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Linda Joy Sullivan: Towards a unified paid family leave plan

Commentary

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By Linda Joy Sullivan,

Last week's vote in the Vermont Legislature on paid family leave featured a debate with many of the markings of the national debate over "Medicare for All" vs. "public option" — but with one critical difference.

At the national level, there are those who won't even debate the point of whether there should be a universal healthcare scheme — strong voices within the Republican Party even deny the notion of healthcare as a basic human right.

In Vermont, however, as to the paid family leave debate, our political parties are largely joined in the goal of providing Vermont workers with the ability to take days off when certain family circumstances — such as illnesses, births, deaths — present themselves.

The differences of view expressed during the Vermont paid family leave debate have to do mostly (but not entirely) with whether the plan should be an opt-in, voluntary benefit plan or a mandatory plan, imposed on every employee and employer in the state no matter the generosity (or not) of their existing paid leave plans. Likewise, a mandatory plan, unlike a voluntary plan, would, some argue, unfairly impose a tax directly on every employee in the state, on many retirees, and on the lowest income workers in the state, no matter their need or desire for the benefit.

Unfortunately, as evidenced by last week's failure of the Legislature to muster the votes necessary to secure enactment of the currently proposed mandatory plan, the debate will have to be continued.

The good news, however, is that the paid family leave plan the current administration has negotiated with its employee unions is expected to be made available to our entire workforce around July 1, albeit on a voluntary basis.

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Here is the central issue, at least as I see it. In Vermont, our unemployment rate is so low that we are considered a "full employment" state. For years employers have complained about the challenges the absence of trained employees poses not only to businesses looking to grow but to businesses needing just to sustain operations. Unlike booming economies such as those in New Jersey and California which have adopted new paid family leave plans, we do not have temp agencies or an available pool of replacement workers to fill spots left by employees who take days or weeks away from work outside of the leave time already provided by their employers. As such, the enactment of a mandatory leave plan not only would arguably lead virtually every employer in Vermont to revisit their existing benefit and paid leave plans but would with certainty pose new operational burdens on our many already struggling small businesses.

There, too, has been a surprisingly wide spectrum of voices in opposition. The feedback I received at least in my district — before the several votes on paid family leave taken in the Legislature in 2017, 2018 and 2019 — has been overwhelmingly against the enactment of a mandatory system. That message (voiced in emails and during calls, Statehouse cafeteria conversations and my many scheduled constituent meetings) was delivered to me by businesses, workers and retirees alike. Some raised concerns directly about the burden on small businesses. Many, however, resisted the imposition of a new tax on workers struggling to make ends meet.

Still, despite these voices, I committed to give the issue a fresh look before last week's veto showdown. I spent hours independently addressing very specific questions to our Legislature's "Joint Fiscal Office," with administration officials responsible for the new State employee plan and with our own "Legislative Council" legal team about how we were going to be able to stand up a mandatory system alongside the recently negotiated state worker system now on the books. Putting aside flaws I see in both plans (and both are imperfect), my conclusion was that the two plans were simply not reconcilable and that, if the Legislature's version was passed, the Legislature and administration would need to make fundamental changes to each. I voted against Vermont's adoption of competing benefit plans, but as I expressed on the floor of the House did so with a heavy heart, as I know that everyone genuinely has been hoping for a unified plan that can accommodate employees needing the benefit and employers looking to manage their businesses. Spending scarce state resources to stand up two competing and flawed systems, however, was just too much bad government for me to support.

My hope was that the Legislature and administration could negotiate their differences during the remaining months of this legislative session. Instead, the rhetoric around the defeat of the Legislature's plan has been predictable, to include calls for a grand showdown at the polls in November. But as stated, the conversation — much like the national discussion about Medicare-for-All and the public-option — is much more nuanced than the sort of pronouncements coming from the Statehouse. No, the reason we are not attracting young people to Vermont is not because we do not have a mandatory paid leave plan. No, the governor's recent exercise of a veto did not signal an intention to deprive Vermonters of the ability to spend time with newborns and with family during crisis times. No, Vermonters will not now be deprived of the ability to participate in a paid leave plan. The rhetoric, sadly, is a product largely of the highly partisan times in which we live.

Still, progress has been made. Due to the work of House leadership, a plan that would not otherwise have been thinkable in years prior has gained substantial support. And, due to the commitment of the administration to make paid family leave happen, the new plan with state workers will be made available on a cost effective basis to Vermont's workforce on a voluntary, opt-in basis. I envision the prospect of supporting a mandatory plan, but whether mandatory or voluntary, the plans have to be fixed first.

State Rep. Linda Joy Sullivan represents the Bennington-Rutland district in the Vermont House. She lives in Dorset.