

GENDER EQUITY ACT OF 2010

CONGRESSMAN JOE SESTAK (PA-07)

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DETAILED SUMMARY

● FAIR PAID LEAVE

- Require a minimum number of paid family and medical leave days based on how long an employee has worked at a firm.
 - **Require businesses with 15 or more employees to provide up to seven days of annual paid sick leave.** Paid leave could be taken to attend to an employee's own or a family member's illness, or used for preventative care such as doctor's appointments. In addition, the bill provides leave for employees who are the victims of domestic violence, stalking or sexual assault. Sick time requests may be oral or in writing at least seven days prior to foreseeable absence or otherwise as soon as practicable. The employee must provide notice of the expected duration of the

absence. Medical certification is required if more than three consecutive days are taken off.

- **Employees would earn one hour of paid sick time for every 30 hours worked up to a maximum of 56 hours (seven days) annually.** Leave begins accruing from the first day of employment, but may not be taken until an employee works for 60 days. Up to 56 hours of paid sick leave would carry over from year to year, but an employer may permit additional accrual beyond the 56 hour minimum. Employers are not required to pay terminated employees for unused paid time off. If a separated employee is rehired within 12 months, that employee is entitled to the accrued leave already earned, and would be entitled to take sick leave immediately.
- **Support Victims of Domestic Violence** by expanding the Family Medical Leave Act to allow victims of domestic violence to use paid and unpaid leave to address the effects of domestic violence for themselves and their loved ones.

- **PREVENT DISCRIMINATION AGAINST PREGNANT WOMEN IN COMPANY LEAVE POLICIES AT ORGANIZATIONS THAT DO NOT CURRENTLY OFFER LEAVE TIME**

- Guarantee that the Pregnancy Discrimination Act of 1978 is implemented as intended by preventing discrimination against pregnant women in hiring, firing and employee leave policies at firms that do not currently offer leave plans. Federal courts have interpreted the Pregnancy Discrimination Act to exclude pregnancy anti-discrimination laws at firms that do not currently offer any leave.
- Doing so would mean that women who by necessity must be away from work to give birth will not lose their jobs.
- This proposal would maintain current law in applying only to employers with more than 15 employees.

- **EXPAND CHILD CARE TAX AID**

- Amend the tax code to increase the amount of money that families are allowed to use in pre-tax dollars for child care costs from \$3,000 per year, per child to \$6,000; and
- Expand the eligible use of funds for the “child care tax credit” to include care for elderly relatives. The credit for elderly care would be set at the current \$3,000 level instead of the increased \$6,000 level proposed in this legislation for child care.

- **ALLOW INDIVIDUALS THAT LEAVE THE WORKFORCE FOR CHILDCARE OR TO CARE FOR A SICK FAMILY MEMBER TO RECEIVE ½ OF THE SOCIAL SECURITY CREDITS THEY WERE EARNING WHEN THEY LEFT EMPLOYMENT FOR UP TO ONE YEAR**
 - While working, a worker earns 1 credit toward Social Security for every \$1,090 of earnings. Workers can earn a maximum of 4 credits per year and need at least forty credits (10 years of work) to qualify for Social Security.
 - Under this legislation, workers who leave the workforce would be eligible to receive 2 credits toward Social Security if they had been earning 4 credits while working. The caretaker would be eligible to receive the reduced credits for up to one year.
- **RETAIN FEMALE STEM GRADUATE STUDENTS** by incentivizing federally-funded research programs/schools to provide family-friendly environments, including flexible class schedules and child care.
 - Colleges, universities and research institutions that support training and education of Science, Technology, Engineering and Mathematics students would be permitted to use a set amount (relative to the overall value of the grant and set by the grant making body) of federal grant funding strictly for the initial investment costs to establish on- or off-site child care facilities.
 - Additionally, colleges, universities and research institutions would be permitted to use a portion of grant funds (relative to the overall value of the grant and set by the grant making body) for the purpose of offering a number of classes on a flexible schedule.
- **INCENTIVIZE BUSINESSES TO OFFER FLEXIBLE WORK OPTIONS** with a limited tax credit for employers.
 - Provide a tax credit to employers for hiring or allowing an employee to voluntarily enter into a “flextime agreement” in 2011 and 2012. An employer would be eligible for a one-time \$400 credit for each employee who enters into a scheduling agreement that allows the employee to begin work anytime between 6 a.m. and 9 a.m. or allows the employee to work four 10-hour days per week for demonstrated family need, i.e., child care, ill family member. No employer would be eligible to receive more than \$25,000 in credits under

this section, and the aggregate amount of the credit available annually is capped at \$25 million.

- **REMOVE ARBITRARY LIMITS ON THE AMOUNT COMPANIES CAN PAY IN GENDER DISCRIMINATION LAWSUITS**, but not other discrimination suits. If enacted, “gender” would join race and national origin as uncapped damage limits.
 - Eliminate gender discrimination caps for businesses with more than 200 and 500 employees. Currently these size companies are barred from penalties in excess of \$200,000 and \$300,000, respectively. These caps are particularly unjust because they prevent sufficient remedies for employees who suffer the worst discrimination. That is, a woman who requires extensive medical care to treat a sexual harassment assault might not receive full damages for her injury.
 - Lifting these arbitrary caps would put damages for gender discrimination at firms with more than 200 employees on the same level as discrimination on the basis of race or national origin, which can currently recover damages without these limitations.
- **SUPPORT WOMEN ENTREPRENEURS**
 - **Support Small Business Lending Programs that Target Lending at Women**
 - Make the **Small Business Administration’s (SBA) Community Express Lending Program** permanent. Doing so will lift the program’s 14 year status as one of SBA’s most successful pilot programs and thereby remove artificial caps on the number of Community Express loans that may be issued. Community Express represents approximately 12% of current SBA loans and **25.6% of all SBA loans to women**, minorities and socially or economically disadvantaged entrepreneurs.
 - **Improve Funding for Entrepreneurial Development Programs That Support Women Entrepreneurs**

While women now represent 50% of the workforce, they own only 30% of businesses nationwide. To support entrepreneurial women, we need to support the Small Business Administration’s Women’s Business Centers. Today, Women’s Business Centers receive just 11% of funding for all Small Business Development Centers. This legislation brings Women’s Business Centers in line with demand by authorizing a 35% increase in appropriations for Women’s Business Centers (from \$14 million to \$19).

- **ENSURE ACCESS TO FAIR AND EQUAL ACCESS TO WOMEN’S HEALTHCARE SERVICES**

- Require health plans to cover comprehensive women’s preventive care and screenings and eliminate co-pays on these recommended services for women.
- Preventive services covered would be determined by guidelines developed by the Health Resources and Services Administration (HRSA) and/or the U.S. Preventative Screening Taskforce.

- **ESTABLISH A CONGRESSIONAL TASKFORCE TO ASSESS AND RECOMMEND CHANGES TO MANDATORY OVERTIME RULES UNDER THE FAIR LABOR STANDARDS ACT (FLSA)**

- The Fair Labor Standards Act currently protects workers by limiting the number of hours an employee can work in a week to 40 hours before overtime pay requirements apply. However, the law does nothing to address mandatory overtime requirements which is a problem for workers with family responsibilities, particularly for registered nurses (92 percent of whom are women), and, more recently, for state and local government workers (more than 50 percent of whom are women).
- This legislation would establish the Congressional Taskforce on Mandatory Overtime and Workplace Schedules to assess the need, benefit and costs of expanding FLSA work hour limits to include reasonable limits on mandatory overtime. The report would be presented to the pertinent Congressional committees within 18 months of the enactment of the legislation.