

ESP AND SCHOOL SUPPORT STAFF FAMILY LEAVE ACT

BACKGROUND

Many Americans know from experience that workers need policies that help them address life's most important responsibilities, such as caring for a newborn child, recovering from an injury or illness or assisting a sick family member. The Family and Medical Leave Act of 1993 took a step forward, guaranteeing a segment of the workforce unpaid leave. However, on the 30th anniversary of the FMLA's passage and with growing consensus on the need for paid leave, FMLA still fails to cover over 40 percent of workers, including many education support professionals (ESPs) who are integral to students and schools across America.

WHO ARE ESPs?

There are over 2.7 million ESPs across the country working in public schools and colleges. ESPs include clerical support professionals, maintenance workers, janitorial staff, food service employees and bus drivers, among others. One out of every three public school employees is an ESP, but because of their schedules and the limited school year, many fail to meet the 1,250 hour threshold needed to qualify for FMLA benefits. This gap in Federal law means that many of those we entrust to help feed, transport or teach our students are unable to access basic leave benefits without risk of losing their job.

THE ESP AND SCHOOL SUPPORT STAFF FAMILY LEAVE ACT

The ESP and School Support Staff Family Leave Act would modify the FMLA to create a new hours of service threshold specifically for ESPs, similar to the provision enacted for airline crews. An ESP would qualify for FMLA benefits if – during the previous school year – they worked more than 60 percent of the total monthly hours expected for their specific role, as defined by their employer. ESPs would have greater access to unpaid FMLA benefits without the risk of losing their job.



The bill's new hours of service threshold would slide on a scale and allow ESPs who work fewer hours to qualify for benefits while maintaining a higher threshold for ESPs who work more hours. For instance, if a food service worker is required to work 15 hours per week during the school year, while a custodian is expected to work 30 hours per week over the same period, the food service worker could still access FMLA's unpaid benefits by working 36 hours or more per month during the school year, while the custodian would need to work 72 hours.

The bill would allow employers to determine the expected monthly hours and keep that information on file with the Secretary of Labor. ESPs that would qualify would be:

- paraeducators that provide instructional and non-instructional support;
- secretarial, clerical, and administrative support staff;
- custodians and maintenance service workers;
- skilled trade workers such as electricians, carpenters, and others who operate machinery;
- workers who provides food service, including preparation and serving of food;
- workers who provide school transportation and delivery services;
- computer, audiovisual, and language technical support staff;
- security staff;
- nursing, health, and therapy support staff, who may also provide community, family, parent and welfare services; and
- other staff that may serve public education students

The bill is supported by the National Partnership for Women and Families, Paid Leave for All, Center for Law and Social Policy, AFSCME, International Brotherhood of Teamsters, National Education Association, American Federation of Teachers and Service Employees International Union.

For any questions or to join as a cosponsor, please contact Will Shih at will_shih@duckworth.senate.gov.