



Policy solutions for New Jersey working parents caring for children during COVID-19

The [New Jersey Time to Care Coalition](#) urges the NJ Legislature and the Governor to take action to address the urgent need to support working parents and other caregivers struggling to cope with the unavailability of in-person schooling and childcare. Solutions include increasing employer's work flexibility, expanding paid leave, and strengthening job protections. The situation regarding school openings and closings is dynamic and likely to be unpredictable and uneven as state-wide and localized COVID-19 outbreaks increase and recede and it is still uncertain when and who will receive vaccination. At the beginning of September of this year, more than 400 public and private school districts in New Jersey were planning to start the school year with a hybrid model combining in-class and remote learning, and 242 districts were planning to open all-remote.¹

The Coalition is a diverse group of advocacy, union, research, faith, senior, women's, and community-based organizations, working to improve policies that ensure working families in New Jersey can care for themselves and their loved ones.

By the end of November, many schools announced plans to return to all-remote learning at least through the holidays, and most districts do not have any plans for supplemental child care on remote learning half or full days. Private organizations like YMCAs, karate schools, and private tutoring are helping to fill this void, but many families simply cannot afford these programs. As a result, many working parents, especially women and people of color, are forced to reduce their hours, work non-traditional hours, exhaust available leave, or drop-out of the workforce all together. A recent survey of New Jersey parents of children under four years old found that 19 percent of women reported quitting their jobs to manage child care because of COVID-19 compared to 3 percent of men.² According to another recent poll of New Jersey parents of children in public schools, 56 percent say they or their partner had reduced or missed work as a result of COVID-19.³ In addition, 14% of parents overall report having to take time off or leave their jobs permanently, with low-income people of color reporting having had to leave work at a higher percentage, 22 percent.⁴ Parents with school aged children make up almost one-third of the country's workforce, and in New Jersey 73 percent of children live with parents who participate in the workforce.⁵ It's clear, and researchers agree, our economic recovery depends on working parents' ability to participate in the labor force.⁶

While some employers have made every effort to support their workers' caregiving needs, other employers have been unwilling to consider alternatives to help workers cope during the crisis. Part of the solution rests with policies that require the employer to collaborate on solutions that address parents' need to be able to work remotely where feasible, have flexibility in regards to scheduling and hours, and to provide expanded paid leave for emergency situations. Where other solutions do not fit, the state should step in and provide benefits to support workers taking leave or who have had to drop out of the workforce. In addition, current

¹ www.nj.com/education/2020/09/heres-how-many-nj-school-districts-are-opening-all-remote-hybrid-or-in-person.html

² <https://view2.fdu.edu/publicmind/2020/200930/index.html>

³ <https://njchildren.org/wp-content/uploads/2020/11/NJ-Public-School-Parents-Memo-Updated-F11.16.20.pdf>

⁴ IBID

⁵ www.njpp.org/publications/report/parents-are-essential-too-supporting-working-families-during-the-pandemic

⁶ www.brookings.edu/research/working-parents-are-key-to-covid-19-recovery

subsidies for childcare expenses are limited in scope of applicability and should be able to be used for paying family caregivers.

While our recommendations are specific to the current COVID-19 crisis, they should apply during any public health outbreak. Making changes in statute will allow us to be better prepared should another public health emergency occur. In taking action and setting public policy, lawmakers acknowledge the real potential for future epidemics, and the state and employers will be more prepared and responsive to the dilemma facing working parents when children cannot attend school or daycare in person. We cannot rely on the federal government to solve this dilemma. New Jersey lawmakers must ensure that our working parents, specifically women of color, do not bear the brunt of the consequences of inaction. This is an issue of gender and race equity and as such, any proposed or enacted policy must include authentic input from women and parents of color regarding what they need. While many of the recommendations can be passed by the Legislature, the matter is urgent enough that they can also be considered enacted through use of the Governor's executive action powers.

Increase work flexibility

Prior to the COVID-19 crisis, some employers imposed last minute schedule changes and were unwilling to consider workers' requests to adjust their schedules to meet caregiving needs, even when there was no negative impact on business, making it challenging for workers to plan for their caregiving responsibilities.⁷ Now, during the pandemic when many employers are changing the way they do business to accommodate tele-working, there are still some businesses requiring employees to report to the physical workplace, even though their work can be done effectively from home. Some businesses' irrational culture of "face-time" remains strong, despite the need to stop the spread of the disease *and* in blatant disregard for Governor Murphy's Executive Order 107 which requires businesses accommodate workers to tele-work.⁸

Legislative action should require employers to allow working parents to work from home where feasible, approve their reasonable scheduling requests, bar employers from imposing last-minute scheduling and setting unpredictable hours, and more fixes to respond to working parents scheduling needs. Currently, bill A4462/S2810 requires employers to allow parents or guardians of school aged children to work remotely during a public health emergency unless doing so creates an undue hardship on the business.⁹ Additional legislation could be drafted that acknowledges workers' needs to tend to a range of caregiving responsibilities during COVID. Such policy changes will help center care in our economy which is critical during normal times, but especially during a public health crisis.

Expand paid leave

While Congress did pass the Families First Coronavirus Response Act (FFCRA), and as part of that, the Emergency Family and Medical Leave Expansion Act (EFMLEA) which implemented temporary paid leave for workers caring for children unable to attend school or other childcare, the coverage left out at least half of New Jersey's private workforce. 1.7 million workers at businesses with more than 500 employees are excluded, and an additional 1.2 million healthcare workers and workers at employers with under 50 employees may be excluded, and despite the ongoing pandemic and school closures, the protections are set to

⁷ <https://shift.hks.harvard.edu/working-in-the-service-sector-in-new-jersey/>

⁸ <https://nj.gov/infobank/eo/056murphy/pdf/EO-107.pdf>

⁹ https://www.njleg.state.nj.us/2020/Bills/A4500/4462_11.PDF

expire at the end of 2020.¹⁰ While we must advocate on the federal level to ensure a robust and equitable response that includes extension and expansion of paid leave provisions, New Jersey should not rely on Congress's action, especially when our state already has some of the necessary laws and programmatic infrastructure to support working parents.

The Legislature can advance and pass the Emergency Earned Sick Leave bill (S2453/A4209) which would increase the number of readily available paid sick days and remove others barriers to accessing paid sick time during a public health crisis. As the state and CDC encourages exposed or potentially ill workers to quarantine for an extended period of time (potentially anywhere from 7 to 15 days), schools and daycares are likewise required to have staff and students do so. And as any working parent is aware, virtually any indication of illness now renders a child unable to attend school or daycare. For those reasons alone we must increase the number of allowable paid sick days during a public health crisis.

Ongoing disruptions in child care and public school, and the necessity to support children of all ages at home and/or engaged in remote learning, place an incredible amount of stress on working families. Many of those working could benefit from taking leave, but cannot afford to do so without income replacement. The New Jersey Family Leave Insurance (FLI) program should buffer some of this stress by extending coverage to workers who need to take leave from their paid work to care for and support their children at home during a public health crisis. Furthermore, we should include in the FLI program (as well as in the Temporary Disability Insurance Program), workers using Individual Taxpayer Identification Numbers, (ITIN) who are contributing payroll taxes. It is only just and equitable that if they are helping to fund the programs they should be able to access the benefit. Any of these proposed solutions could be narrowed to specifically address the gap left by Congress's action or inaction.

Strengthen job protections

The Coalition continues to argue that we must include job protection guarantees in our paid leave programs. Without them, too many workers are deterred from taking leave for fear of being fired. This means ensuring job protected leave for those accessing Temporary Disability and Family Leave Insurance. Currently, the only universal job protection for New Jersey workers is for when they themselves are ill, seeking treatment, in quarantine, or diagnosed with COVID19.¹¹ While the New Jersey Family Leave Act was amended to include job protection during public health emergencies when workers must stay at home to care for children, the coverage of this law still requires the employee to have been at their job for a year, earned 1,000 hours, and for the employer to have more than 30 employees.

The Legislature can improve job protections and change the eligibility rules during a public health emergency to cover all workers who are unable to work because they need to care for children whose schools or daycare is unavailable. This job protected leave time should be in addition to any regular FMLA usage (or FFCRA if it is extended) and not run concurrently. The fact that the FFCRA leave exhausts FMLA leave for the year creates a particular unique hardship for new parents, disabled workers and caregivers who might need additional leave beyond caring for children at home. The federal EFMLEA law also changed eligibility for coverage to require someone to have been employed for 30 days before taking leave (as opposed to a year for FMLA). New Jersey can do just as good for its workers and adjust job protections when taking leave during a public health crisis so that it is truly accessible and universal.

¹⁰ www.njpp.org/publications/report/parents-are-essential-too-supporting-working-families-during-the-pandemic

¹¹ https://www.njleg.state.nj.us/2020/Bills/PL20/9_.PDF