

**REPORT OF THE
DEPARTMENT OF HUMAN RESOURCE MANAGEMENT**

**Study of the Feasibility of
Providing Wage Replacement to
State Employees for Family and
Medical Leave Absences**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



HOUSE DOCUMENT NO. 41

**COMMONWEALTH OF VIRGINIA
RICHMOND
2001**



COMMONWEALTH of VIRGINIA

Department of Human Resource Management

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Dear Governor Gilmore and Members of the General Assembly

The House Committee on Rules considered House Joint Resolution No. 276, patroned by Delegate Viola Baskerville, which requested the Department of Personnel and Training, in conjunction with the Virginia Retirement System, to study the feasibility of providing wage replacement benefits to state employees to cover absences under the Family and Medical Leave Act (FMLA). Although HJR 276 was not reported in session, at the request of the Speaker of the House the Department of Human Resource Management (formerly the Department of Personnel and Training) studied the issues raised in HJR 276.

Enclosed for your review and consideration is the report that has been prepared pursuant to this study.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sara Redding Wilson".

Sara Redding Wilson

Enclosure

Cc: The Honorable G. Bryan Slater
Secretary of Administration

The Honorable S. Vance Wilkins, Jr.
Speaker of the House

The Honorable Delegate Viola Baskerville
The Honorable Bruce F. Jamerson
The Honorable Susan Clarke Schaar
Mr. William H. Leighty

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PREFACE

The House Committee on Rules considered House Joint Resolution (HJR) No. 276, patroned by Delegate Viola Baskerville, which requested the Department of Personnel and Training, in conjunction with the Virginia Retirement System, to study the feasibility of providing wage replacement benefits to state employees to cover absences under the Family and Medical Leave Act (FMLA). Although HJR was not reported in session, the Speaker of the House requested the Department of Human Resource Management (formerly the Department of Personnel and Training) study the issues raised in the HJR 276.

The Department of Human Resource Management (DHRM) reviewed wage replacement benefits currently being provided by public employers as well as those being studied by like groups. The Virginia Retirement System and the Virginia Employment Commission were consulted with in the preparation of this report.

EXECUTIVE SUMMARY

House Joint Resolution No. 276 requested the Department of Human Resource Management, in conjunction with the Virginia Retirement System to study the feasibility of providing wage replacement benefits to state employees who are absent for reasons covered under the Family and Medical Leave Act.

I. Family and Medical Leave Act

The Family and Medical Leave Act (FMLA) was passed in 1993 in response to a national concern of balancing work and family responsibilities. FMLA provides up to twelve weeks of unpaid, job-protected leave for eligible employees due to an illness or due the illness of a family member.

II. Methodology

To conduct the study, basic research methods were used. The Virginia Employment Commission was consulted regarding the Unemployment Insurance funds and the Virginia Retirement System was consulted concerning the Virginia Sickness and Disability Program. Also, researched was the Birth and Adoption-Unemployment Compensation Program, with information being derived from the final ruling of the report, published by the federal Department of Labor (DOL). To receive general statistics and information about Family and Medical Leave, the "Commission on Leave" document, also published by the Department of Labor, was referenced. To determine the amount of leave without pay employees took due to family reasons, employee data abstracted from the Commonwealth of Virginia Personnel Management Information System (PMIS), at the Department of Human Resource Management (DHRM), was reviewed.

III. Current Policies on Family and Medical Leave, Annual Leave, Sick Leave, and the Virginia Sickness and Disability Program

The Commonwealth of Virginia provides different types of leave policies to eligible employees under qualifying circumstances. They are: DHRM Policy 4.20, Family and Medical Leave; Policy 4.10, Annual Leave; Policy 4.55, Sick Leave ("Traditional"); and Policy 4.57, the Virginia Sickness and Disability Program (VSDP).

IV. Findings

Currently, the Federal Office of Personnel Management (OPM) and the city of Newport News allow employees to take up to twelve weeks of accrued sick leave due to family related matters, if the employees have leave available for use. The state of Florida allows employees to use accrued sick leave with no limit.

Virginia allows employees to use VSDP leave or accrued "traditional" sick leave for family reasons, however the employee may only use up to 33 percent of the leave balances available at the time FMLA leave is requested.

In the Commonwealth during 1998, 279 state employees experienced a loss of pay during FMLA leave in 1998. The number of days employees experienced leave without pay totaled 14,047. In 1999, the number of employees who lost pay during FMLA leave decreased to 145 employees, a decrease of 48%. Additionally, the total days of leave without pay reported, reflected a 57% decrease from the previous year. This decrease most likely can be attributed to VSDP, which was implemented on January 1, 1999; however, at the writing of the report, statistics verifying this assumption were not available.

The federal Birth and Adoption Unemployment Compensation (BAA-UC) Program permits states to use their unemployment compensation funds to provide wage replacement to parents taking leave because of the birth or adoption of a child. The experiment became effective on August 14, 2000. When at least four states have participated in the BAA-UC for at least three years, DOL will evaluate the program to determine whether the regulations should be made permanent.

V. Conclusion

Two possible ways of providing wage replacement for employees taking FMLA leave are through participation in the Birth and Adoption-Unemployment Compensation program or through expanding the definition of sick leave. However, it appears that the VSDP is reducing the incidents of leave without pay for FMLA reasons.

VI. Recommendations

- Because of the impact upon a select group of state employees and costs associated with providing wage replacement, expanding the definition of sick leave does not appear to be a feasible way of providing wage replacement for employees taking FMLA leave without pay.
- It is recommended that the Virginia Employment Commission study the potential impact to the Unemployment Trust Fund for providing wage replacement through participation in the Birth and Adoption Unemployment Compensation Program.
- Further study is recommended to determine if there is a continuing impact of VSDP on employees experiencing leave without pay during FMLA leave.
- If there is no improvement noted after another year, then it is suggested that the eligibility criteria and procedures for the state's Leave Sharing Program be expanded to provide donated leave hours to employees

experiencing leave without pay under FMLA for family reasons. Such changes should be made administratively under the authority of the Director of the Department of Human Resource Management to establish personnel policies and procedures.

I. INTRODUCTION

During the 2000 Session of the General Assembly, the House Committee on Rules considered House Joint Resolution (HJR) Number 276 which requested the Department of Personnel and Training, in conjunction with the Virginia Retirement System (VRS), to study the feasibility of providing wage replacement benefits to state employees to cover absences under the Family and Medical Leave Act (FMLA). Although not reported, the Department of Human Resource Management (DHRM, formerly the Department of Personnel and Training) determined that a review of issues raised in HJR 276 would be beneficial. The resolution acknowledged that the Family and Medical Leave Act, which guarantees employment upon return from a personal medical or family related medical absence, does not provide wage replacement. It further recognized that without sufficient wage replacement, some employees who are eligible for leave under FMLA would not be able to afford to take the leave without pay.

II. METHODOLOGY

Basic research methods were used to evaluate the feasibility of providing wage replacement for state employees including the review of current leave practices in the Commonwealth of Virginia, along with the practices of other employers, including, the state of Florida, the city of Newport News, and the federal government. For a general idea of current statistics about Family and Medical Leave, the "Commission on Leave" document published by the federal Department of Labor was consulted.

For the purposes of research for the Commonwealth, the Virginia Employment Commission was consulted for information regarding the Unemployment Insurance Program and the Virginia Retirement System was consulted regarding information on the Virginia Sickness and Disability Program. Information about the Birth and Adoption-Unemployment Compensation Program was found in the final ruling on the decision, which was published by the Employment and Training Administration of the Department of Labor.

To determine the amount of FMLA leave state employees took without pay, employee data was abstracted from the Personnel Management Information System at the Department of Human Resource Management.

III. BACKGROUND

The Family and Medical Leave Act (FMLA) was signed into law in 1993 in response to a growing national concern about balancing work and family responsibilities. The demographics of the workforce have changed significantly, with one of the major differences being the influx of women and older workers in the labor force. Over the years women have become more established members of the work environment, yet they still provide the primary care giving to family members. These care-giving demands often put women's employment in jeopardy. Along with this, the aging population and increased life expectancy has resulted in more responsibility for many employees to care for parents, which served to put greater demands for family-related absences from the work environment. The FMLA was created to protect jobs when workers needed time off from work to address critical personal and family medical matters. Although the Family and Medical Leave Act guarantees employment upon return from a medical or family-related absence, it does not provide wage replacement for employees while on family and medical leave.

The FMLA requires covered employers to provide eligible employees with up to 12 workweeks per year of job-protected leave, with continued medical benefits. Leave taken under the FMLA is intended to be unpaid leave, unless the employer allows employees to use available paid leave to continue to receive compensation. FMLA leave may be used for the following reasons:

- the birth of a child
- the placement of a child for adoption or foster care
- the need to care for a family member (spouse, child, or parent) with a serious health condition
- the employees own health condition renders him or her unable to perform his or her job

As a means of addressing this issue, House Joint Resolution No. 276 (2000) requested the Department of Human Resource Management (DHRM), in conjunction with the Virginia Retirement System (VRS) to study the feasibility of providing wage replacement benefits to state employees to cover absences covered under the Family and Medical Leave Act. Although HJR 276 was not reported, the Speaker of the House requested that the study be undertaken.

IV. CURRENT PRACTICE

Commonwealth of Virginia Leave Policies

Family and Medical Leave Policy

Department of Human Resource Management Policy 4.20, Family and Medical Leave, articulates the Commonwealth's FMLA benefits for classified employees. Policy 4.20 applies to employees who have been employed by the state for at least one year and who worked at least 1,250 hours during the twelve months preceding the start of the leave.

Policy 4.20 authorizes employees to use paid leave during FMLA absences. For a personal illness, an employee may take all available annual leave, compensatory leave, overtime, sick leave*, and family and personal leave (Virginia Sickness and Disability Program enrollees). If an employee takes leave for a family reason, he or she may use all available annual leave, compensatory leave, overtime, and family and personal leave (Virginia Sickness and Disability Program enrollees). In April 1997 section 2.1-114.5 of the Code of Virginia was amended to allow employees to use up to 33% of his or her available sick leave hours due to family reasons that qualify under FMLA. If an employee has insufficient leave balances to provide pay during the entire twelve-week period, the employer must allow the employee to take unpaid leave for the balance of the twelve-week period.

Annual Leave Policy

Department of Human Resource Management Policy 4.10, Annual Leave, provides state employees with annual leave that, with supervisory approval, may be taken for personal purposes.

Annual leave is accrued by classified employees at the end of each completed pay period. The accrual rate of 4 to 9 hours per pay period is based upon the employee's years of state employment. Unused annual leave may be carried one year to the next; however there is a maximum limit, depending on the employee's years of service.

Unused annual leave is paid out to employees upon leaving state service. The employee is paid in a lump sum up to a maximum amount. As with accrual and carry-over rates, the maximum payout amounts are established based on an employee's years of state service, as the following chart indicates.

* Employees who are enrolled in the Virginia Sickness and Disability Leave Program (VSDP) may use their personal sick leave and employees who remained in the "traditional" leave program may use their sick leave provided under the program.

Years of Service	AL Hours Accrued Per Pay Period	AL Hours Accrued Per Year	Maximum AL Carryover Limits	Maximum AL Payment Limits
Up to 5 Years	4 Hours	96 Hours (12 days)	192 Hours (24 days)	192 Hours (24 days)
5 Years	5 Hours	120 Hours (15 days)	240 Hours (30 days)	240 Hours (30 days)
10 Years	6 Hours	144 Hours (18 days)	288 Hours (36 days)	288 Hours (36 Days)
15 Years	7 Hours	168 Hours (21 days)	336 Hours (42 days)	288 Hours (36 days)
20 Years	8 Hours	192 Hours (24 days)	384 Hours (48 days)	336 Hours (42 days)
25 Years	9 Hours	216 Hours (27 days)	432 Hours (54 days)	336 Hours (42 days)

Annual Leave Accrual Rates, Maximum Carryover and Payment Limits

Sick Leave Policy

Department of Human Resource Policy 4.55, Sick Leave, governs paid sick leave for individuals employed by the Commonwealth of Virginia. The “traditional” sick leave policy provides employees with paid leave from work due to health reasons. This sick leave policy has been in place for years and applies to employees who were hired before January 1, 1999 who elected not to participate in the Virginia Sickness and Disability Program.

Employees are allowed to use sick leave for any of the following reasons:

- medical necessity when the employee has a temporary disability that prevents him or her from performing his or her duties, including pregnancy
- exposure to a contagious disease and the employee’s presence at the workplace may jeopardize the health of others
- medically related appointments cannot be scheduled during the employee’s non-working hours
- illness or death of an immediate family member--the maximum amount of sick leave that an employee can take because of family reasons is twenty-four hours for any one illness, injury, or death, and forty-eight hours per calendar year.

Full-time classified employees accrue sick leave at the rate of five hours for each completed pay period. There is no limit on the amount of sick leave that an employee may carry over from one year to the next.

In 1997, the Policy 4.45 was amended to allow employees to use up to 33 percent of their personal sick leave balances for family reasons that qualify under FMLA. The 33 percent calculation is based on unused leave balances available at the time FMLA leave is requested.

Sick leave can be paid out to employees, with five or more years of continuous employment with the state. Upon leaving state service unused sick leave is paid out in a lump sum for 25% of the amount of the employees sick leave balance up to \$5000.

Virginia Sickness and Disability Program Policy

Department of Human Resource Management Policy 4.57, Virginia Sickness and Disability Program (VSDP), applies to all state employees hired on or after January 1, 1999 and those employees hired prior to that date who elected to enroll in the Program. The VSDP provides employees with specified amounts of personal sick leave and family and personal leave at the beginning of each year, based on the number of months of employment. Under the VSDP, sick leave can be taken due to a personal illness, and family and personal leave can be taken for any family or personal reasons, including family illness or death. In addition, VSDP provides income protection for the employee should he or she become unable to perform the duties of his or her job.

An employee may use all of his or her VSDP sick leave for absences due to personal illnesses, injuries, and preventative well-patient doctor visits. Also, an employee may use up to 33% of his or her available VSDP sick leave balance for family reasons that qualify under the FMLA. On January 10th of each year, employees are credited with 32 to 80 hours of sick leave, based on their total number of months of employment. Unused portions of sick leave may not be carried over from one year to the next, nor will the employee be paid for any unused leave when he or she separates from state service.

VSDP Leave Amounts

Sick Leave for Current Full-time Employees	
Months of State Service	Sick Leave Hours
Fewer than 60	64
60 to 119	72
120 or more	80

In addition to VSDP sick leave, employees also may receive up to five days of family and personal leave each calendar year. The amount of family and personal leave

granted is based on the employee's state service. This leave can be taken for personal or family reasons. Unused portions of family and personal leave may not be carried forward from one calendar leave year to the next, nor will the employee be paid for any unused leave when he or she separates from state service.

Family and Personal Leave for Current full-time Employees

Months of Service	Family and Personal Leave Hours
Fewer than 120 Months	32
120 or more	40

V. FINDINGS

Employee Data

According to These the Personnel Management Information System (PMIS), in 1998, there were 279 state employees who experienced a loss of pay during FMLA leave. The number of leave days totaled 14,047, with an average of 50.4 days of leave without pay utilized by each employee. In 1999, the number of employees who lost pay during FMLA leave decreased to 145 (a 48% reduction from the previous year). Additionally a total of 5986 days of leave without pay was reported used during FMLA leave during 1999, which represents 8061 days of leave without pay (57%) fewer than those experienced by employees on FMLA in 1998, (an average of 41.3 days of leave without pay per employee on FMLA). This decrease is most likely can be attributed to VSDP, which was implemented on January 1. 1999. However, at the writing of the report, statistics verifying this assumption were not available.

As of September 30, 2000, there were 102,841 employees reported in the state workforce. This number includes both faculty and non-faculty personnel, but excludes wage employees. As of October 2000, 40,996 employees were enrolled in VSDP which represents 40% of the overall state workforce. While VSDP provides income protection for employees who are unable to work due to their own illness or disability, it provides only a limited amount of paid leave that can be used for family related illnesses. To obtain additional compensation for loss time due to family reasons, employees enrolled in VSDP would need to seek available wage replacement resource such as those provided through private organizations. Such organizations may be available through the Provider Network of Miscellaneous Insurance and Annuity Providers which has been approved by the Department of Accounts (DOA) for payroll deductions. Although specific data was not available regarding costs or coverage options associated with such programs, it is expected that this provider network would offer group rates. It is uncertain, however, whether coverage would be provided for family members. A list of these organizations (Provider Network of Miscellaneous Insurance and Annuity Providers) is maintained in an administrative manual that can be found on the DOA web site at www.doa.state.va.us under payroll, "Third Party Administrator."

Other Employers' Practices

The benefits provided by other employers, including federal agencies, other states, and local government entities were reviewed. The findings are:

Federal Office of Personnel Management:

The Federal Office of Personnel Management (OPM) allows employees to take up to twelve weeks of paid accrued sick leave each year to care for a seriously ill family member. This ruling went into effect on June 20, 2000.

City of Newport News:

The city of Newport News, Virginia followed suit of the OPM. Newport News allows its employees to take up to twelve weeks of paid accrued sick leave in a calendar year to care for a seriously ill family member.

The State of Florida:

The state of Florida allows its employees to use accrued sick leave for family reasons, however there is no limit on total amount of the sick leave that an employee may take, whereas the OPM and Newport News both placed a limit of twelve weeks.

The State of New Hampshire:

The state of New Hampshire is reviewing this issue as well. On January 5, 2000 HB 1512 was introduced. HB 1512 proposed establishing a committee to study the feasibility of implementing a paid family and medical insurance program and the potential funding sources to support it. It was signed by the governor and went into effect on April 21, 2000. Also introduced on January 5, 2000 was HB 1582. HB 1582 established a committee to study family friendly employment and workplace policies to determine the effects on families and employers. Before HB 1582 was amended it included paid FMLA leave as an area to explore. The governor signed for the study and it went into effect on June 1, 2000. The report from HB 1582 is due by November 1, 2000.

Use of Unemployment Insurance

The purpose of the Unemployment Insurance Program is to compensate a worker who becomes temporarily unemployed, but is searching for employment. It is fundamental to the program that the individual be ready, willing and able to accept gainful employment. The program is used for "unemployment compensation." The term "unemployment" means that a person is without a job, involuntarily unemployed, and that he or she is able and available for work.

One option considered is the Birth and Adoption-Unemployment Compensation Experiment. On May 24, 1999 President Clinton directed the Secretary of Labor to propose regulations allowing unemployment fund money to be used to provide partial wage replacement to mothers and fathers on leave following the birth or the adoption of a child. This became known as the Birth and Adoption-Unemployment Compensation Program (BAA-UC).

The Department of Labor issued the final ruling on the regulation, which became effective on August 14, 2000. The regulation permitted interested States to experiment with allowing the use of the Unemployment Compensation (UC) program for the purposes stated above.

The BAA-UC program is different from the FMLA because the two have different regulations. The regulations of the BAA-UC include the following:

- it is voluntary on the part of states
- it may not be made contingent on the number of employees of an employer
- it is limited to the parents of newborns and newly adopted children
- it does not guarantee leave
- it does not have a job protection component

The BAA-UC is an experimental opportunity that is based on expanded interpretation of the unemployment compensation requirements. These requirements are that the person must be able to work and must be available for work, also known as the A&A requirements. Because a state may make its own interpretation of these requirements, it has the right to participate in the experiment, if it chooses, by determining if parents of newborns or newly adopted children meet the state's interpretation of the A&A requirements.

When at least four states have participated in the program for at least three years, the Department of Labor will evaluate the program and determine whether the regulations should be made permanent.

Upon evaluation of the program the Department of Labor will determine whether the parents who were compensated for the birth and adoption leave were more likely to return to work, and if so, they will be considered more available for work than those who were not compensated. It will also determine the effect that the Birth and Adoption leave has on the employers and the unemployment compensation fund of the states that participated in the study.

California introduced SB 656 on February 24, 1999. SB 656 required the Employee Development Department to report to legislature before July 1, 2000 on the impact of granting unemployment disability compensation for FMLA leave. Governor Davis signed the bill on October 10, 1999.

On April 13, 2000 the House of Representatives of Connecticut proposed HB5619, which allowed for the study of providing paid family and medical leave. The committee will study the impact of providing the leave as well as ways of funding the leave. Funding methods that will be studied include, the existing state's unemployment compensation fund, or alternative systems such as a temporary

disability insurance program, or a family and medical leave insurance fund. The bill became effective on October 1, 2000 and the report is due by January 1, 2001.

In Indiana HB1301 was introduced on January 11, 2000. HB 1301 was a proposal to allow employees, who left work to be with a child, during the child's first year of life or the first year of adoption placement, to receive Birth and Adoption Unemployment Compensation for a maximum of twelve weeks. On January 19, 2000, the House passed the bill, but it died in the Senate when the session ended on March 14, 2000. No bills were carried over to the 2001 session.

On August 10, 2000 Paul Cellucci, governor of Massachusetts, rejected a bill that contained the proposal for implementing the BAA-UC program in Massachusetts. Both the House and the Senate had approved the bill. The BAA-UC sections of the bill were sent back to the House. Instead of using the states unemployment fund, the governor requested that the legislature come up with an alternative source for funding the plan. The governor also included a substitution plan for funding. His plan included giving tax credit for employers equal to 50 percent of the amount they pay for parental leave.

On January 18, 2000 HB368 was introduced in Mississippi. HB 368 provided that any employee that left employment to be with a child, during the child's first year of life or the first year of adoption placement, could not be denied unemployment compensation. Up to twelve weeks of compensation would be provided. HB 368 died in the House Labor, Ways, and Means Committee on March 07, 2000.

The legislature of Vermont proposed three bills, SB 305, SB 179, and HB 822. All three provided for the compensation of employees who were taking time off to be with their newborns or newly adopted child. Funding for the plan would come from Vermont's unemployment compensation funds. When the 2000 legislative session ended on April 23, 2000, all three bills expired.

On May 10, 2000 Vermont's Senate passed an amendment to HB 843, an unrelated bill. The amendment set up a program that would provide up to twelve weeks of unemployment compensation for parents of newborns or newly adopted children. The bill stated that the program would compensate the eligible employees as long as the unemployment insurance fund achieved and maintained a good solvency rating. If the rating became questionable, the program would be terminated. The Lieutenant Governor made the tie-breaking vote that allowed the amendment to pass in the Senate. However, on May 11, 2000 the House defeated the amendment. The author of the amendment proposed another in its place. This new amendment called for the funding to be paid out of the general state revenues. It was also defeated.

Several other states also introduced bills that proposed compensating employees under the BAA-UC program. However, all were either rejected or died at the end of the legislative sessions. These states were: Florida, Illinois, Maryland, Minnesota, Missouri, New Jersey, New York, Pennsylvania, and Washington.

VI. CONCLUSION

While funding of the BAA-UC experiment through the Unemployment Insurance would be beneficial to employees, it would ultimately put those employees and many others at risk of losing the protection that Unemployment Insurance provides. Many state legislatures have attempted to enact laws that would allow employees within their state to take advantage of the BAA-UC experiment, however, none have passed. There is a wide range of reasons why the state legislatures have chosen not to take part in the experiment. These include:

- increased absenteeism
- lack of a time limit on the program
- lack of a termination requirement
- the cost that are borne by employers, and
- inadequate reserves that state UI funds encounter during times of recession.

Although paid leave can be a benefit to employees, it can, at the same time, be a disadvantage to employers. Employees who are paid while taking leave tend to take leave more often and at times when leave is not necessary. Because of the increase in the number of times an employee takes leave, there is also an increase in the absenteeism rates, which decreases productivity and, in some cases, decreases the morale of employees who do not receive paid leave.

When the BAA-UC experiment was developed there was the requirement that at least four states had to participate for at least three years before the Department of Labor would evaluate the program. Because the requirement includes the phrase, "at least four states for at least three years," there is no definite time constraint placed on the program and the Department of Labor may decide to wait as long as it would like before evaluating the program.

Most of the costs that are associated with the program are borne by employers through increased payroll taxes. During past times of recession, many state UI funds have had to borrow from the federal government to accommodate the lack of adequate reserves in the states UI funds. It is estimated that during the next recession \$2-4 billion will be borrowed by the states from the government, not including the additional costs of the BAA-UC.

Another possible way to fund paid FMLA leave would be to expand the definition of traditional sick leave. As did the Federal government and state of Florida, Virginia would have to include in the sick leave policy that employees are allowed to use their sick leave to care for family members as defined under the FMLA.

Although there is little difficulty in expanding the definition under traditional sick leave, the same is not true for the VSDP. Because of the requirements of the VSDP there is great difficulty in providing employees who participate in the VSDP with the same benefits as those who do not. Therefore, it will be difficult to make sure that all state employees are treated equally and fairly in the amount of leave time that they are allowed. Each program provides for specific leave requirements and each may differ from employee to employee.

Both the VSDP and the traditional sick leave allow employees to take up to 33 percent of their leave for family related reasons. However, 33 percent may constitute different amounts under each program. VSDP employees are allowed two weeks of leave. Thirty-three percent of two weeks would equal about 5 days, therefore, 33 percent of a VSDP employee's leave is a maximum of five days. Under the traditional sick leave, employees accrue leave each year and the 33 percent is taken from the total amount accrued, which in many cases may be considerably more than five days.

