



## The Oregonian

### Oregon's leave law is no cure-all

Legislation helps parents stay home when a kid is sick, but many still feel pressed to work

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Early on a weekday morning, 5-year-old Cyrus Bocci coughed. A dry little cough.

Cough. Cough.

His parents listened. Cyrus didn't appear sick. No fever, chills or lethargy. After watching him for 30 minutes, his parents decided he was fine for child care.

But behind every such decision is "enormous guilt. You don't want to make the situation worse," said his father, Jeremy McWilliams of Lake Oswego. And he added, five hours after dropping him off, "No phone calls yet."

With one in three Oregon children younger than 13 in paid child care, thousands of parents wrestle daily with whether their child is well enough for them to work.

Oregon legislators recognized their dilemma, passing one of the most generous -- and often overlooked -- sick child leave laws in the nation, going well beyond federal family leave. Under the Oregon Family Leave Act, working parents who are eligible may stay home -- unpaid -- with a child who does not have a serious illness or injury without jeopardizing their job.

Last spring, the Legislature took that a step further. Beginning Jan. 1, eligible workers may use their own paid sick leave for family leave, including caring for a sick child.

Still, 13 years after the act's authors tried to address the common illnesses of childhood, the pressures on parents remain high. Many work for small firms that are exempt. Firms can require that workers use all accrued paid leave first. And many parents can't afford to lose pay or are reluctant to be seen as problem employees.

The result, experts say, is that parents are more likely to take ailing children to child care and providers are more likely to feel pressure to keep them. Frazzled parents are also more likely to skip or delay routine checkups and timely vaccinations for their children because it means taking more time off from work.

McWilliams said he and his wife, Natalie Bocci, have coped with raising their two sons by having great employers (he works at Lewis & Clark College) and flexibility with schedules and working from home. Others have fashioned a patchwork of support. When Kris Schlupp's children need to stay home, the divorced project manager "deploys" her former father-in-law -- from Tacoma.

"Right now my son has tenderness in his cheek, and I'm wondering, is it strep throat or his molars coming in? I'm like, 'Can you tough it out?'" Schlupp says.

"It's gut-wrenching for parents," says Judi Gilles, program manager at Fruit & Flower Childcare Center in Northwest Portland. "You feel like whatever decision you make, you let someone down -- your boss, your co-workers or your child."

#### Pressure on parents

Even a healthy child can affect a parent's work. The American Academy of Pediatrics recommends seven well-baby checks the first year alone. As protection from their mother's immune system diminishes and their own immunity wobbles into play, babies get sick twice as often as older children and adults.

"The reality is, kids get sick whether they're in care or not; it's part of the human condition," says Jean Johnson, director of child care resource and referral for Baker, Grant, Harney, Malheur, Union and Wallowa counties.

By law, child care centers can't accept a child with a 100-degree fever, diarrhea, vomiting, nausea, severe cough and other illness. State officials advise parents to have a backup plan with family, friends or neighbors.

Few parents are completely prepared. "I had no idea," said Angie Cuthill whose 9-month-old daughter, Evelina, has had "an almost a constant cold since she's been in day care."

Cuthill said her boss at Standard Insurance and that of her husband, David, at Legacy Health Systems have been "incredibly supportive" in allowing them to work around illnesses. Caregivers at Fruit & Flower have guided them on when to drop everything and come now. But as Cuthill prepared to take Evelina to the doctor in the middle of the workday, she acknowledged how alone parents feel. "You almost can't understand until you've experienced it."

### **History of law**

When family leave was debated in the early 1990s, the Oregon fight focused almost exclusively on when a child was born or became deathly ill. Then a telephone call was routed to Mary Overgaard, then the Oregon Bureau of Labor & Industry's legal policy adviser. A grandmother and legal guardian of two children told her that after missing three days of work to care for children with chicken pox, she was fired.

"It was stunning to me," Overgaard recalls. "That's when we started talking." Overgaard and a bipartisan coalition led by then-Labor Commissioner Jack Roberts included the sick-child provision in the new law. Both she and Roberts consider the Oregon Family Leave Act a huge achievement that current labor officials say draws few employer complaints.

Still, the top obstacle to taking advantage of family leave is that most people can't afford it, says Kate Kahan, director of work and family for the National Partnership for Women & Families. An Oregon bill to provide \$250 a week for six weeks of family leave, similar to plans in Washington and California, failed last spring.

Oregon legislators and state officials are redoubling their efforts. Later this month, Labor Commissioner Dan Gardner will meet with Sen. Chris Dodd, D-Conn., about Dodd's plan to provide paid family leave under federal law.

And Portland State University has launched the first national study of how supervisors and their handling of hours, culture, location and scheduling affect an employee's health and ability to care for their families.

"The majority of our work force lives paycheck to paycheck; taking a day off is difficult and the fear of losing a job is huge," says Leslie Hammer, professor of psychology and principal investigator. "The solution is not just about money, but a combination of training supervisors to support family-friendly policies and give employees control over their work time to solve problems themselves."

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