



Mercer supports national paid leave standard in comments to DOL

By Katharine Marshall and Geoff Manville
Sept. 15, 2020

On Sept. 14, Mercer submitted written [comments](#) to the US Department of Labor (DOL) to express support for a nationally uniform, voluntary compliance standard for employer-paid leave programs and to offer Mercer data and insight into their design, administration and cost, with a view to encouraging broader adoption.

Mercer's comments respond to the [Request for Information](#) ("paid leave RFI") published by DOL's Women's Bureau in the July 16 Federal Register. The paid leave RFI solicited feedback on a number of issues, including but not limited to:

- The benefits and costs of paid leave, and the measurement of costs and benefits
- The unique needs of workers and employers in regard to paid time off for care obligations
- The features of existing programs that do not work well or are burdensome, the reasons why, and any features and provisions that present challenges for stakeholders
- The barriers to implementing or improving paid leave, including regulatory barriers, and what could be done to improve existing programs
- The challenges of balancing the costs and benefits of paid leave, and the differences in costs and benefits among different types and sizes of employers, including small businesses

National compliance standard needed

Mercer's comments note that the COVID-19 pandemic has highlighted the need for a uniform, nationwide approach to paid leave and put a spotlight on the patchwork of state and local requirements that arise in the absence of a federal solution. The comment letter explains that employers, particularly

multijurisdiction employers, are struggling in a time of crisis to understand the compliance requirements of numerous different laws, while trying to support their workforce in a consistent and meaningful way.

The comments emphasize that a nationwide paid family and medical leave compliance standard would improve the current patchwork landscape and lead to a more consistent approach. Such a compliance option could increase the prevalence and value of paid leave benefits, reduce costs and enhance employees' experience.

Mercer provides observations and data

Drawing on Mercer's work with thousands of US employers and data from extensive surveys — including its [*Absence and Disability Management Survey*](#) — Mercer's comments also respond to the paid leave RFI with information and observations on the following issues related to paid leave:

- Common features of employer-provided paid leave
- Factors influencing paid leave utilization
- Direct and indirect employer costs of providing paid leave
- The patchwork of state paid leave mandates that increase employer costs

While related near-term regulatory changes are not expected, the DOL ultimately wants to gain a better understanding paid leave policies in general and to learn what employers and employees would like to see changed in the Family and Medical Leave Act (FMLA) regulations. Responses to the paid leave RFI will help build an important public record to foster policies that support employers and employees and help large, multistate employers offer consistent programs.

Related resources

Non-Mercer resource

- [Request for Information](#) (DOL, July 16, 2020)

Mercer Law & Policy resources

- [Massachusetts family/medical leave private plan renewal due soon](#) (Sept. 8, 2020)
- [Colorado enacts paid sick leave law, emergency leave requirements](#) (Aug. 19, 2020)
- [San Francisco aligns paid parental leave law with state family leave](#) (July 21, 2020)

- [Washington, DC's paid leave program starts July 1](#) (June 10, 2020)
- [New York passes paid sick leave mandate](#) (April 9, 2020)
- [2020 state paid family and medical leave contributions and benefits](#) (Feb. 14, 2020)

Other Mercer resources

- [Comment letter](#) (Sept. 14, 2020)
- [Designing a COVID-19 emergency leave policy: Four key considerations](#) (March 17, 2020)
- [Update: Rapid action plan on paid leave during the pandemic](#) (March 12, 2020)
- [State paid leaves: Three things employers should do in 2020 besides comply](#) (Jan. 20, 2020)
- [Absence and Disability Management Survey](#) (2018)

Note: Mercer is not engaged in the practice of law, accounting or medicine. Any commentary in this article does not constitute and is not a substitute for legal, tax or medical advice. Readers of this article should consult a legal, tax or medical expert for advice on those matters.