

Policy analysis paper: caregiver relief act



**ASSIGN
BUSTER**

- Austina Burton

The North Carolina state legislation I chose is house bill 99, or also senate bill 535. It is titled the Caregiver Relief Act. It was filed on February 13th, in 2013, in the House of Representatives (House, 2013). The primary sponsors in the house are Representative Alma Adams from Guilford County, and Representative Larry Hall from Durham County. Other sponsors in the house include Representatives Cunningham, Farmer-Butterfield, Floyd, Gill, Hamilton, Harrison, Insko, Moore, Pierce, and Wray (House, 2013). The Caregiver Relief Act was passed to the senate on March 28th, in 2013. The primary sponsors in the Senate are Senator Earline W. Parmon, who is from Forsyth County, and Senator Angela R. Bryant, who represents Halifax, Nash, Vance, Warren, and Wilson counties. Another sponsor in the North Carolina Senate was former senator Eleanor Kinnaird (Senate, 2013). The Caregiver Relief Act has costs, benefits, and stakeholders, and is effective and viable.

Issue

The Caregiver Relief Act is supposed to address a gap in the Family Medical Leave Act, also known as FMLA. The act would amend the labor laws to provide relief for caregivers in North Carolina (Caregiver, 2013).

The purpose is to provide for supports in the workplace, under state law, for caregivers, who provide direct care to certain family members in need of care in those instances, where such leave would not be afforded to the caregivers under federal law. (Caregiver, 2013)

The Caregiver Relief Act would extend the protections of the federal Family Medical Leave Act to allow employees to care for a sibling, grandparent, grandchild, stepparent, or parent-in-law. Should an employer offer FMLA benefits, the law already allows for an employee to take 12 weeks of unpaid, job-protected leave (Caregiver, 2013). The general rule the relief act would put into place is:

An employer, required to comply with the FMLA, shall provide the same leave to an employee to care for a sibling, grandparent, grandchild, stepparent, or parent-in-law, that the employee is entitled to under the FMLA at 29 U. S. C. sections 2614 and 2615, as amended, with respect to a spouse, son, daughter, or parent of the eligible employee for the eligible employee's sibling, grandparent, grandchild, stepchild, stepparent, or parent-in-law. (Caregiver, 2013)

Costs and Benefits

The costs of the Caregiver Relief Act would be no different than the costs the Family Medical Leave Act has already implemented. An employee, who takes leave, is entitled to the same protections and rights that an eligible employee is entitled to under the FMLA (Caregiver, 2013). The leave granted under the relief act shall be taken in the same manner, and under the same conditions, and restrictions the use of leave in the FMLA applies. The benefits mostly revolve around the caregivers. According to the Caregiver Relief Act, it has been found that employees, with care responsibilities, add additional health care costs to employers due to their own poor health. It has also been found that caregiving supports in the workplace can save businesses

significant money associated with reduced incidences of absenteeism, crisis in care, workday interruptions, supervisory time, and reduced hours (Caregiver, 2013).

Stakeholders

There were more people, and agencies, supporting the bill than criticizing it. Beth Messersmith, who is the campaign director of NC MomsRising, and co-coordinator of NC Families Care, shows support to the Caregiver Relief Act.

The FMLA is a crucial piece of legislation, that has been used an estimated 100 million times to provide job-protected, unpaid leave to women and men across the country to recover from a serious illness, care for a new child, or care for a seriously ill spouse, parent, or child. It's time to fill the gaps to ensure that all workers can fulfill their family responsibilities without falling out of the workforce. (Media, 2013)

The NC Chapters of the National MS (multiple sclerosis) Society recognize that the demands of caregiving are being shared by more and more family members and support the Caregiver Relief Act (Media, 2013). Mary Bethel, who is the associate state director for advocacy for AARP North Carolina, stated, " Today's reality is that we are a state of working family caregivers. North Carolina ranks 6th in the nation in the number of children cared for by their grandparents" (Media, 2013). Bethel made a good point about how much this bill is needed. North Carolina's Senator Kinnaird said, " The FMLA has had a tremendous impact on the lives of North Carolina's working families. Without expansion, many are unable to put family first." She

suggests that the FMLA needs to expand its protections, so family leave becomes more accessible (Media, 2013).

Rationally Effective

The Caregiver Relief Act is effective and feasible. It has been effective in the general assembly, not only because it has a lot of support, but because it is aiming for measurable results, and will achieve a rational outcome, if voted into law. Furthermore, other states, in the United States, have reformed the Family Medical Leave Act in some way. For example, the California Assembly passed their bill, number 592, which changed how employers handled maternity leave. This bill made it unlawful for an employer to interfere with the allotted leave time for woman who were pregnant (California, 2011). Other changes, that states have made, include expanding the definition of family beyond child, spouse and parent, increasing the allowable uses under the FMLA, establishing family leave insurance programs, and lowering the employer threshold (Media, 2013).

Politically Viable

The Caregiver Relief Act is politically viable. It is viable because it has political support, it is capable of succeeding, and it will work as intended too after it is implemented. First, it has political support from many representative and senators in the North Carolina General Assembly. Second, it has the capability to succeed in the house and the senate, and then, be put into law. The Caregiver Relief Act will succeed in fulfilling its intentions, and will have positive effects on caregivers. They will have more time for their loved ones, and they will have less stress from work related issues.

<https://assignbuster.com/policy-analysis-paper-caregiver-relief-act/>

Overall, the Caregiver Relief Act will fulfill its intention, which is to require employers to provide leave to an employee to care for a sibling, grandparent, grandchild, stepparent, or parent-in-law. It will do this by enforcing any right, or obligation, created by the policy, by a civil action (Caregiver, 2013).

Social Worker Point of View

As a social worker, who operates within the *NASW Code of Ethics*, I would support the Caregiver Relief Act. I would support it based on the fact that it is needed, and based on two different sections of the *Code of Ethics*. First, house bill 99 is needed because the elderly population is growing very rapidly. They represented 12.9% of the U. S. population in 2009 (Aging Statistics). According to the Administration on Ageing, by 2030, there will be about 72.1 million older persons. That is more than twice their number in 2000 (Aging Statistics). In addition, many of them will need caregivers. These caregivers will need some kind of assistance from their employers, so therefore they will not lose their jobs if they need to take extended leave to care for an older person.

Based on the *NASW Code of Ethics*, it is a responsibility of a social worker to uphold the general welfare of society, and this includes advocating for living conditions (Code, 2008). Section 6.01, of the code of ethics, talks about social welfare, and how social workers should advocate for living conditions favorable to the fulfilment of basic human needs. This is one reason why I would support the Caregiver Relief Act. My concern is the welfare of the people that need caregiving. Also, the caregivers need a way to support

themselves, while supporting the needs of the older adults they are helping. One place to give them support is in their workplace with the Caregiver Relief Act.

Part ' a' of section 6. 04 of the *Code of Ethics*, explains that social workers should seek to “ ensure that all people have equal access to the resources, employment, services, and opportunities they require to meet their basic human needs.” It is part of a social workers job to engage in social and political action that would benefit people (Code, 2008). This legislation would benefit caregivers by giving them the resources they need, to stay afloat in the economy, if they are taking care of someone else.

Conclusion

In conclusion, House Bill 99, in the North Carolina General Assembly, would help mend a gap in the FMLA. It would extend the FMLA to count siblings, grandparents, grandchildren, and in-laws as people caregivers can take leave to care for. An employee, who takes leave, is entitled to the same protections and rights that an eligible employee is entitled to under the FMLA. One reason this is needed is because it has been found that caregiving supports in the workplace can save businesses significant money (Caregiver, 2013). Therefore, there are more people, and agencies, supporting the bill than criticizing it. A few are the campaign director of NC MomsRising, the NC Chapters of the National MS Society, and the associate state director for advocacy for AARP North Carolina (Media, 2013).

The Caregiver Relief Act is effective and feasible. It has been effective in the general assembly, not only because of its support, but because it is aiming for measurable results and will achieve a rational outcome if voted into law. The Caregiver Relief Act is politically viable. It is viable because it has political support, it is capable of succeeding, and it will work as intended too after it is implemented. As a social worker, who operates within the NASW *Code of Ethics*, I would support the Caregiver Relief Act. Many states have expanded, or improved, the Family and Medical Leave Act already by lowering the employer threshold, expanding the definition of family beyond child, spouse and parent, increasing the allowable uses under the FMLA, and establishing family leave insurance programs. North Carolina lawmakers have taken important steps toward filling the gaps by introducing the Caregiver Relief Act.

References

Aging Statistics. (n. d.). *Aging Statistics*. Retrieved March 23, 2014, from http://www.aoa.gov/Aging_Statistics/

Assembly Bill No. 592. (2011). *California Legislation*. Retrieved March 27, 2014, from http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0551-0600/ab_592_bill_20111009_chaptered.pdf

Caregiver Relief Act. (2013, February 13). *General Assembly of North Carolina*. Retrieved March 24, 2014, from <http://www.ncleg.net/Sessions/2013/Bills/House/PDF/H99v1.pdf>

Code of Ethics (English and Spanish). (2008). *Code of Ethics (English and Spanish)* . Retrieved March 23, 2014, from <https://www.socialworkers.org/pubs/code/code.asp>

House Bill 99. (2013.). *North Carolina General Assembly*. Retrieved March 30, 2014, from <http://www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2013&BillID=H99>

MEDIA RELEASE: Caregiver Relief Act would help working caregivers hold onto their jobs. (2013, April 1). *North Carolina Justice Center* . Retrieved March 30, 2014, from <http://www.ncjustice.org/?q=workers-rights/media-release-caregiver-relief-act-would-help-working-caregivers-hold-their-jobs>

Senate Bill 535. (2013). *North Carolina General Assembly* . Retrieved March 30, 2014, from <http://www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2013&BillID=S535>