



stepping up

new policies and strategies supporting parents
in low-wage jobs and their children

An Update to *Set Up for Success*

ABOUT THE CENTER

The National Women's Law Center is a non-profit organization working to expand the possibilities for women and their families by removing barriers based on gender, opening opportunities, and helping women and their families lead economically secure, healthy, and fulfilled lives—with a special focus on the needs of low-income women and their families.

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Introduction

Today, too many working families are set up to fail. As described in the National Women's Law Center's report, ***Set Up to Fail: When Low-Wage Jobs Jeopardize Parents' and Children's Success***, millions of parents across the country work in jobs in which low wages, unfair scheduling practices, and minimal benefits make it difficult to meet both work and caregiving responsibilities.¹ The challenging working conditions of these low-wage jobs—including unpredictable work hours, rigid attendance policies with limited access to paid leave, and inadequate paychecks—often leave parents struggling, without time to spend with their children and resources to afford the high-quality early care and education their children need to succeed in school and beyond. Public policies, which could help families meet the challenges they face at work and in accessing early care and education, too often are inadequate and instead compound these challenges.

The parents most likely to find themselves in low-wage jobs are women—disproportionately women of color and immigrant women²—who are often raising very young children on their own. Their children face daunting odds: research shows that children growing up in poor or low-income families tend to have lower achievement in school relative to their peers from higher-income families, as well as poorer outcomes in adulthood.³

In June 2016, the National Women's Law Center released ***Set Up for Success: Strategies to Support Parents in Low-Wage Jobs and Their Children***—an agenda for action that recommends policies, practices, and strategies to improve the lives of low-wage working parents and their children.⁴ *Set Up for Success* provided examples of the ways in which these policies, practices, and strategies have been advanced and implemented by different stakeholders, including advocates, policy experts, researchers, private sector representatives, and those who are themselves working in low-wage jobs.

Two years later, the policy landscape at the federal level and in some states has shifted, and in many ways has become even more inhospitable to families—especially immigrant families—who are struggling to make ends meet and provide for their children. The Trump Administration and Republicans in Congress have proposed to add punitive restrictions to a range of public programs that will deny food, housing, and health care to families who are struggling to make ends meet; court decisions and state laws have undermined workers' rights to organize and live their lives free from discrimination; and brutal immigration policies have ripped families apart.

Against this backdrop, however, it is all the more important to recognize that a substantial number of states, localities, and private actors—from working people to community-based organizations to large companies—have taken important steps in the past two years that advance the five key goals outlined in *Set Up for Success*:

- *Increase parents' incomes.*
- *Ensure parents are treated fairly in the workplace and have stable, predictable work schedules.*
- *Expand children's access to high-quality, affordable child care and early education.*
- *Increase parents' access to paid sick days and paid family and medical leave.*
- *Improve parents' opportunities to obtain education and training that can help them advance into better jobs.*

Stepping Up: New Policies and Strategies Supporting Parents in Low-Wage Jobs and Their Children provides examples of the ways in which different stakeholders have, since June 2016, implemented new policies, practices, and strategies to advance these goals—each of which is essential to improving the ability of parents working in low-wage jobs to support their families and promote their children's growth and development. These examples are illustrative and not exhaustive; recent advances spurred by working people and those who advocate on their behalf extend well beyond what can be captured in this brief update. In the face of significant uncertainty and insecurity for many working families across the country, this progress can help guide a path forward that will set more families up for success.

Increase parents' incomes

With low wages, even a full-time job—or multiple jobs—is no guarantee of financial security. The federal minimum wage has been frozen at \$7.25 per hour for nearly a decade—a level that leaves a parent with two children thousands of dollars below the poverty line, even if she works full time.⁵ Even in the lowest-paying jobs, women—especially Black women and Latinas—are typically paid less than men,⁶ and they are often overrepresented in the lowest-paid jobs within low-wage sectors.⁷ In addition, mothers face a gender wage gap compared to fathers, and again this gap is particularly large for Black and Latina mothers compared to white, non-Hispanic fathers.⁸

Moreover, public benefits intended to support low-income families are not always adequate or designed to meet the needs of workers in low-wage jobs, especially those with volatile schedules. At the federal level, recent policy choices have often worked to exacerbate rather than alleviate this problem. For example, at the end of 2017, Republicans in Congress and the President enacted tax cuts that will overwhelmingly benefit the wealthiest individuals and corporations;⁹ even the law's expansion of the federal Child Tax Credit (CTC) will be of little or no benefit to the lowest-income families,¹⁰ and it added a new requirement to provide the child's Social Security number when claiming the CTC, which will deny the credit to an estimated 1 million children in tax-paying immigrant families.¹¹ The same policy makers who passed the tax law now seek to offset its enormous cost by cutting programs that help parents in low-wage jobs meet their families' basic needs,¹² and the Trump Administration has indicated that it intends to further restrict access to public benefits for families, including immigrant families.¹³ The Trump Administration, too, has rolled back numerous Obama-era regulations and initiatives designed to promote higher wages and equal pay.¹⁴

At the same time, however, working families in a number of states and localities across the country will see higher pay and greater benefits as a result of successful legislative campaigns and improvements to employer practices. Advocates can build on this momentum and continue to work to **increase wages, combat pay discrimination, improve access to benefits, and strengthen safety net and insurance programs.**

- *Increase pay*, including by raising the minimum wage and tipped minimum wage.

State legislation: In June 2018, **Massachusetts** joined California, New York, and the District of Columbia by passing a law, signed by Republican Governor Charlie Baker, to **raise the state minimum wage from \$11 to \$15 per hour by 2023.**¹⁵ The increase will benefit close one-quarter of the workforce in Massachusetts, including nearly one-fifth of all working parents in the state.¹⁶ For tipped workers, however, the minimum cash wage that employers must pay will only rise from 30 percent to 45 percent of the full minimum wage (i.e., \$6.75 per hour by 2023).

State ballot measures: In November 2016, voters passed ballot measures to raise state minimum wages in **Arizona, Colorado, Maine, and Washington**. In Arizona, Colorado, and Maine, the measures will increase the state minimum wage to \$12 an hour by 2020, while in Washington, the minimum wage will rise to \$13.50 an hour by 2020.¹⁷ Wages for tipped workers will continue to be \$3 below the regular minimum wage in Arizona and Colorado, and Washington will maintain the same minimum wage for tipped and non-tipped workers alike. In Maine, voters approved raising the tipped minimum wage to match the regular minimum wage—but in 2017 the state legislature repealed scheduled increases in the tipped minimum wage, instead setting it at 50 percent of the regular minimum wage.¹⁸

Local legislation: In 2017, the city council in **Minneapolis, Minnesota**, passed an ordinance that will **increase the city's minimum wage to \$15 an hour**,¹⁹ benefiting 71,000 local workers. Minnesota requires employers to pay their tipped employees the regular minimum wage before tips, and council members resoundingly rejected the restaurant industry's attempt to create a new tip credit in the Minneapolis law that would have excluded tipped workers from the full benefit of the increase.²⁰

Local legislation: In July 2018, **Seattle's City Council unanimously passed a domestic workers' bill of rights**,²¹ the first of its kind at the municipal level. Beginning in 2019, the new law ensures that these workers—which include cleaners, nannies, and home care workers—will be covered by protections from which they have previously been excluded, including minimum wage and guaranteed rest breaks. The legislation also creates a new system that grants domestic workers the power to bargain for industry-wide standards and regulations on issues like sick leave and health benefits, rather than negotiating employer by employer.²²

Local ballot measure: In June 2018, **voters in the District of Columbia approved Initiative 77**, which will gradually raise the minimum cash wage that employers must pay their tipped employees from \$3.33 until it matches the regular minimum wage in 2026.²³ The adoption of the initiative follows D.C.'s 2016 minimum wage ordinance, which raised the minimum wage in the District to \$15 per hour by 2020 but only raised the tipped minimum wage to \$5 as of 2020 the same time frame.²⁴ If the D.C. Council does not block implementation of the measure,²⁵ roughly 30,000 tipped workers in the District will benefit from a higher base wage.²⁶

Local preemption laws

Seeking policy change by starting at the local level is often a promising strategy. It can provide models that can later be adopted at the state or national level and help build momentum and support for these changes. However, a number of states have laws that prevent local governments from acting on certain issues—which are often designed specifically to thwart a locality's effort to pass or implement worker-friendly measures. State passage of such “local preemption laws” has been on the rise in recent years: in 2017 alone, nine states passed new local preemption laws.²⁷ Minimum wage increases are a common target of such laws; 25 states currently prohibit localities from enacting their own minimum wage rates.²⁸ But preemption efforts span a wide range of issues, including many covered in the sections that follow. For example, in 2017, Arkansas and Iowa each passed laws barring localities from regulating work schedules, requiring paid leave, or raising the minimum wage, while Georgia and Tennessee—which already had minimum wage and paid leave preemption laws on the books—banned local action on work schedules.²⁹ Local advocates for progressive legislation should be aware that they may need to combat attacks on the authority to pass such legislation even as they argue for its merits.

Company policies: Between 2016 and 2018, a number of major companies raised their minimum wages for workers. For example, in 2017, **Target** announced it would raise its minimum wage to \$11 an hour by October 2017, and to \$15 by the end of 2020,³⁰ and other companies followed suit, including **SunTrust**³¹ and **Wells Fargo**,³² which both increased their minimum wages to \$15 per hour.

Collective bargaining: In June 2017, following four years of organizing—first as a workers' organization and then as a recognized independent union—**Familias Unidas por La Justicia (FUJ)** signed a collective bargaining agreement with **Sakuma Brothers Berry Farm** that raised wages for the more than 500 immigrant farmworkers who harvest berries at the farm. The contract ensures that the berry pickers—many of whom had been earning less than the state minimum wage of \$9.47 an hour under the former piece-rate system (based on how many pounds of berries they picked)—now earn at least \$12 per hour, and the revised piece-rate system established by the contract aims to deliver an average wage of \$15 per hour.³³

- *Offer additional benefits*, such as health care and retirement benefits, to improve economic security for people working in low-wage jobs.

Non-profit initiative: The **National Domestic Workers Alliance's (NDWA) Fair Care Labs** have developed **Alia**, a mobile platform currently in beta testing that is designed to make it easy for clients to help provide benefits to the people who clean their homes. Clients make contributions (typically \$5 per cleaning) to an Alia account, and housecleaners can then use the funds contributed from all of their customers to purchase benefits, such as paid time off or insurance for disability, accidents, or critical illness. Google.org is an early investor in Alia, and NDWA plans to scale up the product to reach other low-wage workers who typically face barriers to benefits access, such as nannies and caregivers.³⁴

- *Strengthen and expand critical supports for low-income families*, including, for example, the federal Supplemental Nutrition Assistance Program (SNAP), which helps millions of low-wage workers feed their families; Medicaid, a joint federal-state program that provides health insurance coverage for low-income children and adults; Temporary Assistance for Needy Families (TANF), a federal block grant program that helps states provide cash assistance, work supports and other services for low-income families; and federal and state tax policies that help boost income. Additional funding for these programs would allow for an increase in the families able to receive assistance and an increase in the level of benefits these families receive, while proposed funding cuts and structural changes to these programs would have the opposite effect.

Refundable tax credits—which allow families who owe little or no income tax to receive the credit as a refund—are particularly important for low-wage workers, who often earn too little to have significant income tax liability. The federal Earned Income Tax Credit (EITC), which is designed to supplement earnings from work, is refundable, as is part of the federal Child Tax Credit (CTC), which is designed to help parents meet the costs of raising children; in 2016, these two credits together lifted almost 9 million people out of poverty annually, including 4.7 million children—more than any other program.³⁵

Federal legislation and state policy: As of June 2018, 33 states and the District of Columbia had adopted the Medicaid expansion pursuant to the Affordable Care Act (ACA),³⁶ which provides federal funding to states that elect to extend Medicaid coverage to all eligible individuals under age 65 who have incomes below 138 percent of the federal poverty line.³⁷ Most recently, in June 2018, newly elected Virginia Governor Ralph Northam signed a budget that will expand Medicaid coverage to an additional 400,000 residents—although the plan incorporated discriminatory (and likely illegal) work requirements as a condition of Republican support.³⁸ Maine voters adopted the expansion in a 2017 ballot initiative; the initiative has thus far survived legal challenges from Governor Paul LePage, though as of this writing he has continued to defy court orders and refused to implement the law, blocking 70,000 Mainers from the Medicaid coverage for which they are eligible.³⁹ Advocates in Idaho and Utah have also placed Medicaid expansion initiatives on the November ballot, and similar efforts are underway in Nebraska.⁴⁰

State legislation: In 2017, **California improved its refundable state EITC**, allowing self-employed workers to claim the credit and raising the income eligibility level for other workers. These improvements increased access to the credit for an estimated 1 million more working families with low to moderate incomes.⁴¹ And in 2018, California further increased the income eligibility limits, along with the age limits, for its state EITC.⁴² Montana enacted a small refundable state EITC in 2017,⁴³ and South Carolina and Hawaii enacted nonrefundable state EITCs that same year.⁴⁴

- *Reform the unemployment insurance (UI) system to better meet the needs of low-wage workers, especially those with volatile schedules. Federal law allows states to:*
 - Provide UI for quits or discharges related to unreasonable scheduling practices. For example, when variable scheduling results in a reduction in pay that exceeds a reasonable threshold established by the state, workers should be considered as having good cause to leave, regardless of whether such scheduling practices are typical of an employer or industry. And when an employer's unpredictable, unstable scheduling practices result in employee absences from work, and the employer then discharges the employee for those absences, the employee should not be disqualified from UI benefits.
 - Ensure that workers' caregiving obligations do not undermine their eligibility for UI benefits. States should recognize a lack of available child care and compelling family circumstances as good cause for leaving work, and allow workers who are specifically seeking part-time rather than full-time work (whether due to caregiving obligations or otherwise) to remain eligible for UI benefits.
 - Make more underemployed workers eligible for meaningful income support when they cannot get enough hours of work by, for example, updating the formulas used to determine whether, and in what amount, they are eligible for partial UI benefits.⁴⁵

Local legislation: In August 2016, the **District of Columbia adopted the Unemployment Benefits Modernization Amendment Act**, which increased the maximum weekly UI benefit amount for eligible claimants from \$359 to \$425 and revised the partial UI benefit formula to increase weekly benefits for underemployed workers by 14 percent.⁴⁶

- *Make it easier to establish and maintain eligibility for income support programs like TANF, Medicaid, and SNAP*, so that workers with volatile schedules and incomes can easily access the benefits they need to support their families. States should avoid imposing work requirements that are not federally mandated for particular benefit programs, such as Medicaid; such requirements are not only not allowed under the Medicaid statute, but also do not actually promote work, and in fact penalize people who are already struggling with unstable and inadequate work hours by placing them at risk of losing benefits if they cannot meet a minimum weekly hours threshold or do not properly document those hours of work.⁴⁷ Federal proposals to impose or expand work requirements for SNAP, housing, or other benefits should be rejected.

Federal legislation and state policy: Under the ACA, most states have **modernized and streamlined their Medicaid and CHIP enrollment and renewal processes**. The ACA established electronic data-driven, streamlined enrollment and renewal processes for Medicaid and CHIP, and provided increased federal funding to help states replace or upgrade their systems to implement these new processes. As of January 2018, individuals can apply for and renew Medicaid online or by phone in nearly every state. Individuals can receive a real-time eligibility determination in 40 states. In addition, nearly all states are using electronic data matches to automatically renew coverage annually.⁴⁸

- *Strengthen and enforce protections against harassment and discrimination in pay, hiring, and promotions.* Women and people of color working in low-wage jobs too often experience harassment and discrimination based on sex, race, and other protected characteristics that impacts their earnings by lowering their rates of pay and excluding them from opportunities for higher-wage jobs.⁴⁹ Low-wage workers may be particularly vulnerable to discrimination and harassment because they often lack bargaining power in the workplace, are seen as easily replaceable by employers, lack financial resources to challenge discrimination, harassment, and retaliation, and sometimes lack legal protections.

State legislation: Since 2016, **more than a dozen states have strengthened their equal pay laws**—often with bipartisan support—by, for example, ensuring that employees can discuss their wages without employer retaliation; prohibiting employers from relying on job applicants' salary history to set pay; and strengthening remedies and enforcement.⁵⁰ Several of these states have extended their equal pay laws to also protect against pay gaps based on race, ethnicity, or other protected characteristics, like disability. New Jersey's equal pay law, which was strengthened by legislation in 2018, is now one of the strongest in the country. The 2018 legislation closed loopholes in state law, strengthened anti-retaliation protections for employees who discuss their wages, increased the back pay and damages a victim can receive, and extended equal pay protections to other protected characteristics, like race. New Jersey's new law also requires state contractors to report their pay data broken down by race, ethnicity, and gender to the state government.⁵¹

Company policies: In 2018, **Starbucks announced that it had reached 100 percent pay equity** for partners of all genders and races performing similar work across the United States. The company publicly shared the principles and tools it used to close gaps, including regularly running checks on partner compensation to identify and address any gaps, developing a calculator to objectively determine target starting pay ranges based on a candidate's experience, statistically analyzing raises and bonuses before they are finalized to ensure systemic bias does not seep into the process, stopping asking job candidates for their salary history, and providing the pay range for any given role to job candidates who ask for it.⁵²

State legislation: In 2018, New Hampshire enacted legislation explicitly **prohibiting employment discrimination on the basis of sexual orientation or gender identity**,⁵³ joining 20 other states and DC that have similar laws.⁵⁴ Nearly half of LGBT women under 50 are raising children, and 15 percent of female same-sex couples raising children are living in poverty, compared to 9 percent of married opposite-sex couples with children.⁵⁵ Employment discrimination is one cause of this heightened risk of poverty, and indeed, the average poverty rate for women in same-sex couples is much higher in those states that lack laws prohibiting employment discrimination on the basis of sexual orientation or gender identity.⁵⁶

State legislation: In response to the #MeToo movement gaining unprecedented visibility in the fall of 2017, **state legislators have introduced over 100 bills to better protect workers, especially low-wage workers, from harassment** and to hold employers accountable for preventing harassment from occurring in the first place. **And many laws have passed:** Vermont and New York, for example, extended their anti-harassment laws to independent contractors who, under federal law and many state laws, are left without protection from workplace harassment.⁵⁷ This growing segment of workers includes some of the country's most vulnerable workers—like home health care workers and domestic workers—who are often classified as independent contractors. To lift the shroud of secrecy that has shielded harassers and employers from accountability and allowed harassment to persist in too many workplaces, four states have enacted legislation prohibiting employers from requiring employees to sign, as a condition of employment, nondisclosure agreements that keep them from speaking out about harassment in the workplace.⁵⁸ And Maryland enacted legislation requiring certain employers to regularly report about sexual harassment settlements to a government entity.⁵⁹

Ensure parents are treated fairly in the workplace and have stable, predictable work schedules

In addition to insufficient wages, parents in the low-wage workforce often have unpredictable or inflexible work schedules over which they have little control. Without stable work schedules, these parents are frequently left without enough hours of work—which, together with low wages, deprive them of the income they need to provide for their children. Variable work schedules assigned with short notice can also wreak havoc on parents' transportation and child care arrangements, and the fluctuating earnings that accompany fluctuating hours can make paying for child care or qualifying for child care or food assistance problematic.

Even when employers frequently change schedules without notice, employees may be required to provide several weeks' notice for any planned absence and penalized for any unplanned absence, no matter the circumstances. Such rigid attendance policies can have the effect of discriminating against working parents, who are more likely to need flexibility to manage their caregiving responsibilities. Low-wage workers are also more likely than middle-class and professional workers to experience overt discrimination related to pregnancy or caregiver status. Because women shoulder the majority of caregiving responsibilities,⁶⁰ they are particularly vulnerable to discrimination on the basis of caregiver status—and on the basis of pregnancy—especially in low-wage jobs, where mothers comprise three-quarters of working parents.⁶¹

Advocates have worked to address these challenges and enable parents to both meet their work obligations and family responsibilities—and their efforts have paid off: since June 2016, state and local legislation as well as improved business practices have been implemented to provide greater **predictability, stability, and adequate hours** in work schedules, **grant employees a voice** in their schedules, and **combat discrimination** on the basis of pregnancy or caregiver status.

- ***Establish and implement fair scheduling practices*** that allow employees to meet their caregiving responsibilities and other obligations outside of work. Such practices can include soliciting and respecting employees' input into their work schedules; providing reasonable advance notice of scheduled shifts; guaranteeing minimum weekly work hours; avoiding the use of “on-call” shifts for positions in retail, restaurants, and other industries in which this practice is not a business necessity; compensating workers whose shifts are changed, canceled, or shortened at the last minute; and eliminating “no-fault” attendance policies (under which any type of absence results in a sanction, no matter the circumstances).

State legislation: In 2017, **Oregon enacted its Fair Workweek Law** to provide hourly employees at large (500+ employees worldwide) retail, hospitality, and food service establishments with more stable and predictable work schedules. The first statewide law of its kind, it provides for:

- A **right to request** to work at preferred hours and/or locations;
- 14 days' **advance notice of work schedules** (seven days during the initial implementation period between July 1, 2018 and June 30, 2020);
- **Additional compensation** for employer-requested schedule changes or cancellations made with less than the required notice, including cancelled on-call shifts; and
- A **right to rest** 10 hours between work shifts, with additional compensation if an employee agrees to work during a rest period.⁶²

Local legislation: **Seattle's Secure Scheduling Ordinance**, adopted in September 2016, applies to hourly employees in retail and fast food establishments with 500 or more employees worldwide, or in full-service restaurants with 500 or more employees and 40 or more full-service locations worldwide. This city ordinance provides for:

- A **right to request** to work at preferred hours and/or locations, and to receive schedule modifications related to a major life event—i.e., the employee's serious health condition, education, caregiving responsibilities, second job responsibilities, or changes in the employee's transportation or housing—unless the employer has a bona fide business reason for denying the request;
- 14 days' **advance notice of work schedules**;
- **Additional compensation** for employer-requested schedule changes or cancellations made with less than the required notice, including cancelled on-call shifts;
- A **right to rest** 10 hours between work shifts, with additional compensation if an employee agrees to work during a rest period; and
- **Access to hours**, by requiring employers with additional available hours of work to offer those hours first to existing, qualified part-time staff before hiring new employees or subcontractors.⁶³

The City of Emeryville, California, enacted similar protections in November 2016, and New York City adopted laws to promote fair work schedules for retail and fast food workers in May 2017.⁶⁴

Local ballot measure: **San Jose's Opportunity to Work ordinance**, adopted by ballot initiative in November 2016, requires employers with 36 or more employees to offer additional available hours to existing, qualified part-time employees, and distribute such hours according to a transparent and nondiscriminatory process, before hiring additional employees.⁶⁵

- *Enforce scheduling protections through state agency actions* in jurisdictions with protections such as “reporting time pay” laws, which require hourly employees to be paid a minimum amount when they report to work as required or requested by their employer (even if no work is provided),⁶⁶ or other enforcement power to address workplace terms and conditions.

State enforcement action: In December 2016, six additional retailers—Aeropostale, Carter's, David's Tea, Walt Disney Company, Pacific Sunwear of California, and Zumiez—announced they would **end their practice of on-call scheduling** in response to an investigation into scheduling practices undertaken by attorneys general in a number of states across the country.⁶⁷

- *Develop and provide software or consulting services to help employers develop scheduling practices that better meet the needs of both employers and employees* and reduce costs to employers stemming from employee churn, absenteeism, and discipline.

Private sector initiative: From late 2015 through August 2016, **Gap Inc. worked with store managers to pilot strategies to improve consistency in shift scheduling**, make it easier for workers to swap shifts using a mobile app, and offering a core group of associates a soft guarantee of 20+ hours a week. Employees reported enthusiasm for these changes and the stores that implemented them saw higher productivity as well as a 7 percent increase in sales—notably higher than the standard goal of 1 to 2 percent sales increases commonly sought in the retail industry.⁶⁸

- *Protect workers from employment discrimination*, including through policies to ensure that pregnant and caregiving workers are not forced to choose between meeting their responsibilities at work and caring for themselves and their families.

State legislation: In 2018, **South Carolina passed the Pregnancy Accommodations Act** to ensure that pregnant workers can continue to do their jobs and support their families by explicitly requiring employers to make reasonable accommodations for pregnancy, childbirth, and related medical conditions,⁶⁹ just as they already do for disabilities. South Carolina became the twenty-third state (in addition to the District of Columbia) to enact such a law to explicitly grant pregnant employees with medical needs the right to accommodations at work. Most of these laws have been enacted since 2013 with bipartisan (and often unanimous) support.⁷⁰

State and local legislation: In June 2016, **Delaware enacted a law prohibiting employment discrimination on the basis of “family responsibilities,”** defined as “obligations of an employee to care for any family member who would qualify as a covered family member under the Family and Medical Leave Act.”⁷¹ More than 100 states and localities across the country have also enacted laws prohibiting employment discrimination on the basis of “familial status,” “family responsibilities,” “parenthood,” or “parental status.”⁷²

Expand children's access to high-quality, affordable child care and early education

High-quality early care and education enables parents to work and children to get the strong start they need to succeed in school and in life. Yet parents working in low-wage jobs often struggle to find high-quality, affordable child care that matches their work schedules. Most child care programs do not operate during the evening, overnight, or early morning hours that many of these parents work and are not flexible enough to accommodate highly variable work schedules. With limited incomes, these families also struggle to afford the cost of average-priced care, much less higher-quality—and typically higher-cost—care. Insufficient funding and other barriers often prevent parents with low-wage jobs from accessing the federal and state programs that could help them afford child care and early education. Many of these families turn to family members, friends, and neighbors they trust and who are flexible enough to meet their needs to provide child care, but this option is not always available.

Meanwhile, child care workers—the vast majority of whom are women and many of whom have children of their own—struggle with low salaries and limited opportunities for training, education, and professional development.

Advocates are working to advance investments and policies at the federal, state, and local levels and in the private sector that **expand families' access to affordable, high-quality child care and early education** that enables children to thrive, **ensure child care and early education programs accommodate the needs of low-wage workers**, and **increase compensation and professional development opportunities for child care workers**. Advocates scored a notable victory when their efforts resulted in an historic increase in funding for the major federal child care program.

- *Increase child care investments* to make child care assistance available to more low-income families and their children, raise child care provider payment rates and compensation, and support activities to strengthen the supply and quality of child care. The Child Care and Development Block Grant (CCDBG)—which is federally and state funded and allows states to set child care assistance policies within federal parameters—currently helps many low-income families afford child care and supports investments to improve the quality of care. But CCDBG and related programs served fewer than one in six eligible children in 2013 (the most recent year for which data are available).⁷³

Federal legislation: In 2018, **Congress enacted the largest child care funding increase in history**, boosting CCDBG funding by \$2.37 billion, to a total of \$8.143 billion.⁷⁴ Congress indicated that states are expected to use the additional funds to help implement the CCDBG reauthorization law enacted in 2014, including provisions aimed at “improv[ing] the quality and safety of child care programs, ncreasing provider payment rates, and ensuring child care providers meet health and safety standards.” States are also expected to use the additional funds to help more low-income, working families access affordable, high-quality child care. In addition, states are instructed to ensure they are meeting the child care needs of families working nontraditional hours.⁷⁵

Federal legislation: In September 2017 Senator Patty Murray (D-WA) and Representative Bobby Scott (D-VA) introduced the **Child Care for Working Families Act**, which offers a model for significantly advancing our country’s child care system. If enacted, this bill would amend CCDBG to ensure that no family with an income below 150 percent of state median income would pay more than 7 percent of their income for child care. It also includes provisions designed to increase workforce training and compensation; expand the supply of high-quality, inclusive child care for children in underserved areas, children with disabilities, and infants and toddlers with disabilities; and improve the quality of care.⁷⁶

Local ballot initiative: In June 2018, **Proposition C passed to support child care in San Francisco, California**. Voters approved an increase on the surtax charged on commercial rents, which is expected to generate approximately \$145 million per year. Funds will be used to make child care available for every family in San Francisco on the child care waiting list and earning up to 200 percent of the area median income, increase wages for early childhood educators to improve retention, and invest in comprehensive services for the physical, emotional, and cognitive development of children under age 6.⁷⁷ Nearby Alameda County, California also had a tax measure to increase funding child care on the June 2018 ballot; the funding generated from the tax would have been used to expand access to high-quality child care for approximately 21,000 children, raise payment rates for child care providers serving low-income families, increase wages for instructional assistants, provide professional development for child care and early education workers, and eliminate the waiting list for child care assistance. In the final count, 66.2 percent of voters approved the Alameda County initiative, falling just short of the 66.67 percent needed to win.⁷⁸

- *Provide tax assistance to help families meet the high costs of child care.* The federal Child and Dependent Care Tax Credit (CDCTC) can help offset the high costs of child care—but its expense limits are outdated and it is not refundable, making it poorly targeted to low-income families. Twenty-six states, including the District of Columbia, offer state child and dependent care tax provisions, and in 12 of these states the provisions are refundable.⁷⁹

State legislation: In 2017, **Minnesota expanded its child and dependent care tax credit** to reach more families with low to moderate incomes, increasing the maximum value of the credit and increasing the income level at which the phase out of the credit begins.⁸⁰

- *Help workers access and afford child care through their employers.* Employers can assist their employees in identifying child care options that cover their work hours and offer financial assistance to help them afford care, including by:
 - Surveying their employees to assess their child care needs and preferences.
 - Establishing a Dependent Care Assistance Program to provide on-site care, assist employees in locating and paying for off-site child care, and/or allow workers to use pre-tax dollars to reimburse eligible dependent care expenses.
 - Working with organizations that can offer their employees referrals to child care providers and to programs that help cover the costs of child care.
 - Supporting networks of family child care providers available to respond to variable and unexpected child care needs among parents working in low-wage jobs.

Unions and organizations representing workers in low-wage jobs can play a role in negotiating with employers for these child care benefits as part of collective bargaining agreements and in connecting workers with child care.

Company policy: **Patagonia**, which had supported an on-site child care at its Ventura, California headquarters since 1983, **opened a newly expanded on-site child care center** at its distribution, repair, and customer service site in Reno, Nevada in June 2017. Patagonia employees receive subsidies based on their income to help pay for care at the center. The center has two classrooms that can serve up to 24 children, from infants through preschoolers, and employs eight teachers. Spanish immersion, outdoor play, and child-directed learning are all integral parts of the program.⁸¹

- *Increase investments in high-quality early education programs*, including federal Head Start and Early Head Start programs and state prekindergarten programs, so that more children of parents working in low-wage jobs can participate. Head Start serves only about half of eligible preschoolers (children ages 3 and 4), and Early Head Start serves just 7 percent of eligible infants and toddlers (children under age 3).⁸² State-funded prekindergarten programs serve only 33 percent of all 4-year-olds and 5 percent of all 3-year-olds.⁸³

State legislation: Several states have expanded their prekindergarten programs since 2016. For example:

- **California's** final budget for 2016-17 provided an additional \$7.8 million in **state funding for preschool** starting March 1, 2017 to support full-school-day slots for nearly 3,000 children, and the state's FY 2017-18 budget included an additional \$7.9 million for another nearly 3,000 full-school-day preschool slots starting in March 2018.⁸⁴
- In 2017, **Illinois** provided \$50 million in additional funding for the state's **Early Childhood Block Grant**, which supports preschool programs as well as services for infants and toddlers, bringing total funding to a new high of \$443.7 million.⁸⁵
- **Vermont's** law requiring publicly funded prekindergarten (for at least 10 hours per week for 35 weeks per year) to be available in all school districts for all 3- and 4-year-olds whose parents want them to enroll, which was signed in 2014, took full effect as of July 1, 2016; the state is the first in the country to provide access to **publicly funded preschool programs for all 3- and 4-year-olds**.⁸⁶

Local ballot initiative: Local ballot initiative: In November 2016, Cincinnati and Dayton voters approved **ballot referendums aimed at improving access to high-quality early learning programs for low-income families**. Cincinnati voters supported an income tax increase projected to generate \$15 million, while Dayton increased income taxes by one quarter of a percentage, generating an estimated \$4.3 million. The Cincinnati initiative fully subsidizes preschool for 3- and 4-year-olds in households with incomes at or below 200 percent of the federal poverty level and partially subsidizes preschool for children in families above that income. The Dayton initiative offers sliding-scale tuition assistance to help 4-year-olds attend preschool, and is available to all of the city's families, regardless of income. Advocates estimate that approximately 6,000 children will benefit from the Cincinnati initiative, and that up to 1,900 children will benefit from Dayton's initiative.⁸⁷

- *Design child care assistance policies to meet the needs of families with parents working in low-wage jobs.*

Federal legislation and state policy: The federal **Child Care and Development Block Grant Act of 2014** has a number of provisions aimed at facilitating families' access to child care assistance that may be particularly beneficial to parents who experience frequent changes in work status, work hours, and income. For example, under the law, states must allow families to remain eligible for child care assistance for a minimum of 12 months, regardless of temporary changes in parental employment or participation in education or training or changes in income, as long as household income remains below 85 percent of state median income. States must also take into account fluctuations in income in determining a family's eligibility for child care assistance. In addition, states may authorize care based on the child's developmental needs and well-being, rather than based strictly on a parent's work, education, or training hours.⁸⁸ A number of states have made changes since the enactment of the law to comply with these provisions. For example:

- Forty-one states allowed all families to continue receiving child care assistance for 12 months before having to recertify their eligibility as of June 2017. Seventeen of these states had increased their eligibility period to 12 months for all families in 2015 or 2016.⁸⁹
- Ten states (Arizona, Colorado, Connecticut, Florida, Minnesota, Missouri, Rhode Island, Texas, Vermont, and Wisconsin) reduced their interim reporting requirements for families receiving child care assistance in 2015 or 2016 by decreasing the frequency of required reporting, limiting the types of changes required to be reported, or taking other steps that lessened the burden for families. Four additional states (Alaska, California, Massachusetts, and New Hampshire) planned to reduce or eliminate interim reporting requirements in 2017.⁹⁰

- *Design early education programs to meet the needs of families with parents working in low-wage jobs.* Head Start, Early Head Start, and state prekindergarten programs should be structured to meet the diverse needs of families, including families who may work during hours outside of the Head Start or preschool day or whose work situation creates other barriers to participating in these programs. Strategies that can help increase families' access to Head Start, Early Head Start, state prekindergarten, and other early education programs include:

- Providing transportation between early education programs and children's homes or their child care providers (if in a different location from the early education program).
- Offering state-funded prekindergarten programs in a variety of locations, including public schools, child care centers, and community-based settings.
- Offering early education programs in low-income neighborhoods.
- Funding early education programs to offer full-school-day programming.
- Encouraging coordination between prekindergarten programs and child care providers, including FFN providers, to meet the needs of parents whose work hours extend beyond, or do not overlap at all with, the prekindergarten program's hours of operation.

Federal legislation: The FY 2018 appropriations measure approved by Congress included \$260 million in **new Head Start funding to enable more programs to expand their program hours.**⁹¹

- *Support family, friend, and neighbor (FFN) care* as an option for families who prefer it or lack other options by:
 - Permitting families that receive child care assistance to use that assistance to pay for FFN care; some states currently place strict limitations on the use of assistance for FFN care.
 - Enabling FFN providers to receive benefits and supports through other federal programs, including programs such as the Child and Adult Care Food Program (CACFP) for which states determine whether FFN providers can participate.
 - Investing in initiatives that provide education and training, mentoring, networking opportunities, home visiting, leadership development, financial assistance, assistance accessing other resources, and other supports to FFN providers to help them improve the quality of care they offer as well as their own economic security.
 - Connecting FFN providers to resources and services that help them in caring for children, including by using technology and social media to communicate with FFN providers and offer them information and guidance on promoting children's school readiness.

Non-profit initiative: All Our Kin—a private, non-profit organization that has offered **training, support, and resources to family child care providers** and FFN providers in greater New Haven, Bridgeport, Stamford, and Norwalk, Connecticut—expanded its services to New York City in 2018. All Our Kin's New York City site will serve as a hub for home-based providers throughout the Bronx, helping a network of 150 caregivers to access professional development opportunities, improve their quality, and strengthen their business practices.⁹²

- *Provide financial incentives and technical assistance to encourage child care centers and family child care providers to offer care during nontraditional hours.* States can also support those providers offering care during nontraditional hours in making quality improvements, by helping them participate in the state's quality rating and improvement system (if it has one) or by providing other supports.

Federal and state policy: The CCDBG reauthorization law encourages states to offer higher payment rates and use other strategies to incentivize and support care offered during nontraditional hours. New York began requiring local districts to pay a differential rate that is 5 to 15 percent higher than the base rate for all providers caring for children during nontraditional hours as of March 2017; previously, the state allowed, but did not require, local districts to set differential rates for nontraditional care up to 15 percent above the base rate. A total of 13 states have **differential payment rates under their child care assistance programs for care provided during nontraditional hours**.⁹³

- *Increase child care providers' compensation and professional development opportunities, and give them a greater voice in the policy-making process.*

State legislation and policy: Nebraska's School Readiness Tax Credit for the Early Childhood Workforce became available in the 2017 tax year. The credit, which is refundable, can be received by early childhood professionals who have attained at least a Child Development Associate credential or a one-year certificate or diploma in early childhood education or child development, and who are employed in early childhood programs participating in the state's quality rating and improvement system, Step Up to Quality. The amount of the tax credit depends on the early childhood professional's educational degrees and professional credentials held, relevant training completed, and work history; those professionals with higher credentials and more experience receive larger tax credits, according to a four-level classification system.⁹⁴

Collective bargaining: In 2017, the state of Washington provided \$15.1 million to support provisions of a collective bargaining agreement with family child care providers, including a 2 percent increase in base payment rates for licensed family child care providers, an increase in payment rates for license-exempt family child care providers, improved health care benefits, needs-based grants, and professional development funds.⁹⁵

Non-profit initiative: In 2017, the T.E.A.C.H. Early Childhood® National Center, with grant funding from the Alliance for Early Success and the W.K. Kellogg Foundation, awarded grants to eight state teams to raise the awareness of early childhood workforce compensation issues and create new or significantly expand policy, advocacy, and funding strategies to improve the compensation of the early education teaching workforce within participating states.⁹⁶

Increase parents' access to paid sick days and paid family and medical leave

Low-wage workers, who are least likely to be able to afford to take unpaid time off from work, are also least likely to have access to any paid sick days or paid family or medical leave. New parents often lack sufficient—if any—paid family leave to care for and bond with their newborns, or to recuperate themselves.⁹⁷ This can increase stress on parents and babies alike. And parents with young children need time off from work not only to take their children to doctor's appointments or to attend conferences with teachers related to a child's health condition, but also for unanticipated illnesses. The lack of paid sick days or medical leave may also cause working parents to report to work when they are ill, fail to manage chronic health conditions, or send their children to school or a child care provider while sick. Because women experience pregnancy and childbirth and are more likely than men to serve as primary caregivers, they are particularly likely to need paid time off to meet their own or their family's medical needs; women also make up a disproportionate share of survivors of domestic violence, who may be unable to address health or medical needs resulting from abuse without paid leave.

While the United States continues to lack national policy providing paid time off to care for family members or for other medical needs, advocates have successfully encouraged actions at the state and local level and in the private sector to **expand the availability of paid family and medical leave and paid sick days** to help ensure that low-wage working parents can care for themselves and their families and be more productive at work. Between June 2016 and June 2018, five states⁹⁸ and ten cities⁹⁹ adopted paid sick days laws, while Washington, Massachusetts, and the District of Columbia established (and California expanded) paid family and medical leave policies.¹⁰⁰ Private sector adoption of these policies continued to expand as well.

- *Encourage or require employers to provide paid sick days and paid family and medical leave.*

State legislation: In 2018, **New Jersey enacted legislation that allows workers to accrue one hour of paid sick time for every 30 hours worked.**¹⁰¹ The law enables workers to accrue up to 40 hours of sick leave per year, and provides coverage not only for workers' own sick time, but also for time taken to care for sick family members; for absences associated with domestic violence, sexual assault or stalking; closures for public health emergencies; attendance at a child's school-related conference or meeting; or absences related to the care of family members dealing with any of these issues. Approximately 1.2 million people in New Jersey will gain paid sick days as a result of the law.¹⁰²

State ballot measure: In November 2016, **Arizona voters passed The Fair Wages and Healthy Families Act** through a ballot initiative.¹⁰³ The law enables employees to accrue one hour of paid sick time for every 30 hours worked, up to 40 hours per year (or 24 hours if the employer fewer than 15 employees). Passage of the legislation means that over 930,000 workers who previously had no sick time will now enjoy its benefits.¹⁰⁴

Local legislation: **Austin, Texas passed a paid sick days ordinance in 2018** that allows employees to accrue one hour of paid sick leave for every 30 hours worked, with a total accrual of up to 64 hours annually (or 48 hours if the employer has 15 or fewer employees).¹⁰⁵ An estimated 223,000 workers formerly without paid sick time gained it through this law.¹⁰⁶

State legislation: In 2017, **Washington passed legislation that guarantees eligible workers up to 16 weeks of combined paid family and medical leave in a year.**¹⁰⁷ The law creates an insurance fund into which both employers and employees pay. Beginning in 2020, workers will be able to take paid time off for the birth, adoption, or fostering of a new child, to care for the worker's own serious health condition, or to provide care for a family member experiencing a serious health condition. The legislation covers all employers in the state of Washington and allows for self-employed individuals and independent contractors to opt in for coverage. Workers paid the lowest wages (i.e., those earning less than 50 percent of the state's average weekly wage) are guaranteed wage replacement at a 90 percent rate. Washington's law also offers job protection for employees who take leave and who work for an employer that has 50 or more employees, have worked for that employer for a minimum of one year, and have worked a minimum of 1,250 hours in the past year.¹⁰⁸

Company policies: Since June 2016, a number of companies have announced new or expanded paid family leave policies that include hourly and/or part-time employees. For example, in October 2017, **IBM** announced it would expand its paid parental leave to allow for up to 20 weeks of paid leave for birth mothers, and up to 12 weeks of paid leave for other parents—a policy that will apply to both salaried and hourly employees.¹⁰⁹ **Gap Inc.** followed suit with its own 2018 expansion of parental leave benefits to include hourly workers who have worked at least 24 hours per week for a year, enabling all Gap employees to take 6 weeks of paid parental leave at 100 percent pay and an additional six weeks at 50 percent pay.¹¹⁰ And **Estée Lauder** announced in April 2018 that it would expand its parental leave policy to allow both hourly and salaried employees to take 20 weeks of paid leave to care for a new child, provided the employee works at least 30 hours per week and has worked for the company for a minimum of three months.¹¹¹

Worker organizing: In January 2018, **Walmart announced a new parental leave policy**, applicable to full-time hourly and salaried employees, that will provide 10 weeks of leave at full pay to birth mothers and six weeks at full pay for other new parents (including fathers, adoptive parents, and same-sex partners). The announcement came less than one year after **OUR Walmart**, a grassroots organization of Walmart workers, launched a campaign with the nonprofit advocacy group Paid Leave for the United States (PL+US) calling on Walmart to commit to a fair paid family leave policy that included paternity coverage, adoptive parent benefits and parity with the policy provided to Walmart executives. The improvements to Walmart's paid leave policy will apply to more than 500,000 workers—and OUR Walmart is continuing to push for benefits for the part-time employees who are still not covered.¹¹²

Collective bargaining: In **New York City, the United Federation of Teachers is gearing up to push the city to implement paid family leave for its members**, as it looks toward the expiration of its contract with the city in November 2018. Although Mayor de Blasio introduced a plan granting fully paid leave for parents with a new child in 2016, those benefits applied just to some managerial employees. The UFT, however, plans to publicly push for paid parental leave for all of its members in upcoming contract negotiations.¹¹³

Improve parents' opportunities to obtain education and training that can help them advance into better jobs

Furthering low-wage workers' education and training—through adult basic education (ABE), English as a Second Language (ESL) or GED classes, certificate programs, apprenticeships, or college coursework—can improve their prospects for obtaining jobs with higher pay and better benefits and conditions of employment. But low-income individuals may find it difficult to forego income from work in order to participate in education or training activities. Working parents may also be unable to coordinate education and training with work, especially work with variable or unpredictable schedules, and family responsibilities. And parents need child care to participate in education or training activities, but may not have resources to secure or pay for that care.

To address these barriers, families need federal, state, and local **investments in supports for parents seeking to participate in education and training programs**, and federal, state, and local policies and community-based strategies that **facilitate parents' participation in such programs**, to give parents opportunities to advance into jobs that enable them to secure better lives for themselves and their children.

- *Make it easier for families to qualify and remain eligible for child care assistance while participating in education and training programs.* The CCDBG program permits, but does not require, states to provide child care assistance while parents participate in education and training. All states allow parents to receive child care assistance to attend education and training, but most put some restrictions on this assistance—such as requirements to work for a certain number of hours while attending school, limits on the amount of time parents can receive assistance to attend school, limits on the level of degree they can earn while receiving assistance, or other criteria. State policymakers can reduce barriers to parents' participation in education and training programs by:
 - Allowing parents to receive child care assistance while attending high school as well as college or graduate school, rather than limiting the level of school a parent can attend.
 - Allowing parents to receive child care assistance while attending school without having to meet a minimum number of work hours at the same time.
 - Allowing parents to receive child care assistance to cover both work and education/training hours.
 - Allowing parents to receive child care assistance while attending school without time limits.
 - Allowing parents to receive child care assistance to cover participation in online classes (which offer the flexibility that parents with irregular work schedules need).¹¹⁴

Federal law and state policy: In 2017, Illinois enacted legislation once again allowing families not receiving TANF to qualify for child care assistance while participating in education in and training activities. Governor Rauner's administration had adopted emergency rules in 2015 making these families ineligible for child care assistance.¹¹⁵

- *Encourage states to use all federal funding available to help parents access the child care needed to participate in education and training programs.* For example, the SNAP Employment & Training (E&T) program, through the U.S. Department of Agriculture, provides funding for education and training programs to help SNAP recipients secure employment and increase their incomes, including funding for supportive services such as child care.¹¹⁶ The program offers states unlimited use grants that fully reimburse states for certain costs of providing E&T services, and 50 percent reimbursement grants (or "50-50" funds) that reimburse states for up to *half* of certain costs of providing E&T services—including child care and other supportive services.¹¹⁷ (However, proposals to increase work requirements for the Supplemental Nutrition Assistance Program would place a significant strain on the E&T program, making it unlikely that funds would be available for supportive services.)

Federal law and state policy: The 2014 reauthorization of the Farm Bill provided funding for SNAP E&T pilot projects to test innovative strategies to help connect SNAP recipients with quality jobs. In 2015, grants were awarded on a competitive basis to pilot projects in ten states that took different approaches to doing so, including several that were described as providing assistance with child or dependent care among their supportive services.¹¹⁸ FY 2017 was the first full year of pilot operations, and evaluation of the pilot programs is ongoing.¹¹⁹

- *Encourage the development of programs that provide parents participating in workforce development programs with on-site child care or funds to pay for child care, or coordinate with child care providers in the community, to help parents access the child care they need.*

Non-profit initiative: The Mississippi Low-Income Child Care Initiative has partnered with the Biloxi, Mississippi-based **Moore Community House Women in Construction (MCH WinC) program**. MCH WinC trains women for nontraditional careers in the construction trades to increase their earning power and family economic security. The joint initiative is funded through the creative use of Temporary Assistance for Needy Families (TANF) Block Grant funding, made available through the Mississippi Department of Human Services (MDHS), coupled with funding from the U.S. Department of Labor Strengthening Working Families Initiative.¹²⁰ This funding allows WinC to provide child care to participants throughout training, job search and initial employment.

Endnotes

- 1 *See generally* JULIE VOGTMAN & KAREN SCHULMAN, NAT'L WOMEN'S LAW CTR. (NWLC), SET UP TO FAIL: WHEN LOW-WAGE WORK JEOPARDIZES PARENTS' AND CHILDREN'S SUCCESS (Jan. 2016), *available at* <http://nwlc.org/wp-content/uploads/2016/01/FINAL-Set-Up-To-Fail-When-Low-Wage-Work-Jeopardizes-Parents%E2%80%99-and-Children%E2%80%99s-Success.pdf>.
- 2 Of the 6.1 million parents with children under 18 in the low-wage workforce, 76 percent are mothers. 58 percent of mothers in the low-wage workforce are women of color and 34 percent are immigrants, though women of color and immigrant women constitute just 41 percent and 20 percent, respectively, of mothers in the overall workforce. NWLC calculations based on CENSUS BUREAU, U.S. DEP'T OF COMMERCE, CURRENT POPULATION SURVEY (CPS), 2017 ANNUAL SOCIAL AND ECONOMIC SUPPLEMENT (using MIRIAM KING ET AL., UNIV. OF MINN., INTEGRATED PUBLIC USE MICRODATA SERIES: VERSION 5.0 (2017)), <https://cps.ipums.org/cps/index.shtml>. For purposes of this analysis, NWLC defines "low-wage jobs" as those with median hourly wages of \$11.50 or less based on U.S. Dep't of Labor, Bureau of Labor Statistics (BLS), May 2017 National Occupational Employment and Wage Estimates (OES), https://www.bls.gov/oes/current/oes_nat.htm (last visited July 18, 2018).
- 3 *See generally* VOGTMAN & SCHULMAN, *supra* note 1.
- 4 *See generally* EMILY MARTIN ET AL., NWLC, SET UP FOR SUCCESS: SUPPORTING PARENTS IN LOW-WAGE JOBS AND THEIR CHILDREN (June 2016), *available at* <https://nwlc-ci49tixgw5lbab.stackpathdns.com/wp-content/uploads/2016/06/Set-Up-for-Success.pdf>.
- 5 A parent working 40 hours per week, 50 weeks per year at \$7.25 per hour makes \$14,500 in a year; the poverty threshold in 2017 for a family with one adult and two children was \$19,749. CENSUS BUREAU, U.S. DEP'T OF COMMERCE, POVERTY THRESHOLDS FOR 2017 BY SIZE OF FAMILY AND NUMBER OF RELATED CHIL (2018), <https://www.census.gov/data/tables/time-series/demo/income-poverty/historical-poverty-thresholds.html>.
- 6 *See generally, e.g.*, NWLC, THE WAGE GAP: THE WHO, HOW, WHY, AND WHAT TO DO (Sept. 2017), *available at* <https://nwlc-ci49tixgw5lbab.stackpathdns.com/wp-content/uploads/2016/09/The-Wage-Gap-The-Who-How-Why-and-What-to-Do-2017-2.pdf>; JASMINE TUCKER, NWLC, WOMEN EXPERIENCE A WAGE GAP IN NEARLY EVERY OCCUPATION (Apr. 2018), *available at* <https://nwlc-ci49tixgw5lbab.stackpathdns.com/wp-content/uploads/2018/04/Wage-Gap-Fact-Sheet-Occupation.pdf>.
- 7 For example, in the retail and food service industries, women and people of color disproportionately hold jobs as cashiers and in lower-end restaurants while men—especially white men—dominate higher-paying management and fine dining positions. *See generally* CTR. FOR POPULAR DEMOCRACY & FAIR WORKWEEK INITIATIVE, DATA BRIEF: RETAIL JOBS TODAY (Jan. 2016), *available at* <http://static1.squarespace.com/static/556496efe4b02c9d26df26a/t/56a0f00f3b0be3bde90e9363/1453387792311/RetailJobsToday1.pdf>; RESTAURANT OPPORTUNITIES CTR. UNITED, ET AL., ENDING JIM CROW IN AMERICA'S RESTAURANTS: RACIAL AND GENDER OCCUPATIONAL SEGREGATION IN THE RESTAURANT INDUSTRY (2015), *available at* http://rocunited.org/wp2015b/wp-content/uploads/2015/10/RaceGender_Report_LR.pdf; HEIDI SHIERHOLZ, ECON. POLICY INST., LOW WAGES AND FEW BENEFITS MEAN MANY RESTAURANT WORKERS CAN'T MAKE ENDS MEET (Aug. 2014), *available at* <https://www.epi.org/files/2014/restaurant-workers-final.pdf>.
- 8 NWLC, THE WAGE GAP FOR MOTHERS, STATE BY STATE (May 2018), <https://nwlc.org/resources/the-wage-gap-for-mothers-state-by-state-2017/>.
- 9 Tax Cuts and Jobs Act of 2017, Pub. L. No. 115–97 (2017); CONG. BUDGET OFFICE, THE BUDGET AND ECONOMIC OUTLOOK: 2018 TO 2028 (Apr. 2018), *available at* <https://www.cbo.gov/publication/53651>; TAX POLICY CENTER, URBAN INSTITUTE & BROOKINGS INSTITUTION, MODEL ESTIMATES (Dec. 2017), *available at* <https://www.taxpolicycenter.org/model-estimates/conference-agreement-tax-cuts-and-jobs-act-dec-2017/t17-0312-conference-agreement>.
- 10 The Tax Cuts and Jobs Act increased the maximum amount of the federal CTC from \$1,000 to \$2,000 per child but limited the refundable portion to \$1,400 (in 2018) and did not make the refundable credit fully available to the lowest-income families. *See* Chye-Ching Huang, *Final CTC Changes Don't Alter Tax Bill Basics: 10 Million Working Family Children Get Little or Nothing*, CTR. ON BUDGET & POLICY PRIORITIES: OFF THE CHARTS (Dec. 15, 2017), <https://www.cbpp.org/blog/final-ctc-changes-dont-alter-tax-bill-basics-10-million-working-family-children-get-little-or>.

- 11 Jacob Leibenluft, *Tax Bill Ends Child Tax Credit for about 1 Million Children*, CTR. ON BUDGET & POLICY PRIORITIES: OFF THE CHARTS (Dec. 18, 2017), <https://www.cbpp.org/blog/tax-bill-ends-child-tax-credit-for-about-1-million-children>.
- 12 See, e.g., U.S. DEP'T HEALTH & HUM. SERVS., CTR. FOR MEDICARE & MEDICAID SERVS., SMD: 18-002; RE: OPPORTUNITIES TO PROMOTE WORK AND COMMUNITY ENGAGEMENT AMONG MEDICAID BENEFICIARIES (Jan. 11, 2018), available at <https://www.medicaid.gov/federal-policy-guidance/downloads/smd18002.pdf> (announcing intention to allow state proposals to impose work requirements on Medicaid recipients); OFFICE OF MANAGEMENT & BUDGET, AN AMERICAN BUDGET: MAJOR SAVINGS AND REFORMS FY 2019 128 (Feb. 2018), available at <https://www.whitehouse.gov/wp-content/uploads/2018/02/msar-fy2019.pdf> (proposing expanded work requirements for SNAP beneficiaries).
- 13 See, e.g., Nick Miroff, *Trump proposal would penalize immigrants who use tax credits and other benefits*, WASH. POST (March 28, 2018) https://www.washingtonpost.com/world/national-security/trump-proposal-would-penalize-immigrants-who-use-tax-credits-and-other-benefits/2018/03/28/4c6392e0-2924-11e8-bc72-077aa4dab9ef_story.html?utm_term=.da911f387a4e (describing leaked proposal from Department of Homeland Security to disqualify individuals who use or even claim public benefits for eligible dependents from obtaining legal residency); Exec. Order No. 13,828, 83 Fed. Reg. 15941 (Apr. 13, 2018) (announcing Administration's intent to "reform the welfare system" by, among other things, "strengthening existing work requirements for work-capable people and introducing new work requirements when legally permissible").
- 14 See, e.g., Cong. Review Act, Pub. L. No. 115-11 (2017) and Exec. Order No. 13,782, 82 Fed. Reg. 15607 (March 30, 2017) (congressional resolution of disapproval and executive order revoking Obama-era Exec. Order No. 13,673, "Fair Pay and Safe Workplaces," which would have required companies bidding on contracts with the federal government to disclose their history of violations of labor and employment laws relating to workplace safety, discrimination, and minimum wage and overtime pay); Memorandum from Neomi Rao, Office of Information & Reg. Affairs, Office of Mgmt. & Budget, to Victoria Lipnic, Acting Chair, U.S. Equal Emp. Opportunity Comm'n (Aug. 29, 2017), available at https://www.reginfo.gov/public/jsp/Utilities/Review_and_Stay_Memo_for_EEOC.pdf (ordering a "review and immediate stay" of the EEO-1 equal pay data collection, an initiative that would have encouraged companies to identify and correct pay disparities by requiring large companies to confidentially report to the Equal Employment Opportunity Commission information about what they pay their employees by job category, sex, race, and ethnicity); Request for Information; Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees, 82 Fed. Reg. 34616 (July 26, 2017) (signaling Department of Labor's intent to revisit and reduce the salary threshold for overtime pay established by the Obama administration). See generally NAT'L EMPLOYMENT LAW PROJECT, PUTTING WORKERS FIRST? WHO ARE THE TRUMP ADMINISTRATION & CONGRESS (REALLY) FIGHTING FOR? , <https://www.nelp.org/tracker/> (last visited July 25, 2018).
- 15 H.B. 4640, 190th Reg. Sess. (Mass. 2018). Illinois' legislature also passed a law to raise the state minimum wage to \$15 an hour by 2022, S.B. 81, Reg. Sess. (Ill. 2017), which Governor Bruce Rauner vetoed in August 2017; Vermont's legislature passed a law to raise the state minimum wage to \$15 an hour by 2024, S. 40, 2017-2018 Reg. Sess. (Vt. 2018), which Governor Phil Scott vetoed in May 2018.
- 16 JEREMY B. THOMPSON, MASSACHUSETTS BUDGET & POLICY CTR., FAQ: THE MASSACHUSETTS \$15 MINIMUM WAGE PROPOSAL (June 26, 2018), [http://massbudget.org/report_window.php?loc=FAQ-The-Massachusetts-\\$15-Minimum-Wage-Proposal.html](http://massbudget.org/report_window.php?loc=FAQ-The-Massachusetts-$15-Minimum-Wage-Proposal.html).
- 17 See Prop. 206, Fair Wages and Healthy Families Act (Ariz. 2016); Amend. 70 (Colo. 2016); Question 4 (Me. 2016); Initiative 1433 (Wash. 2016). See also NAT'L CONF. OF STATE LEGISLATURES, STATE MINIMUM WAGES | 2018 MINIMUM WAGE BY STATE, <http://www.ncsl.org/research/labor-and-employment/state-minimum-wage-chart.aspx> (last visited July 26, 2018).
- 18 H.P. 493, 128th Reg. Sess. (Me. 2017).
- 19 MINNEAPOLIS, MINN., CODE § 40.320 *et seq.*
- 20 Press Release, Nat'l Employment Law Project, Minneapolis Passes \$15 Minimum Wage (June 30, 2017), <http://www.nelp.org/news-releases/minneapolis-passes-15-minimum-wage/>.
- 21 Seattle, Wash. C.B. 119286 (2018).
- 22 See Josh Eidelson, *Nannies of the Northwest, Unite! Seattle Tests a New Labor Model*, BLOOMBERG (July 24, 2018), <https://www.bloomberg.com/news/articles/2018-07-24/nannies-of-the-northwest-unite-seattle-tests-a-new-labor-model>.
- 23 Washington, D.C., Initiative 77 (2018).

- 24 Washington, D.C., Fair Shot Minimum Wage Amendment Act of 2016 (June 27, 2016).
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