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Family Values at Work: Social Movements and the Politics of Leave Legislation in the U.S.

A dissertation submitted in partial satisfaction of the
requirements for the degree Doctor of Philosophy
in Sociology

by

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ABSTRACT

Family Values at Work: Social Movements and the Politics of Leave Legislation in the U.S.

by

Cassandra Engeman

The United States lags behind most other nations in the world with respect to job-protected leave and paid leave from work, such as parental leave. The Family and Medical Leave Act (FMLA) of 1993 is the only federal leave policy, and it provides 12 weeks of job-protected leave for personal care or family care to address serious illnesses or health conditions. However, leave under the FMLA is unpaid, and restrictive eligibility requirements prohibit over 40 percent of the workforce from taking advantage of its provisions. Given the FMLA's shortcomings, states have passed their own leave laws, offering paid leave, covering more workers, lengthening leave durations, or expanding definitions of "family" for the purposes of family caregiving leave. My dissertation applies both quantitative and qualitative analytical approaches to explore relationships between social movements and gender-neutral leave legislation (i.e., paid and/or job-protected family, parental, and sick leave) in U.S. states. It addresses two key questions: First, how and to what extent do union-community coalitions (or social movements) influence state leave legislation? Second, under what conditions do they have influence?

This is the first study to compile state leave legislative histories since the passage of the FMLA in 1993 and the first to empirically test relationships between organized labor and leave policy. My mixed-method approach combines an event history analysis of

leave policy adoption in 49 states from 1973 to 2014 with in-depth, case-oriented comparisons between two U.S. states characterized by above-average union densities but very different leave policy provisions: California, which has the most generous leave policies in the country and Pennsylvania, which has no state-level leave provisions. Findings from the case-oriented comparisons are based on state legislative hearing transcripts, news sources, and interviews with 34 union, community, and coalition leaders as well as government staff and elected representatives. For the event history analysis, I constructed my own dataset, organized by state-year, drawing from different government and academic sources to measure union institutional strength and economic and political conditions in each state for each year. Combining these two methodological approaches enabled a comprehensive examination of social movement interventions at different points in the policy-making process: setting legislative agendas, shaping the content of legislation, and achieving policy adoption.

I find that movement activity, union institutional strength, and government allies in the form of Democrats and women in state legislatures facilitated adoption of leave policies. However, under favorable movement and political conditions, weak economic conditions intervened to slow the progress of leave bills. Social movements (or union-community coalitions) exerted most influence at the agenda-setting stage of the policy-making process. While some elected representatives introduced bills independent of movement pressures, these bills only emerged from house committees with attention from movement actors. At the other end of the policy-making process, I find that Democratic majorities in state houses were necessary for a bill to come to a vote and ultimately to pass. At the stage in which the content of legislation is negotiated, an intermediate stage in the policy-making process, I find interaction between movements and political conditions. At this intermediate stage, movement actors are consulted about what they

perceive as reasonable compromises, and these potential compromises are weighed against a desire to win support from moderate legislators, which would potentially enable policy adoption.

My research contributes to existing theoretical knowledge regarding social movement outcomes and union contributions to equality. First, I extend social movement theories by arguing that social movements and political conditions interact at the stage in which legislative content is negotiated. My findings confirm previous research showing that social movements have most influence at the early stages in the policy-making process (e.g., bill introduction) rather than later stages (e.g., policy adoption). Political conditions mediate relationships between movements and policy outcomes at the policy adoption stage in the sense that Democratic control of the legislature is a necessary condition for passage of leave legislation. When Democrats are in control, union strength and union-community coalition activity increases the likelihood of policy adoption. At the intermediate stage in which legislative content is negotiated, social movements and political conditions interact to have joint effects on policy outcomes. Second, I introduce the economy as an additional mediator in the relationship between movements and policy outcomes and argue that social movement theories, rather than continuing with *political mediation models*, should move toward a more generic *mediation model* of movement outcomes. Finally, I find a significant, positive relationship between union institutional strength and leave policy adoption. Additionally, specify union contributions to coalitions advocating policy change, arguing that unions contribute their relationships with policy-makers and localized knowledge of political conditions. These contributions, I argue, are unique to organized labor. Unions, therefore, facilitate the movement's access to government decision-makers, an achievement that social movement scholars consider a movement outcome in its own right.

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Chapter One – Social Movements and Workplace Leave: Key Questions

In his January 2015 State of the Union address, President Obama urged Congress to pass legislation giving all workers access to seven paid sick days per year. He referred to it as “the right thing to do” for the 43 million workers without such rights. The United States lags behind many other nations in the world with regard to workplace leave – paid and unpaid, job-protected leave for self-care and family care (Heymann et al. 2007; Kamerman and Kahn 2001; Waldfogel 2001b: 102). In response to the competing demands of work and family, workers often adopt individualized solutions, such exiting the workforce, returning to work early, or not taking leave when it is needed. These solutions are associated with negative consequences for public health (see Berger and Waldfogel 2005; Rossin 2011; Ruhm 2000; Widera et al. 2010), workforce stability (see Pavalko and Henderson 2006; Rosenfeld 2007), and family economic security (see Gould et al. 2011; Rossin-Slater et al. 2011, Warren and Tyagi 2003).

The Family and Medical Leave Act (FMLA) is the only federal law granting job-protected leave in the U.S. Signed by President Clinton in 1993, it provides up to twelve weeks of unpaid leave for self-care or family care to address a serious illness or health condition. The law covers establishments of 50 or more employees, and to be eligible, workers must log at least 1,250 hours in the year prior to leave, which effectively excludes part-time employment from coverage. According to a recent study commissioned by the U.S. Department of Labor, over 40 percent of the workforce is excluded from the law’s coverage due to its restrictive eligibility requirements (Klerman et al. 2014). Additionally, eligible workers reporting unmet need for leave often cite an inability to afford unpaid leave from work (Waldfogel 2001a; Klerman et al. 2014). Unrepresented workers outside of FMLA’s reach must depend on the good will of their

employers. However, employer-provided leave is rare (Canter et al. 2001), especially for low-wage and part-time work (Clemans-Cope et al. 2008; Heymann et al. 1996; US DOL 2011b). Intersecting trends of an aging population and increased female labor force participation, together with continued reliance on women to provide family care work, underscore the urgency of updating U.S. leave policy (Pavalko and Henderson 2006).

Leading up to and following passage of the FMLA in 1993, fifteen states adopted at least one leave law covering men and women in the private sector. Nine states passed more than one leave law, and all laws are more generous than federal law in at least one respect. Some states provide paid family and/or sick leave. Other states expand access to unpaid, job-protected leave by lengthening leave durations, covering employees in smaller establishments, or broadening definitions of family for the purposes of caregiving leave to include, for example, siblings, grandparents, parents-in-law, and domestic partners. Behind many of these laws were coalitions of unions, women's and legal aid organizations, and other community-based advocacy groups (see Bernstein 2001, Milkman and Appelbaum 2013).

This dissertation uses the case of gender-neutral leave legislation – family, parental, or sick leave laws that cover the private sector – to examine how social movements influence social policy at different stages in the policy-making process. The dissertation thus explores two main questions. First, how and to what extent do union-community coalitions (social movements) influence state leave legislation? Second, under what conditions do they have influence? Part of my analysis focuses specifically on organized labor, one of the most prominent social movement families in the U.S. (see Amenta et al. 2009) that has potentially special relevance to social policies governing the workplace.

Understanding the factors that lead to policy change, including social movement strength and strategy, is important for understanding power relationships and democracy. In the past decade, we have learned more about the political consequences of social movements, particularly in democratic contexts. According to *political mediation* theory, the prevailing theory of social movement outcomes, for a movement to achieve its desired political outcome, its institutional strength and strategy must be combined with favorable political conditions (Amenta et al. 1992). Subsequent research has found that social movements have most influence at the early stages of the policy-making process by, for example, getting desired legislation introduced (King et al. 2005). At the later stage of policy adoption, political conditions rise in importance as movement influence recedes (Soule and King 2006). Much of these findings, however, are based on quantitative approaches that provide a limited understanding of how social movements and political conditions interact. Additionally, the types of policies examined are not conducive to understanding how social movements and political conditions interact to shape the content of legislation. Social movement scholars have called for processual accounts of social movement influence (McAdam et al. 2001) and for systematic examinations of single policy issues over time (Amenta et al. 2010). To address this gap in the research, this dissertation focuses on the role of union-community coalitions – the social movements in this study – and their interactions with political conditions as well as economic conditions at three stages in the policy-making process: introducing legislation, shaping legislative content, and adopting legislation.

Qualitative and historical accounts attest to the important role of organized labor as a vital ally in campaigns for medical/maternity, family, and sick leave legislation at both the federal and state levels (Berstein 2001, Dark 2001, Elving 1995, Milkman and Appelbaum 2014). In their research on the California Paid Family Leave (PFL) insurance

program – the first program in the U.S. to provide paid leave for family care – Ruth Milkman and Eileen Appelbaum (2013) argue that active support from the California Labor Federation was critical to the law’s eventual passage. However, we know little about whether unions affect state leave policies or why unions may be important to leave legislation or social policy, generally. Recent research has linked the decline in union density to the rise in inequality in the United States (Brady et al. 2013, Jacobs and Myers 2014, Western and Rosenfeld 2011). With a focus on union effects on social policy, this research contributes a more holistic picture of how unions facilitate equality.

Gender-neutral leave legislation is a particularly instructive policy issue for examining social movement influence at different stages in the policy-making process. In the United States, leave policies have been quintessential incremental policy projects. Adopted originally as incremental policy, the FMLA was limited in its reach and generosity. Its advocates perceived the FMLA as less than ideal but a step toward the more inclusive and affordable leave found in other affluent democracies (Elving 1995). Although the FMLA has not yet been realized as incremental policy at the federal level, leave advocates in several states have made multiple attempts at policy change that can be examined to better understand social movement influence under changing political and economic conditions. Additionally, the content of leave legislation has varied by state and by bill, with some bills expanding job-protected leave and others proposing paid leave for relatively long-term needs (family leave) or short-term illnesses (sick leave). The variation in legislative content provides an opportunity to examine interactions between social movement organizations and political conditions at this theoretically neglected intermediate stage of the policy-making process. Lastly, across-state variation in leave policy adoption provides the opportunity to use quantitative methods to identify significant factors leading to policy adoption.

Leave legislation is also useful for examining union effects on social policy. Leave provisions can be negotiated into contracts, providing the opportunity to examine how union activists conceive relationships between legislation and negotiation. Is legislation governing the workplace perceived as a threat to the role of collective bargaining or are unions active in campaigns for such legislation? Additionally, compared to minimum wage laws and health care reform, the estimated costs to business and the state of providing leave from work is relatively low. Leave can therefore remain a viable policy goal even in the context of an economic recession, which is present within the parameters of my study. Finally, leave is often perceived as a women's issue. A focus on leave policies, therefore, affords the opportunity to consider how union activists consider and prioritize issues that have clear relevancy to gender equality in the workplace.

I focus on gender-neutral leave legislation (family, parental, and sick leave), rather than woman-targeted leave legislation (maternity or pregnancy disability leave), because these two types of laws are qualitatively different. Accounts of the political processes leading up to adoption of the FMLA and the state laws that preceded it tell of a movement that was suspect of woman-targeted legislation. Advocates feared that woman-targeted legislation would potentially encourage gender discrimination and strongly favored family and medical leave that could be used by women and men equally (Elving 1995). However, movement activists in some states, particularly those governed by Republican majorities, agreed to compromises leading to the adoption of woman-targeted legislation in their states (Berstein 2001). These previous findings, therefore, suggest two different types of policy outcomes that involve different interactions between movement activity and political conditions. While such interactions should be examined and compared by policy outcome, this endeavor is beyond the scope of this study.

The recent increase in state legislative activity around leave policy and renewed national attention to the issue (see Kurtzleben 2015a, 2015b) suggests that leave policy issues are once again gaining momentum. Most state legislative activity has been relatively recent. Of the 19 leave laws passed at the state level between 1993 and 2015, over half passed in the last five years. In 2015, Massachusetts adopted parental leave by extending to fathers its state maternity leave law, which covers small establishments. Additionally, following examples from California, New Jersey, and Rhode Island, New York is considering paid family leave legislation. Such activity suggests greater potential to affirm the FMLA as incremental policy.

Taking advantage of variance across U.S. states, I compare union-community coalition activity, political and economic conditions, and leave policy outcomes using a mixed method approach that combines a qualitative case-oriented comparative method with a quantitative event history analysis. The qualitative approach compares California and Pennsylvania in the post-FMLA period (1994-2015). Both states have had active campaigns for leave legislation, yet California has passed the most leave laws and offers the most generous set of leave rights in the country. Pennsylvania, however, has no state leave laws covering the private sector. My rationale for selecting these two cases is discussed in greater detail in the following section. Narrowing my focus to organized labor, a key coalition ally, I use an event history analysis to assess the generalizability of findings from the case comparisons by testing net effects of union institutional strength (measured as union density) and political and economic conditions on leave policy adoption in 49 states from 1973 to 2014.¹ For the analysis, I drew from multiple sources

¹ As I explain in Chapter 6, Nebraska was excluded from my analysis because it has a nonpartisan state legislature, prohibiting measurement of the state legislature's party composition, a key explanatory variable. The periodization my event history analysis starts the year after the first state passed leave legislation covering the private sector.

to construct my dataset and developed the first historical account of state leave legislation spanning the pre- and post-FMLA periods. The methods, data, and variables used in the event history analysis are discussed in Chapter 6 with my report of findings. Combining two very different methodological approaches enabled a comprehensive examination of social movement interventions at different stages of the policy-making process: agenda-setting, legislative content, and policy adoption.

Overall, my findings show that movement activity, union institutional strength, and government allies in the form of Democrats and women holding seats in state legislatures facilitated adoption of leave policies. Union-community coalitions were instrumental in moving leave bills out of committees and onto house floors for votes. They also played an active role in shaping the content of proposed legislation. However, Democrats needed to hold a majority of seats in at least one house for a leave bill to progress, and for a leave bill to become law, Democratic control of the state legislature, including the governor's seat, was a necessary condition. Results from my event history analysis confirm the importance of Democratic legislators, showing a significant, positive relationship between Democratic control of both state houses and leave policy adoption. My event history analysis additionally shows a significant, positive relationship between leave policy adoption and women representatives (regardless of party affiliation) in the state legislatures, shedding light on another important type of government ally in campaigns for leave legislation. Lastly, I find through comparative case studies that movement attention and favorable political conditions were not always enough for leave bills to pass. Examining California and Pennsylvania cases during and after the start of the Great Recession in late 2007, I find that under favorable political conditions, weak economic conditions can intercede to slow the progress of legislation through house committees and prevent its passage. This intervening role of economic conditions is

confirmed by an additional case of Philadelphia where the City Council was Democratic-controlled and where the Democratic Mayor twice vetoed paid sick leave bills, each time citing reasons related to the recession.

This dissertation contributes a needed processual account of social movement influence on policy change and makes two key contributions to theories of social movement outcomes. First, I bring focus to the intermediate policy-making stage in which the content of legislation is debated and determined. It is at this stage, I argue, that social movements and political conditions interact to have joint effects on policy outcomes. Social movement activists may draft legislation and participate in later negotiations over potential amendments, and these activists and their allies in government may concede provisions in order to win the support (or votes) of moderate house representatives. At the later stage of policy adoption, political conditions – in this case, Democratic control of both state houses – work more as an on-off switch of opportunity to pass any leave legislation. Second, I introduce economic conditions as an important mediator in relationships between social movement activity and policy outcomes. Given that other social movement researchers have found a mediating role for public opinion and cultural change, I argue that social movement theories, rather than continuing with *political mediation models*, should move toward a more generic *mediation model* of movement outcomes.

Additionally, my dissertation contributes the first empirical test of union effects on leave policy adoption and is one of only a few studies to examine union effects on public policy generally (see Dixon 2010). Using an event history analysis, I find that the strength of organized labor (measured by union density or the percent of union members) has a significant, positive relationship with leave policy adoption. This relationship is significant, net of economic conditions (measured by unemployment rate) and political

conditions, specifically Democratic control of both state houses and the proportion of house seats held by women legislators. This significant effect of organized labor is surprising given that social movement scholars find that movements rarely have direct impacts on policy outcomes. However, these findings from the event history analysis does not explain how or why unions influence family leave policy adoption. Comparing campaigns in California and Pennsylvania, I find that unions contribute localized knowledge of state politics and relationships with lawmakers and other government allies. Such relationships are born out of organized labor's involvement in electoral politics. I also find that these contributions to coalition efforts are unique to organized labor. Unions therefore facilitate the movement's access to government decision-makers, an achievement that social movement scholars consider a movement outcome in its own right (see Amenta 2006, Gamson 1990, Goldstone 2003). Additionally, counter to traditional views of trade unions deriving political influence through direct action or protest, I find they leverage their relationships with elected policymakers to lobby policymakers in much the same way that other social movement organizations do, especially with regard to incremental policy issues.

In the remaining part of this introductory chapter, I provide a more detailed description of my case comparative methods, including my rationale for selecting California and Pennsylvania as cases, followed by a chapter overview.

Case Comparative Methodology and Selection of Cases

My research employs a case-oriented comparative approach in which cases are selected for their different outcomes. For this study, the outcome is legislation that provides paid or unpaid, job-protected leave from work and covers the private sector. With union density as a main explanatory variable for state leave legislation, potential cases for comparison were determined by differentiating states based on their union

density and legislative activity with regard to leave legislation post-FMLA (see Table 1.1).

TABLE 1.1 DISTRIBUTION OF STATES BY UNION DENSITY AND LEAVE LEGISLATION, 1994-2015

	Leave Legislation		No Leave Legislation	
High Union Density (density above national average)	California	Minnesota	Alaska	Nevada
	Connecticut	New Jersey	Hawaii*	New York*
	Maine†	Oregon	Illinois	Ohio
	Maryland†	Rhode Island	Indiana†	Pennsylvania
	Massachusetts	Washington	Michigan	West Virginia
			Montana*	Wisconsin
Low Union Density (density below national average)	Colorado		Alabama	Nebraska
	Tennessee		Arizona	New Hampshire
			Arkansas	New Mexico
			Delaware	North Carolina
			Florida	North Dakota
			Georgia	Oklahoma
			Idaho	South Carolina
			Iowa*	South Dakota
			Kansas*	Texas
			Kentucky*	Utah
			Louisiana*	Vermont*
			Mississippi	Virginia
			Missouri	Wyoming

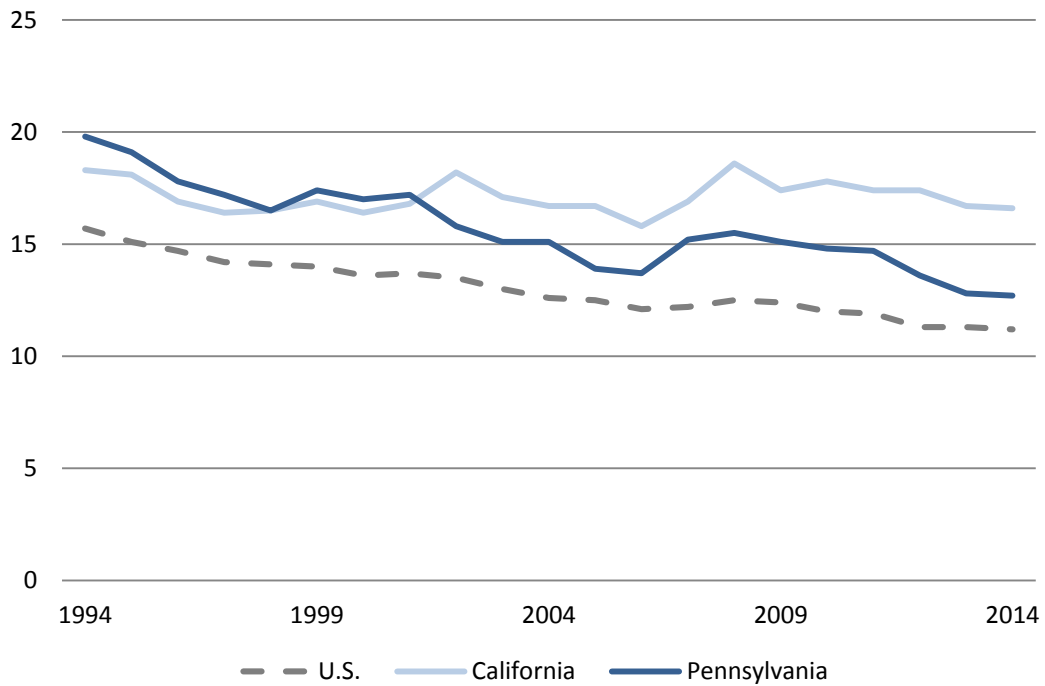
NOTE: State union densities consistently stayed above or below the national average over this period unless otherwise indicated. Union density in the United States fell from 15.7 percent in 1994 to 11.2 percent in 2014 (Hirsch and MacPherson 2014).

*These states adopted leave legislation prior to the passage of the FMLA of 1993. Such laws are still in effect and either covers more workers than the FMLA or offers paid leave or longer leave periods.

†Union density in these states fluctuate around the national average for this period.

California and Pennsylvania were selected from this list for comparison. Union densities in both states, though declining with the national trend, have remained consistently above the national average (see Figure 1.1). Yet there are stark differences between these two states with regard to leave legislation. Private sector workers in California today have a myriad of leave rights that are unavailable to workers in most other states, while in Pennsylvania, private sector workers have no rights to paid or unpaid job-protected leave under state law.

FIGURE 1.1 UNION DENSITY IN CALIFORNIA, PENNSYLVANIA, AND THE UNITED STATES, 1994-2014



SOURCE: Hirsch BT, Macpherson DA. 2015. Union Membership and Coverage Database from the CPS. Available at: www.unionstats.com

Although 12 states adopted leave legislation after the passage of the FMLA in 1993, California's post-FMLA legislative activity is by far the most notable. In 2002, California became the first state in the U.S. to create a paid family leave program. It was established by extending its pre-existing state disability insurance program to cover family caregiving needs. The law covered leave to bond with a newborn or newly adopted child and care for a seriously ill child, spouse, or parent. In 2013, it added care for grandparents, grandchildren, and siblings. In 2011, it corrected an oversight in its 1991 job-protected family leave law by requiring employers to continue health insurance benefits during pregnancy disability leave. Most recently, in 2014, California joined Connecticut and Massachusetts in providing paid sick days. Only Rhode Island and

Washington come close to this level of legislative activity, each having passed two laws.² Between 1994 and 2015, California, in addition to having the highest rate of leave policy adoption, introduced a total of 29 leave bills. This level of activity in addition to its record of policy adoption, make California a fitting case for studying leave policy adoption and the role of movement organizations in the policy-making process.

From 1994 to 2015, 12 states have adopted no leave policies despite having above average union densities. Pennsylvania was selected among these states for a few reasons. First, it had not adopted leave legislation prior to the passage of the FMLA. Three states in Pennsylvania's shared category have. Hawaii, Montana, and New York have leave laws that pre-date the FMLA, are still in effect, and offer more generous leave than provided under federal law. Hawaii and New York are also among only five states in the country, including California, that have temporary disability insurance programs. Unlike California, however, they have not since expanded their programs to include family care. Second, among the remaining states in this category, Pennsylvania represents the historically union-dense and progressive Northeast. Finally, it was the only state in this category to have an active campaign for leave legislation during the time of my fieldwork (2011-2013) that did not result in policy adoption. Pennsylvania thus provided more substance as a case study than other states that had no movement activity.

In my analysis, I also consider the city of Philadelphia's campaigns for a paid sick leave ordinance, because they are integral to the story of Pennsylvania. The coalition that campaigned for the Philadelphia ordinance was born out of efforts to pass paid sick leave legislation in the state. In 2010, the coalition strategically shifted its attention from the

² Rhode Island and Washington passed laws to create paid family leave programs – in 2013 and 2007, respectively, but Washington's paid family leave program remains unfunded and thus, not in-effect. In 2006, Rhode Island extended its job-protected family leave to cover care for domestic partners, and Washington created job-protected family leave by extending its 1989 parental leave law to include care for family.

state to Philadelphia. This decision, as will be discussed in the following chapters, was informed by a shift in state political conditions that made Philadelphia a more promising target. Additionally, compared to Pennsylvania, political conditions in Philadelphia where Democrats have long held a majority of seats in the City Council more closely resemble California where Democrats held a majority of seats in the state legislature for the entire period under study. Therefore, inclusion of Philadelphia as a case enabled comparisons of union-community coalition activity and economic conditions under favorable political conditions.

My case comparative analysis is based on legislative committee hearing transcripts and bill analyses, when available, newspaper reports, and 35 interviews with policymakers, government staff, and leaders of coalitions, unions, and other community organizations in California and Pennsylvania that campaigned for leave legislation. For the California case, 21 people were interviewed (four government workers and representatives of 13 organizations) from June to September 2012 and from May to August 2013. For the Pennsylvania case, 14 people were interviewed (one elected official and representatives of 14 organizations) from August to September 2011 and September 2012. These interviews not only provided insight into policy processes at the local level but also facilitated construction of local movement history that is not readily available from secondary sources. For a detailed description of my methods and analysis, see Appendix A.

Organization of Chapters and Summary of Arguments

In the following chapter (Chapter 2), I provide a brief background on the Family and Medical Leave Act (FMLA) as well as state leave legislation before and after the FMLA. I then discuss the relevant literature on the policy outcomes of social movements and research on labor unions, inequality, and social policy.

Chapters 3 through 6 present empirical findings organized around the major themes of this research. In Chapter 3, I explore the influence of union-community coalitions at different stages of the policy-making process and their interactions with political conditions at each of these stages. Consistent with social movement outcomes research, I find that union-community coalitions were important to the movement of legislation through the different stages with more evident influence at earlier stages. I also find that favorable political conditions – specifically, Democratic control of upper and lower state houses and the governor’s seat – are necessary for leave policy adoption. Interactions between union-community coalition activists and legislators was most evident at the intermediate stage in which the content of legislation is negotiated.

Chapter 4 focuses on the economic conditions of movement outcomes. In each of the leave campaigns in California and Pennsylvania, Chambers of Commerce were consistent and main opponents to workplace leave laws. Their repeated claim was that leave legislation was a “job killer.” This claim also extended to the Philadelphia earned sick days ordinance that would allow workers to earn three paid sick days per year. Although this “job-killer” frame remained constant throughout cases and campaigns, the economic context changed with the recession that started in late 2007. This shift in context weakened policymakers’ support for leave legislation. Additionally, in California, state budget considerations after the start of the recession held many bills in appropriations committees despite Democratic control of the state legislature, including the governor’s seat, and despite pressures from coalition activists.

Chapter 5 describes the involvement of organized labor in efforts to pass state leave legislation in California and Pennsylvania and the paid sick leave ordinance in Philadelphia. I argue that unions contribute local knowledge of political processes and relationships with lawmakers. These relationships are built by union participation in

elections – endorsing candidates, contributing financially to their campaigns, and mobilizing voters. Additionally, this political power is most relevant in contexts where union allies - most often, Democrats – hold a majority of seats in the state legislature. Labor scholars have recently advocated the importance of unions to coalition work, and this chapter contributes new understandings about what is unique about unions and their contributions to coalition mobilization.

Chapter 6 presents findings from the event history analysis. Written as a break-out chapter for publication as a journal article, it includes its own literature review, policy background, and methods sections. Drawing from my findings from the qualitative case comparisons, I test the effects of union strength (measured as union density) on the adoption of gender-neutral leave legislation at the state level from 1973 to 2014. I find that unions have a direct positive effect on leave policy adoption, as does the presence of political allies (democrats and women) in the legislature. However, the effect of union strength is not amplified by the presence of government allies or lower rates of unemployment. These findings, taken together with findings from the qualitative approach, suggest an important role for organized labor in shaping social policy. Counter to traditional perceptions of trade unions, organized labor does not achieve this influence by mobilizing its base. Rather, it leverages its relationships with elected representatives to influence incremental policy changes, using institutional means of influence.

The dissertation concludes with a discussion of recent national attention to the issue of paid family leave and the future of leave policy in the U.S.

Chapter Two – Literature Review and a Brief History of Leave

Legislation in the U.S.

This work is centrally concerned with social movement outcomes and thus joins other social movement research investigating when and how social movements matter. To define social movements, I use Edwin Amenta and colleagues' (2010) definition of political social movements. Drawing from definitions offered by other social movement scholars (Tilly 1999, Amenta et al. 2009), they define political social movements as “actors and organizations seeking to alter power deficits and to effect social transformations through the state by mobilizing regular citizens for sustained political action” (Amenta et al. 2010: 288). This definition is favored for its emphasis on social movement organizations (SMOs). Most studies of social movements are studies of SMOs, including my dissertation research in which labor unions, their federations, women's rights organizations, and legal advocacy organizations among others join together to campaign for leave legislation. Under the definition offered by Amenta et al. (2010: 288), SMOs can be combined into social movement families and can include the use of extra-institutional tactics, such as protest, as well as institutional channels of influence, such as lobbying. While social movements can attempt to influence public opinion, political parties, workplace practices, state bureaucracies, and legal decisions, this research focuses on their influence over policy at different stages in the policy-making process, including policy adoption. This dissertation uses leave legislation as a case study for elaborating policy change processes to extend knowledge about relationships between social movements and political and economic conditions at different stages in the policy-making process.

Recent attention from social movement scholars to the political outcomes of social movement activity has revealed a complex set of relationships between movements,

political conditions, and outcomes. Early investigations into social movement outcomes focus on movement characteristics – their structure and tactics – and their relationship with the movement’s desired outcomes (see Piven and Cloward 1977; Gamson 1990). Looking at slow-moving policy processes, Theda Skocpol (2003) argues that direct-effects are restricted to social movements that have the capacity to mobilize over the long-term and geographically-dispersed membership structures that can be activated to pressure representatives from multiple districts. These movement characteristics are often held by labor unions.

The leading alternative theory of movement outcomes, the political mediation theory, moves beyond the narrow focus on movement characteristics by situating movements and outcomes in their historical, political contexts. Political mediation theory recognizes that social movement activity rarely has independent, direct effects on desired policy change. Rather, for a social movement to succeed in its policy change goals, it “must reinforce political action with strong organization of members under favorable political conditions” (Amenta et al. 1992: 308). Therefore, according to political mediation theory, social movement characteristics – their membership, strategies, and organizational structures – are still important to policy outcomes, but for state-oriented social movements to achieve their goals, they must also mobilize under favorable political conditions. Favorable political conditions include democratic political systems, open party systems, and the presence of favorable regimes in power or sympathetic bureaucrats (Amenta et al. 1994: 683) as well as the presence of strong allies in government (Soule and King 2006). These political conditions “[mediate] the impact of movement organization and action on its goal and [set] the range of possible outcomes” (Ibid., 309). The mechanisms of this mediation effect varies, however. Some researchers find that favorable political conditions are necessary for movements to have influence (Amenta et

al. 1994); others find that favorable political conditions amplify the effects of social movement mobilization (Soule and Olzak 2004).

Building on the political mediation model, other scholars have argued that the influence of social movements and political conditions derive from their interaction (Soule and Olzak 2004). Therefore, in addition to have direct effects on policy adoption, political conditions favorable to a movement's cause can also amplify the effect of social movement organizations on policy adoption (Soule and Olzak 2004). In their comprehensive examination of ecology, antinuclear, peace movements, Marco Giugni (2007) and colleagues (2009) advance a joint effect model of social movement outcomes in which movement activity interacts with political conditions, including public opinion, which can amplify or inhibit their influence on policies and public spending. Burstein et al. (1995) offer a "bargaining perspective," contending that social movement outcomes are not "simply the product of movement characteristics and activities, but...the result of interactions among movement organizations, the organizations whose behavior they are trying to change and relevant actors in the broader environment, all struggling to acquire resources and use them to their best advantage vis-à-vis the others" (277). The bargaining perspective sees movement outcomes as extracted through a process of concessions among multiple parties, including the social movement and their targets for action.

Research on the political consequences of social movements overwhelmingly examine factors leading to policy adoption (Burstein and Linton 2002: 400). However, there are other stages in the policy-making process that provide opportunity for movement influence, and scholars have called for more processual accounts of social movement outcomes (Soule and King 2006, McAdam et al. 2001). In research reviews of social movement outcome research, scholars have noted a need for more attention to movement influence at earlier stages in the policy-making process to better assess when

and how social movements influence policy (Burstein and Linton 2002; Amenta et al. 2010). Others have argued for greater attention specifically to the intermediate stages of policy-making – the stages between bill introduction (or agenda-setting) and adoption of new legislation (King et al. 2005). To approach this gap in the research, this dissertation disaggregates the policy-making process into stages and uses a mixed method approach to understand the factors leading to policy adoption, including the important stages that proceed a governor's signature.

Drawing from previous research (Amenta and Young 1999; Amenta et al. 2010; Andrews and Edwards 2004, Schumaker 1975), I identify three stages in the policy-making process that are the focus of my research: (1) setting legislative agendas, (2) shaping legislative content, and (3) achieving policy adoption. There are additional stages that follow policy adoption and are important but beyond the scope of this study, such as policy implementation and “shifting the long-term priorities and resources of political institutions” (Andrews and Edwards 2004: 491-492) or systemic change that opens new opportunities for social movement influence (Burstein et al. 1995). Some social movement scholars also consider “access to decision-making arenas” (Andrews and Edwards 2004; see also Schumaker 1975) or “acceptance” (Gamson 1990) as an important potential political consequence of movement mobilization, but this type of outcome may be better conceptualized outside of the policy-making process as its own type of outcome (see Amenta et al. 2010: 291-292). Following Amenta et al. (2010) and Amenta and Young (1999), I also separate Andrews' and Edwards' (2004) “achieving favorable policies” stage into two separate stages: shaping legislative content and achieving policy adoption. These are two very distinct stages in the policy-making process that may ultimately lead to “achieving favorable policies” but likely involve

different processes – different movement strategies and types of interaction between social movements and elected representatives, for example.

Breaking the policy-making process into stages, researchers have found that movements have greater influence at earlier stages in the policy-making process, particularly the agenda-setting stage, compared to later stages (King et al. 2005, Soule and King 2006). Social movements can increase the saliency of an issue. For example, Brayden King and colleagues (2005) find that the suffrage movement was able to put suffrage on the policy agenda by lobbying politically and campaigning for candidates in elections. Getting a new bill introduced is easy relative to winning votes in one or both houses (King et al. 2005, Soule and King 2006). By introducing legislation, elected representatives can respond to pressures from social movement organizations, and perhaps appease activists, without much political risk (King et al. 2005). Because a large number of bills may be introduced in any one legislative session and many of them never emerge from house committees, introduced legislation may not receive much public attention (Soule and King 2006). Although the early agenda-setting stage lacks immediate consequence, however, it is still very important to policy outcomes as it sets the policy-making process in motion (Baumgartner and Mahoney 2005).

However, as legislation ventures through the various stages of the policy-making process toward adoption, researchers have found that social movement influence wanes (King et al. 2005, Soule and King 2006). Brayden King and colleagues (2005) offer a theory of legislative logic according to which the diminishing returns of social movement activity are explained by the different rules and consequences associated with each subsequent stage of the policy-making process. Breaking the policy-making process into bill introduction, roll-call vote on bill, bill passage in one house, and bill passage in the second house, they find that later stages in the policy-making process are governed by

more stringent rules. Additionally, decisions at each stage are progressively consequential. Stringency and consequentiality intensifies at each subsequent stage, depressing movement influence as other influences – “political, structural, and cultural” – take precedence. Only after surviving each of these stages is a policy adopted, and lawmakers are progressively less responsive to movement activity at each stage given that each progressive stage is more consequential.

Building on this theory of legislative logic, Sarah Soule and Brayden King (2006) argue that the increasing stringency of rules and consequentiality of legislative decisions also structure the “effect of the [political opportunity structure] and public opinion on policy change.” They thus examine interactions between social movement organizations, political conditions, and public opinion at three stages in the policy-making process – bill introduction, passage in one house, and passage in the second house. However, their findings are based on a study of the ratification of the Equal Rights Amendment, a policy issue that does not afford examination of how social movements may influence the content of legislation. As mentioned above, legislative content or *desired* policy change (from the perspective of the social movement) is one type of policy outcome.

Additionally, this legislative content stage in the policy-making process may constitute a critical point of interaction between social movement organizations and political conditions. At this intermediate stage, policy advocates within and outside government may compromise on provisions of proposed legislation in attempt to assuage moderate opposition and garner the votes necessary for adoption. Additionally, Soule and King (2006) use a quantitative approach, which permits limited revelations about the mechanisms of social movement influence and interactions with political conditions. This work thus expands on previous findings by examining an incremental policy issue with broad and consistent public support and using a qualitative approach to understand

interactions between social movements and potential mediating conditions at several stages in the policy-making process, including the stage at which legislative content is determined.

Toward a Mediation Model

Focusing primarily on the U.S. context and other affluent democracies, researchers have found a particularly important role for political conditions in relationships between social movements and policy. Many factors fit under the umbrella of political conditions, including political structures, the strength and extent of alliances with other social movements (Amenta and Zylan 1991) and the presence, absence, or actions of countermovements (Andrews 2001). However, many recent studies that consider political conditions look specifically at the presence or absence of government allies for a given social movement (Meyer and Minkoff 2004, Burstein and Linton 2002, Amenta et al. 2005, Soule and King 2006). Party affiliations of elected representatives can be indicative of favorable or unfavorable political conditions from the perspective of social movement goals (Amenta et al. 1994), and David Meyer and Debra Minkoff (2004) argue that the representation of Democrats in U.S. legislatures amplify the effect of non-conservative social movements on policy outcomes. Additionally, partisan control of veto points in the legislative process are especially important (Chen 2007). In the context of U.S. state lawmaking, governors can singularly prevent laws from passing, and partisan control of state houses are also important as majority parties appoint chairs of house committees, where bills are often held, and determine which bills will be introduced to house floors for a vote. In other words, the majority party controls the legislative agenda.

There is general consensus among social movement scholars in support of the political mediation model of movement outcomes. Therefore, when movement scholars consider important conditions that may influence relationships between movements and

their political consequences, considerations of political conditions dominate. However, researchers have found other factors that may intervene and influence policy outcomes – specifically, public opinion, cultural change, and women in elected government positions. In the remaining part of the section, I review and discuss the research findings with regard to these other factors. To this discussion, I add economic conditions as potential mediators in the movement-outcome relationship. Given the number of factors that may rise and fall in significance depending on the political outcome being studied, I argue that social movement scholars should move away from *political* mediation models toward a more general mediation model of movement outcomes.

Like political conditions, public opinion can also have a direct influence on policy outcomes (Giugni 2004, 2007, Olzak and Soule 2009, Amenta et al. 2005, Burstein and Sausner 2005, Brooks and Manza 2006; Agnone 2007, Soule and King 2006). Raising questions about the relevancy of social movements to policy outcomes, Paul Burstein (1999) argues that public opinion is a key determinant of policy adoption. Elaborating on this argument, Burstein and Linton (2002) argue that social movements exert greater influence over policy outcomes when such policies are not favored by public opinion; or conversely, the relevancy of social movements to policy outcomes recedes when a majority of public opinion favors the policy change (Burstein and Linton 2002). Additionally, researchers suggest that the influence of public opinion is strongest at the policy adoption stage when elected representatives weigh constituent support for a policy in deciding how to vote (Soule and King 2006).

Available public opinion data shows broad public support for leave policies, such as family and sick leave, and support for such laws span political ideology (Milkman and Appelbaum 2013). Recent national polling data conducted by leave advocates show strong majority support for expanding the FMLA (Ness 2008), paid leave (Institute for

Women's Policy Research 2010, National Partnership for Women and Families 2012, Ness 2008), and paid sick days (Institute for Women's Policy Research 2010). In their survey of registered voters, the Institute for Women's Policy Research (2010) found that public support for paid leave spanned party affiliations with 73 percent of Republicans, 87 percent of Independents, and 96 percent of Democrats claiming that the issue was important. My interview participants often cited this polling data, but they also noted that leave policies, compared to competing issues, was a low priority among its supporters and allies. The policy issue thus suffered from low saliency. I started conducting interviews while the economy was recovering from a recession, and interview participants expressed understanding that other issues, such as balancing state budgets, may take precedence.

While it is important to consider the role of public opinion in shaping social policies, particularly in democratic contexts, leave policy is not the ideal issue for exploring the role of public opinion. Consistent measures of public opinion with regard to leave policies are unavailable, and most polling data on the issue has been collected by leave advocates rather than independent sources. Additionally, such data is not broken down by state, which added complications to incorporating a measure of public opinion in the quantitative event history analysis of policy adoption at the state level. For the qualitative case comparisons, existing polling data suggests a lack of variance over time, and general support for these policies and support across party lines suggests a lack of variation between states. Given this lack in variation, public opinion offers little in terms of explanation for uneven policy adoption across states and over time. This is not to say that public opinion is unimportant to policy changes generally but that it does not help to explain variation between states. General public support for the policy, however, constitutes an important constant or commonality across states during the period of my analysis.

The importance of public opinion is explained in its relation to the behavior of elected representatives, who support or oppose policies in response to public views and the strength of those views (Brooks and Manza 2006). In addition to such political calculations, however, elected representatives can possess genuine passion regarding a given policy issue. Such government allies may be especially important to relatively long policy-making processes, such as those leading to adoption of family leave legislation. Studying the suffrage movement of the prior century, McCammon and her co-authors (2001) note a gendered opportunity structure. Examining women's suffrage movements, Holly McCammon and colleagues (2001) suggest cultural change, in which elected lawmakers espouse genuine policy positions that may run alongside or lead public opinion.

Social movement scholars have yet to investigate the potential mediating role of economic conditions. Social movement scholars have only recently turned their attention to the potential implications of weak economic conditions for movement emergence, strategies, and outcomes. This research thus joins emerging work among social movement scholars that examine the impacts of the Great Recession. My findings suggest that economic conditions can be particularly important in examinations of movements that address workplace-related rights and benefits, such as leave. Theoretically, it introduces economic conditions as additional mediators in relationships between social movements and policy outcomes. By adding economic conditions as a potential mediator, in addition to previous research showing important mediating roles for public opinion and women legislators, I argue that it is more useful to think of potential mediators – not only political mediators – in the study of the political consequences of social movements.

Organized Labor and Social Policy

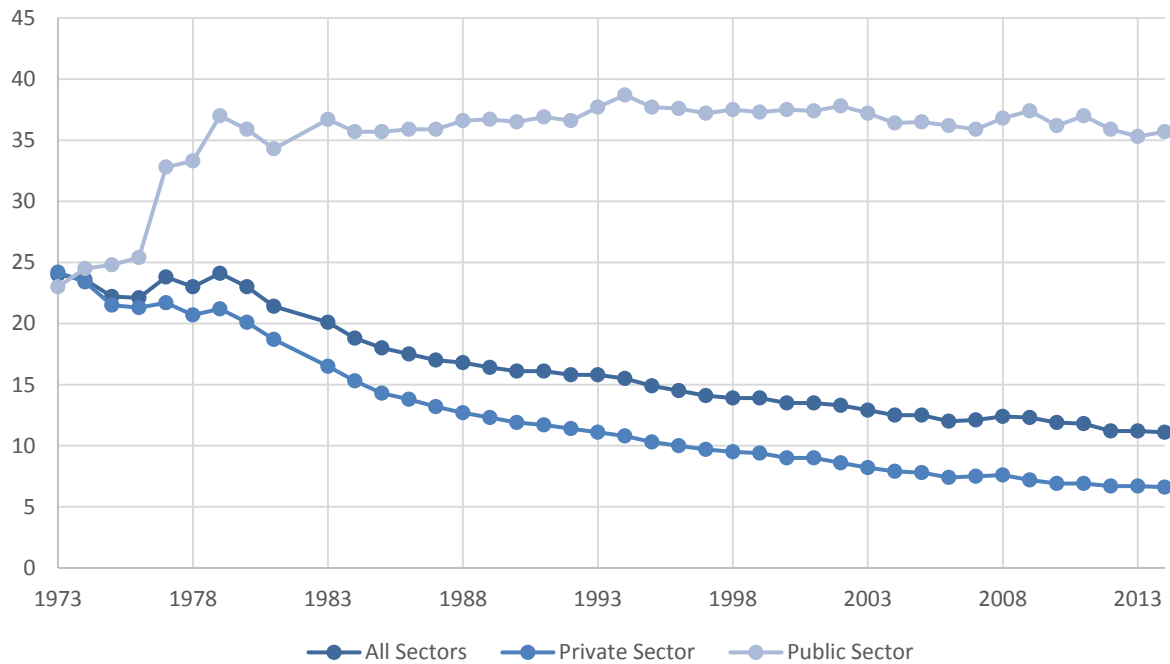
Labor unions have long advocated for time away from work, from the movement for the eight-hour workday during the industrial revolution to recent movements for family leave. Labor unions were key coalition allies in efforts to pass the Family and Medical Leave Act (FMLA) of 1993. The United Auto Workers and the Coal Employment Project of the United Mine Workers participated in early meetings to draft the first family and parental leave bill introduced in Congress (Elving 1995: 29-32). Later, other labor organizations joined as active supporters: the AFL-CIO, SEIU and AFSCME, service and public sector unions with high proportion of women members, as well as Nine to Five, a union of office workers (Elving 1995: 153-4). Although labor organizations were not lead organizers (the Women's Legal Defense Fund and other women's and feminist organizations were), their support brought legitimacy to the campaign. It broadened the appeal of the FMLA by stripping away the bill's unfortunate reputation as a "yuppie bill" that only benefited privileged women (Elving 1995: 153-54). Additionally, union leaders lent to coalitions their expertise in the policy-making process (see Elving 1995: 39, 63) and provided key financial support and lobbying personnel for federal leave legislation (Dark 2001: 154-166; cf. Bernstein 2001). These efforts contributed to the eventual passage of the Family and Medical Leave Act (FMLA) of 1993, the only federal legislation to grant workplace leave in the U.S. to date.

When it comes to understanding union outcomes, however, this relationship between organized labor and social policy has not received much attention from labor scholars. Most labor scholarship centers around the role of unions in industrial relations. Unions can impact workplace leave in a few ways. First, unions can have direct impact by negotiating workplace leave benefits into employment contracts for the workers they represent. Researchers found that in 2001, adjusting for establishment size, occupation,

industry and other factors, union workers enjoyed 14.3% more paid holiday or vacation hours than non-union workers (Mishel et al. 2003). And in 2008, union workers were 3.2% more likely to receive paid time off (Mishel et al. 2009). Second, unions can have indirect impact on working conditions for unrepresented workers through a “threat effect” and by raising general workplace standards. Unions have a threat effect when nonunion employers, to avoid unionization, remove some incentives for organizing by raising workplace standards (see Leicht 1989). Additionally, by negotiating rights for some workers, unions can set general workplace standards as more workers have access to them. These indirect effects are more prevalent in highly unionized industries (see Western and Rosenfeld, 2011). Third, unions can influence access to affordable leave by mobilizing for policy changes that cover all workers. Research that examines unions outside industrial relations often examine their influence on electoral outcomes (Lamare 2010a, 2010b; Rosenfeld 2014).

The relationship between unions and social policy is especially relevant to recent scholarly attention to the implications of union decline. Union density – the proportion of the workforce represented by unions – has been in a steady, decades-long decline in the U.S., falling from a peak of 32 percent in 1954 to 11.1 percent in 2014 (See Figure 2.1). However, the decline in union density has not been uniform across sectors. Union density decline is particularly pronounced in the private sector, which is largely responsible for the overall downward trend. In the private sector, union density fell from 24 percent in 1973 to 6.6 percent in 2014 (Hirsch and MacPherson 2015). In contrast, public sector unionization increased in the 1970s before levelling in the 1980s. Union membership in the public sector has been at an average of 37% of the workforce over the last three decades (Hirsch and Macpherson 2015).

FIGURE 2.1 UNION DENSITY IN THE UNITED STATES, 1973-2014



SOURCE: Hirsch BT, Macpherson DA. 2015. Union Membership and Coverage Database from the CPS. Available at: www.unionstats.com

The overall decline in union density in the United States has led labor scholars to question the relevance of unions in shaping social policy. Jake Rosenfeld (2014) suggests that shrinking union membership, particularly in the private sector, is contributing to a loss in organized labor's political clout, which is derived from its ability to mobilize votes among union members. Because union density decline is most pronounced in the private sector, this ability to organize voters is diminishing where it matters most: among private sector workers. He argues that because voter turnout is already high among public sector workers, who earn more and have more education, unions have a greater impact on overall voter turnout by bringing private sector workers to the polls. With waning effects on voter turnout, Rosenfeld (2014) argues, organized labor no longer has the political capital it needs to influence public policy, particularly policies that govern how unions organize and operate. As an example, he notes how the Employee Free Choice Act (EFCA) failed to pass despite it being the priority bill for organized labor for the 2009-

2010 legislative session, despite Barack Obama's outward support of it in his 2008 campaign, and despite organized labor's substantial investment of financial and human resources to Obama's campaign. The EFCA would have eased union organizing by replacing union elections with a "card-check" process in which a union is recognized after a majority of workers signs cards expressing a desire for representation (Greenhouse 2008). However, the Democratic caucus fell one seat short of a filibuster-proof majority in the Senate in the 2008 election (Sands 2008), and once President Barack Obama took office, the economic stimulus package and the Affordable Care Act (ACA) received priority and absorbed his legislative agenda.

The quiet death of the EFCA shares the fate of similar legislation that would have strengthened unions institutionally advocated by unions under Johnson, Carter, and Clinton administrations (Lichtenstein 2011). Such policy failures signal a relational downward spiral in union strength in politics and industrial relations. However, to fully consider organized labor's relationship to policy changes, it is also important to examine legislation that addresses social inequalities and working conditions for all workers regardless of membership. While such laws lack direct implications for organized labor, they provide opportunity for coalition work with other organizations and underscore the relevance of unions to a liberal agenda.

Union institutional strength is a crucial but not sufficient factor for assessing organized labor's relationship with social policy. Unions must also prioritize policy issues and commit resources to moving them. The close relationship between the U.S. union movement and social policy was punctuated by a period – from 1947 to 1979 – of depoliticized collective bargaining (Lichtenstein 2011). This shift is characterized by the U.S. union movement's practice of "bread-and-butter" unionism, a strategy that disregards broad-based social policies in favor of more narrow legislative agenda that

focuses on winning “bread and butter” or improved conditions for labor institutions and their extant members. Starting in the 1980s, decades into union density decline, organized labor renewed its commitment to policy issues, including policies not directly tied to strengthening union institutions in industrial relations (Lichtenstein 2011). Some recent examples include campaigns for immigrant rights (Engeman 2015, Fink 2010, Milkman 2011), LGBT rights (Sweeney 1999), and the ACA, despite it having usurped the EFCA as a policy priority for the Obama administration (Lichtenstein 2011: 526). Union engagement in these broader policy issues represents an important shift in union strategy often marked by labor scholars with the term “social movement unionism” (see Clawson 2003). Though the term invokes various meanings, it can be generally understood as union engagement in issues outside of traditional industrial relations (Engeman 2015, von Holdt 2002). The labor movement’s renewed interest in social policy issues in the context of union decline suggests a more complicated relationship between unions, their institutional strength, and policy outcomes.

Additionally, union density decline and feminization of the union movement are concurrent trends (Milkman 1993, 2007), and this latter trend has special relevance to organized labor’s policy priorities. Women still face greater pressures than men to meet family caregiving needs (see Pavalko and Henderson 2006), and their representation within unions may direct attention and union resources to leave policy issues. Women have constituted a majority of newly organized workers since the 1980s (Bronfenbrenner 2005). Their membership as a proportion of overall union membership has risen from 18.3 percent in 1960 to 45.5 percent in 2014 (US DOL 2015). This demographic shift in union membership coincided with increases in female labor force participation in the 1960s, the growth of the female-dominated public sector, and the contraction of the highly unionized, male-dominated private sector (Milkman 2007). Though the percentage

of women in union leadership positions has not kept pace with their increased proportion of union membership (Bronfenbrenner 2005), their rising participation has resulted in historical changes in unions' political agenda. Women, as they increased in number and power within the union movement, pushed unions from within to become political actors in the fight against wage discrimination and occupational segregation and in the comparable worth campaign, which asserted that jobs requiring comparable education and skill level should pay the same for men and for women (Milkman 1993: 244). Women union members are credited with the shift in union movement's stance on protecting the male breadwinner to promoting gender equality and work-life balance (Fonow 2003; Milkman 2007; Bronfenbrenner 2005).

These trends – increased union engagement in social policy issues, generally, and the feminization of the union movement – converge to suggest that labor unions, despite overall density decline, may have significant contributions to make to social policy, especially issues with particular resonance for women workers.

Family and Medical Leave in the U.S.: Aspirations and Limitations

The FMLA's shortcomings are in part due to compromises made in its journey through five congressional sessions. A version of the FMLA was first introduced in 1985. It originated in meetings between Democratic Congress member Howard Berman, a government staff member, labor union representatives, leaders of women's advocacy organizations, most notably the Women's Legal Defense Fund (which later became the National Partnership for Women and Families), and other organizations. It also included the U.S. Catholic Conference, which believed that providing job-protected family leave would remove the fear of job loss as a reason for seeking abortion (Asher and Lenhoff 2001; Elving 1995). Working in 1984 to introduce legislation, these groups and the bill's Congressional champion, Representative Pat Schroeder, saw political opportunity in the

changing labor market with its increased female labor force participation, particularly women with young children, and strong public support for family leave and affordable childcare. Among voters, such support extended across partisan lines, and advocates hoped family leave legislation would appeal to conservative Congress members who were pro-life and espoused “family values.” Despite these perceived political openings, family leave advocates saw their bill killed repeatedly, twice by Presidential veto (Elving 1995). When the FMLA was finally signed into law in 1993, it still had the support of many of its original advocates. While cognizant of the law’s limitations, advocates viewed it as a first step in establishing policy that could be expanded with subsequent legislation (Berstein 2001; Elving 1995). At the federal level, this has not happened.

Since 1993, 12 states have passed a total of 19 leave laws that offer wage replacement (paid family or sick leave), cover smaller establishments, lengthen leave durations, or expand definitions of “family” for the purposes of caregiving leave.³ According to a recent study commissioned by the U.S. Department of Labor, broadening coverage to smaller establishments (with 20 or more employees) or reducing the requisite hours on-the-job prior to leave-taking (from 1,250 hours to 780) would increase eligibility from 59% of the workforce to approximately two-thirds of the workforce (Klerman et al. 2014). However, only nine states removed these barriers to leave-taking by creating paid leave programs and/or loosening eligibility requirements. Three states – California, New Jersey, and Rhode Island – created paid family leave programs by expanding their state’s

³ These states are California, Colorado, Connecticut, Maine, Maryland, Massachusetts, Minnesota, New Jersey, Oregon, Rhode Island, Tennessee, and Washington. It includes Massachusetts’ paid sick leave law that passed by ballot measure and Washington’s paid family leave program, which is not in effect. It does not include laws that apply only to state employees or small necessities laws, which are laws that provide short-term job-protected leave to, for example, bereave the loss of a family member killed in active military duty, accompany a family member to a medical appointment, attend a child’s school activity, or address matters related to domestic violence, sexual assault, or stalking.

temporary disability insurance (TDI) program to cover family care.⁴ California and two other states – Connecticut and Massachusetts – recently passed laws allowing workers to accrue paid sick time. Only three states – Maryland, Maine, and Oregon – passed laws to loosen eligibility requirements.⁵ Additionally, two states – Tennessee and Massachusetts – that previously excluded male employees from their leave law included them with post-FMLA amendments. In 2005, Tennessee created parental leave by extending its 1988 maternity leave law.⁶ In 2015, Massachusetts passed a law to extend job-protected leave to male caregivers as well. Before these policy changes, fathers in Massachusetts and Tennessee who met eligibility requirements could take unpaid, job-protected leave under the FMLA. With these changes, fathers are able to take advantage of more generous state leave laws: Tennessee provides additional time-off,⁷ and Massachusetts covers more workers.⁸ States also made minor changes to leave programs, lengthening leave periods⁹

⁴ TDI programs exist in only two other states – Hawaii and New York. In 1977, New York extended its TDI program to cover pregnancy- and childbirth-related disabilities, and with the passage of the Pregnancy Discrimination Act the following year, all TDI programs were required to do this. Unlike California, New Jersey, and Rhode Island, TDI programs in Hawaii and New York do not cover family care. In 2007, Washington passed “family leave insurance” legislation, but without a pre-existing TDI program, it lacks a funding mechanism and is not in operation (CHEFS 2010).

⁵ Maryland and Maine extended coverage of their state leave laws to include establishments of 15 or more employees. Oregon, with the creation of its own family and medical leave program in 1995, covered establishments with 25 or more employees as well as workers with 180 days on-the-job. Prior to this, Oregon provided pregnancy disability leave under a law it passed in 1989. In practice, it provides up to 12 weeks of job-protected leave to address pregnancy- and childbirth-related disabilities. Because Oregon’s family and medical leave does not run concurrent with its pregnancy disability leave, pregnant women have an additional 12 weeks of leave.

⁶ Tennessee’s original law passed in 1987 and provided leave for “pregnancy, childbirth, and nursing” and allowed time for bonding, but a law passed the following year removed the time for bonding to clarify it would only cover female employees (Berstein 2001).

⁷ Tennessee’s leave law is more restrictive than the FMLA in its eligibility requirements: it covers establishments of 100 or more employees. However, eligible employees are granted four months of leave as opposed to the FMLA’s 12 weeks.

⁸ Massachusetts’ leave law covers establishments with six or more employees.

⁹ When Minnesota amended its state leave law last year, it already covered establishments of 21 or more employees, but the amendment lengthened leave from six weeks to twelve and extended leave to cover pregnancy- and childbirth-related medical conditions.

or, most often, including additional family members, for example, domestic partners, siblings, grandparents, grandchildren, and parents-in-law.¹⁰

Laws Preceding the FMLA of 1993

Of the 12 states that passed leave laws after the FMLA, all but two of them – Colorado and Maryland – also passed laws prior to the FMLA (see Table 2.1). These states were among 19 in the country that passed laws leading up to the introduction of the FMLA and during its years of consideration in Congress. The first state to adopt any type of leave law in the United States was Massachusetts in 1972. The Massachusetts Maternity Leave Act (MMLA) provides up to eight weeks of job-protected leave for childbirth. Other states followed suit, and in addition to the states that continued to expand leave programs after the FMLA, another ten – Hawaii, Iowa, Kansas, Kentucky, Louisiana, Montana, New Hampshire, New York, Vermont, and Wisconsin – adopted laws leading up to but not following the FMLA. Laws in each of these states are still in effect, and because they have looser eligibility requirements than the FMLA, they continue to provide greater access to leave than provided under federal law.

¹⁰ These states include: California, Colorado, Maine, Oregon, Rhode Island, Tennessee, and Washington. California amended its paid family leave program to include care for grandparents, grandchildren or siblings. Colorado, which does not have its own state leave program, granted eligibility for federal FMLA leave to care for civil union and domestic partners. Maine, in addition to adding domestic partners and their children, added adopted children, non-dependent adult children, and cohabitating siblings. Oregon included nondependent adult children, grandparents, grandchildren, and parents-in-law. Rhode Island's paid family leave program includes care for parents-in-law, grandparents, and domestic partners. Tennessee added leave for newly adopted children. Washington expanded its pre-FMLA parental leave to include care for family, effectively creating a family leave program. Other states, not reported here, cover same-sex spouses due to legalization of same-sex marriage or cover civil union or domestic partnerships due to laws that require such partnerships be treated the same as marriage under state laws and statutes. Because such laws are part of a different political process, they are not included in this report.

TABLE 2.1 HISTORY OF LEAVE LAWS BY STATE, 1972-2015

State	Leave Legislation	Woman-targeted legislation	Gender-neutral legislation
California	1978 Pregnancy disability leave (PDL) 1991 Family and medical leave 2002 Paid family leave (PFL) insurance 2011 Extend health benefits for PDL 2013 Broaden “family” under PFL 2014 Paid sick leave	1978 Pregnancy disability leave 2011 Extended health benefits for PDL	1991 Family and medical leave 2002 Paid family leave (PFL) insurance 2013 Broaden “family” under PFL 2014 Paid sick leave
Colorado	2013 Permits use of FMLA leave to care for domestic/civil union partners		2013 Permits use of FMLA leave to care for domestic/civil union partners
Connecticut	1973 Pregnancy disability leave 1990 Family and medical leave 2011 Paid sick leave	1973 Pregnancy disability leave	1990 Family and medical leave 2011 Paid sick leave
Hawaii	1990 Pregnancy disability leave 1993 Family leave	1990 Pregnancy disability leave	1993 Family leave
Iowa	1987 Pregnancy disability leave	1987 Pregnancy disability leave	
Kansas	1974 Childbirth disability leave	1974 Childbirth disability leave	
Kentucky	1982 Parental leave for adoption only		1982 Parental leave for adoption only
Louisiana	1987 Pregnancy disability leave	1987 Pregnancy disability leave	
Massachusetts	1972 Maternity leave (ML) 1984 ML amended to include adoption 1989 ML amended to include mentally disabled children under age 23 2015 ML amended to cover male employees (parental leave)	1972 Maternity leave (ML) 1984 ML amended to include adoption 1989 ML amended to include mentally disabled children under age 23	2015 ML amended to cover male employees (parental leave)
Maryland	2014 Parental leave (15 or more employees)		2014 Parental leave (15 or more employees)

State	Leave Legislation	Woman-targeted Legislation	Gender-neutral Legislation
Maine	1987 Family and medical leave (FML) 1991 FML duration lengthened from 8 to 10 weeks 1999 FML expanded to cover smaller establishments (15 or more employees) 2007 Broaden “family” under FML		1987 Family and medical leave (FML) 1991 FML duration lengthened from 8 to 10 weeks 1999 FML expanded to cover smaller establishments (15 or more employees) 2007 Broaden “family” under FML
Minnesota	1987 Parental leave 2014 Duration of parental leave lengthened from 6 to 12 weeks and leave for pregnancy- and childbirth-related disabilities added		1987 Parental leave 2014 Duration of parental leave lengthened from 6 to 12 weeks and leave for pregnancy- and childbirth-related disabilities added
Montana	1975 Pregnancy disability leave	1975 Pregnancy disability leave	
New Hampshire	1984 Pregnancy disability leave	1984 Pregnancy disability leave	
New Jersey	1989 Family leave 2008 Paid family leave insurance		1989 Family leave 2008 Paid family leave insurance
Oregon	1987 Parental leave 1989 Pregnancy disability leave 1995 Family and medical leave (25 or more employees; 180 days tenure)	1989 Pregnancy disability leave	1987 Parental leave 1995 Family and medical leave (25 or more employees; 180 days tenure)
Rhode Island	1985 Paid pregnancy disability leave 1987 Parental leave 1990 Family and medical leave (FML) 2006 FML amended to include care for domestic partners 2013 Paid family leave	1985 Paid pregnancy disability leave	1987 Parental leave 1990 Family and medical leave (FML) 2006 FML amended to include care for domestic partners 2013 Paid family leave
Tennessee	1987 Maternity leave (ML) 1988 ML amended to clarify restriction to pregnancy and childbirth disability 2005 Parental leave	1987 Maternity leave (ML) 1988 ML amended to clarify restriction to pregnancy and childbirth disability	2005 Parental leave

State	Leave Legislation	Woman-targeted Legislation	Gender-neutral Legislation
Vermont	1989 Parental and pregnancy disability leave 1991 Family and medical leave (FML)		1989 Parental and pregnancy disability leave 1991 Family and medical leave (FML)
Washington	1973 Pregnancy disability leave 1989 Parental leave 2006 Family leave 2007 Paid family leave insurance	1973 Pregnancy disability leave	1989 Parental leave 2006 Family leave 2007 Paid family leave insurance
Wisconsin	1987 Family and medical leave		1987 Family and medical leave

NOTE: This list includes state laws that cover private sector workers and cover more than “small necessities.” For a list of sources, see Appendix A.

Because some of these states already offer paid leave, cover smaller establishments, or have lower or no eligibility requirements, it is possible that they have less of an imperative to expand their laws further. However, most of these pre-FMLA laws cover only females and only disability related to pregnancy and/or childbirth, excluding time for bonding.¹¹ Rather than providing a base for incremental expansions, these state laws denote the historical political context surrounding family and medical leave leading up to the passage of the FMLA. As potential amendments to the FMLA were being considered in Congress, advocates fought efforts to limit the law to maternity leave, fearing that such limitation would result in gender discrimination in employment practices. They framed pregnancy and childbirth as medical conditions, and argued that all workers – women and men – need time-off to address serious health needs. They also defended a gender-neutral notion of caregiving and included care for spouses and parents, which had more gender-neutral appeal than bonding with newborns and had special

¹¹ These include laws in the following states: Hawaii, Iowa, Kansas, Louisiana, Montana, New Hampshire, and New York. There are three exceptions: Kentucky, Vermont, and Wisconsin. Wisconsin adopted family and medical leave in 1987. Vermont and Kentucky have gender-neutral laws that allow time for bonding. However, Kentucky is uniquely limiting in that it provides only time-off to care for newly adopted children, excluding bonding leave for biologically-related children or leave to address pregnancy- or childbirth-related medical conditions.

resonance among aging workers. At both the federal and state levels, advocates built support for job-protected leave by appealing to “family values” conservatives. Job-protected leave for women workers was particularly appealing, because it encouraged women to leave work for family care, and some conservative lawmakers believed that job-protected leave would lead to a decrease in the number of abortions by removing the fear of job loss for pregnant workers. At the state level, some advocates felt that gender-neutral family leave was untenable given their state’s specific political context and opted instead to pass more moderate maternity disability leave laws that would at least provide some relief for workers (Berstein 2001, Elving 1995).

Aside from California’s 2011 law requiring continued health coverage for workers on pregnancy leave, all leave laws passed after the FMLA were gender-neutral, providing job-protected and/or paid leave for self-care or care for family members regardless of the worker’s sex or gender. This dissertation first makes a detailed inspection of post-FMLA political processes in two states – California and Pennsylvania – and then, makes an empirical examination of conditions contributing to gender-neutral leave laws across pre- and post-FMLA periods.

Leave Legislation in California

Relative to other U.S. states, California has an active and long historical record of leave legislation dating back to the establishment of its state disability insurance (SDI) program in 1946. This insurance program – one of only five of its kind currently in the country – replaces workers’ wages when they take leave to address a temporary disability. This program was extended in 1976 to cover pregnant women and new mothers by defining pregnancy- and childbirth-related health conditions as temporary disabilities.¹²

¹² In 1978, all states were required to extend their existing temporary disability insurance (TDI) programs to cover pregnancy- and childbirth-related disabilities with the passage of the Pregnancy Discrimination Act

TDI programs, however, do not guarantee workers will be reinstated after taking leave. In other words, they provide wage replacement but no job protection. In 1978, California created job-protected leave – but only for pregnant workers. This provision placed California law at the center of a broader, historical debate about the need for laws that provide special accommodation or treatment of female workers and their potential to increase the practice of gender discrimination in employment. The special provision for pregnant employees also put the law in potential conflict with the 1978 Pregnancy Discrimination Act, which required equal treatment of female and male employees. On grounds of gender equality, the California law was successfully challenged in a lower court. However, this decision was overturned by the Supreme Court in 1987, which upheld laws that covered only female employees for the purpose of addressing pregnancy- and childbirth-related health conditions (Elving 1995). Then, in 1991, California extended job-protected leave to all employees with its California Family Rights Act. This law provided family and medical leave with provisions very similar to what was enacted at the federal level two years later. California was thus one of seven states to adopt family and medical leave laws as Congress was debating the FMLA.

After the FMLA passed in 1993, California remained the most active state with regard to leave legislation. In 2002, California became the first state in the U.S. to create a paid family leave program. It then expanded access to this program in 2013 by adding care for grandparents, grandchildren, and siblings. In 2011, California corrected a problematic oversight in its provision of job-protected leave under the 1991 California Family Rights Act (CFRA). With its original language, employers could discontinue health insurance benefits while women were on leave for pregnancy or childbirth – life

and the Equal Employment Opportunity Commission (EEOC), which entitled female employees to the same leave and disability benefits as other employees with similar ability or inability to work.

events that incur particularly high healthcare costs. With the 2011 law, employers are required to continue health benefits during pregnancy disability leave.

California is also home to the first city in the country to pass earned sick leave legislation. In November 2006, voters in San Francisco County passed Proposition F, which established minimum leave standards for both private and public sector employees. Under this law, workers accrue one hour of paid sick leave for every 30 hours worked. As will be discussed, San Francisco's earned sick leave law and California's paid family leave legislation are used as models by union-community coalitions in other states and municipalities, including Pennsylvania and Philadelphia.

Leave Legislation in Pennsylvania

For private sector workers in Pennsylvania, there are no legislated rights to leave – medical/maternity, family, or sick leave – and under state law, there never has been.¹³ Pennsylvania was not one of the states that passed maternity or family leave laws preceding and precipitating the passage of the FMLA at the federal level, but there have been a few attempts to pass leave legislation before and after the FMLA. In my interview with Judith Heh, Former Director of AFSCME District Council 10 and union leader during the early, pre-FMLA campaign for family leave in Pennsylvania, Heh stated that unions and community groups began mobilizing for family leave legislation in Pennsylvania later than other states and redirected their efforts to passing federal legislation when they determined the prospects for passing the FMLA looked more promising.

¹³ There are leave laws that cover only state employees. In Pennsylvania state employees have access to up to six months of unpaid leave to care for a newborn, newly adopted child, or newly-placed foster child, but heads of state agencies have the authority to decide to award unpaid leave to the employee. State employees can also participate in a leave donation program and are allowed to use sick leave to care for sick family members.

After the FMLA, campaigns for workplace leave re-emerged only recently. Pennsylvania introduced its first leave legislation on July 17, 2007 with the Healthy Families, Healthy Workplaces Act (HB 1155). The legislation would allow workers to accrue up to 52 hours of paid sick leave for self-care, family care, or to address issues related to domestic violence. It has been reintroduced and referred to the Committee on Labor Relations in every legislative session since 2007. The 2009 bill (HB 1830), introduced during a rare Democratic majority in the House, progressed the furthest, receiving a committee hearing in 2010.

In December 2008, soon after the paid sick leave bill was introduced for a second time in the state House, a paid sick leave ordinance was introduced in the Philadelphia City Council. The ordinance first passed a vote of the City Council in 2011, but it was vetoed by Mayor Michael Nutter. He vetoed the ordinance again in 2013. In 2014, he convened a task force to study the issue of paid sick time, and in 2015, he signed the ordinance after it passed the City Council by a veto-proof majority. The ordinance allows workers to accrue one hour of sick leave for every 40 hours worked and up to 40 hours in one year. The law allows workers to begin accruing paid sick leave on their first day of work and covers employers with 10 or more employees. Like the proposed state legislation, this law allows workers to use sick leave for self-care, family care, or to address issues related to domestic abuse, sexual assault, or stalking. When Philadelphia enacted its ordinance, it became the seventeenth – and second largest – city in the country to require employers to allow workers to accrue paid sick time (Nadolny 2015).

Movement Actors in California

As I will discuss in the next chapter, active union-community coalitions were behind many of the introduced bills and adopted policies in California and Pennsylvania. The California Work and Family Coalition formed in 1999 when it began work to

establish the nation's first paid family leave program. It was convened by the Labor Project for Working Families, a nonprofit organization that worked closely with labor unions in the state to win family-friendly benefits at work. Its early organizational members represented a broad spectrum of interests and included, for example, the ACLU, the California Child Care Resource and Referral Network, the California Labor Federation, the California National Organization for Women, Congress of California Seniors, Employment Law Center-Legal Aid Society, the Family Caregivers Association, and Equal Rights Advocates, among others (see Firestein et al. 2011: 8). Prior to the formation of the Work and Family Coalition, the California Labor Federation had worked to pass bills that laid important groundwork for the eventual Paid Family Leave (PFL) insurance program.

After California adopted PFL in 2002, the coalition continued to organize for expansions of the state's job-protected and paid leave programs. At the time of my field work in California in 2011-2012, the coalition boasted a diverse organizational membership, including the California Labor Federation and labor unions: the California Nurses Association National Nurses Organizing Committee (CNA NNOC), Communication Workers of America (CWA), Service Employees International Union (SEIU) 121RN, SEIU 1000, and United Auto Workers 2865; community organizations: the Breastfeeding Taskforce of Greater Los Angeles, California National Organization for Women, the Los Angeles Caregiver Resource Center, 9to5, and Parent Voices; legal aid and advocacy organizations: California Women's Law Center, Equal Rights Advocates (ERA), and Legal Aid Society-Employment Law Center (LAS-ELC). The diverse roster of supporting organizations not only indicate the efforts of the Labor Project and the California coalition to recruit broad support but also the widespread appeal of family leave legislation from new parents to caregivers for aging family members.

The coalition functioned more as a communication network for organizations with shared workplace leave policy goals than a formal institution with centralized authority to coordinate members. Organizational members of the coalition were welcomed to bring policy issues to the group, where they were discussed. When members brought proposed legislation to the coalition, organizational members were free to endorse or take no position on the bills and to support legislation to the degree that met their interests and the interests of their members.

In 2013, with the resignation of its long-time Director, Netsy Firestein, the Labor Project dissolved, and its staff transferred to the Next Generation, a nonprofit organization that now leads the California Coalition. The coalition still meets regularly. Among its recent successes is California's 2014 paid sick leave legislation. It is currently campaigning for predictable scheduling legislation that would require some employers to give their workers an advance notice of their work schedules and provide compensation for schedule changes and on-call hours to reduce unpredictable hours and unpredictable earnings that create hardships for coordinating family care and financial planning.

Movement Actors in Pennsylvania

In 2009, Democratic House Representative Marc Gergely introduced his paid sick leave bill for a second time but for the first time with the support of PathWays PA, a Philadelphia-based nonprofit organization that provides services for women and children. Other supporters included the Service Employees International Union (SEIU) 32BJ; Women's Way, a Philadelphia-based nonprofit organization that provides resources for women and girls; and a chapter of the Association for Community Organizations for Reform Now (ACORN), a network of community organizations that closed in 2010 but had organized low- and moderate-income families for affordable housing, transportation, voter registration, and other issues. Representatives from PathWays PA and Women's

Way spoke at the 2010 committee hearing on the Healthy Families, Healthy Workplaces Act in addition to representatives from Physicians for Social Responsibility. Rebecca Foley, in her testimony on the behalf of Women's Way, named other supporters: the Coalition of Labor Union Women, the Women's Law Project, Maternity Care Coalition, and a network of worker-owned childcare centers called Childspace CDI. The Pennsylvania AFL-CIO submitted written testimony to the hearing.

Galvanized by the hearing, these groups formed the Coalition for Healthy Families and Workplaces and began efforts to pass a paid sick leave ordinance in Philadelphia. This strategic decision to shift from targeting state lawmakers to the Philadelphia City Council will be discussed in the following chapter. Focused, however, on the Philadelphia ordinance, the coalition grew from 43 organization members in April 2011 to over one hundred by July. The more active organizations included labor organizations: the Philadelphia Chapter of the Coalition of Labor Union Women (CLUW), the Philadelphia Council AFL-CIO; community organizations: the Campaign for Working Families, Eastern Pennsylvania Action UNITED, Philadelphia Jobs with Justice, the Philadelphia Chapter of the National Organization for Women, Philadelphia Physicians for Social Responsibility, and Women's Way; and Childspace CDI, a network of small businesses. This coalition remained active and focused on passing paid sick leave as a city ordinance until they succeeded in 2015.

Chapter Three - Political Conditions and Movement Influence at

Different Points in the Policy-making Process

Researchers have found that social movements have a greater impact at the early stages of the policy-making process, particularly the agenda-setting stage (King et al. 2005, 2007; Soule and King 2006; Johnson 2008; Olzak and Soule 2009), and their influence wanes as bills travel through the different stages of the policy-making process (King et al. 2005). Additionally, political mediation models show that for movements to have an impact, they must operate under favorable political conditions. Findings presented in this chapter address the question: How do movements for leave legislation interact with political conditions at the various points in the policy-making process to ultimately shape policy outcomes? I compare California and Pennsylvania to examine relationships between leave campaigns and political conditions with attention to three stages in the policy making process: (1) agenda-setting, (2) legislative content, and (3) policy adoption. First, consistent with social movement research, I find that movements had more influence at the agenda-setting stage than other stages, and I find little evidence of movements' direct influence at the policy adoption stage. Second, also consistent with social movement research, I find that movement efforts benefited from the presence of government allies. In the case of leave legislation, Democratic majorities in one or both houses, as well as individual Democratic allies, moved bills through the process, and Democratic control was more important at the policy adoption stage. My findings further suggest that Democratic control of the state legislature, including the governor's seat, is a necessary, though not sufficient, condition for passing leave legislation. Finally, I find that much of the interaction between movements and political conditions occur when lawmakers consider amendments to proposed legislation. Coalition activists often wrote legislation and, based on their assessment of potential opposition to specific provisions,

made adjustments in the bill's language before it was even introduced. Additionally, coalition activists were often consulted about potential amendments. As a law emerged from committees to votes in houses, coalition actors and their allies in government considered compromises in order to win votes from political moderates.

These findings contribute to social movement theories about movement outcomes at different stages in the policy-making process. First, I contribute insight into how and when social movement activity and political conditions interact to effect policy outcomes. At the policy adoption stage, favorable political conditions were a necessary condition for leave policy adoption. At the intermediate stage in which legislative content is shaped, I argue that social movements and political conditions interact to effect the type of policy that is ultimately adopted. Second, I argue that the "agenda-setting" stage should include a bill's movement through committees and houses in addition to its introduction. As King et al. (2005) note, it is relatively easy for a lawmaker to introduce a bill; any further action on a bill requires more commitment from legislators as such action becomes more consequential. In California and Pennsylvania, there were several incidences of elected representatives introducing leave bills independent of movement interest. These bills, however, did not move through the policy-making process without attention from coalition activists. Therefore, *moving* legislation was an important point of influence for leave coalitions.

In the sections below, I first provide an introduction of the coalitions and their members in California and Pennsylvania. Then, I present my findings, exploring relationships between movements and political conditions by taking each of the policy-making stages in-turn: agenda-setting, content, and adoption.

Movement in the Agenda-Setting Stage

Democrats were important government allies in movements for leave legislation. All leave legislation in California and Pennsylvania was introduced by Democratic representatives. However, leave legislation did not move out of house committees or reach house floors without the joint presence of Democratic control of state houses and attention from social movement actors. Leave bills often originated with advocacy groups, and when bills originated with house representatives, they did not usually move without attention from advocacy organizations. My findings, therefore, suggest that movements are important at the agenda-setting stage of the policy-making process, specifically in terms of a bill's introduction and its movement. However, a bills movement is also contingent on Democratic control of the state Senate or House (Assembly).

California's Legislative Agenda

In the post-FMLA period, a majority of seats in both the upper and lower houses of California state government were held by Democrats. In twenty-one years, lawmakers introduced 29 bills related to workplace leave (see Table 3.1). Though the California coalition experienced varying success for their supported bills, on the whole, legislative activity on leave legislation matched their agenda. When legislators acted independently to introduce legislation, members of the California coalition were aware, supportive, and took simultaneous action to advance partner bills.

**TABLE 3.1 TIMELINE OF CALIFORNIA LEAVE LEGISLATION,
POST-FMLA (1994-2015)**

Year intro	Bill (Author)	Description (Source/Sponsor(s) of the bill†)	Governor (R/D)	Result
1994			R	
1995			R	
1996			R	
1997	AB 480 (Knox)	“Kin Care Law” – Requires employer who provides a paid sick leave policy to permit use for care of child, parent, or spouse; excludes state employees (California Labor Federation)	R	Failed passage on Senate Floor (6/29/1998)
	SB 164 (Solis)	Requires the Employment Development Department to conduct a cost impact study on extending state disability insurance (SDI) benefits to individuals on unpaid family or medical leave (California Labor Federation)	R	Vetoed by Governor Wilson (8/17/1998)
	SB 495 (Rosen-thal)	Increases the maximum weekly state disability insurance (SDI) benefit (California Labor Federation)	R	Vetoed by Governor Wilson (9/11/1998)
1998	SB 1506 (Hayden)	Broadens definition of “family” under California Family Rights Act (CFRA) of 1991* to include grandparents, siblings, domestic partners, or an individual who depends on the employee for immediate care and support and who has a serious health condition (Author)	R	Failed passage on Senate Floor (5/27/1998)
1999	AB 109 (Knox)	“Kin Care Law” – Requires an employer who provides sick leave for employees to permit an employee to use the sick leave to attend to the illness of a child, parent, or spouse of the employee without regard to employer size (California Labor Federation)	D	Signed into law by Governor Davis (7/23/1999)
	SB 656 (Solis)	Increases the maximum weekly state disability insurance (SDI) benefit and requires the Employment Development Department to conduct a study on extending benefits to individuals on unpaid family care and medical leave (California Labor Federation)	D	Signed into law by Governor Davis (10/10/1999); Results from study published in 2000
	SB 118 (Hayden)	Broadens definition of “family” under CFRA to include grandparents, siblings, domestic partners, or an individual who depends on the employee for immediate care and support and who has a serious health condition (Author)	D	Vetoed by Governor Davis (5/23/2000)
	SB 1149 (Hayden)	Broadens definition of “family” under CFRA to include grandparents, siblings, domestic partners, and adult children (Author)	D	Vetoed by Governor Davis (9/24/2000)
	AB 1844 (Washing-ton)	Pregnancy disability leave: Establishes by law the <i>established practice</i> of allowing 10 weeks of benefits for pregnancy related issues, i.e. four weeks prior and six weeks post-delivery benefits (Author)	D	Held in Senate Committee on Appropriations
2001			D	

Year intro	Bill (Author)	Description (Source/Sponsor(s) of the bill†)	Governor (R/D)	Result
2002	SB 1661 (Kuehl)	Paid Family Leave (PFL): Provides up to six weeks of disability compensation through the State Disability Insurance (SDI) program for any individual unable to work due to employee's own sickness/injury, sickness/injury of a family member, as defined, or the birth, adoption or foster care placement of a new child (California Labor Federation)	D	Signed into law by Governor Davis (9/25/2002) and took effect 7/1/2004
2003			D	
2004			R	
2005	SB 300 (Kuehl)	Broadens definition of "family" under CFRA to include adult children, grandparents, siblings, parents-in-law, and domestic partners (Author)	R	Held in Assembly Committee on Appropriations
2006			R	
2007	SB 549 (Corbett)	Bereavement leave - Grants the right to take up to four days of unpaid job-protected bereavement leave from work upon the death of a spouse, child, parent, sibling, grandparent, grandchild, or domestic partner (California Employment Lawyers Association)	R	Vetoed by Governor Schwarzenegger (10/13/2007)
	AB 537 (Swanson)	Broadens definition of "family" under CFRA to include adult children, grandparents, grandchildren, siblings, parents-in-law, and domestic partners (Equal Rights Advocates and Legal Aid Society-Employment Law Center)	R	Vetoed by Governor Schwarzenegger (10/14/2007)
	SB 727 (Kuehl)			
2008	AB 2716 (Ma)	Paid sick leave – Allows workers to accrue paid sick leave at a rate of one hour for every 30 hours worked, up to 40 hours per year for small businesses (10 or less employees) or 72 hours per year for other businesses (California Labor Federation and California ACORN)	R	Held in Senate Assembly on Appropriations
2009	AB 849 (Swanson)	Broadens definition of "family" under CFRA to include adult children, grandparents, grandchildren, siblings, parents-in-law, and domestic partners (Author)	R	Held in Assembly Committee on Appropriations
	AB 1000 (Ma & Skinner)	Paid sick leave – Allows workers to accrue paid sick leave at a rate of one hour for every 30 hours worked, up to 40 hours per year for small businesses (10 or less employees) or 72 hours per year for other businesses (California Labor Federation and California ACORN)	R	Held in Assembly Committee on Appropriations
2010	AB 2340 (Monning)	Bereavement leave – Allows workers to take three days of unpaid leave in the event of the death of certain relatives (California Employment Lawyers Association)	R	Vetoed by Governor Schwarzenegger (9/25/2010)

Year intro	Bill (Author)	Description (Source/Sponsor(s) of the bill†)	Governor (R/D)	Result
2011	SB 299 (Evans)	Continued health coverage for pregnancy leave - Makes it an unlawful practice for an employer to refuse to maintain and pay for coverage under a group health plan for an employee who takes pregnancy disability leave (California Commission on the Status of Women, Equal Rights Advocates, Labor Project for Working Families)	D	Signed into law by Governor Brown (10/06/2011)
	AB 804 (Yamada)	Broadens definition of “family” under PFL to include grandparents, grandchildren, siblings, and parents-in-law (Labor Project for Working Families)	D	Held in Assembly Committee on Appropriations
	AB 400 (Ma)	Paid sick leave – Allows workers to accrue paid sick leave at a rate of one hour for every 30 hours worked, up to 40 hours per year for small businesses (10 or less employees) or 72 hours per year for other businesses (California Labor Federation)	D	Held in Assembly Committee on Appropriations
	AB 59 (Swanson)	Broadens definition of “family” under CFRA to include adult children, grandparents, grandchildren, siblings, parents-in-law, and domestic partners (Author)	D	Held in Assembly Committee on Appropriations
2012	AB 2039 (Swanson)	Broadens definition of “family” under CFRA to include adult children, grandparents, grandchildren, siblings, parents-in-law, and domestic partners (Author)	D	Held in the Senate Committee on Appropriations
2013	SB 761 (DeSaulnier)	Anti-discrimination - Makes it unlawful to discharge or discriminate against an employee for applying for, or indicating intent to apply for, temporary disability insurance benefits (Legal Aid Society-Employment Law Center)	D	Failed to pass Senate Floor (5/29/2013)
	SB 770 (Jackson)	Broadens definition of “family” under PFL to include grandparents, grandchildren, siblings, and parents-in-law (Legal Aid Society – Employment Law Center)	D	Signed into law by Governor Brown (9/24/2014)
2014	AB 1522 (Gonzalez)	Paid sick leave (Healthy Families, Healthy Workplaces Act) – Allows workers to accrue up to 24 hours of sick leave per year – excludes state In-Home Supportive Services workers from coverage (California Labor Federation, California State Council of the Service Employees International Union)	D	Signed into law by Governor Brown (9/10/2014)

Year intro	Bill (Author)	Description (Source/Sponsor(s) of the bill†)	Governor (R/D)	Result
2015	SB 406 (Jackson)	Broadens definition of “family” under CFRA to include adult children, grandparents, grandchildren, sibling, parents-in-law, and domestic partner (CA Employment Lawyers Association, Equal Rights Advocates, LAS-ELC)	D	Vetoed by Governor Brown (10/11/2015)
	SB 579 (Jackson)	Leave for Childcare/School Activities - Provides up to 40 hours of leave per year for parents to address child-related issues such as finding a childcare provider, enrolling a child in care services, addressing a school emergencies (Author)	D	Signed by Governor Brown (10/11/2015)
	AB 908 (Gomez)	Lengthens duration of PFL benefits from six to eight weeks; increases wage replacement rate from 55 percent to 60-80 percent depending on earnings; raises wage ceiling for contributions into the SDI fund (Author)	D	Passed both houses and currently in Assembly with Senate amendments pending (as of 10/16/2015)
	AB 11 (Gonzalez)	Extends provisions of paid sick leave legislation passed in 2014 (AB 1522) to state In-Home Supportive Services (IHSS) workers (Author)	D	Held in Assembly Committee on Appropriations

NOTE: Throughout this period (1994-2015), Democrats held a majority of seats in both upper and lower seats.

† All organizations listed in parentheses are members of the California Work and Family coalition.

* CFRA refers to the California Family Rights Act, which passed in 1991 and provides up to 12 weeks of unpaid, job-protected leave to care for a newborn, newly adopted child, or newly placed foster child and to address a personal serious health condition or serious health condition of a child, spouse, or parent. Like the FMLA, it covers establishments of 50 or more employees.

California’s landmark paid family leave program was introduced as a bill in 2002 by Senator Sheila Kuehl and was signed into law by Governor Gray Davis that same year. It originated with a small group of activists, specifically Tom Rankin, President of the California Labor Federation (the state AFL-CIO), Netsy Firestein, Executive Director of the Labor Project for Working Families (hereafter referred to as the Labor Project), and Joanie Chang from the Employment Law Center. They benefited from the help of government insiders, specifically, Jennifer Richard, staff member to the bill’s sponsor, Senator Sheila Kuehl, and Rona Sherriff from the Senate Office of Research, who was tasked with finding a funding mechanism for the program.

Two pieces of preceding legislation laid important groundwork for the paid family leave bill. First, California was one of only five states in the country to have a disability

insurance program. Its program had been established in 1946, and Rona Sheriff and other paid family leave advocates thought the pre-existing program may be extended at little cost to cover family leave. Second, a bill that passed in 1999, introduced by Senator Hilda Solis¹⁴ and sponsored by the California Labor Federation, increased the maximum weekly state disability insurance benefits and funded study of the costs to extend State Disability Insurance (SDI) benefits to cover family or medical leave. Results from the cost impact study were released in 2000. It showed that disability insurance could be extended for a payroll tax increase of just 0.1% to offset an estimated total of \$217 million in claims paid for the first two years (Berrick 2002). Demonstrating that SDI benefits could be extended at relatively minimal costs to the state raised the feasibility of establishing a paid family leave program.

Also in 1999, the Labor Project received a grant from the David and Lucille Packard Foundation to create the Work and Family Coalition for the purpose of passing paid family leave. They spent one year planning, compiling research on family leave and building a coalition. The Labor Project already had a working relationship with the California Labor Federation and turned first to this organization for its support. With help from the California Labor Federation, the coalition found Senator Sheila Kuehl to author the bill. After the bill passed the Senate in June 2002, coalition members spent the summer employing a variety of tactics to gain the support of the legislature: coordinating postcard and fax campaigns to contact elected representatives and raising awareness of the proposed legislation online and at conferences and meetings held by allied organizations.

¹⁴ Hilda Solis later became the Secretary of Labor under the Obama Administration. In this role, she issued a directive in 2010 interpreting “son or daughter” under the FMLA to mean any child for whom the employee has caregiving responsibilities regardless of legal or biological relationship. It thus extended FMLA leave, for example, to parents in same-sex domestic partnerships that are not recognized by their state or to grandparents in providing care to their grandchildren.

The paid family leave insurance program took effect in 2004. In the time between enactment and implementation, the California Work and Family Coalition focused on education and outreach activities to assure that the new program was utilized. During this time, there was also a pause in legislative activity. Legislators may have been waiting to see how the new program worked before proposing further changes. Additionally, leave advocates in the community and in the legislature may have perceived a closed opportunity to pass further reforms given the successful recall of Democratic Governor Gray Davis in 2003 and his replacement by Republican Governor Arnold Schwarzenegger.

Though 2011 marked the first year since passage of the paid family leave program that the governor's seat was held by a Democrat, coalition activists were propelled to introduce further legislation due to the actions of one Representative. In 2011, after several Coalition-backed bills failed to pass in previous sessions, Assembly member Sandré Swanson decided he would introduce the bill to broaden "family" under California Family Rights Act (CFRA) to include other family members. The CFRA passed in 1991 and is very similar to the FMLA in that it provides up to 12 weeks of unpaid job-protected leave for self-care or care of a family member defined as a parent, spouse, or child. In my interviews, several coalition members and Swanson's former staff member, Ben Ebbink, noted that broadening "family" to include additional members was of personal importance to the representative, who had had a family member in need of care who fell outside CFRA's definition of family. Representative Swanson's decision to introduce a bill propelled coalition activists to consider partner bills. For example, they thought it made more sense to coordinate Swanson's bill to broaden CFRA coverage with a bill that would similarly broaden "family" for paid leave purposes under the paid family leave (PFL) insurance program. They found Assembly member Yamada to introduce the

bill. Additionally, in need of a victory, the coalition also pushed a bill they thought could pass. Some of the coalition's member organizations had been hearing from constituents about an employer practice of discontinuing health benefits for workers on pregnancy disability leave. That year, the coalition backed a law to prohibit that practice, and it was the only coalition-supported bill that passed that year.

In 2012, Representative Sandré Swanson again decided to introduce legislation independently to broaden "family" under CFRA, and coalition members again considered a partner bill to broaden "family" under PFL. However, given that these leave laws had been held in appropriations committee in the previous year, the coalition was unable to find a representative in the Senate or the Assembly to sponsor the bill.

In my interviews, coalition activists distinguished between legislation that created new provisions, like the paid family leave insurance program or paid sick leave, and those that made adjustments to existing provisions, such as broadening the definition of "family" under CFRA or PFL for the purpose of taking leave. The latter changes to policy could be reasonably achieved with a smaller group of coalition activists compared to policies that created new programs. The coalition experienced particular difficulty with passing paid sick leave. Coalition activists noted this was primarily due to the state budget deficit, which will be discussed further in the next chapter. Brandy Davis, former Policy Coordinator for the Labor Project for Working Families, also noted that the bad prospects for the bill limited grassroots support for it. She thought that massive public support of paid sick leave would move it out of appropriations committees, but that sort of broad-based attention was not there at the time. Regarding allied organizations, she said,

"They want their people to see success and are *motivated* by success. So, if we have a bill that is not going to be successful, they don't want to take it on..., because they want their people to be organizing around

something that has movement. So, again, in 2716, we saw the most activity, the most interest, the most things happening on the ground. And then, as soon as 2716 died and we introduced 1000, it was really hard again to drive it. The people that had been engaged in it started to lose a little bit of interest or to put less resources into it, because they were in those same meetings with us and they knew that the likelihood that 1000 would pass was miniscule.”

Pennsylvania’s Legislative Agenda

There has been little legislative activity in Pennsylvania on the issue of workplace leave (See Table 3.2). Pennsylvania lawmakers have introduced only paid sick leave legislation, which was first introduced in the first year of a two-year window of Democratic control of the lower house from 2008-2010. It has been introduced every congressional year since, but the bill moved the farthest in 2010 when a Democratic majority in the House coincided with attention from movement activists. In the years that followed, without Democratic majorities in either house and without attention from coalition activists, the bill did not emerged from the Labor and Industry committee.

TABLE 3.2 TIMELINE OF PENNSYLVANIA LEAVE LEGISLATION, POST-FMLA (1994-2015)

Session	Bill (Author)	Description	Party Control		Result
			Upper House	Lower House	
1993-1994	HB 108 (Blaum)	Family and Medical Leave Act – Provides up to 12 weeks of job-protected leave for childbirth, placement of adopted child, or care for a family member with a serious health condition (the law would require 1000 hours of work in the year prior to leave and, by 1998, would have covered establishments of 20 or more employees)	R	D	Held in Committee on Rules; Introduced (1/27/1993), tabled in committee (2/9/1993)
1995-1996			R	R	
1997-1998			R	R	
1999-2000			R	R	
2001-2002			R	R	
2003-2004			R	R	

Session	Bill (Author)	Description	Party Control		Result
			Upper House	Lower House	
2005-2006			R	R	
2007-2008	HB 1155 (Gergely)	Healthy Families, Healthy Workplaces Act – Allow workers to accrue up to 52 hours of paid sick leave for self-care, family care, or to address issues related to domestic violence	R	D	Held in Committee on Labor Relations
2009-2010	HB 1830 (Gergely)	Healthy Families, Healthy Workplaces Act – Allow workers to accrue up to 52 hours of paid sick leave for self-care, family care, or to address issues related to domestic violence	R	D	Hearing held by the Committee on Labor Relations (8/17/2010) but dies with the end of the congressional calendar
2011-2012	HB 1477 (Gergely)	Healthy Families, Healthy Workplaces Act – Allow workers to accrue up to 52 hours of paid sick leave for self-care, family care, or to address issues related to domestic violence	R	R	Held in Committee on Labor and Industry
2013-2014	HB 1454 (Gergely)	Healthy Families, Healthy Workplaces Act – Allow workers to accrue up to 52 hours of paid sick leave for self-care, family care, or to address issues related to domestic violence	R	R	Held in Committee on Labor and Industry
2015-2016	HB 624 (Donatucci)	Healthy Families, Healthy Workplaces Act – Allow workers to accrue up to 52 hours of paid sick leave for self-care, family care, or to address issues related to domestic violence	R	R	Referred to Committee on Labor and Industry (2/26/2015)

NOTE: During this period (1993-2015), a Republican held the governor's seat.

Unlike California, leave laws introduced in Pennsylvania originated with policymakers. Like California, however, the moving leave legislation through the policy-making process required a Democratic majority in the house and attention from social movement activists. This was true for laws introduced at the state level in Pennsylvania as well as the city-level in Philadelphia, which is also examined in this study. Democratic House Representative Marc Gergely from 2007 to 2014 and Democratic House Representative Maria Donatucci in 2015 introduced the Healthy Families, Healthy Workplaces Act, which would allow workers to accrue up to 52 hours of employer-provided paid sick leave. In interviews, Pennsylvania coalition activists noted that they discovered the paid sick leave legislation after it had been introduced a second time in 2009, at which time, they rallied behind it.

Months later, in 2010, the House Committee on Labor Relations held a hearing on the bill (HB 1830). At the time, the bill's sponsor, Representative Gergely was the chair of the committee, a result of the Democratic majority in the House. As chair, he had the authority to schedule hearings. The 2010 hearing for the paid sick leave bill was held on August 17th, twelve days before the close of the legislative session. In a press conference on the day of the hearing, Representative Gergely acknowledged the condensed timeline and stated, "I think [the hearing] sets the stage for success this fall and even more so in the upcoming session. We look forward to continuing the fight." As the bill's sponsor expected, the bill failed to come to the House floor for a vote and died with the conclusion of the congressional year.

Advocates hoped the attention would at least bring momentum behind a similar bill that would be introduced in the next legislative session. However, the 2010 elections changed the prospects for passing a state-level bill as control of the Governor's seat and the House shifted to Republicans, who were not likely to support paid leave legislation. Although the bill was introduced again the following year, it has not received any attention from coalition activists who recognized that the mid-term elections changed the prospects for moving state legislation for a vote on the House floor. Introduced every year since, the bill has not moved out of committee nor has it received any hearings. The hearing, however, galvanized organizations behind the paid sick leave issue, and they formed the Coalition for Healthy Families and Workplaces (hereafter referred to as the Pennsylvania coalition). Two non-profit and service-providing organizations, PathWays PA and Women's Way, took the lead in organizing and coordinating coalition partners for both state- and city-level legislation.¹⁵

¹⁵ PathWays PA and Women's Way were both founded in the late 1970s and primarily focused on service provision and advocacy for low-income girls, women, and families. PathWays PA provides services such as: benefits screenings; adult education classes; tax preparation; mentoring for young adults in foster care or

Like state legislation for paid sick leave, the city ordinance had been introduced independent of action by coalition activists. Unlike state legislation, however, the prospects of passing paid sick leave as an ordinance in Philadelphia was bolstered by more favorable political conditions. With a Democratic Mayor and a majority of City Council seats held by Democrats, the ordinance was expected to have the support of policymakers. The paid sick leave ordinance was first introduced by Democratic City Councilmember Darryl Clarke in December 2008, nearly six months prior to the second introduction of paid sick leave legislation in Pennsylvania. However, the ordinance did not emerge from committee while coalition activists focused on state legislation.

After the 2010 mid-term elections, the newly formed coalition focused its attention on the Philadelphia ordinance. Between November 2010 and June 2011, coalition members applied pressure on council members to pass the ordinance, using a combination of creative public demonstrations to catch media attention, coordinated phone calls to representatives, and meetings with key allies and policymakers. On March 1, 2011, to get the paid sick leave bill out of the City Council Committee on Public Health, Action UNITED and other coalition members filled City Hall with constituents ready to give testimony. It passed out of committee that day. Coalition members collected over 17,000 postcards addressed to councilmembers from their constituents, urging them to pass the ordinance. On May 26, to get the paid sick leave bill out of suspension, coalition activists wrapped Philadelphia's historic City Hall, which spans a city block, with some of the collected postcards. They also delivered baskets of apples to City Councilmembers with the message, "An apple a day does not keep the doctor away! We

leaving foster care, pregnant adolescents, and teen parents; residential facilities for teen parents; counseling to help parents to achieve financial stability and reunite with their children. Women's Way provides grants to other community organizations that work with girls, women, and families; organizes conferences and meetings; and commissions research on issues that impact girls, women, and families.

need sick days!” On Mother’s Day in 2011, coalition members held an event at a day care center owned by a coalition member. At this event, participants displayed baby onesies with pro-ordinance messages on them. Less publicly, coalition members made phone calls to the representatives with whom they had working relationships and asked their U.S. congressional and state representatives to call City Councilmembers.

On June 16, 2011, the Philadelphia City Council approved the ordinance by a nine-to-eight vote, but Mayor Michael Nutter vetoed the ordinance less than two weeks later. Delivering his veto via press conference at the Philadelphia Chamber of Commerce, the mayor cited concerns about the ordinance’s potential negative impacts on local businesses. Had the ordinance passed, Philadelphia would have become the fourth municipality – behind Milwaukee, San Francisco, and Washington, D.C. – to require employer provision of paid sick leave.¹⁶ Following the veto, coalition members met with some City Council members in an unsuccessful attempt to win a veto-proof majority vote for the ordinance.

The first process of passing the ordinance garnered a new government champion in City Councilmember Bill Greenlee, who introduced the ordinance again in 2013 and 2015 with the support of an active coalition. Supporters focused on winning a veto-proof majority of councilmember votes, a potentially attainable goal given that Democrats, likely allies in efforts to pass paid sick leave, held 14 out of 17 seats. In 2015, the ordinance received the requisite veto-proof majority votes from the City Council, and Mayor Michael Nutter signed the ordinance into law.

¹⁶ San Francisco, Milwaukee, and the District of Columbia have passed similar earned sick time ordinances (see: http://www.nationalpartnership.org/site/News2?page=NewsArticle&id=29201&security=2141&news_iv_ctrl=2121)

Achieving Favorable Policies: Shaping Content, Writing Content

In my interviews, I asked coalition participants to offer advice to their peers in other states making similar attempts to pass leave legislation. Many advised coalition activists to anticipate potential compromises to their legislation and to decide in advance what would be acceptable. Such advice signifies the “insider” role that movements have in shaping legislative content. In this section, I argue that movements in California and Pennsylvania shaped language of proposed bills. At times, they were parties in negotiations over potential amendments; other times, they wrote the legislation that was introduced. Additionally, the “legislative content” stage of the policy-making process is where I observed most interactions between movement actors and their political contexts.

Negotiations over a bill’s content can happen before it is introduced. For example, California coalition members, in determining potential reforms to state leave law, made the strategic decision not to propose legislation tampering with the establishment size eligibility requirement. Job-protected leave under both the FMLA and the CFRA is limited to employers with 50 or more employees. This establishment size requirement prevents many workers from taking job-protected leave under state or federal law. However, coalition members felt that a change to that specific provision of the bill would insight a considerable opposition from organized business groups, which may be strong enough to defeat their efforts. They decided instead to focus on other changes: broadening the definition of “family” or creating paid sick leave.

Oftentimes, however, negotiations over a bill’s content happen once it seems more likely to pass. The original paid family leave bill included 12 weeks of paid leave paid through the State Disability Insurance (SDI) Fund. Though the SDI was entirely funded through employee contributions, the original paid family leave bill required that SDI benefits for family leave be jointly funded by employer and employee contributions.

Opposition from the California Chamber of Commerce and other businesses focused on the employer contributions. They cited higher cost estimates than provided by other sources, including the 2000 report from the EDD, and predicted that the high costs would lead to layoffs (Bustillo 2002). In response to pressures from business groups, Senator Sheila Kuehl met with the California Restaurant Association and other groups to discuss potential compromises. However, such potential compromises were anticipated by members of the California Work and Family Coalition and the Labor Federation. Richard noted that administering funds from the same program with different rules about contributions was already viewed as a potential problem from an administrative perspective. Additionally, the original 50/50 split in contributions served more as padding for the bill's venture through the policy-making process, particularly at the legislative content stage. Senator Sheila Kuehl, the bill's author, stated, "We wanted businesses to pay 50 percent of the money and employees to pay 50 percent, and one of the reasons we did that was because I always like to have something to throw overboard."

Ultimately, the Assembly removed the employer contribution, making it entirely funded by employee contributions. It also shortened the leave duration by half, from 12 weeks to six. It also included language that required employees to use up to two weeks of employer-provided vacation, if applicable, before receiving benefits from the state disability insurance fund. In my interviews with Rona Sherriff from the Senate Office of Research and Jennifer Richard, staff to Senator Kuehl at the time, they argued that these compromises were made to win the support of moderate Democrats and to reduce incentives for the Governor to veto the bill. Similarly, Netsy Firestein, justified the compromises in a report, stating that they were made to gain the support of moderate representatives in hopes to pass a bill before the next governor was elected that fall. Given that democratic Governor Gray Davis ultimately lost a recall campaign the

following year, replaced by republican Governor Arnold Schwarzenegger, this was in retrospect, a keen political consideration.

Brandy Davis also spoke of shaping content to facilitate the passage of AB 299, the law to prohibit employers from discontinuing health benefits for employees on pregnancy disability leave. She said that, as with previous coalition-backed bills, this bill had a high fiscal impact associated with it due to its coverage of state employees. By the Labor Project's estimates, the cost would be low. Contracts for union-represented state workers are publically accessible, and the Labor Project was able to demonstrate to the Fiscal Committee that many of the state's workers already had this protection. However, the Fiscal Committee was not convinced. They ultimately agreed to exclude workers covered by collective bargaining agreements, because those workers already had such protections and the compromise would bring the Fiscal Committee cost estimates down.

By contrast, Pennsylvania coalition members did not write the paid sick leave legislation that was introduced in the house nor did they negotiate its content, because the bill has never reached a stage where amendments would be offered. In Philadelphia, however, coalition members were active in shaping the paid sick leave ordinance. Activity around the content started when the City Council moved the bill out of suspension in 2011. The original ordinance, which had been independently introduced by Council member Darryl Clarke, was ultimately subjected to 19 amendments, some of which were offered by coalition members. The ordinance that passed would require businesses with 11 or more employees to provide up to seven paid sick days per year for their employees. Businesses of ten or fewer employees would have to provide up to four paid sick days per year. It exempted workers covered by collective bargaining agreements.

Policy Adoption

In my interview with Netsy Firestein, Executive Director of the Labor Project for Working Families, she reflected on the strategies and conditions that led to the passage of the paid family leave program. She pointed to the favorable political conditions of having Democratic majorities in both state houses and a Democratic governor. Comparisons between California and Pennsylvania suggest that political conditions facilitate the introduction of leave legislation and their movement through the policy-making process, requisites for eventual policy adoption. Democratic Party affiliation of governors and mayors, however, is a less reliable indicator of a bill's fate. Such positions represent broader constituencies, and as King et al. (2005) would indicate, decisions in these positions are more consequential. Thus, they tend toward more moderate stances.

Democratic control of state houses facilitated movement of legislation through houses to the governor's desk. Of the 29 leave-related bills introduced between 1994 and 2015, fifteen laws reached California's governor, having passed both houses by near party-line votes. Only three bills failed when brought to a house floor. One of these three laws was the "Kin Care law," which would have allowed workers to use employer-provided sick leave to care for family members; it passed in a subsequent session and became law.

Republican governors reliably vetoed each piece of leave legislation that reached their desks. However, Democratic governors were less reliable in their support. Of the 15 leave bills that reached the California governor's desk after 1994, seven became law, and eight were vetoed. Though leave advocates had hoped that Governor Schwarzenegger's Austrian background would have softened him to the idea of workplace leave, which is more generous in his country of birth, he vetoed all three leave bills he received, and Governor Pete Wilson vetoed two. Democratic Governors Gray Davis and Jerry Brown

have together vetoed three bills, all versions of the same bill that would broaden the definition of “family” under the California Family Rights Act (CFRA). CFRA, which became law in 1991, provides job-protected leave for self-care or care for a spouse, parent, or child. There have since been nine attempts at broadening coverage to care for additional family members that would include domestic partners, adult children, grandparents, grandchildren, siblings, and parents-in-law. In their veto messages, each governor – Davis writing in 2000 and Brown writing 15 years later – cited concerns about creating inconsistencies between the CFRA and the FMLA. In his second veto of the measure, Davis indicated a willingness to consider extending rights, including family leave provisions as well as others, to cover domestic partners. In his 2015 veto message, Governor Brown expressed concern that a worker could take separate job-protected leave under CFRA and FMLA for a total of 24 weeks in a 12 month period but expressed openness to legislation “that does not create this anomaly.”¹⁷

When the California paid family leave bill was under consideration in 2002, coalition activists were unsure of Governor Davis’ support. Though he eventually signed it, Davis had not signaled support or opposition before making his final decision. Media reports indicated that he sought to balance the interests of organized labor, which was sponsoring the bill, and business, which had placed the bill on their annual “job killer” list that they circulated among lawmakers (Ingram 2002). In my interview with Senator Sheila Kuehl, she told me that while the bill sat on Davis’ desk, she had no inclination regarding his stance.¹⁸ In my interviews with advocates, they noted that Governor Davis was facing a tight bid for re-election, but they did not know the direction in which that

¹⁷ Primary Source: Edmund G. Brown, Bill Number SB 406, vetoed 10/11/2015. See Appendix A for a list of sources and research methods regarding information on state legislation.

¹⁸ This also matches her statements to the media at that time (see Ingram 2002 and Jones 2002b).

factor would play a role. Ultimately, Davis signed the law and later cited it as one of the great achievements of his first term (see Hoffman, Morin, and Garvey 2003).

The Pennsylvania case is illustrative of the importance of Democratic Party control of legislative bodies. Paid sick leave bills introduced in the Republican-controlled state legislature never reached the governor's desk. Rather, most activity around paid sick leave happened around the Democratic-controlled City Council in Philadelphia. Seats on the Philadelphia City Council have historically been held by a majority of Democrats. In the years in which a paid sick leave ordinance was considered, Democrats held 14 out of 17 seats. The City Council passed the ordinance each time it was brought for a vote: in 2011, 2013, and 2015. The Council's three Republican members reliably voted against the ordinance every time. However, on the first two attempts, proponents of the ordinance failed to win the support of every Democrat on the City Council, and the ordinance was vetoed by the Democratic Mayor Nutter. When the ordinance passed a third time, it did so along party lines, therefore achieving veto-proof majority support, and Mayor Nutter signed it into law.

Discussion

In this chapter, I argue that both social movement activity and Democratic control of at least one state house is necessary for a bill's movement through the policy-making process. In California, Democratic lawmakers sponsored and voted for leave bills, and with few exceptions, Democratic governors signed leave bills into law. At the same time, the legislative agenda with regard to leave policies matched the coalition priorities and goals. In some cases, coalition members wrote the legislation that was eventually introduced and were often consulted with regard to potential amendments to proposed bills. In contrast, Pennsylvania had Republican majorities in both houses for all but two years in the post-FMLA period. At the start of those two years, paid sick leave legislation

was first introduced. It has been introduced every year since but moved the furthest under Democratic control and in concert with attention from movement actors. In Philadelphia, where Democrats hold a majority of seats on the City Council, the paid sick leave ordinance did not move through committees or come to a vote in the City Council until the newly formed coalition brought attention to the issue. As in California, Philadelphia activists were consulted about potential amendments to the bill.

These findings support social movement research that argues movements have greater impact at the early stages of the policy-making process. King et al. (2005) explain movements' diminished influence at later stages with a "legislative logic" that makes support from lawmakers more consequential and thus harder to win as bills move through house floors and to governors' desks. My research confirms this "legislative logic" and adds that movements interact with political conditions most at the intermediate stage of shaping legislative content. At this stage in the policy-making process, movement actors weigh compromises with the desire to win support from moderate lawmakers. Therefore, social movements and political conditions interact at this intermediate stage at which the content of legislation is negotiated.

For some bills, social movement activity and Democratic control of lawmaking bodies were not enough for them to pass. The next chapter presents economic conditions as an additional mediator in the social movement-policy outcome relationship.

Chapter Four - ‘Job Killer’ Bills in a Changing Economy: Comparing Leave Campaigns before and after the Great Recession

In the previous chapter, I show that the joint presence of movement mobilization and favorable political conditions, in the form of Democratic control of state legislatures, were no guarantee that a leave legislation would be adopted. Building on the political mediation model, this chapter explores the mediating role of *economic* conditions in the relationship between union-community campaigns for leave legislation and policy outcomes under favorable political conditions. Specifically, I ask: How do economic conditions influence support for or opposition to leave legislation from Democratic lawmakers? To address these questions, I make within-case comparisons of coalition strategies, economic conditions, and policy outcomes in the state of California and the city of Philadelphia. Rather than comparing two states as in the previous chapter, I extract observations from the Philadelphia campaign for a paid sick leave ordinance, because Philadelphia is more similar in terms of political conditions to California than is Pennsylvania. Unlike Pennsylvania, governance of Philadelphia has been led by Democrats, who have held historic majorities in the City Council as well as the Mayor’s seat. California, too, has been governed by Democratic majorities in the legislature – though Democrats have not consistently held the Governor’s seat. By focusing on two contexts with powerful Democratic government allies, I am able to consider how changing economic conditions influence movement dynamics and the policymaking process under these shared types of favorable political conditions. Making within case comparisons of California and Philadelphia, my focus is on changes over time periods that includes the start of the Great Recession in 2007 and subsequent recovery. For California, I continue my observations of the post-FMLA period, from 1994 to 2015. As discussed in the previous chapter, this period includes 29 attempts to pass laws that

expand or create paid and/or unpaid job-protected leave. My observation of Philadelphia includes years in which coalition activists were campaigning for a paid sick leave ordinance, which was first introduced in 2008 and passed in 2015. It thus includes the beginning of the recession and continues as economic conditions began to improve.

Across all campaigns and time periods, the main oppositional organization – local Chambers of Commerce – framed workplace leave legislation as “job killers.” I find evidence that such framing resonated more with policymakers under weak economic conditions in comparison to periods of economic recovery. Opposition to leave policy, thus, was more effective at limiting support from policymakers who would otherwise be allies. Additionally, in the post-recession period, the California coalition made a strategic choice to focus on incremental reforms to existing leave programs rather than advocating new, potential expensive, programs. Based on these findings, I argue that weak economic conditions limit support for leave legislation from Democratic policymakers and that social movements strategically adapt to economic conditions in much the same way they have been found to strategically adapt to political conditions. Such strategic adaptation has important implications for policy outcomes, as leave coalitions are important to setting the legislative agenda and shaping the content of legislation. Economic conditions are, therefore, an added mediator in the relationship between movement mobilization and policy outcomes under favorable political conditions.

Local Chambers of Commerce and “Job Killer” Bills

Organized business groups have historically opposed leave legislation in the United States. In the years leading to the passage of the FMLA, the National Federation of Independent Businesses and the National Association of Wholesalers were the key oppositional organizations as was the Concerned Alliance of Responsible Employers (CARE), which was a coalition of business groups formed specifically to oppose the

FMLA (Berstein 2001, Elving 1995: 85). At the outset, CARE included the National Retail Federation, the National Restaurant Association, and the National Retail Merchants Association. They were eventually joined by the Chamber of Commerce, which initially viewed CARE as a competitor organization (Elving 1995: 85-6). Years later, in my examination of leave campaigns post-FMLA, I find organized business groups remain an ardent oppositional force. In contrast to the pre-FMLA period, however, the Chamber of Commerce has been the predominant oppositional organization while business organizations play only a minor role. In the post-FMLA period, opposition from the local Chamber of Commerce was consistent across all campaigns in California and Philadelphia. In my interviews with California and Philadelphia organizers and policymakers, few noted opposition from the restaurant and hotel associations and hospitals, but all quickly named the Chamber of Commerce as the main organization opposing their legislative proposals.

The Chamber of Commerce and allied policymakers, throughout their opposition to various leave bills and ordinances, made several related economic arguments. First, the Chamber of Commerce argued that leave legislation would be costly to business. In the pre-FMLA period, when the U.S. Congress was considering the FMLA, the Chamber of Commerce assigned a \$2.6 billion price tag to the bill. This figure was calculated with the presumption that all workers on leave would be replaced by a new worker at full-time for the entire period of leave (Elving 1995: 86). Also associated with this “high cost” was a concern about worker fraud and abuse in leave-taking. In the post-FMLA period, this high-cost-to-business argument had been translated and simplified into a “job loss” argument, which claimed that leave legislation, if passed, would lead to an overall loss in jobs for the state or the city. This “job loss” argument has been further simplified in the case of California where the state Chamber of Commerce labels leave legislation as a “job

killer.” According to the California Chamber of Commerce, it has defeated most of the bills targeted on its list since 2003. In 2015, for example, the California Chamber of Commerce boasted defeating 18 of 19 “job killer” bills (CalChamber 2015), including a bill vetoed by Governor Jerry Brown that would have broadened the definition of “family” under CFRA. The “job killer” list includes all legislation opposed by the California Chamber of Commerce in the congressional calendar year, and leave legislation supported by the California coalition is often on the list.

There is now substantial evidence to counter the claim that leave legislation is a “job killer.” With the first paid family leave program having been established in 2002 (in California), with the first city ordinance for paid sick leave having been passed in 2006 (in San Francisco), and with two decades of experience with the FMLA, academic and non-academic researchers have been able to study the impacts of leave laws for businesses. Overall, these studies have found little evidence of leave laws’ burden on business. In separate studies of the FMLA and California’s PFL program, employers most frequently reported temporarily shifting work to other employees to address workers’ absences due to leave (Milkman and Appelbaum 2013; Waldfogel 2001a). A recent assessment of the FMLA commissioned by the U.S. Department of Labor found that most employers reported little difficulty complying with the law and less than one-tenth reported negative effects, such as diminished employee productivity, absenteeism, or a decline in business profitability (Klerman et al. 2014). Similarly, in a survey regarding California’s PFL program, employers reported that the law’s benefits – to improved worker morale and lower turnover, for example – outweighed any negative impacts (Milkman and Appelbaum 2013), and a study of San Francisco’s paid sick leave law found that six out of seven employers reported no negative effect on their business’s profitability (Drago and Lovell 2011).

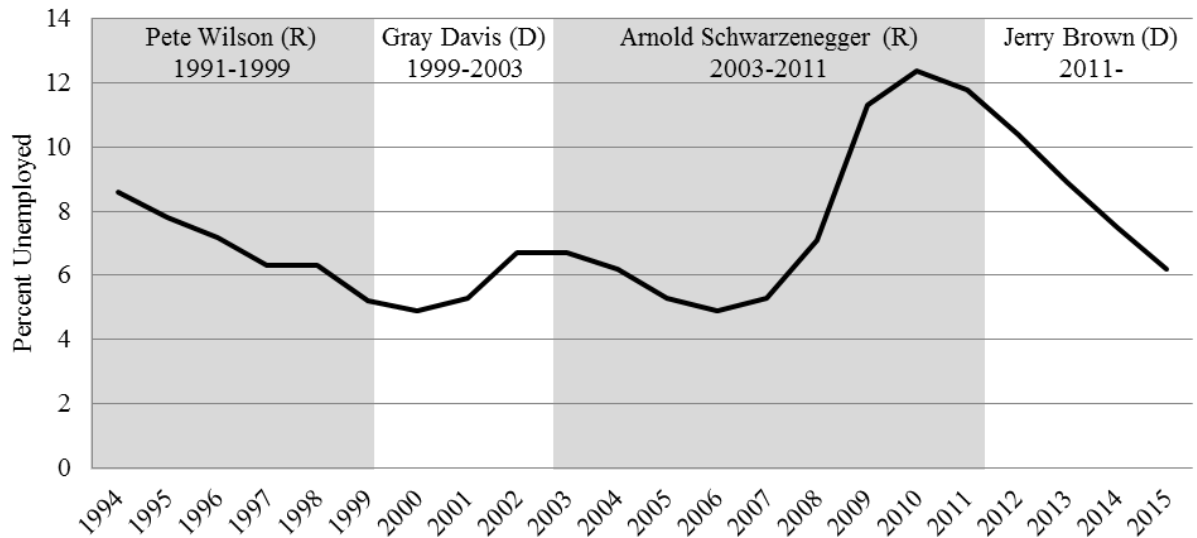
Additionally, these studies produced evidence of how leave laws benefited businesses. For example, nine percent of surveyed California business owners reported cost savings resulting from the PFL program as they credited it with reducing turnover and/or their own costs for providing benefits as they coordinated their internal leave programs with the state's PFL program, which is entirely employee-funded (Milkman and Appelbaum 2013). Comparing San Francisco's paid sick leave ordinance to the city's minimum wage laws and health insurance mandate, the executive director of the San Francisco Golden Gate Restaurant Association remarked that paid sick leave "is the best public policy for the least cost. Do you want your server coughing over your food?" He added that their concern about employee abuse of paid sick leave has not been substantiated (Warren 2010).

Despite the lack of empirical support for the "job killer" argument, I find evidence of its effectiveness at defeating proposed legislation. Coalition members in California and Pennsylvania expressed frustration with the power that local Chambers of Commerce had over the fate of legislation. A Pennsylvania coalition member complained that generally, organized labor is expected to mobilize its constituents, bringing members to legislative hearings, organizing them to call their representatives, while the Chamber of Commerce could send one representative to a hearing. Similarly, local Chambers of Commerce could argue that proposed legislation would kill jobs and apply this argument across policy issues, without being asked to address challenging empirical evidence or to provide supporting empirical evidence. By contrast, coalition activists were often pressed to find and produce empirical evidence that leave legislation would not harm the local economy. This uneven burden of proof demonstrates the rhetorical power of the "job killer" frame.

“Job Killer” Bills in Tough Economic Times

Opposition from local Chambers of Commerce and their argument that leave legislation would result in a loss of jobs remained consistent across the post-FMLA period and across campaigns for various leave laws in California and Philadelphia. Economic conditions, however, varied, most notably with the start of the Great Recession in late 2007. My case study of California spans the 1999-2015 period, starting when the Labor Project for Working Families formed the California Work and Family Coalition and began advocating for a paid family leave program under a Democratic Governor. The period thus spans: the adoption of Senate Bill 1661 in 2002, which established the country’s first paid family leave program; subsequent efforts from 2007 to 2015 to expand coverage under this program and other leave programs; and efforts to pass paid sick leave legislation that started in 2008, resulted in the adoption of AB 1522 in 2014, and continues with current efforts to extend paid sick leave to In-Home Supportive Services (IHSS) workers. The period also includes years prior to the recession (1999-2007), years immediately following the recession in which economic conditions worsened (2008-2010), and years of gradual recovery starting in 2011 (see Figure 4.1).

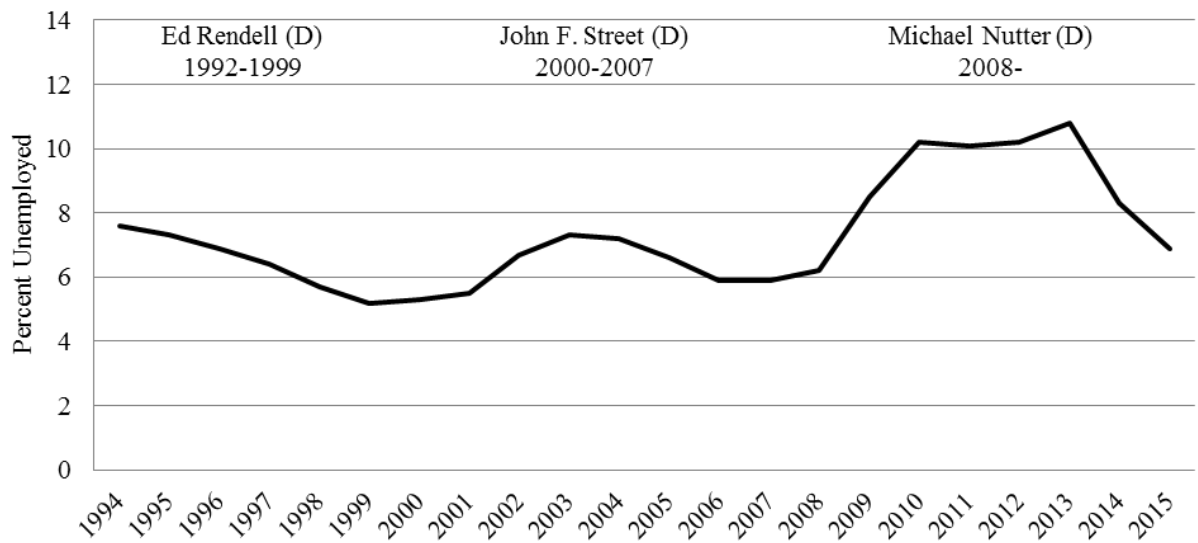
FIGURE 4.1 UNEMPLOYMENT IN CALIFORNIA AND THE GOVERNOR'S SEAT, 1994-2015 (POST-FMLA)



SOURCE: *Statistical Abstracts of the United States* (1994-2010), the Bureau of Labor Statistics (2011-2014), and the July report of the Bureau of Labor Statistics (2015).

My Philadelphia case study runs concurrent with the campaign for a paid sick leave ordinance. My timeline includes the introduction of the ordinance in December 2008, its progress in 2011, and its eventual adoption in 2015. While this period does not include the years prior to the recession, it does include the years of economic decline that followed and the beginnings of its recovery in 2013 (see Figure 4.2).

FIGURE 4.2 UNEMPLOYMENT IN PHILADELPHIA AND THE MAYOR'S SEAT, 1994-2015 (POST-FMLA)



SOURCE: U.S. Bureau of Labor Statistics (January 1994-2015).

In my case studies, I find that economic conditions in California and Philadelphia influence the fate of leave policies despite favorable political conditions. During the periods under examination, Democrats – who are more likely than Republicans to support leave policies – held a majority of seats in both houses of the California state legislature and a majority of seats in the Philadelphia City Council. However, even when Democrats held veto positions – i.e., as governor or mayor – these favorable political conditions were no guarantee that leave policies would pass. I find that weak economic conditions dampened support from policymakers as well as community allies.

Philadelphia: Mayor Michael Nutter and the Chamber of Commerce

In February 2015, Philadelphia Mayor Michael Nutter signed the paid sick leave ordinance into law after having vetoed it twice – in 2011 and 2013. His stance on the policy issue – from vocal opposition in 2011 and 2013 to support in 2015 – shifted with the city's economic conditions. In June 2011, the Philadelphia City Council – with 14 out of 17 seats held by Democrats – passed the ordinance by a 9-8 vote. When Mayor

Michael Nutter vetoed the law less than two weeks later, he did so at a press conference held at the Greater Philadelphia Chamber of Commerce. Members of the Pennsylvania coalition were cordoned outside the conference room as the Mayor delivered his veto. In the press conference, Mayor Nutter signaled that economic conditions figured into his decision and repeated some of the Chamber's claims regarding potential job loss resulting from the bill. He said, "People need jobs, and that's our number one priority. The paid sick leave bill, in our opinion would put thousands of jobs at risk and discourage businesses from coming to the city of Philadelphia" (Kuznits 2011). He vetoed the bill again in 2013, claiming that it "would harm [Philadelphia's] ability to attract new businesses" (Stamm 2013).

Coalition members had anticipated the Mayor's veto. In advance of the bill's passage by the City Council, the Mayor had signaled opposition. Coalition members pointed out that he never met with any of them about the bill. Speaking with me soon after the veto in 2011, Kathy Black of the Coalition of Labor Union Women, couched her perspective within the economic context:

"What happened? The recession happened. He's terrified. He doesn't want to upset business. They city's hurting financially, just like every place. So, he's just much more cautious about what he'll support...If the economy gets a lot better, and things really bloom in ways that we don't anticipate, then, you know, maybe he would – if we couldn't get it through in the next couple years, maybe in the last year of his administration or something."

Still, coalition members were perplexed by the Mayor's vocal and publicized opposition to a paid sick leave ordinance given his previous support of two other bills that governed the workplace. However, these bills were different from the paid sick leave ordinance in terms of their timing and their lack of opposition from the Greater Philadelphia Chamber of Commerce. Interview participants from the coalition most often cited Michael Nutter's sponsorship of the Clean Indoor Air Worker Protection Law that

prohibited smoking within city buildings, including restaurants and bars. However, the timing of the proposed legislation (proposed first in 2000 by then Councilmember Nutter) and its passage in 2006 preceded the start of the recession. Additionally, the ordinance was supported by the Greater Philadelphia Chamber of Commerce, whose president and CEO stated that “the facts prove that banning smoking in public places will not adversely affect business” (*Philadelphia Inquirer* 2006). In supporting the bill, however, Councilmember Nutter framed it as a bill to protect workers’ health (Schaffer et al. 2006), which was similar to how paid sick leave advocates framed their bill (i.e., paid sick leave would allow sick workers to stay home which would prevent the spread of disease). Interview participants also noted that Mayor Nutter signed a law providing job-protected leave to address issues related to domestic violence, abuse, or stalking. The bill was primarily sponsored by Women Against Abuse and the Women’s Law Project. These organizations served survivors of domestic abuse and sought the job protections on behalf of their clients. In my interview with Molly Callahan, Legal Center Director of Women Against Abuse, she explained that the bill passed with a sunset clause – meaning that the bill would come up for a vote again after one year as a safeguard against fraud or abuse. When the bill was reintroduced, there was no opposition. Given that the bill did not cover many workers and covered particularly vulnerable workers, there was not much opposition, and the ordinance passed relatively quietly.

When Mayor Nutter signed the paid sick leave ordinance during his last term in office in 2015, he was pressed about regrets for having twice vetoed it. He responded, “I regret that we were in a financial and economic crisis that caused me to seriously evaluate the impact and the real potential concerns that the bill may have on the city’s economy...The time had come. The tide had shifted. The city has improved economically” (Dunn 2015).

However, the tide had shifted in other ways, too, in ways that could have motivated the Mayor's changed stance. First, the paid sick leave ordinance would have passed in 2015 without the Mayor's signature, having passed the City Council by a 14-2, veto-proof majority vote. However, the change in the economy could have likewise influenced support from members of the City Council. When the mayor had vetoed the bill in 2011 and 2013, coalition members and their allies in City Council had been unable to muster the votes from a majority-Democrat City Council to override the mayor's veto. Second, by 2015 three states and over ten cities had adopted paid sick leave ordinances or legislation, putting Philadelphia behind other, much smaller cities on this issue. In contrast, had Mayor Nutter signed the law in 2011, Philadelphia would have been tied with Seattle as the third city to pass such an ordinance, thus placing it among leaders in the national campaign for paid sick days.

California: Job-Killer Lists and the State Budget

Compared to Philadelphia, the California Chamber of Commerce was much more aggressive in its opposition to proposed leave legislation, particularly during and after the passage of SB 1661 which established the state's paid family leave program in 2002. Speaking against paid family leave in 2002, Julianne Broyles of the California Chamber of Commerce stated, "The feel-good crowd pushing the bill is unfortunately trying to mandate a fringe benefit. Certainly, it would be great if everyone could also provide day care, but they can't" (Bustillo 2002). The bill originally required an employer contribution into the SDI program to cover family leave, and organized business groups focused their opposition to this particular part of the bill. The California Chamber of Commerce offered higher cost estimates than provided by the state's Employment Development Department and by economists at the University of California at Berkeley. The Chamber of Commerce estimated that the bill would require workers and employers

to contribute up to \$120 each annually to the program (Karlitz 2002). However, the 2000 cost-impact report from California Employment Development Department estimated costs at \$34 annually per employee, or \$17 each from employees and their employers if costs were shared as proposed (Berrick 2000), and a 2002 study by Berkeley economists estimated a cost of \$25 annually per employee each for employee and employer (Dube and Kaplan 2002).

The California Chamber of Commerce also distributed annual “job killer” lists to members of the state legislature. In my interviews, California coalition activists and policymakers attested to the list’s efficacy. The coalition expended resources to counter claims about potential job loss. For the paid family leave campaign, the Labor Project funded the cost-impact study from Berkeley. The coalition also found business owners to testify in favor of the bill, most notably Paul Orfalea, the founder of Kinko’s. For subsequent campaigns, they continued to recruit small business owners, who attracted attention from the media as counterpoints to the Chamber of Commerce. The California Coalition also sought and presented research that showed no or little negative impacts on businesses for legislation that was similar to what they were proposing, such as the FMLA or municipal level paid sick leave ordinances.

Many coalition activists thought the “job killer” argument resonated more after the start of the recession and during the resultant state budget crisis. Beth McGovern, with the National Organization for Women and the California Commission for Women, said, “With the economic climate the way it is, that makes their arguments – or people listen to their arguments even more, because the businesses are saying, ‘We’re having such a tough time getting by, and this is going to make it harder for us.’” As mentioned in the previous chapter, business opposition shaped the content of paid family leave legislation, particularly in the removal of employer contributions into the insurance fund.

Despite first-hand accounts from coalition activists about the California Chamber of Commerce and other organized business groups about their effectiveness at defeating leave legislation, I found that a weak state budget seemed to play more of a role in influencing the fate of proposed legislation in terms of both its content and its adoption. Because most of the proposed leave legislation applied to the public sector as well as the private sector, the state had its own costs associated with the bills. These costs were mainly related to the costs of administering leave programs mainly through the Employment Development Department (EDD). If a house appropriations committee calculated a cost to the state that exceeded \$150,000, the bill would have to pass through a budgetary committee. Often, the workplace leave bills would be held in house appropriations committees, never emerging for a vote in the Senate or Assembly (see Table 4.1). Netsy Firestein, Director of the Labor Project for Working Families, noted, “We have this problem with the state budget that nothing moves that has any price tag.” Paid sick leave, which established an entirely new right, was particularly expensive.

TABLE 4.1 CALIFORNIA LEAVE LEGISLATION AND FISCAL IMPACT ESTIMATES, POST-FMLA PERIOD (1994-2015)

Year intro	Bill (Author)	Description (Source/Sponsor(s) of the bill)	Projected expenses	Result
1994				
1995				
1996				
	AB 480 (Knox)	“ Kin Care Law ” – Requires employer who provides a paid sick leave policy to permit use for care of child, parent, or spouse; excludes state employees (California Labor Federation)	No state costs	Failed passage on Senate Floor (6/29/1998)
1997	SB 164 (Solis)	Requires the Employment Development Department to conduct a cost impact study on extending state disability insurance (SDI) benefits to individuals on unpaid family or medical leave (California Labor Federation)	Less than \$150,000	Vetoed by Governor Wilson (8/17/1998)

Year intro	Bill (Author)	Description (Source/Sponsor(s) of the bill)	Projected expenses	Result
1997	SB 495 (Rosen-thal)	Increases the maximum weekly state disability insurance (SDI) benefit (California Labor Federation)	Costs to State Disability Insurance (SDI) program offset by contributions into the fund	Vetoed by Governor Wilson (9/11/1998)
1998	SB 1506 (Hayden)	Broadens definition of “family” under California Family Rights Act (CFRA) of 1991* to include grandparents, siblings, domestic partners, or an individual who depends on the employee for immediate care and support and who has a serious health condition (Author)	No state costs	Failed passage on Senate Floor (5/27/1998)
	AB 109 (Knox)	“ Kin Care Law ” – Requires an employer who provides sick leave for employees to permit an employee to use the sick leave to attend to the illness of a child, parent, or spouse of the employee without regard to employer size (California Labor Federation)	\$90,000 (1999-2000) and \$80,000 annually thereafter	Signed into law by Governor Davis (7/23/1999)
1999	SB 656 (Solis)	Increases the maximum weekly state disability insurance (SDI) benefit and requires the Employment Development Department to conduct a study on extending benefits to individuals on unpaid family care and medical leave (California Labor Federation)	Costs to State Disability Insurance (SDI) program offset by revenues and minor one-time cost for study	Signed into law by Governor Davis (10/10/1999); Results from study published in 2000
	SB 118 (Hayden)	Broadens definition of “family” under CFRA to include grandparents, siblings, domestic partners, or an individual who depends on the employee for immediate care and support and who has a serious health condition (Author)	No state costs	Vetoed by Governor Davis (5/23/2000)
	SB 1149 (Hayden)	Broadens definition of “family” under CFRA to include grandparents, siblings, domestic partners, and adult children (Author)	Minor/absorbable costs to the DFEH	Vetoed by Governor Davis (9/24/2000)
2000	AB 1844 (Washington)	Pregnancy disability leave: Establishes by law the <i>established practice</i> of allowing 10 weeks of benefits for pregnancy related issues, i.e. four weeks prior and six weeks post-delivery benefits (Author)	Unknown costs to State Disability Insurance (SDI) program	Held in Senate Committee on Appropriations
2001				

Year intro	Bill (Author)	Description (Source/Sponsor(s) of the bill)	Projected expenses	Result
2002	SB 1661 (Kuehl)	Paid Family Leave (PFL): Provides up to six weeks of disability compensation through the State Disability Insurance (SDI) program for any individual unable to work due to employee's own sickness/injury, sickness/injury of a family member, as defined, or the birth, adoption or foster care placement of a new child (California Labor Federation)	Costs to State Disability Insurance offset by revenues	Signed into law by Governor Davis (9/25/2002) and took effect 7/1/2004
2003				
2004				
2005	SB 300 (Kuehl)	Broadens definition of "family" under CFRA to include adult children, grandparents, siblings, parents-in-law, and domestic partners (Author)	\$400,000 annually for the Dept. of Fair Employment and Housing (DFEH)	Held in Assembly Committee on Appropriations
2006				
2007	SB 549 (Corbett)	Bereavement leave - Grants the right to take up to four days of unpaid job-protected bereavement leave from work upon the death of a spouse, child, parent, sibling, grandparent, grandchild, or domestic partner (California Employment Lawyers Association)	Less than \$150,000 annually in overtime costs	Vetoed by Governor Schwarzenegger (10/13/2007)
	AB 537 (Swanson)	Broadens definition of "family" under CFRA to include adult children, grandparents, grandchildren, siblings, parents-in-law, and domestic partners (Equal Rights Advocates and Legal Aid Society-Employment Law Center)	\$200,000 (2007-2008); \$400,000 thereafter for the Dept. of Fair Employment and Housing (DFEH)	Vetoed by Governor Schwarzenegger (10/14/2007)
	SB 727 (Kuehl)			
2008	AB 2716 (Ma)	Paid sick leave – Allows workers to accrue paid sick leave at a rate of one hour for every 30 hours worked, up to 40 hours per year for small businesses (10 or less employees) or 72 hours per year for other businesses (California Labor Federation and California ACORN)	\$870,000 (2008-2009), \$620,000 (2009-2010), \$460,000 (2010-2011) in enforcement and regulations; "potentially millions of dollars" to cover IHSS workers	Held in Senate Assembly on Appropriations
2009	AB 849 (Swanson)	Broadens definition of "family" under CFRA to include adult children, grandparents, grandchildren, siblings, parents-in-law, and domestic partners (Author)	\$200,000 (2007-2008); \$400,000 annually thereafter for the DFEH and "potentially significant costs to the state" to provide leave to state workers	Held in Assembly Committee on Appropriations

Year intro	Bill (Author)	Description (Source/Sponsor(s) of the bill)	Projected expenses	Result
2009	AB 1000 (Ma & Skinner)	Paid sick leave – Allows workers to accrue paid sick leave at a rate of one hour for every 30 hours worked, up to 40 hours per year for small businesses (10 or less employees) or 72 hours per year for other businesses (California Labor Federation and California ACORN)	\$875,000 (2009-2010), \$559,000 (2010-2011), \$464,000 annually thereafter; and \$13 million to provide paid sick leave to IHHS workers	Held in Assembly Committee on Appropriations
2010	AB 2340 (Monning)	Bereavement leave – Allows workers to take three days of unpaid leave in the event of the death of certain relatives (California Employment Lawyers Association)	\$50,000 annually	Vetoed by Governor Schwarzenegger (9/25/2010)
	SB 299 (Evans)	Continued health coverage for pregnancy leave - Makes it an unlawful practice for an employer to refuse to maintain and pay for coverage under a group health plan for an employee who takes pregnancy disability leave (California Commission on the Status of Women, Equal Rights Advocates, Labor Project for Working Families)	Unknown, likely minor, absorbable costs annually	Signed into law by Governor Brown (10/06/2011)
2011	AB 804 (Yamada)	Broadens definition of “family” under PFL to include grandparents, grandchildren, siblings, and parents-in-law (Labor Project for Working Families)	Increased PFL/SDI claims and one-time cost of \$250,000	Held in Assembly Committee on Appropriations
	AB 400 (Ma)	Paid sick leave – Allows workers to accrue paid sick leave at a rate of one hour for every 30 hours worked, up to 40 hours per year for small businesses (10 or less employees) or 72 hours per year for other businesses (California Labor Federation)	\$875,000 (2010-2011), \$559,000 (2011-2012), \$464,000 annually thereafter; and \$13 million to provide paid sick leave to IHSS workers	Held in Assembly Committee on Appropriations
	AB 59 (Swanson)	Broadens definition of “family” under CFRA to include adult children, grandparents, grandchildren, siblings, parents-in-law, and domestic partners (Author)	\$400,000 annually for DFEH, and “unknown but potentially significant costs to the state as the employer of approx.. 200,000 individuals”	Held in Assembly Committee on Appropriations
2012	AB 2039 (Swanson)	Broadens definition of “family” under CFRA to include adult children, grandparents, grandchildren, siblings, parents-in-law, and domestic partners (Author)	Minor annual costs to DFEH and “unknown, potentially major General Fund and special fund costs to state agencies annually”	Held in the Senate Committee on Appropriations

Year intro	Bill (Author)	Description (Source/Sponsor(s) of the bill)	Projected expenses	Result
2013	SB 761 (De-Saulnier)	Anti-discrimination - Makes it unlawful to discharge or discriminate against an employee for applying for, or indicating intent to apply for, temporary disability insurance benefits (Legal Aid Society-Employment Law Center)	No fiscal effect	Failed to pass Senate Floor (5/29/2013)
	SB 770 (Jackson)	Broadens definition of “family” under PFL to include grandparents, grandchildren, siblings, and parents-in-law (Legal Aid Society – Employment Law Center)	\$700,000 annually and \$36 million to the SDI fund which was estimated to have \$2.2 billion by the end of 2013	Signed into law by Governor Brown (9/24/2014)
2014	AB 1522 (Gonzalez)	Paid sick leave (Healthy Families, Healthy Workplaces Act) – Allows workers to accrue up to 24 hours of sick leave per year – excludes state In-Home Supportive Services workers from coverage (California Labor Federation, California State Council of the Service Employees International Union)	\$1.2 million (first year) and \$1.1 million (thereafter) to Dept. of Industrial Relations; \$900,000 annually to the Department of Justice (\$14 million to cover IHSS workers, who were ultimately excluded from provisions of the bill)	Signed into law by Governor Brown (9/10/2014)
2015	SB 406 (Jackson)	Broadens definition of “family” under CFRA to include adult children, grandparents, grandchildren, sibling, parents-in-law, and domestic partner (CA Employment Lawyers Association, Equal Rights Advocates, LAS-ELC)	\$686,000-\$700,000 annually	Vetoed by Governor Brown (10/11/2015)
	SB 579 (Jackson)	Leave for Childcare/School Activities - Provides up to 40 hours of leave per year for parents to address child-related issues such as finding a childcare provider, enrolling a child in care services, addressing a school emergencies (Author)	Minor/Absorbable	Signed by Governor Brown (10/11/2015)
	AB 908 (Gomez)	Lengthens duration of PFL benefits from six to eight weeks; increases wage replacement rate from 55 percent to 60-80 percent depending on earnings; raises wage ceiling for contributions into the SDI fund (Author)	\$651 million (2017) to \$1 billion (2021) from SDI funds mostly offset by increased employee contributions into the fund	Passed both houses and currently in Assembly with Senate amendments pending (as of 10/16/2015)
	AB 11 (Gonzalez)	Extends provisions of paid sick leave legislation passed in 2014 (AB 1522) to state in-home health services (IHSS) workers (Author)	\$100 million annually	Held in Assembly Committee on Appropriations

NOTE: Throughout this period (1994-2015), Democrats held a majority of seats in both upper and lower seats.

* CFRA refers to the California Family Rights Act, which passed in 1991 and provides up to 12 weeks of unpaid, job-protected leave to care for a newborn, newly adopted child, or newly placed foster child and

to address a personal serious health condition or serious health condition of a child, spouse, or parent. Like the FMLA, it covers establishments of 50 or more employees.

Having a bill held in appropriations committees was especially deflating for activists. It was anticlimactic. Rather than fighting for a bill in a public hearing and pressuring legislators to “do the right thing,” advocates were directed to behind-the-scenes meetings with members of appropriations committees, discussing cost estimations. Because committees on appropriations do not disclose the details of their calculations, nor are they compelled to do so, it was difficult for coalition activists to determine whether such meetings even had an impact. In one case, Jenya Cassiday with the Labor Project for Working Families researched union contracts and determined that many of the state workers already had job-protected leave that could be used to care for additional family members not currently covered by state law under CFRA. Thus, in their meeting with the Assembly Committee on Appropriations, they argued that the bill to expand CFRA coverage – at the time, AB 2039 – had a much lower cost associated with it. The cost of the bill came down enough to reach the Assembly floor, but in the Senate, the bill once again was held in the appropriations committee where it died.

The issue of costs to cover state workers emerged again with proposed paid sick leave legislation. One particular roadblock to passing paid sick leave was its costs associated with covering state workers in the In-Home Supportive Services (IHSS) program, which provides in-home care for people with disabilities or others in need of care who are over the age of 65. Though IHSS workers are represented by the Service Employees International Union-United Long Term Care Workers (SEIU-ULTCW), they do not have paid sick leave in their contracts. The union represents workers at the county level, and many of the workers were organized in 2006. Early efforts focused on winning living wages, health care coverage, and fighting overall cuts to IHSS services, including a

proposal from Governor Schwarzenegger in 2010 to eliminate IHSS services for over 87 percent of recipients.

The paid sick leave legislation was first introduced in 2008 and reintroduced two other times before passing in 2014. For each of the first three attempts, the bill died in appropriations committees due primarily to the state fiscal impact of providing paid sick leave to IHSS workers. Throughout each of these attempts, leave advocates considered explicitly excluding IHSS workers from the provisions of the bill. They predicted that if the sick leave bill reached the floor, it would pass both houses and become law. At the early stages, coalition members opposed an IHSS carve-out. Not only did they feel that excluding IHSS would be unfair, coalition leaders worried that if they passed paid sick leave without IHSS workers, they would be unable to include them with subsequent legislation. IHSS-focused legislation would lack the broad appeal that providing paid sick leave to all California workers had. Yet, the bills that included IHSS workers, time and again, were held in committees on appropriations where they died.

The state fiscal impact associated with the bills eventually eroded support from government allies. Brandy Davis, who was the Policy Coordinator for the Labor Project for Working Families in 2011, recounted: “I think [policymakers] just knew, like, ‘Look, this bill got stuck in committee, and the tag on it is so high that there’s no way it’s going to get out. So, why are we even talking about it?’” In 2014, the bill was introduced to the Assembly for the fourth time, and the Senate passed the bill with an amendment to exclude IHSS workers from the bill’s provisions. It passed and was signed into law. The bill’s sponsor, Assembly member Lorena Gonzalez, vowed to introduce a new paid sick leave bill the following congressional year to extend the new rights to IHSS workers. This bill, AB 11, would require the state provide a minimum of three paid sick days per year to state workers who deliver in-home health services through the IHSS program. It is

estimated to cost the state \$100 million annually and is held in the Assembly Committee on Appropriations.

The state budget was less of a consideration in 2001 and 2002 when paid family leave insurance (SB 1661) was introduced and adopted. This was in-part due to having been introduced in better economic times compared to the 2007-2015 efforts to expand existing programs and establish paid sick days. However, the bill also had a pre-existing funding mechanism in the form of the State Disability Insurance program. Additionally, it covered only private sector workers and was fully funded by employee contributions, leaving the state general fund untouched. In explaining the adoption of SB 1661, Netsy Firestein, Director of the Labor Project for Working Families, credits, in part, the pre-existence of the SDI program for its passage. SDI benefits were already being administered by the state's Employment Development Department, and SB 1661 only proposed to add family caregiving as a reason for drawing funds. As an illustrative comparison, the state of Washington passed a law in 2007 to similarly establish a paid family leave program, but lacking a pre-existing temporary disability insurance (TDI) program or other funding mechanism, it was never implemented. The two other states in the country that have operative paid family leave programs – New Jersey and Rhode Island – followed California's example and tied their programs to their state's pre-existing TDI programs.

Additionally, the paid family leave program, which is an insurance program, is entirely funded by employee contributions. Having employees contribute entirely to the fund was the result of compromises related to lowering estimated fiscal impacts to the state and disarming opposition from the California Chamber of Commerce, the National Federation of Independent Businesses, and other business organizations that opposed the bill. Originally, the family leave program was conceived as jointly and equally funded by

employees, employers, and the state general fund. However, general fund contributions were removed before the bill was even introduced. Jennifer Richard, who was then staff for Senator Sheila Kuehl, the bill's sponsor, explained that contributions from the state general fund would have gotten it stuck in the appropriations committee, and there were not the funds to support it. The employer contributions were removed in the policy making process as a compromise with organized business groups. The compromise did not deter the opposition, which was more intent on killing the bill than maiming it. It did, however, weaken their argument that the program would cost business. Tom Rankin, who had been President of the California Labor Federation when it sponsored the paid family leave bill, attested to the effectiveness of this compromise, stating:

“I think the key moment in getting the legislators to go with [SB 1661] was when we decided to drop the employer contribution and just make it employee paid, because that – even though the Chamber and those organizations, business organizations, still opposed it – it really pulled the rug out from under them, because their whole argument previous to that time had been the cost. Then, they had to start arguing, ‘Oh, well, it’s going to interfere with our workplace’...It made it much more difficult for them.”

Without an employer contribution or additional job protections, Coalition activists were able to argue a benefit to business: that a paid family leave insurance program administered by the state would permit many small businesses to provide paid leave to their employees when they would not otherwise be able to afford it.

Speaking to me in 2012, Rona Sherriff questioned whether SB 1661 would have been possible at any other time after 2002. Sherriff was one of a small group of people, including representatives from the California Labor Federation and the Labor Project for Working Families, who initiated discussions about a possible paid family leave program. Formerly a researcher for the California Senate Office on Research, she was tasked with finding a funding source for the bill. She had the idea to tie the new program to the SDI. In considering the decision to make the program entirely employee-funded, she remarked:

“I think [Governor] Jerry Brown has a lot tighter connection with [organized] labor than [Governor] Gray Davis did. This bill wouldn’t get signed, and quite frankly, I would understand why it wouldn’t get signed. You know, when you’ve got pressures on – you can’t pay for your unemployment insurance benefits; you’ve got all these things; people are out-of-work – it’s like to add another complexity to a matrix of issues that we can’t deal with. I don’t think we could sign today. A lot of it has to do with the economy.”

Successive efforts to expand state leave laws reveal a hurdle in the form of costs to the state budget that were not there during efforts to pass paid family leave (PFL). Because the PFL insurance program was entirely funded by employee contributions and administered by the same office that was already administering disability insurance benefits, the bill was estimated to have minimal fiscal impact on the state. However, most of the bills that followed, except paid sick leave legislation, built on pre-existing programs, expanding access to either paid family leave or job-protected leave under the California Family Rights Act (CFRA). Aside from the paid sick leave legislation, most other proposed leave bills, like PFL, built on pre-existing programs, namely the PFL program and the California Family Rights Act. More specifically, most bills focused on extending the types of family members covered by the programs, such as grandparents, grandchildren, siblings, and parents-in-law. Though these were relatively minor changes to pre-existing provisions, many were stalled by an association with high expenses. Why was extending disability insurance for use in family care affordable while extending family leave insurance for use in care for additional family members prohibitively expensive? Jennifer Richard explained that after the economic downturn and during the state budget crisis, the state was borrowing from the disability insurance program to fund unemployment insurance. Richard, who had served as staff for Senator Sheila Kuehl when her sponsored bill (PFL) passed, was continuing her work in the Senate as staff for

Senator Ellen Corbett.¹⁹ Speaking from her experience, she said, “Every legislation, any bill, even if it’s a tiny tweak, is dead-on-arrival as long as the state is borrowing money from the SDI fund.” The state did not want to add pressures to the SDI fund while it was already under pressure to keep unemployment insurance solvent. Richard indicated that legislators were reticent to support efforts to educate workers, who were paying into the insurance program, about their rights to draw funds for family leave, because heightened awareness would lead to increased use at a time when funds were diverted to unemployment insurance. The high fiscal impact estimates and projected pressures on the SDI fund – even slight pressures – led to a lack of support from legislators for bills that broadened the definition of “family” for use PFL insurance program. In 2011, this type of bill was introduced but stalled in appropriations. In 2012, Jenya Cassiday noted they were unable to find a sponsor for such legislation. They were, however, able to find a sponsor for a bill that year that would expand unpaid job-protected leave under CFRA for care of additional family members (AB 2039), which would not put additional pressures on the SDI fund.

The Economy and Its Implications for Broad-Based Support

Economic conditions also shaped the extent of support from publics and coalition allies. Interview participants thought worsening economic conditions made the issue of paid, job-protected leave more urgent for low-income workers who needed it. Jenya Cassiday noted that since the economic downturn, more families were living together and relying on each other to provide care services that would be too expensive to outsource. Similarly, Sonya Jimmons, a union organizer with SEIU 121RN representing nurses, noted that members had adult children returning home for lack of employment, and they

¹⁹ After my interview with her, Jennifer Richard later served as staff for Senator Hannah-Beth Jackson, who sponsored legislation to expand coverage under CFRA and the PFL program.

cared for their grandchildren as their children looked for work. She shared a story about a nurse who switched to night shift so that she could care for her grandson during the day while her daughter attended college. Brandy Davis thought that the overall impact of legislation was small, but for workers who needed leave, policy changes were impactful. Of the groups and people opposing leave legislation, she said, “These people talk about these things like they are fringe benefits, but if you just got fired, because you had cancer; or if you lost your job, because you had a baby; or if you can’t stay home with your sick kid and you lose pay if you do; those are not fringe issues. These issues really matter in people’s lives.” She added, “I think it’s really hard, especially in a down economy, for people to prioritize these issues.”

Despite increased need for leave after the recession and voter polls demonstrating support for workplace leave policies, coalition activists in California and Philadelphia sensed a lack of urgency from the electorate on the issue. After the recession, other issues became more pressing, too. Speaking in 2012, Brandy Davis explained, “Part of the trouble with these issues, especially in this kind of economy, is that people think about job security, they think about wages, they think about health care. They don’t tend to think about these issues.” Additionally, some of the minor, incremental changes they were proposing did not have the broad appeal that the creation of new programs and new rights had. Kim Kruckel with Parent Voices, a parent-led grassroots organization focused on affordable childcare and a member of the California Coalition, elaborated on this problem of incremental policy change:

“When we’re asking grassroots groups to support legislation, and to really mobilize it, and rally around it, it has to be very, very obvious to them what the benefit is. Paid sick days, paid family leave, it is very obvious. If you are talking about extending the definition of family or expanding existing programs...”

Representatives from labor organizations – key coalition members – noted that other urgent issues arising from the recession competed with leave legislation for their attention. Some were hesitant to prioritize workplace leave policy at a time of drastic cuts to public employment and government services. Speaking to me in 2011, Liz McElroy, Assistant to the President of the Philadelphia Council, AFL-CIO, compared the efforts to pass a paid sick leave ordinance with another project of organized labor – the recent Verizon strike in Philadelphia, which she said, saw an outpouring of support and mobilization for negotiations with an employer that had recently paid-out ten million dollars in dividends. Of the paid sick leave ordinance, she said,

“I had some concerns about it. I didn’t think that it was a bad economic thing, but just, is this our fight right now? We need jobs. We have unions that haven’t had contracts in this city for a number of years or they’re working under old contracts. We need to get those negotiations. Is this our fight as a movement? I don’t know. We voted on it, and we were supportive of it, and I participate, but I don’t know if that ever became the fight of our movement.”

Tom Rankin, who was President of the California Labor Federation and has since retired, explained that weak economic conditions put organized labor on the defensive, distracting from campaigns that expand workplace rights. Speaking to me in 2012, he pointed to California’s Proposition 32, an initiative on the November ballot that had it passed would have severely limited how unions use their funds to participate in political campaigns. Though the proposition was defeated (56 to 44 percent), these types of attacks on union political and institutional strength absorbed organized labor’s attention and resources and limited their activity on other issues. According to my interviews with labor leaders, the Pennsylvania labor movement was similarly preoccupied with maintaining existing rights in contracts and defending rights to collectively bargain and represent workers. Rick Bloomingdale, President of the Pennsylvania AFL-CIO said that paid sick leave was a piece of legislation is “one of those things you worry about when everything

else is good.” He added that leave was very important to workers, but there were much larger problems with unemployment and collective bargaining rights.

Discussion

In this chapter, I demonstrate that weakening economic conditions as a result of the Great Recession influenced leave policy outcomes in two ways. First, in Philadelphia, it strengthened the resonance of job loss claims from opposing business groups. Second, in California, it strained the state budget so that lawmakers were hesitant to move leave bills through the policymaking process when there were costs associated with the proposed legislation.

Theoretically, this chapter introduces economic conditions as additional mediators in the relationships between movements and policy outcomes. In both Philadelphia and California, during the period of observation, Democrats held a majority of positions in their respective governing bodies (i.e., the City Council and the state houses). Yet, in both Philadelphia and California, such favorable political conditions were no guarantee that leave laws would be adopted. Rather, economic conditions served as additional mediators in the policymaking process under favorable political conditions.

These findings may not extend to relationships between social movements and policy outcomes under unfavorable political conditions. For example, better economic conditions in Pennsylvania may not have improved the likelihood that the state would adopt leave legislation, such as paid sick days, when the law would lack support from the outset from its majority Republican state legislators. However, weak economic conditions may embolden other types of movements to strip away rights to leave. Future research should examine economic mediation processes under varying political conditions.

Additionally, the influence of economic conditions may be dependent on the policy issue being examined. Family leave and sick leave policies, as policies governing the

workplace, lend themselves to economic considerations in ways that other policy issues may not. However, my findings suggest that economic conditions need to be considered when examining policies relevant to the workplace, for example, minimum wage and living wage laws, laws governing overtime pay, and healthcare.

Chapter Five - Worker Representation in the Policy Process: Unions and Leave Legislation in California and Pennsylvania

Labor unions were also important to state legislation (see also Bernstein 2001, Dark 2001, Elving 1995). In their study of California's paid family leave program, Ruth Milkman and Eileen Appelbaum (2013) argue that active support from unions and the California Labor Federation was crucial to its passage. This chapter introduces the campaigns and coalitions in California and Pennsylvania following passage of the FMLA of 1993 and focuses on the unique contributions of organized labor in these efforts. Findings support previous research that argues the importance of organized labor to campaigns for leave legislation. It further examines union contributions to leave policy by identifying the contributions that are unique to organized labor and considering the limitations of such contributions. I argue that when organized labor is involved in campaigns for workplace leave under favorable political conditions, it contributes relationships with policymakers and political leverage. When unions are not active in public policy issues, nonprofit, tax-exempt organizations fill the void – with one important weakness: the inability to endorse candidates for political office or contribute financially to their campaigns. I also consider how unfavorable political conditions limit the ability of organized labor to contribute relationships and leverage to coalition efforts.

Organized Labor and Leave Campaigns in California and Pennsylvania

The extent, nature, and impact of organized labor's involvement in workplace leave policies varied across cases – California, Pennsylvania, and Philadelphia. In California, the California Labor Federation – the state's AFL-CIO – officially supported all but one of the 29 leave laws introduced in the state legislature in the post-FMLA period, from 1994 to 2015. It was the main sponsor of 10 of them. The Labor Federation,

unions, and their close organizational allies were leaders in campaigns for family and sick leave, and most coalition activists when interviewed credited much of the California coalition's legislative success to the support of organized labor. In Pennsylvania, organized labor also supported paid sick leave legislation. SEIU 32BJ was an early sponsor of the House bill and the Pennsylvania AFL-CIO submitted written testimony to the 2010 committee hearing, but most labor organizations were not active. It was not a main sponsor of the bill nor did was the bill among organized labor's legislative priorities. In Philadelphia, participants acknowledged that organized labor's support was crucial to their campaign's strength. However, compared to California, unions in Philadelphia were not as active on the issue. This section provides further background on the campaigns and coalitions in California and Pennsylvania (including Philadelphia) with a focus on organized labor's involvement.

California's landmark paid family leave program was a priority for organized labor. When it passed, Karen Nussbaum, assistant to John Sweeney, President of the AFL-CIO, called it "a tremendous victory" and "a huge effort on the part of the labor movement" (Jones 2002b). Before the bill was introduced in 2002, the California Labor Federation laid the groundwork for what became the nation's first paid family leave program. In 1997, it sponsored two bills that would increase the maximum benefit paid out of the State Disability Insurance (SDI) program and required a cost impact study of extending SDI benefits for family caregiving leave. Both bills were vetoed by Republican Governor Pete Wilson. They were then consolidated into one bill, introduced in 1999 and signed into law by Democratic Governor Gray Davis. In my interview with Netsy Firestein, Executive Director of the Labor Project for Working Families, she noted that these bills were key to building momentum behind paid family leave legislation that was later introduced.

In 2001, building momentum, the California Labor Federation added paid family leave to its annual legislative agenda, signaling its legislative priorities to elected representatives. When paid family leave was introduced as SB 1661 in 2002, the California Labor Federation was listed as sponsor. Media described it as “labor legislation” (Jones 2002a, see also Bustillo 2002). Art Pulaski, Treasurer of the California Labor Federation told the *Los Angeles Times*, “This is the most important piece of pro-family legislation this year. It’s a very important bill to the working people” (Bustillo 2002). The paid family leave bill reached the Governor’s desk along with 27 other bills sponsored by the California Labor Federation, but the Labor Federation indicated that paid family leave was the most important (Jones 2002a, 2002b).

Another key organization in the campaign for paid family leave was the Labor Project for Working Families. Though it was a nonprofit organization, it received funding from labor unions and their organizations, and it worked very closely with labor unions, labor councils, and the California Labor Federation (the state-level AFL-CIO). The organization was founded in 1992 with a focus on supporting labor unions in their efforts to negotiate family-friendly benefits into union contracts. To this end, they archived exemplar contract language, and by 2007, the organization was tracking over 300 contracts (Firestein and Dones 2007: 142). After the bill passed in 1999 to increase SDI benefits and produce a cost-impact study of extending SDI benefits for family care, the Labor Project added policy advocacy to its mission by accepting a grant from the David and Lucille Packard Foundation to push for paid family leave legislation in the state. With this support, it formed the California Work and Family coalition, which brought together labor groups, legal aid organizations, and other nonprofit organizations. The California Labor Federation and the Labor Project for Working Families were natural allies. Having already built trust with organized labor throughout the 1990s, the Labor Project was able

to quickly forge a collaborative relationship with the California Labor Federation. In subsequent campaigns, Brandy Davis described the Labor Project's relationship with organized labor as a sort of partnership wherein the Labor Project both adopted legislative goals agreeable to organized labor and brought bill ideas to the Labor Federation and labor councils.

Since the paid family leave program was established, the California Labor Federation has sponsored one other type of legislation – paid sick leave. Unlike most other proposed leave laws since the PFL, paid sick leave legislation would grant new leave provisions to most workers in the state. The Labor Project confirmed that the California Labor Federation was the main driver of the paid sick leave legislation. The California Labor Federation sponsored the first version of the bill introduced by Democratic Assembly member Fiona Ma in 2008. It was again introduced in 2009 and 2011, each time sponsored by the Labor Federation and each time held in the Assembly Committee on Appropriations for its high fiscal impact. As stated in the previous chapter, this high impact was mainly associated with the projected expenses of extending paid leave to state In-Home Supportive Services (IHSS) workers. When I interviewed Mitch Seaman, Legislative Advocate for the California Labor Federation in 2013, he told me they did not support a bill that excluded IHSS workers. They and other coalition members hoped to convince lawmakers that paid sick leave was a policy “idea whose time [had] come” but were also considering a strategy to focus on winning paid sick leave at the municipal level. The paid sick leave bill finally passed, however, in 2014 in its fourth journey through the state legislature. In the Senate, the bill was amended to exclude IHSS workers from the provisions, and the bill passed, making California the second state – behind Connecticut – to pass paid sick leave legislation.

All other laws have sought to extend existing programs or laws, specifically the PFL (paid leave insurance) or the CFRA (unpaid, job-protected leave), mostly to broaden the definition of “family” for family leave purposes but also to require employers continue healthcare coverage for their employees on pregnancy disability leave. Though the California Labor Federation did not sponsor these bills, it has supported these laws as well as laws granting leave for “small necessities,” such as leave to grieve the loss of a family member (bereavement leave) or to attend a child’s school activities. Additionally, individual union Locals were coalition members and active to varying degrees in supporting different leave bills. Again making a distinction between bills creating new provisions and bills that broadened the coverage of existing provisions, Brandy Davis of the Labor Project explained that the coalition and the Labor Project thought they could move smaller bills (meaning bills that expanded existing laws) without the California Labor Federation as a sponsor. The Federation’s support would be enough, they thought. However, Davis added that any bill that created a new right, like paid sick leave, would need to be “union-led.”

Organized labor were involved in efforts to pass paid sick leave law in Pennsylvania and Philadelphia but to a lesser extent than in California. Labor organizations, specifically SEIU 32BJ, the Pennsylvania AFL-CIO, and the Philadelphia Chapter of the Coalition of Labor Union Women (CLUW), were early participants in the efforts. Representatives from these organizations spoke in favor of the state bill at the 2010 hearing, and SEIU 32BJ mobilized members to the hearing in support. After the hearing, activists formed the Pennsylvania Coalition for Health Families and Workplaces. It was convened by PathWays PA and Women’s Way, two non-profit organizations that provided services primarily to low-income women and families. They forged an early relationship with Philadelphia CLUW, and its President, Kathy Black, brought the paid

sick leave issue to the Philadelphia Council AFL-CIO. In November 2010, the Philadelphia Council AFL-CIO endorsed the paid sick leave ordinance, and its endorsement brought additional union endorsements. Support from the Philadelphia Council AFL-CIO brought other union endorsements. In addition to the early support of SEIU 32BJ, endorsing labor unions included: AFT Local 2026, Health Professionals and Allied Employees Local 5106 Temple/Episcopal, Philadelphia Security Officers Union, SEIU Healthcare PA, TWU Local 234, UFCW Local 1776, and USW 10-1.

Support from Philadelphia organized labor was not unanimous, however. Kathy Black, Philadelphia Chapter President of the CLUW, brought the ordinance for an endorsement from the Philadelphia Council AFL-CIO. On November 2010, the Council voted to endorse the ordinance. Though the vote was overwhelmingly in favor of the endorsement, the Building Trades union was opposed. According to Kathy Black and Liz McElroy, Assistant to the President of the Philadelphia AFL-CIO, the Building Trades Union representative argued that the sick leave ordinance was not a priority for its members, especially in an economic context in which union members – particularly in construction – were still facing job loss as a result of the recent recession. Additionally, they argued that campaigning for workplace rights that can and should be negotiated into union contracts undermined the union movement's purpose. There would also be a problem of calculating sick leave accrual for the Building Trades members who worked on a seasonal basis.

It should be noted that building trades unions were also carved-out of the paid sick leave bills in California. These carve-outs, however, were decided before the bills were introduced. For example, original language in the paid sick leave law introduced in 2008 (AB 2716) excluded workers covered by collective bargaining agreements that provide paid sick leave policies. The California coalition, which had been active for years prior to

the introduction of any paid sick leave legislation, included union leaders and had a close partnership with the California Labor Federation. Differences were discussed and settled in advance of a bill's introduction.

Looking for a solution to unite Philadelphia unions behind the paid sick leave ordinance, McElroy turned to San Francisco's earned sick leave ordinance. The first city to pass such an ordinance, San Francisco included a "collective bargaining waiver," in which it allowed labor unions to waive their members' rights to earned sick leave in union negotiations. With the waiver, workers covered by collective bargaining agreements would also be covered by the ordinance unless their unions agreed to waive this right in contract negotiations. Presumably, the waiver would allow unions to consider members' interests and exchange paid sick leave for other rights or benefits of greater value to particular workforces. McElroy brought the collective bargaining waiver idea to the City Council, which responded with an amendment to "carve-out" collective bargaining agreements, meaning that the ordinance would outright exclude workers covered by union-employer negotiated contracts. Many interviewed union representatives, including McElroy, expressed disappointment with the "carve-out." However, the City Council was unwilling to move, beleaguered by a bill that had already been amended 19 times. With the "carve-out," McElroy, the Pennsylvania Coalition, and the Philadelphia City Council were able to neutralize union opposition to the ordinance. Additionally, the "carve-out" allowed the Philadelphia AFL-CIO to continue to sponsor the ordinance while maintaining unity among labor unions. Working through these early challenges, the Pennsylvania Coalition remained focused on the paid sick leave ordinance until it passed in 2015.

While workplace leave policy originated with labor organizations in California, in Pennsylvania, they originated with nonprofit community organizations and elected

officials. Reflecting on the campaign, McElroy noted the importance of involving organized labor early – particularly in union dense states and municipalities regarding social policies impacting the workplace. In Philadelphia, in particular, legislation had already been introduced by the time labor became involved. While McElroy acknowledged that organized labor could be at fault for this late involvement as much as any other group or individual, she thought a better process would be to discuss potential legislation with union representatives prior to a bill’s introduction – as has been the process in California. When advocating legislation that impacts working conditions, the process of shaping legislative content seemed to progress more smoothly and more favorably for the advocates when organized labor was involved or consulted prior to a bill’s introduction.

Labor’s Unique Contributions: Relationships and Political Leverage

Labor unions organize members to demonstrate support for leave legislation by contacting their legislators or participating in coalition-led press conferences, demonstrations, and other activities. Unions, like the SEIU, the Communication Workers of America (CWA), the United Nurses Association of California (UNAC), and others were among the early organizational members of the California Work and Family Coalition, and they organized their members to send postcards to their legislators in support of the paid family leave insurance bill. The Pennsylvania AFL-CIO testified in support of the state bill at the 2010 hearing and the Philadelphia Council AFL-CIO testified in support of the paid sick leave ordinance at the 2011 hearing. SEIU 32BJ organized members to attend the 2011 hearing and vote on the ordinance. Labor unions, with their institutional knowledge, often contribute expertise in the legislative process. Many community organization leaders noted this particular contribution. Expertise and the ability to mobilize individuals in support of legislation lend credibility to policy

issues. However, the ability to contribute expertise, mobilize support, and lend credibility to policy issues are not unique to organized labor. As I will discuss later, local community organizations can bring their constituents to events, invite them to testify, and encourage them to contact their legislators. They also draw on expertise from partnerships with large national organizations that focus on legislative change. The contributions unique to organized labor are their relationships with elected officials and their political leverage, born out of their participation in electoral campaigns.

Across all campaigns in California and the campaign for paid sick leave in Philadelphia, unions contributed their knowledge of legislative processes and their well-established relationships with policymakers. When the Labor Project made its first foray into policy advocacy, it approached the California Labor Federation. The organizations had already worked together, but the Labor Project had been focused on educating union leaders and members about the FMLA and CFRA and helping them negotiate strong language on family leave, childcare, and other family-friendly benefits into union contracts. Netsy Firestein, Executive Director of the Labor Project, recounted, “We had *no* experience having done *anything* like this before,” and she said it was clear they would need the active support of the California Labor Federation. Once on-board, Tom Rankin of the California Labor Federation introduced Rona Sherriff to the group; though not an elected official, this staff member from the Senate Office of Research was an important government ally, finding a funding mechanism for the leave program. It was also Tom Rankin who connected the coalition with the paid family leave bill’s eventual author, Senator Sheila Kuehl.

Speaking of later efforts, Brandy Davis, former Policy Coordinator for the Labor Project noted that efforts to broaden existing leave provisions and pass paid sick leave benefited from the support of government allies and had clear knowledge of a bill’s

prospects. She credited this knowledge to the California Labor Federation, saying, “I think we had a lot of great information. We were not operating blindly. That’s definitely true. And part of that has to do with the strength and knowledge of the Labor Fed’s lobbying effort.” Davis also said,

“I do think that some of the, some of the other states that we worked with, who I think got a little farther than we did in some of these issues, I think they had like one or two really interested, large unions, and so, I think that having – we could not have done paid sick days without the Labor Federation. That’s obviously true. Particularly with all of the sort of maneuvering that has to be done in Sacramento.”

In Philadelphia, interview participants agreed that the key contributions of organized labor were its pre-established relationships with elected officials and its knowledge of legislative processes. Kate Scully, Publications and Policy Analyst for PathWays PA, the coordinating organization for the coalition, noted that while many unions were not active on a regular basis, they took action when asked – particularly by knowing and calling the right people. Once the Philadelphia Council AFL-CIO endorsed the ordinance in November 2010, it was an influential partner. Patrick Eiding, the President of the Philadelphia Council AFL-CIO made phone calls to council members get their votes for the ordinance. Of Liz McElroy, Assistant to the President of the Philadelphia Council AFL-CIO, Scully said, “Whenever we needed calls from big-name people, we’d always talk to her, and she was great with strategy.” Scully noted that labor leaders knew city council members well enough to identify which of the members were undecided about the sick leave ordinance, which members could be convinced to support it, and how hard they could push undecided council members for support.

Organized labor has been part of the local political landscape for far more years than service-oriented organizations that led the Pennsylvania coalition. This history and the relationships that came with union endorsements created for the coalition easier access to council members. Elly Porter-Webb with the Campaign for Working Families, a

member organization of the Pennsylvania coalition, also noted these contributions from the Philadelphia Council AFL-CIO and noted that Kathy Black with the CLUW also brought her many relationships to the coalition. Black had brought the ordinance to the Philadelphia Council AFL-CIO for its endorsement. Of Black, Porter-Webb said:

“Kathy is just a force in the city. Everyone knows Kathy. Kathy knows everyone, and she can make things happen. She really brought together a lot of pieces and had the history, I think...Her relationships were *huge*, and I think they were relationships built through years and years of being in the Philly labor movement.”

Several Pennsylvania coalition members noted how city council members respected the views of labor leaders. Rebecca Foley, the Director of Education and Advocacy Initiatives at Women’s Way, noted that the phone calls that labor organizations made to city councilmembers were particularly helpful, “because people here in Philadelphia, a lot of city councilmembers here in Philadelphia really respect union leaders, [unions] were really able to put some internal pressure on.” McElroy said, “Every union has different relationships with different council people based on where their constituents live or based on just personal relationships, but there’s nobody in there who would say, ‘No, I won’t meet with Pat Eiding, the head of the Philadelphia Labor Council [AFL-CIO].’”

Organized labor’s relationships with elected officials are born out of their participation in elections and their ability to endorse and make financial contributions to candidates. In California, labor leaders used their involvement and their support or potential support for candidates to pressure lawmakers to make favorable decisions regarding labor-backed bills. For example, Governor Gray Davis was considering paid family leave legislation along with other bills sponsored by organized labor in 2002 in the midst of a competitive re-election campaign. Art Pulaski with the California Labor Federation indicated that Davis’ support of labor’s priority bills would result in more

enthusiasm for him among union members. He told the *Los Angeles Times*, “For every one of these bills that the governor signs, he’s going to get more votes” (Jones 2002a).

The Labor Federation was also viewed as the main counterweight to the Chamber of Commerce when leave legislation was under consideration. For example, when Gray Davis was considering paid family leave, his press secretary pointed to Davis’ record, stating, “If you look at the wish list of both labor and business, I think you can tick off the things that have made both business and labor angry. When [the California Chamber of Commerce] ‘job-killer’ list comes out, the governor does pay attention to this, just as he pays attention to labor’s priority list. He’s very careful at charting a centrist course” (Jones 2002a).

As in California, candidates for the Philadelphia City Council seeking union endorsements heard from unions about workplace leave issues. In 2011, the ordinance passed the City Council but was vetoed by Democratic Mayor Michael Nutter. The City Council had passed the ordinance with only a one-vote majority – not enough to overrule the veto. Despite this defeat, the Pennsylvania coalition went right back to work. With an election in November 2011 and Democratic candidates likely to win, coalition members began meeting with Democratic candidates about the paid sick leave ordinance prior to the election. Months before these meetings, however, supportive labor unions had primed these candidates on the issue through their endorsement processes for the May primary elections. Because Democratic candidates for city council are likely to win in Philadelphia, unions and other organizations that are able to make endorsements used the primaries to get attention for the paid sick leave issue. The candidate endorsement process usually includes a requisite completion of a questionnaire prior to being interviewed, and supportive unions included a question about the paid sick leave ordinance in their questionnaires. Black, who, in addition to being a leader of CLUW, was also an

Environmental Health and Safety officer for AFSCME, successfully recruited AFSCME and other unions to include a question about sick days in their candidate questionnaires. While the paid sick leave issue may not have been a deciding factor in the primary election, Black acknowledged, its inclusion as an issue in the endorsement process signaled to potential future city council members that the issue was important to organized labor.

In California and Philadelphia, organized labor's political leverage and relationships with policymakers were key contributions to leave campaigns; however, such contributions were not as apparent in Pennsylvania state politics. For most of the post-FMLA period, Republicans controlled upper and lower houses of the Pennsylvania state legislature. On the whole, labor unions did not support Republicans in their campaigns and therefore did not have established relationships with elected officials or strong political leverage as in Democratic-controlled California and Philadelphia. Evidence of organized labor's difficulty in establishing relationships with policymakers and creating political leverage in Republican-dominated political contexts emerged from labor's experiences with another social policy campaign in the state. This campaign sought legislation banning the common hospital management practice of mandating overtime for health care workers. The law, which eventually passed in 2008, covered both union-represented and non-represented workers. For seven years, the legislation was the major political priority for SEIU (i.e., SEIU Healthcare PA and the SEIU Pennsylvania State Council) and had support from the Pennsylvania AFL-CIO. To recruit support for the legislation, labor leaders spoke of great difficulties in getting meetings with Republican legislators on the issue. Jeff Hunsicker, the Legislative Director for the SEIU Pennsylvania State Council, recalled having to sneak into a representative's office in order to get time with him – after repeated failed attempts to arrange a meeting.

Additionally, to create political leverage, SEIU mobilized direct care workers and non-represented nurses in addition to their own members and framed the practice of mandatory overtime as a public health issue in order to extend the law's appeal to patients and thus a broader base. The lack of union leadership on state-level leave legislation and its challenges in passing the ban on mandatory overtime suggests that the ability of organized labor's relationships with elected officials and political leverage do not extend to all contexts.

Tax-exempt Organizations: Filling Labor's Shoes?

Labor unions have a large base of members who can be mobilized in support of legislation. However, in California, union members were not often engaged in leave issues. Though some union Locals were active coalition members, most union support came from the California Labor Federation, and this support came from leaders. In Pennsylvania, there were more examples of unions bringing members out to hearings and mobilizing them for coalition activities. For example, SEIU Healthcare PA, SEIU 32BJ, and the Philadelphia Security Officers Union brought members to the 2011 City Council hearing and vote on the paid sick leave ordinance. Leading up to the 2011 vote, SEIU 32BJ called its members about the ordinance and met frequently with City Council members. Additionally, the ability to mobilize individuals in support of legislation is not unique to labor unions, and other community organizations frequently mobilized their constituents to participate in letter-writing campaigns, hearings, and demonstrations. For example, Pennsylvania Coalition leaders noted that Action UNITED in Philadelphia, which organizes low- and moderate-income families, was particularly apt at bringing people to events.

Additionally, in the case of workplace leave legislation, non-union community organizations are better-positioned to mobilize the type of workers who can make the

greatest contribution to policy discourses: workers who do not already have job-protected and/or paid leave. Except for newly organized workers, most union members already have access to packages of paid, job-protected leaves under their collective bargaining agreements. Therefore, most union members are unable to provide testimony regarding their personal struggles at work and at home due to their lack of access to workplace leave. In the case of Philadelphia, Action UNITED was the organization that could draw such testimony, not labor unions.

Like union leaders, representatives of community organizations explained their involvement in policy issues as being driven by the needs and interests of their constituents. In Philadelphia, Foley of Women's Way and Scully of PathWays PA noted their organizations' turn toward policy as an attempt to address the needs of the women they serviced. Foley explained, "The idea of our advocacy work, which I started about three and a half years ago was to kind of get at those underlying issues that make the grants necessary that we give out in the first place, so really bringing out work full circle, trying to solve the problems." Like Foley, Scully saw policy work as another way to address the challenges that led women and their families to seek their services: "I think a lot of the direct service organizations have moved or are moving toward focusing on policy, because unless you get to the root of the problems that people are facing and try to help them on a large scale, you're just going to see the same people come through the door."

Labor unions, especially those with legislative directors, political directors, and professional lobbyists, also contribute expertise regarding the policy process. This is particularly important to coalitions that sometimes include organizations that are newly engaged in policy issues. For example, Scully with PathWays PA noted that leaders from SEIU 32BJ were particularly helpful in informing strategy. Again, however, such

contributions are not unique to labor unions. In the case of workplace leave policy, there are many national organizations that specialize in workplace leave policy and have professional researchers and organizers who are well-versed in political strategy. Such national organizations included: A Better Balance, Family Values @ Work, the Institute for Women's Policy Research, and the National Partnership for Women and Families. These organizations provided research support, financial resources, staff, training, and consultation to local groups. Their impacts were most apparent in the case of Philadelphia where unions were not as actively involved. These national organizations also convened conferences that brought together coalition leaders from different states. PathWays PA, Women's Way, and some of the Philadelphia-based coalition partners, Childspace CDI and the Coalition of Labor Union Women (CLUW), reported attending a conference that included the California Labor Project for Working Families, which provided guidance based on its successes.

PathWays PA and Women's Way organized in close coordination with A Better Balance, the Institute for Women's Policy Research, and the National Partnership for Women and Families. These organizations provided important guidance and resources especially between March and June 2011, after the paid sick leave ordinance passed out of committee and leading up to the City Council vote and the Mayor's veto. For these four months, the National Partnership for Women and Families provided funding to hire a lobbyist and a communications staff person and sent their campaign manager to help full-time with the efforts. They also organized weekly conference calls between the Pennsylvania Coalition, national partners, such as Family Values @ Work, and members of a coalition in Connecticut who were campaigning for paid sick days legislation in their state (where they were ultimately successful in 2011 at making Connecticut the first state to pass paid sick leave legislation).

Unlike labor unions, most non-profit community organizations are unable to endorse candidates for political office or make financial contributions to electoral campaigns. This restriction is due to their 501(c)3 (tax exempt) filing status, which is a common eligibility requirement for receiving financial support from most foundations and granting institutions, important sources of funding. With the 501(c)3 status, organizations can educate elected officials about issues of importance to their constituents. They can coordinate constituents to visit or call their elected representatives to voice their concerns about a particular issue or legislation. They can inform constituents about the importance of a particular bill, legislative issue, or educate them about the voting behavior of their elected representatives. They can also interview candidates in advance of an election and publicize their responses. However, they cannot oppose, endorse, or make contributions to candidates. These organizations are therefore limited in their ability to directly threaten or reward candidates and elected officials, which limits their political leverage in advocating policy change.

By comparison, labor unions are not tax exempt and their funding base comes from their members rather than private foundations. Another exception are organizations with a 501(c)4 tax filing status. Such organizations are rare, but with the 501(c)4 status, organizations are registered nonprofit organizations without the tax-exempt status and without the restrictions on their activity. Only one such organization was active in the campaigns included in this study: Action UNITED. Receiving most of its donations from a membership base, it was able to use those funds to participate in electoral politics. Through their coalitions, 501(c)3 organizations partnered with labor unions and 501(c)4 organizations that brought unique political leverage rooted in direct support or opposition in elections.

Conclusion

Organized labor was involved in campaigns for leave legislation in California, Pennsylvania, and Philadelphia, but the extent of their involvement varied across cases. In California, they were involved early, laying groundwork for the country's first paid family leave (PFL) insurance program. They also sponsored bills that created new leave programs, specifically PFL and paid sick leave. In Pennsylvania, they were late to join efforts. Part of this was due to the fact that lawmakers were introducing legislation independent of attention from coalition activists. Interview participants also noted a political and economic environment that led organized labor to prioritize other policy issues.

Despite differences in labor's involvement across cases, in each case coalition members noted two important contributions of organized labor that was also unique to organized labor. These contributions were localized knowledge of policy-making processes and relationships with lawmakers born out of their participation in electoral campaigns. With their ability to endorse and financially support candidates for political office, unions could exercise greater leverage over policymakers.

Though organized labor facilitated member participation in coalition activities, provided political expertise, and financial resources, such contributions were shared with other organizations. Other non-profit advocacy organizations facilitated their members' and clients' participation in coalition events as well, and to some extent, their contribution in this respect was more effective. Unlike labor unions, community advocacy organizations could find individuals who could provide compelling testimony about having to make tough life choices or being disciplined or fired for lack of sufficient family or paid sick leave. National nonprofit organizations provided general political expertise, financial resources, and staff support to local campaigns as well.

These findings contribute a better understanding of union contributions to movements for policy change.

Chapter Six - Unions, the Economy, and the Politics of Leave

Legislation in U.S. States, 1973-2014

The United States lags behind many countries in regard to family and medical leave policies that allow workers to address personal illness or family caregiving responsibilities. When caregiving needs arise, workers must find individualized solutions to manage tensions in work and family obligations often at expense to their economic security and personal and family health. The Family and Medical Leave Act (FMLA), signed into law by President Clinton in 1993, grants up to twelve weeks of unpaid leave for eligible workers and remains the only federal legislation providing job-protected leave. However, according to a 2012 study commissioned by the U.S. Department of Labor (Klerman et al. 2014), the law's restrictive eligibility requirements exclude over 40 percent of the workforce from coverage. Those who are eligible are sometimes unable to afford unpaid leave from work (Waldfogel 2001a; Klerman et al. 2014). Given the dearth of federal policy on this issue, workplace leave advocates have campaigned for family, parental, and paid sick leave legislation at the state-level. Such campaigns were active leading up to and following the passage of the FMLA – with some success. Research presented in this chapter considers the role of union institutional strength and political and economic conditions in the timing of leave policy adoption in U.S. states.

Given the direct relevance of workplace leave to working conditions and employment, labor union mobilization may be particularly important to the likelihood that a state will adopt leave policy. In the previous chapter, I describe how organized labor was an active member of coalitions campaigning for leave legislation in California and Pennsylvania. In these coalitions, labor organizations made unique contributions, lending relationships with elected policy-makers and localized knowledge of political processes.

However, we know little about whether unions have an effect on leave policy adoption. Additionally, researchers have begun to question the contemporary relevancy of organized labor to social policy in the U.S. given its steady decline in members (Rosenfeld 2014). This research therefore asks: Do unions matter to adoption of state leave legislation?

Previously in this dissertation, I have noted the importance of favorable political and economic conditions for the adoption of leave legislation. In Chapter Three, I argue that Democratic control of at least one state house was necessary for the movement of legislation through the policy-making process and that Democrats played a key role in sponsoring, supporting, and signing leave legislation. In Chapter Four, I argue that weak economic conditions resulting from the Great Recession that started in late 2007 intervened to slow progress of leave legislation through the policy-making process. Drawing from these case comparative findings, I consider the effects of union institutional strength on leave policy adoption net of political and economic conditions. Additionally, I ask: Is the influence of unions dependent upon political and economic conditions? Few researchers have sought to explain leave policy adoption in U.S. states (for exception, see Williamson and Carnes 2013), and this is the first study to test the effects of union strength (measured by union density) on leave policy outcomes.

Using discrete-time event history analysis of leave adoption in 49 states from 1973 to 2014, this research estimates the impact of unionization rates (union density) and political and economic conditions on the passage of workplace leave legislation. I find a significant positive effect of union density on state leave policy adoption, net of the positive effect of political allies (Democrats and women in the legislature). I find no net effect of unemployment on the likelihood of leave policy adoption. I also find no significant interaction of union density with political conditions, defined as percent

female in the legislatures and Democratic control of both houses of legislature. The latter negative finding is attributable to the operation of democratic control as a necessary condition: Regardless of union strength, leave legislation was adopted by state legislatures *only* under democratic control.

By focusing on unions as social movement organizations, this study contributes to research on social movement policy outcomes and joins recent scholarly attention to broader societal consequences of the decline in union density, or the percent of union members in the workforce (Western and Rosenfeld 2011, Brady et al. 2013, Jacobs and Myers 2014, Kerrissey 2015). Much of this research focuses on the issue of wealth distribution. While some researchers have examined relationships between unions and political participation and electoral outcomes, few researchers have examined how such political activity translates into adoption of desired social policies. Rather, the link between political outcomes and policy is often assumed. This study thus provides an empirical examination of the relationship between organized labor and social policy.

Leave Legislation in the United States

When the Family and Medical Leave Act (FMLA) finally passed, signed into law by President Bill Clinton 16 days into office, it included 12 weeks of unpaid, job-protected leave for eligible workers to address a serious personal illness or to care for a spouse, parent, or child with a serious health condition. It remains the only federal policy providing workplace leave. By 2000, more than 35 million workers had taken leave under the FMLA (Waldfogel 2001a). However, restrictive eligibility requirements and the lack of wage replacement for leave periods mean that many workers who need leave from work still cannot take it. To be eligible for leave, workers must be employed by establishments with more than 50 employees and must have worked at least 1,250 hours for that employer in the year prior to leave. This effectively excludes workers in small

firms, many part-time workers, and workers who have started new jobs. Additionally, the law restricts family caregiving to a select few members, excluding for example, adult children, grandparents, grandchildren, siblings, and parents-in-law. A recent study of FMLA use commissioned by the US Department of Labor found over 40 percent of the workforce was ineligible for leave under the FMLA (Klerman et al. 2014). An additional five percent of eligible workers reported they needed leave but were unable to take it, most citing an inability to afford unpaid leave.

Leading up to and following passage of the FMLA in 1993, a total of 15 states passed leave laws covering men and women in the private sector. Nine states passed more than one leave law, and all laws that passed both before and after the FMLA are more generous than the federal law in at least one respect. Some states provide paid leave, like California, New Jersey, and Rhode Island, which provide paid family leave, and Connecticut, which provides paid sick leave. Other states expand access to unpaid, job-protected leave by lengthening leave durations, covering employees of smaller firms, and broadening definitions of family for the purposes of caregiving leave to include, for example, siblings, stepparents, grandparents, parents-in-law, and/or domestic partners.

The patchwork of workplace leave policy in the U.S. is in part a response to the lack of sufficient federal legislation and is the result of localized, state-level policy processes that negotiations over what workers should be covered, the types of leave that should be offered, and the duration of leave periods. For both the pre- and post-FMLA periods, states varied in their timing of legislative adoption. This research seeks to explain why some states were quicker to adopt workplace leave legislation than others, using union density as a key covariate. It defines workplace leave policy to include gender-neutral, job-protected paid or unpaid leave to address personal illnesses and/or family caregiving responsibilities. Establishing workplace leave in the U.S. has proven

incredibly difficult (Berstein 2001), making adoption of any leave law or expansion of existing law a notable accomplishment.

Unions and Social Policy in the Context of Decline

Qualitative accounts of leave legislation campaigns at both the state and federal levels attest to the important role of organized labor in facilitating passage of family, maternity/parental, and sick leave legislation at state and municipal levels of government (Dark 2001; Elving 1995; Milkman and Appelbaum 2013). In many campaigns, labor organizations were involved and involved early. For example, the AFL-CIO (the largest federation of labor unions in the U.S.) supported federal family leave law – what became the FMLA – in very early iterations of the bill (Elving 1995: 63), and the California Labor Federation’s active involvement in the campaign for California’s Paid Family Leave program was instrumental to gaining support from elected representatives (Milkman and Appelbaum 2013). However, the decline in union density in the United States has led some researchers to question the relevancy of organized labor to social policy in contemporary contexts (Rosenfeld 2014). Jake Rosenfeld (2014) argues that unions are in a position of weakness when advocating desired policies, because they are no longer able to convince their own members to vote for pro-labor candidates backed by union endorsements. With a diminished ability to deliver votes from members, unions are in a weaker position to influence policy.

Taking a broad view of organized labor’s social policy agenda, there is some evidence to suggest continued influence. First, organized labor’s political activity has not run parallel to its organizational strength. In its peak years of membership, the labor movement did not advocate a broad social agenda (Lichtenstein 2002). Instead, it focused on traditional industrial relations, winning “bread-and-butter” for its members through contract negotiations and enforcement. This narrow focus paid-out in a time of American

prosperity when the nation's position in the global economy produced enough of a surplus for employers to coexist with labor. Unions remained focused on this narrow form of industrial relations as throughout the 1970s and 1980s as membership steadily declined. In the 1990s – within a context of continued decline – labor scholars have documented the rise of social movement unionism (Clawson 2003, Fantasia and Voss 2004, Frege and Kelly 2004), a strategy that moves beyond industrial relations and into the realm of politics and policy (Engeman 2015, von Holdt 2002). Recent examples include active union participation in the 2006 immigrant rights marches (Engeman 2015, Fink 2010, Milkman 2006), health care reform via the Affordable Care Act, support of the Dodd-Frank financial reform law, and city-level campaigns for increasing the minimum wage. Additionally, unions have long been involved in campaigns for family leave (Dark 2001, Elving 1995, Milkman and Appelbaum 2013). Some of these union-backed social policies establish compensation and protections that can be negotiated into contracts with employers, and union leaders have expressed openness to using legislation as a means for raising working standards (see Lichtenstein 2014: 56). While negotiation via legislation may not directly strengthen unions institutionally (Lichtenstein 2014), it is important to examine union effects on legislation because this is one way that – as Bruce Western and Jake Rosenfeld (2011) argue – “unions encourage labor market equity,” culturally, politically, and institutionally.

Much of the research on labor unions and their societal impacts focuses on the issue of wealth distribution. For example, Bruce Western and Jake Rosenfeld (2011) find that a quarter of the rise in income inequality in the United States can be explained by the decline in union density. Additionally, higher union density at the U.S. state-level has been found to decrease working poverty in households regardless of whether such households include a union-represented worker (Brady et al. 2013). These findings

support power resources theory in which labor market institutions shape the distribution of wealth using market and political mechanisms (Brady et al. 2013; Brady 2009; Jacobs and Myers 2014, Korpi 1983; Kerrissey 2015). Via market mechanisms, labor unions negotiate contracts that secure better wages and working conditions for its members, and this union benefit spills-over to the unrepresented workforce. Union-negotiated contracts set labor standards, and non-union employers respond to the implicit threat of unionization by raising working standards to remove worker incentives to organize (Freeman and Medoff 1984). This union avoidance strategy on the part of employers is most evident in highly unionized sectors (Western and Rosenfeld, 2011). Additionally, the share of national wealth that goes to labor as opposed to capital increases with union organizational strength (Kristal 2010; Lin and Tomaskovic-Devey 2013). A similar redistributive effect has been found within firms (Shin 2014). Via political mechanisms, unions facilitate equity by supporting redistributive social policies that extend to the unemployed and low-wage non-union workers.

To date, research on relationships between unions and politics centers around two types of political outcomes: electoral outcomes and union member participation in politics. This latter subset of research finds that union members are more likely to vote (Asher et al. 2001, Masters and Delaney 1987, Freeman and Medoff 1984, Leighly and Nagler 2007, Rosenfeld 2010), volunteer in electoral campaigns (Asher et al. 2001), and participate in other forms of political activity (Nissen 2010). Unions are also more likely to initiate conversations about politics with its members and make specific political and policy endorsements in contrast to other types of organizations, such as religious and neighborhood organizations (Kerrissey and Schofer 2013, Verba et al. 1995). Thus, unions are important institutions for building political capital among workers, with pronounced impacts for low-wage workers with less education (Kerrissey and Schofer

2013, Terriquez 2011). This increased union participation is then channeled into electoral campaigns, in which unions seek to elect labor-friendly candidates, most often Democrats (Asher et al. 2001, Juravich and Shergold 1988, Sousa 1993, Dark 2001). Unions have invested substantial financial and human resources in elections (see Dark 2001, Masters and Delaney 2005), and researchers have found that they influence electoral outcomes (Lamare 2010a, 2010b; Radcliff and Davis 2000). How do these electoral outcomes and increased political activity translate into social policies favored by organized labor?

Social Movements, Politics, and Policy Outcomes

While labor scholarship lacks attention to organized labor's relationship to social policy, social movement outcomes research has predominantly focused on policy as a potential type of political consequence of movement mobilization. Thus, social movement theories are instructive for examining the potential policy effects of union movements. As social movement organizations, unions may be potentially influential. Though unions represent a decreasing proportion of the overall workforce, the union movement – with over 14.5 million members in 2013 (Hirsch and MacPherson 2014) – is relatively sizeable compared to other social movement organizations. Additionally, unions provide a substantial volunteer base for candidates, pulling members as well as non-members to the polls. They also provide an important organizational base for coalition work with other community organizations that advocate policies with broader and more direct voter appeal, such as family leave and paid sick days.

Social movement outcomes research concerned with policy outcomes has consistently found democratic control of legislatures an important factor for the adoption of liberal or progressive policies (Amenta et al. 1992, Amenta and Halfmann 2000, Soule and Earl 2001, Zylan and Soule, 2000). Having control of both houses is also key in that majority parties determine chair positions in standing committees and set the legislative

agenda (see Chen 2007). Qualitative accounts of the political processes involved in passing leave legislation at the state-level, including my findings reported in Chapter Three, support these claims. In their examination of paid family leave in California, Ruth Milkman and Eileen Appelbaum (2013) argue that democratic control of the state legislature was a necessary, though insufficient, condition for passage of the country's first paid family leave program.

Women legislators may also be more likely to support leave policies, which are often framed as women's issues. Eileen Appelbaum and Ruth Milkman (2009) find that women care more about work-life balance issues than any other issue, including the economy. Researchers have found that women legislators, regardless of ideology and party affiliation, are more likely to support women's issues than male legislators (Swers 1998). Historical accounts of the years-long political process for passing the federal FMLA support such findings (see Elving 1995). When the FMLA was debated in Congress, House Representative Margaret Roukema, a moderate Republican representing New Jersey, played a key role in negotiating compromises in the bill's language. Most importantly, she proposed limiting the law's reach to establishments with 50 or more employees in order to make the bill more acceptable to other Republican legislators.

Economic conditions may also influence the adoption of social policies, especially when such policies govern the workplace and require state resources. Social movement scholars have only recently turned their attention to economic conditions in their research. This new attention is a response to the Great Recession, which started in late 2007, and its potential implications for social movement political outcomes but also social movement emergence, strategy, strength, and other phenomena. However, findings from my case comparisons of California and Pennsylvania suggest that weak economic conditions can intervene under otherwise favorable political conditions to slow progress of leave

legislation through the policy-making process. Joining emerging social movement scholarship, this research investigates state economic conditions, their potential main effects and mediating effects in the relationship between union institutional strength and leave policy adoption.

Social movement outcomes research reveals a complex set of relationships between movements, political conditions, and policy outcomes. Political mediation models show that movements rarely have direct impact on policy (Burstein and Linton 2002). Although movement strategy and organizational strength are important, their consequences are mediated by political conditions (Amenta et al. 1992). Such political conditions have included support from government allies (Meyer and Minkoff 2004, Burstein and Linton 2002, Amenta et al. 2005), the party composition of legislative bodies (Amenta et al. 1994), and the strength of alliances with other social movements (Amenta and Zylan 1991). Building on political mediation models, researchers have argued that neither movement mobilization nor political conditions influence outcomes independently, but their influence derives from their interaction (Soule and Olzak 2004, Burstein and Linton 2002). Therefore, in addition to testing main effects of covariates on leave policy adoption, I also use interaction terms to test for potential mediating or joint-effects.

Model, Data, and Variables

Model

Making use of variation across states over time, I estimate the impact of union density on the passage of workplace leave legislation using discrete-time event history methods (Allison, 1982; Petersen, 1991; Yamaguchi, 1991). These methods assess the log likelihood of an event – in this case, passage of workplace leave legislation – occurring in given state in a given year provided it has not already occurred.

I use discrete time methods as opposed to continuous time for a few reasons. First, the passage of legislation is a discrete event occurring in a given year. Second, there is precedence for using discrete time methods in policy outcome research (Chen 2007, Dixon 2010, Kane 2007, Martin 2010, Soule and Olzak 2004). Models are estimated as a logistic regression using Stata IC 12.

Data

My analysis examines the adoption of gender-neutral leave legislation across U.S. states from 1973-2014. I constructed my own data sets, drawing from various sources to measure union density and political and economic conditions in each state for each year. The data set is organized by state-year, which is standard for discrete time event history analysis, and consists of 1,050 state-year observations. See Appendix C for a list of variables and sources.

The periodization of my risk sets is rationalized as follows. My first dataset starts in 1973, the year after the first state (Massachusetts) passed workplace leave law covering the private sector. Though this law, the Massachusetts Maternity Leave Act (MMLA), was woman-targeted, not gender-neutral, I consider it a signal to states regarding potential political openness to leave laws governing the private sector. Therefore, I define 1973 as the first year in the first risk set, because states initially became at risk for passing family leave legislation after the MMLA was adopted. The final year in the risk set is 2014, the last year for which data was available at the time of this study.

Dependent Variable

My dependent variable is a time-varying dichotomous indicator of adoption of gender-neutral leave legislation, meaning leave legislation that applies to both women and men. Thus, the dependent variable is scored “1” if a given state in a given year adopts leave legislation that covers private sector workers. States have adopted various types of

leave legislation, ranging from flexible use of employer-provided paid sick days to paid family leave programs (see Appendix B for a glossary of leave types). However, my study is restricted to gender-neutral, job-protected paid or unpaid leave legislation that covers the private sector. The dependent variable measure captures the first time a state adopts such a law (see Table 1).

TABLE 1
FIRST ADOPTION OF GENDER-NEUTRAL LEAVE LEGISLATION, 1973-2014

Year	State(s)	Annual Frequency	Cumulative Frequency
1982.....	Kentucky	1	1
1987.....	Maine, Minnesota, Oregon, Rhode Island, Wisconsin	5	6
1989.....	New Jersey, Vermont, Washington	3	9
1990.....	Connecticut	1	10
1991.....	California	1	11
1993.....	Hawaii	1	12
2005.....	Tennessee	1	13
2013.....	Colorado	1	14
2014.....	Maryland	1	15

Sources: See Appendix C. Gender-neutral leave legislation is family and parental leave legislation.

The laws included in the dependent variable measure vary slightly in content but are overall comparable. In addition to providing job-protected leave for private and public sector workers regardless of sex or gender, each law – with two exceptions - provides either parental leave, family leave, or family and medical leave. Specifically, laws in seven states (Maryland, Minnesota, Oregon, Rhode Island, Tennessee, Vermont, and Washington) provide parental leave, and laws in five states (California, Connecticut, Hawaii, Maine, and Wisconsin) provide family and medical leave. One state (New Jersey) provides family leave, but not medical leave, meaning workers may take job-protected leave under state law to care for a family member but not for self-care. Laws in Kentucky and Colorado are comparably narrow. In 1982, Kentucky passed a law providing job-protected parental leave to welcome an adopted child but parental leave does not extend to biological or foster children. Colorado, in 2013, passed a law

permitting access to the federal FMLA leave provisions to care for a domestic partner. Excluding Kentucky and Colorado, individually or collectively, from analysis did not result in substantially different findings.

Aside from Colorado, all laws included in the dependent variable measure establish new provisions. Such have proven particularly difficult to achieve (Berstein 2001). Although the federal FMLA supersedes state law, it creates a floor or establishes minimum leave provisions. The FMLA covers only establishments with 50 or more employees in a 75 mile radius and workers who have worked 1,250 hours for that employer prior to leave. All state laws included in this study are still in effect, because they – in relation to the FMLA – cover smaller establishments or require less tenure on-the-job prior to taking leave.

The dependent variable measure excludes three types of laws that could be considered part of different political processes. First, the measure excludes laws that cover only state employees, of which there are considerably more laws. Leave legislation that cover only state employees or military personnel could be considered a state's approach to managing its own workforce. Therefore, the political process for passing these laws are likely quite different from laws covering the private sector, particularly in terms of outside advocacy and opposition from business. Additionally, by restricting the measure of the dependent variable to laws that cover both the private and public sectors, analysis is focused on laws that impact more workers.

Second, the measure excludes laws, like maternity leave, childbirth leave, or pregnancy disability leave, that by definition cover only female employees. In separate analyses, I find that covariates perform differently between woman-targeted and gender-neutral laws, suggesting different political processes.

Third, the measure also excludes the adoption of laws establishing Temporary Disability Insurance (TDI) programs. TDI programs provide wage replacement during periods of leave to address personal, temporary but serious medical issues. However, they do not provide job protection, meaning that workers can receive TDI benefits while on leave but are not guaranteed their same or equivalent job when ready to return to work. TDI programs were established between 1942 and 1969, and only five states have them: California, Hawaii, New Jersey, New York, and Rhode Island (Berkeley CHEFS 2010). Consistent with other investigations of workplace leave (Milkman and Appelbaum 2013), this research considers the establishment of TDI programs part of a different political process. Additionally, data used to measure most covariates used in this study are not available prior to 1973, thus inhibiting robustness checks on this measure.

“Small necessities laws” are also excluded from the measure of the dependent variable. These laws provide periods of leave, often measured in hours, to address small necessities, such as attending children’s school activities, serving on a jury, or grieving the loss of a family member killed in active duty in the military. More recently, states have been adopting laws to provide leave to victims of domestic violence, sexual assault, and stalking. While such laws are important, they differ from the leave laws included in the study in significant ways. First, such laws cover only a small proportion of the workforce. Second, they offer very limited periods of leave, especially in comparison to the weeks provided in family, medical, and parental leave legislation. For these reasons, political support and opposition for these laws are also likely to be very different from the laws included in this study.

Prior to this study, there had been no account of state leave legislative histories after 1993, and existing analyses of workplace leave legislation does not account for when such legislation was passed (Williamson and Carnes 2013). To construct my

dependent variable, I drew from three sources: (1) A report from the National Partnership for Women and Families (NPFW 2014), (2) Reports from the National Council on State Legislatures (2008, 2013), and (3) legal and academic publications for legislation passed prior to 1993. For more details about these sources and the dependent variable measure, see Appendix C.

Event history analysis does not account for incremental changes to policy. The first year in which a state adopts leave that meets the above threshold, a “1” is assigned to the dependent variable, and the state is dropped from the risk set. This means that states, such as California, that adopt many types of legislation over time, only have the earliest legislation considered in the analysis. Subsequent changes are not considered. My earlier chapters (Chapters 3-5) report findings from case-oriented comparisons that allow examination of multiple bills across several stages in the political process in which multiple bills are introduced, modified, adopted, or rejected.

Limiting the covariates included in my models was imperative given the low number of events in this study. Given that only 15 states have adopted gender-neutral leave laws, the event-per-variable (EPV) ratio is small – 15:1 or 3:1, depending on the model (see below). When the EPV ratio is small, estimated coefficients can be biased and significance tests can be problematic (Peduzzi et al. 1996). A recent publication on EPV ratios argues that problems are uncommon with 5-9 events per variable while problems are more common with 2-4 events per variable (Vittinghoff and McCulloch 2006). Although it is ideal to include all potentially relevant covariates in analyses, the Vittinghoff and McCulloch (2006) recommend excluding weaker predictor variables. Following this recommendation, I report models that include only the best-fitting covariates. I also ran models using only three covariates at a time and achieved similar results.

Explanatory Variables

My key explanatory variable is *union density*. Union density is the percentage of the nonagricultural wage and salary workforce over the age of 16 who are union members. Data are annual time-consistent estimates provided by Barry Hirsch and colleagues (2003), who estimate union density using data from the Current Population Survey and the Bureau of Labor Statistics. The key question of this research addresses whether organized labor influences social policy. I hypothesize that if union density has a significant relationship with leave policy, its relationship will be positive.

My analysis includes two measures of political conditions that consider the presence or absence of government allies. First, I consider *Democratic Party control* of both state houses. The variable is set to '1' if Democrats hold a majority of seats in both upper and lower houses. I used data from the Council of State Governments (2014), starting with the 1972-1973 report. The Council of State Governments (CSG) reported biennial data from 1972 to 2002 and annual data starting in 2003. Party composition of state legislatures are mostly stable between elections; therefore, information on the years in which the CSG did not report party affiliations of state legislators was derived from their biennial reports by considering the two-year legislative periods the reports represented. The party holding a majority of seats in a given house appoints its leader as well as committee chairs. Because representatives in these leadership positions determine whether a bill will move to the next step in the policy-making process (ultimately a floor vote), party control of a state house is more important to policy adoption than the proportion of seats held by a given party. Based on findings from previous social movement outcomes research, I hypothesize that states in which Democrats control both houses will be more likely to adopt leave legislation.

Second, I consider the proportion of state legislative seats held by women as a measure of government allies (*Percent of women legislators*). The Rutgers Center for American Women in Politics collects data on women representatives in upper and lower state houses annually, starting in 1975. Based on previous research, I hypothesize that states with a higher proportion of women representatives in upper and lower houses will be more likely to adopt leave legislation.

My analysis also considers potential effects of economic conditions on the likelihood of leave adoption. Social movement scholars have only recently turned their attention to the potential effects of the Great Recession on social movements – their policy outcomes as well as emergence, strategies, strength, and other dimensions. Drawing data from the *Statistical Abstracts of the United States*, I use the state's unemployment rate as a measure of its economic health. States with higher unemployment will be less likely to adopt laws that, like leave, govern the workplace.

Empirical analysis

Descriptive statistics

Table 2 presents the mean and standard deviations for the covariates used in event history models. The expected direction of the relationship between the covariate and the dependent variable is also specified. Rather than describing covariate values for every state and every year from 1973 to 2014, the data in Table 2 describes covariates used in event history analysis, which drops cases after an event occurs. Therefore, in calculating the means and standard deviations of the covariates, state-year cases were dropped the year after a state adopts leave legislation.

TABLE 2
EXPECTED SIGNS, MEANS, AND STANDARD DEVIATIONS

Variable	Expected effect on leave legislation	Mean (std. dev.)
% Union members.....	+	15.13 (.19)
1 if Democrats hold a majority of seats in both houses.....	+	.49 (.01)
% Women legislators in both houses.....	+	16.91 (.20)
% Unemployed.....	-	6.22 (.06)

Note: $N = 1738$ for the dependent variable and all covariates except % Women legislators where $N = 1640$

Leave legislation passage rates across all covariates are reported in Table 3.

Again, state-year cases were dropped the year after leave legislation was adopted in a given state. The results offer preliminary support for the hypothesis that union institutional strength effects state leave policies. It also suggests that government allies in the form of democratic majorities in both houses and a higher percentage of legislative seats held by women have a stronger relationship with leave policy adoption than union density. Additionally, states with relatively low rates of unemployment have higher rates of leave policy adoption.

TABLE 3
LEAVE LAW PASSAGE RATES BY EXPLANATORY VARIABLES, 1973-2014

	For binary variable			
	Yes		No	
Democrats hold majority of seats in upper and lower houses.....	1.42		.34	
	For continuous variables (by quartiles)			
	(1)	(2)	(3)	(4)
Percent union members.....	.47	.46	1.14	1.38
Percent of upper and lower house seats held by women.....	.49	.49	1.21	1.46
Percent unemployed.....	1.15	.96	.92	.44

Note: Each entry is the percentage of state-years in which a leave law passed. $N = 1738$ for all covariates except % Women legislators where $N = 1640$. The raw passage rate is 15 events. First quartiles are the lowest quartiles, and fourth quartiles are the highest quartiles.

Multivariate findings

Table 4 reports the parameter estimates from the multivariate analysis of state leave legislation from 1973 to 2014. Coefficients give effects on the log-odds of leave adoption; their exponents give effects on the odds of leave adoption. I first test the effect of union density on policy adoption. Results shown in Model 1 show a significant positive relationship without controlling for other factors, a one percentage increase in union density is associated with an increase in the odds of leave policy adoption of 10 percent ($\exp (.098) = 1.103$). This significant positive effect may be a partial artifact of more favorable political conditions in state-years with higher union density. In Model 2 I test the effect of union density on leave policy adoption, controlling for two political conditions: Democratic majorities in both state houses and the percent of women legislators. I find attenuation of the positive union effect, but it remains significant ($p = .015$). Controlling for political conditions, a one percentage increase in union density is associated with an increase in the odds of leave policy adoption of about 8 percent ($\exp (.074) = 1.077$). Democratic majorities and women legislators also have significant positive effects on policy adoption. Democratic control of both state houses is associated with a fivefold increase in the odds of leave policy adoption ($\exp (1.671) = 5.317$). And a one percentage-point increase in women's share of state legislators increases the odds of leave adoption by about 12 percent ($\exp (.117) = 1.124$).

TABLE 4
DISCRETE TIME EVENT HISTORY MODELS OF STATE LEGISLATION
GRANTING GENDER-NEUTRAL LEAVE, 1973-2014

	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
% Union members (union density)...	0.098** (0.028)	0.074* (0.030)	0.073** (0.030)	0.040 (0.113)	0.115** (0.043)	0.075* (0.031)
Democratic majority in both houses (majority = 1).....		1.671** (0.599)	1.658** (0.599)	1.622** (0.643)	2.007* (0.891)	1.670** (0.611)
% Women legislators in both houses.....		0.117* (0.050)	0.113* (0.053)	0.109+ (0.064)	0.109* (0.052)	0.113* (0.053)
% Unemployed....			-0.041 (0.111)	-0.028 (0.101)	-0.091 (0.130)	-0.055 (0.140)
% Union members (union density) X Democratic majority in both house (majority=1).....				0.042 (0.135)		
% Union members (union density) X % Women legislators in both houses.....					-0.009 (0.007)	
% Union members (union density) X % Unemploy...						0.002 (0.012)
Observations.....			1640	1640	1640	1640

Note. Entries are logit coefficients with robust standard errors in parentheses.

**p < .01

* p < .05

+ p < .10

In Model 3, I test whether controlling for economic conditions alters the effects of the other covariates on policy adoption. Coefficients and significance tests for each of the other covariates – union density, Democratic control of state houses, and women representation in the legislature – are largely unchanged. Their relationships to policy adoption remain positive and significant. I find no effect of economic conditions, measured using the state unemployment rate.

Given that social movement research primarily supports a joint-effect model of social movement outcomes, I also consider how political and economic conditions may amplify or inhibit union effects. To model the joint-effects of union density and political and economic conditions, I created interaction terms using mean-centered measures on union density and the continuously-scaled variables. First, I consider in Models 4 and 5 whether favorable political conditions, specifically Democratic control or greater representation of women in state houses, amplify the union effect on leave policy. Finally, I consider in Model 6 whether union density has greater impact when unemployment is low, thus presenting a more favorable economic context for passing laws governing the workplace. I find no significant interactions, meaning that the effect of union strength on leave policy adoption did not depend on political or economic conditions over this time period. As discussed further on, however, Democratic control operates as a necessary condition for passage of leave legislation; in no case was legislation adopted under Republican control. The absence here of a significant multiplicative interaction effect between union density and democratic control is likely due to insufficient statistical power.

Discussion

Organized labor is integral to the adoption of gender-neutral leave policies. Union strength (measured by union density) has a significant, positive influence on leave policy adoption. Rather than mediated by political conditions, this relationship is direct and remains significant when controlling for other factors. Democratic Party control and the percent of women legislators in upper and lower state houses also have significant positive relationships with leave policy adoption. Findings therefore support social movement theories that demonstrate the relevance of movements to social policy as well as the importance of political opportunities in the form of government allies.

My main findings support power resources theory, which posits that labor market institutions contribute to equality via market and political mechanisms. The positive effect of union strength on leave policy adoption may be due to union involvement in campaigns for leave legislation. My qualitative research, discussed in the previous chapter, shows that unions in California and Pennsylvania were organizational members of coalitions campaigning for leave legislation. They were particularly instrumental in connecting a broader network of activists with elected representatives and contributing localized knowledge of political processes. The union effect may also be related to its role in industrial relations and in elections. In industrial relations, unions negotiate working conditions that set standards for other sectors. As I discuss in Chapter Four, the absence of paid sick leave policies for one department in California's public sector workforce – the state's in-home health services – delayed adoption of paid sick leave legislation due to the estimated high costs associated with extending paid sick leave to this segment of the public sector workforce. It is possible that union representation, which is particularly high in the public sector, results in more workers having access to negotiated leave policies, which in turn, results in an easier path toward policy adoption. Lastly, unions may have an even greater impact on state leave policy adoption than is captured in my analysis due to their involvement in electoral campaigns that produce government allies for later campaigns for leave policy. In other words, unions may create favorable political conditions for leave legislation, particularly in their support of Democratic candidates in elections. Democratic control of state houses, which has a significant, positive effect on state policy adoption, may therefore be endogenous with historical unionization rates.

My event history analysis contributes insight into the importance of women legislators to the adoption of leave legislation. This role was not evident in my qualitative, case-oriented comparisons of campaigns for leave legislation in California and

Pennsylvania. Certainly, women legislators, such as California Senators Hilda Solis, Sheila Kuehl, and Hannah-Beth Jackson, were key sponsors of leave bills that eventually passed, however, so too were men, such as California Assemblymember Jimmy Gomez and State Senator Tom Hayden, and Philadelphia Councilmembers Bill Greenlee and Darryl Clarke. California Assemblymember Sandré Swanson and Pennsylvania State Representative Marc Gergely sponsored troubled bills that would not pass and sponsored those bills repeatedly, because they each had had a family member in need of care and thus had personal connections to the policy issue. Additionally, though much of my interviews with key coalition leaders focused on the challenges and opportunities for leave policy adoption, my interview participants did not mention women legislators as general allies. Findings from my qualitative and quantitative analyses are not in contradiction, however. Rather, each methodological approach contributes a better understanding of the political processes involved in the passage of leave legislation. While my interview participants did not note any special role for women legislators and leave issues resonated with some men elected to office, the broader perspective offered by my event history analysis, which spans 49 states over 41 years, shows that women legislators, regardless of their Party affiliations, do facilitate adoption of leave policy.

Social movement outcomes research often shows that movements rarely have direct effects on political outcomes (Amenta et al. 2010). Instead, relationships between movements and outcomes are often mediated by their political conditions. A closer look at the state-years in which leave laws were passed show that none passed under Republican control. In other words, I find that union density is irrelevant under Republican control. Rather than mediating, Democratic control seems to act as an on-off switch – a necessary condition – for leave policy adoption. These findings support my qualitative work, which shows that leave legislation only moves through the legislative

process when Democrats control one or both state houses and when there is movement attention to the policy issue. My qualitative findings additionally suggest that interactions between movement actors and political conditions may be most evident when the content of legislation is being modified (the legislative content stage in the policy-making process) rather than the stage at which policy is adopted.

In the previous chapter, I argued, based on my case comparative research, that weak economic conditions intervene to slow the progress of leave bills under otherwise favorable conditions. However, I do not find significant effects for my measure of economic conditions (state unemployment rates) on the likelihood of leave policy adoption. This discrepancy in findings may be due to the different historical periods under examination in each approach. In the qualitative approach, I examine leave legislation proposed after the passage of the FMLA in 1993 with particular attention to 2007 to 2015, which spans the start of the Great Recession and the years of gradual recovery that followed. In contrast, my event history analysis spans 1973 to 2014. During this period, 12 out of 15 leave laws passed prior to 1993. Therefore, it is possible that the states with favorable political conditions passed their leave laws prior to the start of the Great Recession, leaving states with less favorable political conditions in the analysis when there was the greatest change in unemployment rates, resulting in non-significant effects. It is also possible that the unemployment rate is an insufficient measure of state economic conditions. Future research will consider two additional measures of economic conditions: the gross domestic product (GDP) per capita and the annual rate of change in the state's real GDP. Additionally, a measure of state budgets would be particularly helpful in understanding how much a bill's estimated fiscal impact to the state affects its fate.

Chapter Seven - Conclusion: The Future of Family and Sick Leave Policy

This dissertation explores relationships between social movements and U.S. state-level adoption of leave legislation that provides paid or unpaid, job-protected leave to women and men working in the private sector (i.e., family, parental, or sick leave). It is the first study to compile histories of state leave legislation since the passage of the Family and Medical Leave Act (FMLA) of 1993 and the first to empirically test relationships between organized labor and leave policy adoption. Using a qualitative case-oriented comparative approach, I compare coalition-led campaigns for leave legislation, political and economic conditions, and policy outcomes in California and Pennsylvania from 1994 to 2015 (the period following passage of the FMLA). Additionally, I use quantitative event history analysis to test the effects of union strength (measured by union density), economic conditions, and the presence of government allies (Democrats and women in state legislatures) on leave policy adoption in 49 states from 1973 to 2014. Combining qualitative and quantitative approaches produced generalizable findings as well as insights into how unions, coalitions, and political and economic conditions exert influence at different stages in the policy-making process. Overall, I find that movement activity, union institutional strength, and government allies in the form of Democrats and women in state houses facilitate leave policy adoption. However, under favorable movement and political conditions, weak economic conditions can intervene to slow the progress of leave bills.

My research shows that union-community coalitions influence leave legislation at two early stages in the policy-making process. First, coalitions influence state legislative agendas, particularly pushing bills through committees. Although some representatives introduced bills independent of movement activity, these bills did not emerge from

committees without movement attention. In California especially, the bills that were introduced and moved were reflected in the coalition's legislative priorities. Second, union-community coalitions actively shaped the content of legislation. In California, coalition members often wrote the legislation that was eventually introduced. They were also consulted about potential amendments and took an active role in negotiating amendments to proposed bills. Similarly, at the city level in Philadelphia, Pennsylvania coalition members were actively involved in negotiating the content of the city's sick leave ordinance.

In addition to coalition activity, other factors were important to a bill's passage. Results from my event history analysis show that Democratic control of upper and lower state houses has significant positive effects on state leave policy adoption. In case studies of California and Pennsylvania (including Philadelphia), Democratic representatives introduced and voted for leave legislation. In California, leave bills often passed the Senate or the Assembly along party lines. In Pennsylvania, leave legislation moved the furthest, receiving a hearing in 2010, during a brief two-year window of Democratic control of the state House that coincided with movement attention to the paid sick leave issue. In Philadelphia, the paid sick leave ordinance eventually passed along party lines. However, the Party affiliation of elected representatives with veto power (i.e., governors and mayors) was less reliably predictive of a bill's fate. While Republican governors in California consistently vetoed leave bills, Democratic governors in California and the Democratic Mayor of Philadelphia at times vetoed leave bills as well. Unlike Republicans, however, Democrats also signed leave bills.

Women legislators were also important allies in campaigns for leave legislation. Findings from my event history analysis show that the percentage of seats held by women in upper and lower state houses had a significant, positive relationship with leave policy

adoption at the state level. In my case studies of California and Pennsylvania, women legislators sponsored and voted in favor of leave bills. However, men elected to office in these states also sponsored and voted in favor of leave bills and signed them into law. Representatives Sandré Swanson of California and Marc Gergely of Pennsylvania repeatedly introduced legislation out of a personal commitment to leave issues. In Philadelphia, the paid sick leave ordinance was first introduced by Council member Darryl Clarke and later introduced and championed by Council member Bill Greenlee. It is important to note, however, that only Council member Greenlee's bill became law, and all other leave laws that passed in my case studies were sponsored by women legislators, who were also Democrats, in California. It is possible that women legislators are more likely to prioritize leave bills when such bills appeared likely to pass. However, given the support for leave legislation among men elected to office in my case studies, it was not apparent in my analysis that support for leave bills varied by gender. Additionally, my interview participants never mentioned that women legislators were allies generally or that, for example, women Republicans provided key swing votes for their bills. This does not mean my findings are contradictory. Rather, they illustrate the benefits of using a mixed-method approach to research. My event history methods, which spans 49 states over 41 years, enriches my overall study of leave policy adoption, producing generalizable findings that link women legislators to leave policy adoption at the state level. The change in probability of policy adoption resulting from increased female representation in the legislature became evident only in a larger sample of policy adoption contexts.

Attention to leave policy issues from union-community coalitions and presence of government allies were not always enough to assure passage of leave legislation. I argue that weak economic conditions – recessions, higher rates of unemployment, fragile state

budgets – erode support for leave laws from policymakers and impede progress of proposed leave legislation through the stages of the policymaking process. My argument is based on findings from within-case comparisons of campaigns for leave legislation before and after the Great Recession and the subsequent years of gradual recovery. My cases included campaigns in California and Philadelphia where Democrats held a majority of seats in government bodies. Efforts to pass leave law in California and Philadelphia were consistently opposed by organized business, most often by local Chambers of Commerce. These opponents framed their opposition with a concern about job loss resulting from what they argued would be high costs of providing leave to workers. In California, the Chamber of Commerce labeled leave bills “job killers.” Business opposition was consistent across time and across cases. However, I find evidence that economic considerations figured more centrally in legislative decision-making in the years of high unemployment that immediately followed the start of the Great Recession at the end of 2007. For example, when Democratic Mayor Michael Nutter twice vetoed the paid sick leave ordinance (in 2011 and 2013), he cited concerns about the economy, and he delivered his first veto at a press conference held at the Philadelphia Chamber of Commerce. In California, the state budget crisis prohibited most of the proposed legislation from emerging from house appropriations committees for a vote.

Labor unions also aid efforts to pass leave legislation. Results from my event history analysis demonstrate a significant, positive relationship between union strength (measured by union density) and adoption of state leave policies, net of Democratic control of state legislatures and women legislators. While it is difficult to discern from these results the mechanisms by which unions influence leave policy, my case-oriented comparisons of California and Pennsylvania (including Philadelphia) show that unions

make unique contributions to union-community coalitions for leave legislation. These unique contributions include localized political knowledge and relationships with legislators that are born out of organized labor's participation in electoral campaigns. Unions therefore facilitate the movement's access to government decision-makers, an achievement that social movement scholars consider a movement outcome in its own right (see Amenta 2006, Gamson 1999, Goldstone 2003). Additionally, counter to traditional views of trade unions deriving political influence through direct action or protest, I find they leverage their relationships with elected policymakers to lobby policymakers in much the same way that other social movement organizations do, especially with regard to incremental policy issues.

Theoretical Contributions

This dissertation contributes a much-needed, comprehensive examination of social movement policy outcomes by focusing on one policy issue over time, and using a mixed method approach to examine social movement influence at three stages in the policy making process: setting the legislative agenda (including introduction and movement of bills), shaping the content of legislation, and achieving policy adoption. My use of mixed methods also produced an historical perspective of policy processes and generalizable findings about factors contributing to leave policy adoption. This comprehensive and historical examination of social movements and policy outcomes answers a call from social movement scholars to compare several social movements across time (Amenta et al. 2010).

My research makes two key contributions to existing theoretical knowledge regarding social movement outcomes. First, my research extends social movement theory by arguing that social movements and political conditions interact to have joint effects on policy outcomes at the intermediate stage at which legislative content is negotiated. My

findings confirm previous research showing that social movements have most influence at the early stages in the policy-making process (i.e., bill introduction) rather than later stages (i.e., policy adoption) and that political conditions mediate relationships between movements and policy outcomes at the policy adoption stage. Social movement researchers argue that movements are most influential at setting legislative agendas, and that influence wanes as proposed legislation ventures toward adoption (King et al. 2005). Consistent with this previous research, I find that movements are most impactful at the early stages of introduction and at moving bills through committees and onto house floors for a vote. Brayden King and colleagues (2005) argue that legislators may be more receptive to pressures from social movement organizations at earlier stages, particularly a bill's introduction. They explain that introducing new legislation requires little effort on the part of the representative and her/his action may appease constituents without having to commit much political capital. In my case studies, I find that introducing new legislation takes so little effort that legislators introduce bills absent pressure from social movement organizations and at times out of a personal commitment to the issue. This sort of independent action from legislators may be unique to leave policies, as they are strongly favored in public opinion across political ideologies. Social movement activity in this case becomes particularly instrumental in moving legislation through committees and to house floors for votes. At the policy adoption stage, I find that political conditions, specifically the political party composition of state houses is critical to the passage of leave bills. Favorable political conditions – in the form of Democratic majorities – tend to be necessary conditions rather than mediators. Previous researchers have similarly found that political conditions matter more to policy outcomes at this final stage of policy adoption (King et al. 2005; Soule and King 2006). Adding to this previous research, I argue that at the intermediate stage in which legislative content is shaped, movement

activists and lawmakers interact most as they consider amendments to make the bill more appealing to moderate representatives.

Second, my work extends traditional political mediation models of social movement outcomes by introducing the concept of economic mediation wherein weak economic conditions intervene to slow progress of bills under otherwise favorable movement and political conditions. Given that previous research has found other factors, such as public opinion or cultural change, can mediate movement-outcome relationships, I propose a move away from *political mediation models* and toward a more general *mediation model* that consider political and economic conditions and others.

It is important to note that my qualitative findings with regard to the mediating role of economic conditions were not confirmed by my event history analysis. However, this discrepancy may be due to differences in time periods captured in each methodological approach and the specific measure I use for economic conditions, i.e., unemployment rates. In the event history analysis, 12 out of 15 states passed their first gender-neutral leave law prior to 1993, likely leaving states with less favorable political conditions in the risk set when the biggest change in economic conditions occurred with the start of the recession in late 2007. Additionally, I use state unemployment rates as a measure of economic conditions when other measures may be more powerful. In future research, I intend to consider additional measures of economic conditions, including for example, annual changes in unemployment rates, the gross domestic product (GDP) per capita, and the annual rate of change in the state's real GDP. Additionally, if available, measures of state budgets would also be useful given that my case study of California showed that a bill's state fiscal impact estimates – specifically high estimates at a time of state budget deficit – obstructed its progress. By considering potential economic effects on leave policy adoption in both methodological approaches, my work joins emerging

discussions among social movement scholars regarding the implications of the Great Recession on social movement strategies and outcomes.

My dissertation also offers the first empirical test of organized labor's relationship to leave policies and one of only a few to examine its relationship with social policy generally (see Dixon 2010). Though previous research shows that unions facilitate political participation among their members (Asher et al. 2001, Kerrissey and Schofer 2013; Masters and Delaney 1987, Freeman and Medoff 1984, Leighly and Nagler 2007, Rosenfeld 2010; Terriquez 2011; Verba et al. 1995) and impact election results (Lamare 2010a, 2010b; Radcliff and Davis 2000), no studies have systematically examined how unions translate these political gains into adoption of desired policies. Finding a significant positive relationship between union organizational strength (measured by union density) and leave policy adoption, my results supports power resources theory, which argues that labor market institutions facilitate social equality (Brady et al. 2013; Brady 2009; Jacobs and Myers 2014, Korpi 1983; Kerrissey 2015).

My case study findings contribute some insight into the mechanisms used by organized labor to influence policies. My work shows that unions were active in campaigns for leave policy in California and Pennsylvania (including Philadelphia), which confirms other qualitative and historical accounts of organized labor's involvement in leave policy issues (Elving 1995; Milkman and Appelbaum 2013). However, few researchers have identified the specific contributions that unions make to broader social movements (e.g., outside industrial relations and collective bargaining). I find that organized labor makes two types of contributions to coalition efforts: their relationships with elected policy-makers and localized knowledge of political processes. These findings therefore suggest that unions facilitate access to decision-makers. This access is an important dimension of the policy-making process (Andrews and Edwards 2004) and

coalition members, simply by allying with organized labor, can achieve some level of inclusion, which can facilitate desirable policy outcomes.

My overall results caution labor scholars from dismissing the role of political parties in policy outcomes. There seems to be a trend among labor scholars of asserting that there is little difference between the two major political parties in the United States. However, my results show that Democrats not only need to be elected to office, but they need to hold majorities and key veto positions within governing bodies for organized labor and their community allies to have any opportunity of passing leave legislation. My work, therefore, joins others that have similarly emphasized the importance of partisan control to “policies with distributive implications” in the U.S., including especially union institutional strength (Jacobs and Dixon 2010).

Future Research

In addition to some points of future research mentioned above, this work presents opportunities for follow-up projects. First, given that movements have greater influence over early stages of the policy-making process, as evident in my case studies as well as other social movement research (King et al. 2005, 2007; Soule and King 2006; Johnson 2008; Olzak and Soule 2009), a study of movement agendas – how ambitious their goals are, how they frame policy issues – are an important component of policy adoption. Other social movement scholars have found that movements strategically adapt to conditions, adjusting their goals and tactics in response to the presence or absence of government allies, public support, or strong oppositional movements (McCammon et al. 2008). In future work, I intend to analyze my qualitative data to consider how social movements adapt strategically to political and economic conditions. Based on preliminary analysis, I find evidence of strategic adaptation in my case studies. The most illustrative example from my research is the Pennsylvania coalition’s decision to focus on Philadelphia, where

Democrats held the Mayor's seat and a majority of seats on the City Council, rather than the Republican-controlled state legislature. Another example includes the California coalition's decision against reforming leave laws to cover smaller establishments. They calculated such proposed legislation would be met with strong opposition from organized business and decided instead to focus on smaller reforms. Therefore, political conditions or perceived political opportunities or challenges may shape movement agendas and thus legislative agendas, and therefore ultimately shape policy outcomes before the policies are even introduced. Social movement theories of social movement emergence may be particularly instructive, and I intend to explore this pre-process stage of policy change in further analysis.

With regard to relationships between organized labor and policy in the United States, it would be interesting to compare union effects on different types of policies. Leave laws and other social policies do not directly strengthen unions institutionally. Laws that would ease union organizing have proven particularly difficult to pass (Dark 2001: 157; Rosenfeld 2014). Future research could consider union influence over these types of policies and compare them to social policies that provide more opportunity for community alliance and coalition work. Given that union strength contributes to adoption of leave policies, the nationwide decline in union density over the last several decades raises questions about organized labor's continued ability to represent workers in the policymaking process (Rosenfeld 2014). The union movement's commitment to issues beyond collective bargaining demonstrates its value to other social movement organizations that may benefit from the expansion of union political power.

My next research project will extend the dissertation by exploring the political and economic processes shaping different types of work leave policy, specifically universal legislation (family leave) versus woman-targeted legislation (maternity leave). From 1972

to 1993 (when the federal Family and Medical Leave Act was passed), 19 states adopted some type of leave legislation, and preliminary results from my dissertation research suggest that these policies are the result of different political processes. Why did states like Iowa, Louisiana, and Montana adopt maternity leave legislation while others passed family leave legislation or none at all? Were such policies intended as a first step in an incremental process of policy change or were they an attempt to thwart efforts to pass broader-reaching legislation? What were union and social movement actors advocating in this period and how did their goals vary by state? U.S. states are rich in their possibilities for comparative historical research on these types of questions, and results have the potential to contribute to current understandings about social movement strategies and the potential for leave legislation to promote or inhibit gender equality.

The Future of Leave Policy in the U.S.

Family and medical leave is again receiving more attention at the national level. Two bills have been introduced in Congress that would open access to workplace leave: the Healthy Families Act (H.R.932) and the Family and Medical Insurance Leave (FAMILY) Act (S.786). The Healthy Families Act, first introduced in 2004, would allow workers to accrue up to 56 hours of paid leave per year. The FAMILY Act, first introduced in December 2013, would create a federal paid leave program funded by employer and employee contributions and administered through the Social Security Administration. With no eligibility requirements, it would provide partial wage replacement for up to 12 weeks of family leave. At the time of this study, both bills had been referred to committees.

President Barack Obama has been outspoken in his support for workplace leave policies that would bring the U.S. on-par with other countries. In June 2014, the White House hosted a high profile Summit on Working Families in which paid leave was one of

the key issues. In his June 15 weekly address, the President stated that paid family leave “should be available to everyone, because all Americans should be able to afford to care for a family member in need.” His 2016 budget proposal included funds to help states establish paid leave programs - \$2.2 billion to reimburse state administrative costs and \$35 million to aid states in building infrastructure for paid leave programs (Mufson and Eilperin 2015, Schulte 2015). This support from the Administration grants important salience to state-level efforts.

Appendix A. Case study methods

Data for the case studies were drawn from legislative hearing transcripts, newspaper reports, and interviews with leaders of unions and other community groups that campaigned at the state-level for workplace leave legislation in California and Pennsylvania as well as elected policymakers and government staff who were involved in the policy-making process. My interview solicitation protocol invited participants across multiple organizations. By interviewing representatives of a diversity of groups, I was able to cross-validate information by comparing responses regarding, for example, a group's or individual's contributions to given campaigns. I also cross-checked information from interviews with state legislative activity, bill analyses (in the case of California where such information was available), and legislative hearing transcripts as well as news coverage of events.

In the sections that follow, I describe my participants, procedures for selecting participants, response rates, and interviews. Because procedures varied by case (i.e., California and Pennsylvania), they are described separately for each state. This discussion includes a list of participants with their positions, affiliations, date of interview. Then, I describe how I structured my interviews followed by a brief reflection on interviewer-interviewee dynamics. I then explain how interviews were transcribed, coded, and analyzed. Finally, I describe my sources of information regarding bills introduced in state legislatures, action on those bills, and other information provided by states regarding positions of support and opposition for proposed legislation

Participant Selection

For both state cases, I sought to interview organizational leaders. For community organizations, I interviewed staff members, who served as organizational representatives and were involved enough in workplace leave campaigns to speak to strategies,

challenges, and opportunities. For union organizations (which include labor unions, federations, and the Coalition of Labor Union Women), participants held either staff or elected positions. While *members* of organizations are vital participants in any movement for social change, it was important to speak to *leaders*, who oftentimes work full-time on mobilizing for policy change and are, therefore, in a better position to answer questions about movement histories, future strategies, and the conditions under which they organize.

All interview participants were provided a description of my study prior to scheduling an interview, and each was offered the opportunity to participate confidentially. Prior to each interview, participants signed a voluntary consent form. This form included options for how their names appeared in the study; participants could request pseudonyms or give permission for use of their birth names in reported research results. Given the small pool of potential interviewees in each local community of activists and organizers, participants were informed in the consent form that they may still be identifiable even if a pseudonym was used. The Office of Research Human Subjects Review Board at the University of California Santa Barbara approved of this voluntary consent form and research process. All interview participants named in this study signed voluntary consent forms, permitting use of their birth names as well as the organizations with which they were affiliated. Only one participant requested confidential participation, because s/he did not want volunteer work confused with the work performed for their employer. With this one exception, all names and organizations mentioned in this book are the actual names of participants and organizations.

My process for identifying potential interview participants in California and Pennsylvania depended on specific circumstances within each of these states. In the state-

specific sections below, I provide a list of participants, and a detailed explanation of how potential participants were identified.

California. For the California case study, I interviewed 21 individuals between mid-June 2012 and mid-August 2013. Of the 21 individuals interviewed, seven represented labor organizations, ten represented other community organizations; and four worked in government or were elected officials (See Table A.1). Of the 13 organizations represented in my interviews, seven were nonprofit, community service, or legal advocacy organizations; six were labor organizations (i.e. either unions or union organizations such as the California Labor Federation); one additional interview was with a government worker, and another three interviews were with elected officials or their former staff. Of the 21 people interviewed, 17 were women. Because there had been active campaigns in California for nearly two decades, I sometimes interviewed different people within one organization, who could speak to different campaigns. This included two people from the California Labor Federation, three people from the Labor Project for Working Families, and two people from Equal Rights Advocates. I interviewed Patricia Shiu, who had been involved in the pre-FMLA campaign to pass the California Family Rights Act of 1991 and now serves as Director of the Office of Federal Contract Compliance Programs in the U.S. Department of Labor under Hilda Solis.

Table A.1. California Interview Participants

Name	Affiliation, Position (Date of interview)
Stephanie Bornstein	(formerly) Equal Rights Advocates (August 13, 2012)
Jenya Cassiday	Labor Project for Working Families, Organizer (June 11, 2012)
Randall Cheek	Service Employees International Union (SEIU) 1000, Legislative Advocate (June 11, 2012)
Brandy Davis	(formerly) Labor Project for Working Families, Policy Coordinator (June 19, 2012)
Ben Ebbink	California State Assembly, former staff for then Assembly member Sandré Swanson (August 19, 2013)

Norreen Farrell	Equal Rights Advocates, Executive Director (June 27, 2013)
Delores Duran-Flores	California School Employees Association, Legislative Advocate (June 26, 2012)
Netsy Firestein	Labor Project for Working Families, Executive Director (June 11, 2012)
Deanna Furman	California Nurses Association/National Nurses Organizing Committee, Legislative and Community Advocate (June 10, 2013)
Sonya Jimmons	Service Employees International Union (SEIU), Political Director/Union Representative (May 24, 2013)
Kim Kruckel	Legal Aid Society-Employment Law Center and Parent Voices (July 24, 2012)
Sheila Kuehl	(formerly) California State Senate, Senator (July 9, 2013)
Beth McGovern	(formerly) California National Organization for Women, Legislative Director (July 19, 2012)
Tom Rankin	California Labor Federation, AFL-CIO, (retired) President (July 20, 2012)
Jennifer Richard	California State Senate, staff member (formerly) for Senator Sheila Kuehl (subsequently for Ellen Corbett and Hannah-Beth Jackson) (July 23, 2012)
Libby Sayre	Communication Workers of America (CWA) District 9, Area Director of Organizing (June 12, 2013)
Mitch Seaman	California Labor Federation, Legislative Advocate (July 29, 2013)
Rona Sherriff	California Senate Office on Research, Research Staff (retired) (June 27, 2012)
Patricia Shiu	(former) Legal Aid Society-Employment Law Center, Director of Work and Family Project (September 10, 2012)
Sharon Terman	Legal Aid Society-Employment Law Center, Senior Staff Attorney (June 27, 2013)
Anonymous	Nonprofit advocacy organization (July 5, 2013)

Note: Affiliations refer to the organizations or positions represented in the interview rather than the interviewee's affiliation at the time of the interview or since.

I entered fieldwork via participation in the California Work and Family Coalition. To identify participants for this case study, I started attending meetings of the California Work and Family Coalition, a coalition of unions and other community organizations

headed by the Labor Project for Working Families. I started attending these meetings in June 2011, at which I met and subsequently interviewed Netsy Firestein and Jenya Cassiday from the Labor Project for Working Families, who referred me to other organizations that played key roles in various campaigns. The Coalition also published various lists of organizations, including a list of organizational members of the coalition²⁰ and organizational supporters of bills that were being considered around the time of my fieldwork: AB 2039 (leave for family caregivers), AB 299 and SB 299 (pregnancy leave), and paid sick days bills (AB 400, AB 1000, and AB 2716).²¹ Because organizational members of the coalition were not required to share the positions taken by the coalition, lists of organizations in support of each bill varied. This variation was likely due to organizational involvement in the overall coalition or member organization priorities; therefore, their absence from any one list was not interpreted as opposition. However, each of these lists contributed to my “master” list of over 100 organizations involved in various state leave legislation campaigns. The list also included organizations with possibly low-level involvement in the campaigns (i.e., organizations that endorsed the bills and the coalition’s efforts but did not commit further resources). Therefore, I relied heavily on the recommendations of interview participants regarding other people or organizational representatives to interview (i.e., snowball sampling). Every organization named in interviews was invited to participate.

My efforts to recruit participants were aided by the support of Netsy Firestein, long-time Director of the Labor Project for Working Families, the coordinating organization for the coalition. She was one of the first people to participate in my study, and she permitted me to refer to her in my invitations to other organizations. Because she

²⁰ Accessed June 2011 at <http://workfamilyca.org/about/members.html>

²¹ Accessed March 18, 2013 at <http://workfamilyca.org/about/supporters.html>

was well-respected in this community, I was able to get the attention of invited participants. I emailed invitations from June 13 to September 6, 2012, attaching a formal invitation letter on university letterhead. I often either received a response to my initial email or only had to follow-up once to get a response. In addition to interviews, I attended meetings of the California Work and Family coalition and a legislative committee hearing.

I invited representatives from 16 organizations and five government workers and elected officials. I interviewed representatives from 13 organizations and four government workers and elected officials, for a response rate of 81 percent.²² Of the four non-participants, three were nonresponses and two of these nonresponses were from people who had retired. The one person who is counted as a “decline” in my calculated response rate had actually agreed to participate but due to work, vacation, and travel schedules, was unable to find a time to meet.

Between mid-June and September 2012, I conducted 10 interviews with 11 participants, and between mid-May and mid-August 2013, I interviewed ten people. Eleven participants were interviewed about the campaign for paid family leave, which passed in 2002. Five of these participants were also interviewed about more recent and ongoing campaigns to expand access and affordability of family leave, for example, campaigns to expand definitions of family, to require continued health care coverage during pregnancy disability leave, and for anti-retaliation legislation to protect workers who take family leave. An additional ten interview participants were asked about the more recent campaigns. Only one of the 11 participants interviewed for the California

²² Because my interviews were regarding the activity of the participants’ organization, I count organizations as participants. One reason for calculating the response rate in this way was due to my misidentification of spokespeople for the organization. For example, one contact person within a union referred me to a colleague, explaining that this colleague had been more active in the coalition and would be the more suitable person for the interview. Rather than counting this invitation as “declined,” I counted it as a response once I interviewed the appropriate union representative.

case study – Patricia Shiu – was able to speak to the campaign for the California Family Rights Act, which passed in 1991. When union representatives were interviewed, they were asked about their organization’s legislative priorities.

The length of interviews ranged from 45 minutes to one hour and 15 minutes; however, most interviews were one hour, averaging 57 minutes in length. I also participated in 15 meetings of the California Work and Family Coalition from June 2012 to January 2013 and on June 27, 2012, I attended the Senate Labor Committee hearing for AB 2039, which would expand the right to take unpaid job-protected leave to care for grandparents, adult children, parents-in-law, and siblings.

Pennsylvania. For the Pennsylvania case study, I interviewed 15 representatives of 13 organizations and one member of the Philadelphia City Council from mid-August 2011 to early September 2012 (See Table A.2). Of the 13 organizations represented in my interviews, six were nonprofit, community service organizations and seven were labor organizations. For one of the nonprofit organizations, Eastern Pennsylvania Action UNITED, I interviewed two representatives in one interview. Of the 15 people interviewed, 11 were women; all representatives of the nonprofit organizations were women ($n = 7$), and more than half of the union representatives were women ($n = 4$).

Table A.2. Pennsylvania Interview Participants

Name	Affiliation, Position (Date of interview)
Kathy Black	Philadelphia Chapter Coalition of Labor Union Woman, President (August 22, 2011)
Rick Bloomingdale	Pennsylvania AFL-CIO, President (September 20, 2011)
Molly Callahan	Women Against Abuse, Legal Center Director (September 7, 2012)
Janet Filante	Childspace CDI, Executive Director (August 31, 2011)
Rebecca Foley	Women’s Way, Director of Education and Advocacy Initiatives (September 30, 2011)
Bill Greenlee	Philadelphia City Council, Council member (September 6, 2012)

Judith Heh	AFSCME District Council 90, (retired) Director (September 11, 2012)
Jeff Hunsicker	Service Employee International Union (SEIU) Pennsylvania Council, Legislative Director (September 4, 2012)
Liz McElroy	Philadelphia Council AFL-CIO, Assistant to the President (August 25, 2011)
Elizabeth Porter-Webb	(former) Campaign for Working Families, Volunteer Coordinator (August 29, 2011)
Julia Ramsey	Eastern Pennsylvania Action United, Political Director (August 30, 2011)
Jasmine Rivera	Eastern Pennsylvania Action United, Organizer (August 30, 2011)
Fabricio Rodriguez	Philadelphia Security Officers Union, Representative (August 24, 2011)
Kate Scully	PathWaysPA, Publications and Policy Analyst (August 23, 2011)
Kati Sipp	Service Employee International Union (SEIU) Healthcare, Political Director (August 26, 2011)

Note: Affiliations refer to the organizations or positions represented in the interview rather than the interviewee's affiliation at the time of the interview or since.

I invited representatives of 20 organizations to participate in interviews. I interviewed representatives from 13 organizations for an organizational response rate of 65%. Of the seven organizations that did not participate, four organizational representatives responded positively to my invitation but were unable to find time to meet with me; three contacts did not respond to multiple invitations to participate. All interviews were conducted in-person and ranged in length from a half-hour to one hour and fifteen minutes. The length of interviews ranged from 17 minutes to one hour and 15 minutes; however, most interviews were between 45 minutes and one hour and averaged 52 minutes in length.

Interview participants for this case study were identified primarily through newspaper reports and online searches. The Coalition for Healthy Families and Workplaces was a key group in statewide and local efforts for paid sick leave. Their website listed 43 organizational members in April 2011. By July, the Coalition had grown

to 107 organizational members. To narrow this list of organizations, I contacted PathwaysPA, which was the coordinating organization named on the Coalition's website. Kate Scully, Policy Analyst for PathWaysPA and Outreach Coordinator for the Coalition, helped me identify a smaller subset of organizational allies who were more involved and therefore more knowledgeable about the local movement's history. I invited representatives from each of these organizations as well as 10 of the labor organizations listed as coalition members, some of which Scully had identified. Another union, an AFSCME local, was invited, because it was one of the largest unions in the state. Though the local had not been among one of the participants in efforts for state-mandated leave, I invited it to share stories about its efforts to win leave in its contracts. To assure I included all key actors in my study, I concluded each interview by asking participants to refer me to key organizations that mobilized for earned sick days or other family leave policies in the state. Interview participants named many of the same organizations. Every organization named in interviews was invited to participate.

Because I entered my fieldwork in Pennsylvania without personal connections, I initiated contact with potential participants in 2011 by mailing formal invitations printed on university letterhead. I followed-up on these mailed invitations within one week, attaching PDF versions of the invitation, and requests were emailed regularly thereafter until the contact person responded. However, most participants agreed to participate in response to the first follow-up email. Invitations were mailed on July 19, 2011 and August 8, 2011 with a request for interview between August 15, 2011 and September 30, 2011. I followed a similar protocol for my follow-up research in 2012, mailing two participants and emailing two others in late August for interviews in early September. As in the 2011 requests for interview, contacts overall responded quickly and positively. In addition to interviews, when I could, I attended coalition events. This included a

campaign kick-off event to start a decal program on August 26, 2011, in which businesses that provided their workers with paid sick days were awarded an earned sick days decal to display at their door.

Although the focus of my study was on state-level leave policy, mobilization for workplace leave rights was mostly taking place at the municipal level in Philadelphia. Most participants could speak about the campaign for earned sick leave in Philadelphia, which had started in late 2008 and was active at the time of my fieldwork. For a brief time in early 2010, some coalition members focused on a state-level bill but shifted to Philadelphia after the 2010 mid-term elections.

In addition to the campaigns for paid sick leave at the state and municipal level, I sought activists who could speak to two other campaigns in the state. First, just prior to my field work there had been a successful campaign in Philadelphia for paid leave for survivors of domestic violence, sexual assault, and stalking. This city ordinance was passed in November 2008. Two advocacy organizations, Women Against Abuse and the Women's Law Project, led efforts to pass this ordinance. I identified these organizations through newspaper reports and interviewed a representative from Women Against Abuse. This campaign was very different from the others examined in this study in that few other organizations were involved, and there was no vocal or formal opposition. Because the leave ordinance was such an anomaly – both in terms of its narrow scope of worker coverage and the lack of contention surrounding it, I only included it in my analysis as an interesting comparison. Second, I interviewed two labor leaders who had been involved in unsuccessful campaigns to enact a state-level family and medical leave bill leading up to the FMLA of 1993. Twenty years had passed since that campaign, and it was difficult to locate former activists. Additionally, as I learned from my two interview participants, the pre-FMLA campaign was short-lived. By the time leave advocates mobilized and gained

momentum in Pennsylvania, it became apparent that the FMLA was likely to pass and organizers strategically shifted their focus to the federal bill. Despite these obstacles, I was able to find two people who could speak to the pre-FMLA campaign: Rick Bloomingdale, now President of the Pennsylvania AFL-CIO, had been only slightly involved in the campaign when he was Assistant Legislative Director for AFSCME; and Judith “Judy” Heh, who had retired as Director of AFSCME District Council 90, was a leader in the Pennsylvania family and medical leave campaign through the 1980s and 1990s. In my interview with Rick Bloomingdale, he self-identified as having been involved in comparable work and family and medical leave campaigns prior to 1993, and he referred me to Judy Heh. To assure inclusion of all workplace leave campaigns in Pennsylvania, I asked participants to tell me if they were aware of previous campaigns for workplace leave in the state. Overall, interview participants, who were actively engaging in workplace leave policy issues, were able to name only these four campaigns covered by my study.

Between mid-August and early September 2011, I conducted 10 interviews, and in early September 2012, I conducted an additional four interviews. Therefore, the first 10 interviews were conducted only three-to-four months following Mayor Michael Nutter’s first veto of the earned sick days ordinance, and each of these participants had been involved in the campaign to pass it. Given the timing of these interviews, participants were able to provide detailed accounts of events and strategic discussions. For my fieldwork in 2012, I was more targeted in my invitations, narrowing my interests to those individuals who could fill gaps – to provide, for example, a policymaker’s perspective or the story of the pre-FMLA campaign in the 1980s and 1990s. Of the four interviews conducted one year later, one each covered the 2008 campaign for job-protected leave

provisions for survivors of domestic abuse and the pre-FMLA campaign for state legislation providing family leave.

Interview Structure

The purpose of the interviews was to collect oral histories of mobilization and the social, political, and economic conditions in which campaigns were active. The stories shared by interview participants were treated as “venues to reliable information about a collective past” (Kvale 2007: 71; see also Bornat 2004). With the purpose of collecting accounts of events and activities, interviews were ethnographic and structured by an interview guide that outlined key questions and topics (see Table A.3). In addition to the interview guide, I also brought a timeline of state legislative histories with bill numbers and dates of introduction, hearings, and votes. I prepared this timeline to aid participants’ recollection of events and order of events surrounding legislative action. This timeline was particularly helpful for interviewing participants from California where the legislature had been particularly active on leave issues.

Table A.3. Summary of Interview Guide

Topic of Question Set	Exemplar Question
Background	Tell me about your professional background and the work that you do.
Mobilization	I am particularly interested in medical/maternity, family, and sick leave. Can you tell me about the various efforts in the state to expand these provisions for workers?
Opportunities	Why [family/sick leave] now?
Challenges	What advice would you give to organizations in other states mobilizing for state-mandated leave?
Closing Questions	Is there anything you would like to add that you didn’t have the opportunity to say before we conclude this interview?

Each interview started with an explanation of the project and a prompt for participants to ask questions about the study. The purpose of the first set of questions was to learn the participant’s background and the background of their organization. For union participants, I asked about the types of workers their union represented. For community

organizations, I asked about the tax status of their organization (i.e. 501(c)3 or 501(c)4). This was important for understanding the extent to which these groups could engage in electoral politics and whether they could endorse or contribute money to candidates running for office. Key topics in the interview guide included movement strategies, perceived opportunities, and perceived challenges for achieving policy change. Questions about opportunities and challenges prompted discussions of social, political, and economic conditions and self-reflections on the efficacy of tactics and strategies. This self-reflection was important for understanding how social movement organizations addressed challenges and perceived and acted on opportunities. To identify opportunities and challenges, I asked participants to explain the timing of their actions. I also asked them to name key allies and opponents, including organizations, lawmakers, and government staff. I asked them to reflect on what they did well and to give their advice to other organizations mobilizing for state-mandated leave in other states. Asking participants for advice was a way to prompt critical reflection about their strategies and the challenges they faced in winning leave laws in their state. To close interviews, I asked participants whether there was information important to my study that they had not had the opportunity to share given my questions. This question often prompted surprising insights into, for example, disagreements among coalition members. The interview guide directed the conversation, but, when appropriate, I encouraged participants to tell their stories even if it led in an unanticipated but still useful direction (for more information on this interview approach, see Kvale 2007).

The campaigns discussed in interviews varied, because organizations and individuals were sometimes involved in different campaigns. To focus my interviews, I initiated the topic on mobilization by sharing the legislative timeline and asking participants to identify the campaigns in which they were involved. I also asked

participants if there were other campaigns or important events missing from my timeline. Although I invited participants based on their known involvement in particular campaigns, this process of combing through the timeline assured that interviews were thorough. With events and campaigns identified, I moved through questions on strategy, challenges, and opportunities for each campaign. When relevant, I asked participants to make comparisons between campaigns.

Interviewer-Interviewee Dynamics

The development of this project, the interviews, and my analysis were informed by my past experience as a union organizer, elected union representative, and Board member of a local community 501(c)4 organization. Working knowledge of processes, structures, and language is important for interviewing community and political elites (Hunter 1995). In open-ended semi-structured interviews, it is particularly important to be able to ask pertinent follow-up questions, informed by in-depth knowledge of the subject. My background as a union and community organizer enabled higher quality interviews. With working knowledge of union and non-profit structures and strategic decision-making processes in campaigns, I was better able to formulate follow-up questions during the interviews. I was also better able to avoid asking follow-up questions to clarify basic structures, processes, and acronyms referenced in interviews.

Sharing my background with participants seemed to relax them and perhaps elicited more candid responses. In my first five interviews for this study, I shared my background only at the conclusion of the interview, as I thought it was irrelevant and would detract focus from the participant. However, I noticed in my first five interviews – conducted in Philadelphia – participants would seem more relaxed and provide interesting information about their own stories after I shared my background. Therefore, for all

subsequent interviews, I incorporated a brief introduction of my background with my explanation of the research project that preceded the actual interview.

Sharing my background may also have facilitated a safe space for activists to share their stories. My interviews were conducted at the conclusion of several months of controversy surrounding the release of secret video footage shot by young, conservative political activists: one in which the activist posed as a student interviewing a progressive academic, and the other in which the activist posed as a client seeking help from the Association of Community Organizations for Reform Now (ACORN) with filing taxes on earnings from prostituting women. This latter footage of edited interaction with an entry-level ACORN staff member contributed to the closing of the organization in 2010. ACORN received some federal funding support to assist low-income communities with filing taxes and was a nation-wide network of local community chapters formed in 1970 to organize poor and working-class communities around affordable housing, transportation, and other issues. Some former ACORN leaders later founded Action UNITED to continue ACORN's mission (Urbina 2010). A local chapter of Action UNITED was active in the earned sick days campaign in Philadelphia, and two organizers from this local chapter participated in my study. Mindful of this context, I was careful to use my university email account and department letterhead in my communications with potential participants. Providing my personal background as a union representative and organizer during the actual interviews further facilitated a safe space for participation.

This process of disclosing my background was slightly different for some participants in the California case study. Because most of my experience as a union and community organizer was in California, some interview participants knew me as a union member and participant in the Labor Project for Working Families and the California Work and Family Coalition before I invited them to be interviewed for my study. This

prior relationship with California activists may have resulted in a higher response rate for California than for Pennsylvania organizations. However, I found that activists in both states were proud of the work they were doing and were thus willing to share their stories. Additionally, recognizing me as an ally, they expressed genuine interest in my study and curiosity about my findings.

Transcription, Coding, and Analysis

All 34 interviews were recorded with permission and transcribed. Fifteen of these interviews were transcribed by me. The rest – 19 interviews – were transcribed by a third-party professional transcription service. The interviews I transcribed were conducted from August 22, 2011 to August 30, 2012 in Pennsylvania and from June 11 to July 19, 2012 in California, meaning that I transcribed five interviews from the California case and 10 from the Pennsylvania case. For the California case, I transcribed the interviews with key activists, who were interviewed first.

I transcribed and coded the first 15 interviews while I collected the remaining interviews. Coding and transcribing as a simultaneous process was a useful analytic tactic, because I was able to check my analysis with interview participants. I often shared my interpretations with participants at the conclusion of interviews in order to hear feedback. This process of coding during data collection is a common practice among qualitative researchers (Saldaña 2013, Miles and Huberman 1994: 56) and served as an internal check of my analysis.

I used structural coding methods. Structural coding assigns one code to large swaths of data – also referred to as a “lumper” method (Bernard 2011: 379) – that reflect responses to specific research questions (Saldaña 2013). Interview questions often serve as a first-level filter for data (Kvale and Brinkmann 2009), and this was the case with my research. My first set of codes reflected conceptual units that were mostly pre-determined

by the questions I asked in interviews. The resulting codes were: (1) union mobilization in which workplace leave is a priority, (2) union mobilization in which workplace leave is not a priority, (3) counter mobilization, (4) community organizations, (5) government allies, (6) economic context, and (7) prior achievements. In the process of conducting interviews, I also became interested in how policy change goals became a tool for activating union members, which led to an eighth (8) code: policy-as-tool. These eight codes reflected concepts that were featured prominently in participants' accounts of strategic decisions and the opportunities and challenges they experienced in their campaigns. The codes were initially developed and noted in the transcription process and later applied to transcripts.

I also applied a simultaneous code to the date, using descriptive codes (on top of the structural codes). Descriptive codes reflected the campaign being discussed (CA pre-FMLA; PA pre-FMLA; CA PFL; CA FL expansions; PA FL; PA Phil Sick). In this sense, descriptive codes identified within-transcript attributes. Using these codes, data was selected and reviewed for their campaign-specific information.

With 34 interviews and an aim collect oral histories regarding political processes, the structural, attribute, and descriptive codes were sufficient for making sense of the data. Structural codes enabled examination of movement mobilization; social, political, and economic conditions; policy outcomes; and their interactions. Attribute and descriptive codes eased comparisons between organizations – i.e., labor and other community organizations in California and Pennsylvania – and their levels of activity and strategies. Ultimately, the structural codes constructed the basis for three data chapters: one each on political conditions, economic conditions, and union strategies and tactics. Within each of these chapters, I make comparisons between cases and campaigns.

Other Sources: News Reports and Legislative Histories

News sources and state legislative documents were consulted to provide a check on information gleaned from interviews and a clear timeline of events. News reports also provided useful accounts of opposition from local Chambers of Commerce and lawmakers regarding proposed leave legislation. Media sources were not systematically searched but were used as a reference when more information was needed. Most reports came from the *Los Angeles Times*, the *Sacramento Bee*, and the Philadelphia-based *Inquirer*, and specific sources are cited in-text.

State legislative histories for all states from 1972-2015 were assembled using three sources: (1) A report from the National Partnership for Women and Families (NPWF 2014), (2) Reports from the National Council on State Legislatures (2008, 2013), and (3) legal and academic publications for legislation passed prior to 1993.

The NPWF is a nonprofit organization and national leader in advocating state and federal leave legislation. Previously the Women's Legal Defense Fund, it was the main advocacy organization that supported the FMLA through five congressional sessions until its eventual passage in 1993. The organization issues regular reports that grade states based on their family-friendly legislation, including laws beyond the scope of this study (i.e., laws that cover only state employees or small necessities laws, for example). Other researchers have used the grades that the NPWF assigns to states as a variable measure (Williamson and Carnes 2013). Comparing the list of legislation reported by the NPWF with the NCSL reports (2008, 2013) yielded only two additional small necessities laws. Small necessities laws are laws that provide periods of leave, often measured in hours, to address small necessities, such as attending children's school activities, serving on a jury, grieving the loss of a family member killed in active duty in the military, or addressing issues related to domestic violence and/or stalking.

Because legislative content and history was less clear for laws passed prior to the FMLA, I checked my list of legislation with legal and academic publications regarding state family and medical leave laws prior to 1993 (Berstein 2001; Dowd 1986; Finn-Stevenson and Trzcinski 1991; O'Brien and Madek 1989; Putnam 1975; Spalter-Roth and Hartmann 1990; Waldfogel 1999; Wisensale and Allison 1989). Most notably, this search yielded one additional law – in Kansas – which had not been reported by the NPWF (2014) or the NCSL (2008, 2013). Secondary sources account for its historical existence (Dowd 1986:731; Finn-Stevenson and Trzcinski 1991; O'Brien and Madek 1989:93), and state and federal government sources confirm it (US DOL 2015; Kansas Commission on Civil Rights and Regulation 1985).

To create a detailed account of legislative activity in California and Pennsylvania, I used each state's searchable, online legislative database. Both states host searchable databases of all legislation introduced in either house of state government going back to 1969 in the case of Pennsylvania and 1993 in the case of California. Search results from the Pennsylvania database (accessible here:

<http://www.legis.state.pa.us/cfdocs/legis/home/bills/>) provide the bill's house sponsors, text, amendments, and history, including last actions on the bill. Had leave legislation in Pennsylvania reached the house floor for a vote, there would have also been information on how lawmakers voted on the bill. California hosts two databases. One goes back to 1993 and provides a full text of bills and their status, history, votes, analysis, and veto message (accessible here: <http://www.leginfo.ca.gov/bilinfo.html>). A second database is more user-friendly but only goes back to 1999 and does not provide veto messages (accessible here: <http://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml>).

Unfortunately, the Philadelphia City Council does not have a comparable searchable

database of ordinances. To construct a comprehensive description of leave ordinances in the city, I relied on interviews and news reports.

The bill analysis for California legislation was particularly useful. The analysis registers support and opposition to the legislation from community organizations, including statements in support and opposition and a list of organizations on either side. Often, it distinguishes “sponsors” among the supporting organizations, indicating which of the organizations was leading advocacy efforts. More recent bill analysis also often names the “source” of the legislation as coming from either the bill’s “author,” which would be a house representative, or a nongovernmental organization, for example, the California Labor Federation. In this latter case, it is the organization that approached the bill’s author to introduce the legislation. This helped to identify movement activity and leadership on legislation as well as confirm opposition from organized business groups. Additionally, the bill analysis includes references to previous, related legislation – including proposed legislation that failed to pass. This helped to construct a comprehensive list of legislation. Finally, when a bill reached a fiscal committee, the bill’s estimated cost to the state was included. Sometimes, the separate Senate and Assembly Committees on Appropriations offered different estimates on the same bill. In this case, I used the estimate cited in the last activity on the bill. This information was useful in understanding the role of economic conditions in the policy-making process.

This research into California and Pennsylvania legislative histories served two purposes. First, they were used to construct timelines that, as mentioned earlier, were used in interviews to aid participants in remember events and locating them within an accurate timeline. Second, they contributed a detailed narrative of legislative activity in the state that also served as a check on information learned from interviews. I found that interview participants were incredibly knowledgeable about the social, political, and

economic factors at play at the various points in the policy-making process. My research into state legislative histories confirmed these accounts. For example, many California-based interview participants pointed to the economic downturn as a barrier to passing leave legislation in the post-recession era, and the state's legislative history revealed many of these laws were held in house appropriations committees.

Appendix B. Glossary of Leave Laws

Childbirth Disability Leave	Job-protected leave to address medical conditions related to childbirth only. Only one state – Kansas – has passed such a law.
Family Leave	Job-protected leave to address a serious illness or medical condition of a family member. These laws are gender-neutral in application to employees and are often for care of children (biological, adopted, or foster children), spouse, and parent but have also included, for example, domestic partners, parents-in-law, and siblings. When a law additionally provides leave for self-care, it is referred to as <i>Family and Medical Leave</i> .
Family and Medical Leave	Job-protected leave to address a serious illness or medical condition of a family member or a personal serious illness or medical condition. Medical conditions include those relating to pregnancy and childbirth.
Family and Medical Leave Act (FMLA) Leave	Job-protected leave under the federal Family and Medical Leave Act (FMLA) of 1993, which provides 12 weeks of unpaid leave for eligible employees.
Flexible Use	Employer-provided sick leave may be used to care for family members. These laws do not provide or require leave but govern how existing sick leave policies are used.
Maternity Leave	Job-protected leave for women to bond with a newborn, newly adopted, or newly placed foster child. When a law provides leave to address health issues related to pregnancy or childbirth, it is referred to as <i>Pregnancy Disability Leave</i> .
Paid Family Leave	Programs that offer partial wage replacement during family leave. Only three states – California, New Jersey, and Rhode Island – have active programs, and they were created by expanding pre-existing <i>Temporary Disability Insurance (TDI)</i> programs to cover leave to care for family in addition to addressing personal medical conditions. TDI payments can run concurrent with job-protected leave provided under other laws.
Paid Sick Leave	Provides paid sick leave.
Parental Leave	Job-protected leave for parents (gender-neutral) to bond with a newborn, newly adopted, or newly placed foster child.
Pregnancy Disability	Job-protected leave to address pregnancy- and childbirth-related medical conditions. When a law provides time for new mothers to bond with a child, it is referred to as <i>Maternity Leave</i> , and when such bonding leave is gender-neutral, it is referred to as <i>Parental Leave</i> .
Small Necessities	Job-protected leave, usually given in hours, for very specific needs. These laws provide leave, for example, to bereave the loss of a family member killed in active military duty, to accompany a family member to a medical appointment, or to attend children’s school activities. It also includes leave for victims of domestic violence, sexual assault, and stalking to address matters related to such abuse.
Temporary Disability Insurance (TDI)	State funds that provide partial wage replacement during leave periods. TDI programs do not provide job protection but can be used concurrent with job-protected leave under state laws or the FMLA. They cover non-work-related illness, injury, or medical conditions, including those related to pregnancy and childbirth.

Appendix C. Event History Analysis-Data, Measures, and Sources

State Leave Legislation Data

I used three sources to assemble data on my dependent variable: (1) A report from the National Partnership for Women and Families (NPFW 2014), (2) Reports from the National Council on State Legislatures (NCSL 2008, 2013), and (3) legal and academic publications for legislation passed prior to 1993. Legislative content and dates were confirmed by finding the actual legislation through LexisNexis Congressional searches, state government websites, and reports in state capitol newspapers. Sources yielded very similar lists, with a few exceptions noted here.

The NPWF is a nonprofit organization and national leader in advocating state and federal leave legislation. Previously the Women's Legal Defense Fund, it was the main advocacy organization that supported the FMLA through five congressional sessions until its eventual passage in 1993. The organization issues regular reports that grade states based on their family-friendly legislation, including laws beyond the scope of this study (i.e., laws that cover only state employees or small necessities laws, for example). Other researchers have used the grades that the NPWF assigns to states as variable measure (Williamson and Carnes 2013). Comparing the list of legislation reported by the NPFW with the NCSL reports (2008, 2013) yielded only two additional small necessities laws. As noted in the main text of this article, small necessities laws are laws that provide periods of leave, often measured in hours, to address small necessities, such as attending children's school activities, serving on a jury, grieving the loss of a family member killed in active duty in the military, or addressing issues related to domestic violence and/or stalking.

Because legislative content and history was less clear for laws passed prior to the FMLA, I checked my list of legislation with legal and academic publications regarding

state family and medical leave laws prior to 1993 (Berstein 2001, Dowd 1986, Finn-Stevenson and Trzcinski 1991, O'Brien and Madek 1989, Putnam 1975, Spalter-Roth and Hartmann 1990, Waldfogel 1999, Wisensale and Allison 1989). Most notably, this search yielded one additional law – in Kansas – which had not been reported by the NPWF (2014) or the NCSL (2008, 2013). Secondary sources account for its historical existence (Dowd 1986:731, Finn-Stevenson and Trzcinski 1991, O'Brien and Madek 1989:93), and state and federal government sources confirm it (US DOL 2015; Kansas Commission on Civil Rights and Regulation 1985).

After creating a comprehensive database of state legislative histories, I coded the laws and amendments in a way that is reflected in Figure 2 of this paper and the “Glossary of Leave Laws” (see Appendix B). I then identified the first law passed within each dataset. States were assigned a “1” for the year in which the first leave legislation was passed. Once states adopted leave legislation, they were dropped from the dataset.

Covariates

1. *Union density* – Percentage of nonagricultural wage and salary employees who are union members. Barry Hirsch and colleagues (2003) provide annual time-consistent estimates broken down by state for years 1964-2014. Data is updated annually and estimated using the Current Population Survey and the Bureau of Labor Statistics.
2. *Democratic control* – Time-varying dichotomous measure indicating when Democrats hold the majority of seats in both upper and lower houses of state government. This variable was calculated using the number of seats in upper and lower houses filled by Democrats, Republicans, and “Other” and the total seats filled (i.e., total seats minus vacancies). Biennial reports on the partisan composition of state legislatures are available from the Council of State Governments (CSG), which issued biennial reports

for years 1972-2002 and annual reports starting in 2003. Because the biennial reports for years 1972-2002 capture results of two-year election cycles, data were used as an annual measure.

3. *Percent of women legislators* – Percentage of seats in both upper and lower houses of state government held by women. This variable was calculated using the number of seats held by women in both upper and lower houses (Rutgers Center for American Women and Politics) and the total seats filled (i.e., total seats minus vacancies) (Council of State Governments 2013). The Center for American Women and Politics (CAWP) at Rutgers University reports this data annually for years 1975-2014. Because the periodization of my study starts in 1973, data for all states for two years (1973 and 1974) are coded as missing. The CAWP did not start reporting total number of seats in upper and lower houses until 1979. For this reason and to maintain consistency with measurements of *democratic control*, I used data from the CSG for the total seats filled.
4. *Unemployment* – Percent of workforce unemployed. Data collected from U.S. Bureau of Labor Statistics and the *Statistical Abstracts of the United States* issued by the U.S. Census Bureau.

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