme hardship: while awaiting a hearing, many struggle to pay rent or meet basic needs. Some lose their homes or go into bankruptcy, and in 2017 approximately [10,000 people died](#) while waiting for a hearing. Congress must fully fund SSA’s operating budget to ensure timely, accurate disability determinations and humane, high-quality customer service across the agency. The IWF and similar proposals would move in the opposite direction, “...raising Social Security’s annual costs, net of benefit offsets, about 1 percent over the long run”, according to the [Urban Institute](#).

The undersigned members of CCD express our support for the creation of a flexible, comprehensive, and inclusive paid leave policy and thank the Committee for its leadership in holding this hearing. We also urge Congress to reject the IWF proposal and any similar proposals to fund paid leave out of Social Security.

Sincerely,

Allies for Independence  
American Association of People with Disabilities  
American Association on Health and Disability  
American Association on Intellectual and Developmental Disabilities (AAIDD)  
American Psychological Association  
Association of University Centers on Disabilities  
Autism Society of America  
Autistic Self Advocacy Network  
Bazelon Center for Mental Health Law  
Brain Injury Association of America  
Christopher & Dana Reeve Foundation  
Community Legal Services of Philadelphia  
Easterseals  
Epilepsy Foundation  
Family Voices  
Justice in Aging  
National Academy of Elder Law Attorneys  
National Association of Councils on Developmental Disabilities  
National Association of Disability Representatives  
National Center for Parent Leadership, Advocacy, and Community

Empowerment (National PLACE)  
National Committee to Preserve Social Security and Medicare  
National Disability Rights Network  
National Multiple Sclerosis Society  
National Organization of Social Security Claimants' Representatives  
National Respite Coalition  
Paralyzed Veterans of America  
RespectAbility  
Special Needs Alliance  
TASH  
The Advocacy Institute  
The Arc of the United States  
United Spinal Association

For more information, contact the CCD Chair: Lisa Ekman, [lisa.ekman@nosscr.org](mailto:lisa.ekman@nosscr.org) / (202) 457-7775