

Professor O'Byrne
Disability Studies M194

Proposal

Introduction

For my Disability Studies capstone, I intend on exploring the historical background of the Family and Medical Leave Act of 1993 (the “FMLA”). Signed into law by President Clinton in 1993, the FMLA was passed by Congress with the intention to empower the workforce by granting individuals more rights in the workplace. The law defined an “eligible employee” as an individual employed for at least a year by the employer and for at least 1,250 hours of service for the employer during the previous twelve-month period. The employee, however, would be excluded if the employer did not have at least 50 employees within 75 miles of the employee’s worksite. The Act allows for eligible employees to take up to twelve workweeks of leave during any twelve month period for the birth and care of a child, or for placement for adoption or foster care, to care for an employee’s spouse, son, daughter, or parent with a serious health condition, or if the employee had a serious health condition making him or her unable to perform the functions of their job. Through a qualitative study, I would like to research the characteristics of people who currently utilize the benefits under this law, and to perhaps theorize the effectiveness of the FMLA as it currently stands. Further, my goal is to determine whether if there are inherent inefficiencies in the law that can be improved.

Research Question

“What are the characteristics of all blue collar workers across the nation who currently qualify for and utilize benefits under the Family Medical Leave Act of 1993?”

Literature Review

- French, EP. (2009). Implications of the Family and Medical Leave Act for Local Governments: Helping Administrators Understand the Law. *Review of Public Personnel Administration*, 29.1, 76-88.

- This source is an analysis of the legal rights and the protections that the FMLA grants to workers, and also guides the reader through the requirements of the law.
- Fine, TS. (2006). The Family and Medical Leave Law: Feminist Social Policy?. *Journal of Policy Practice*, 5.1, 49-66.
 - This article is helpful in determining the intent of Congress passing the law and looks into whether the FMLA was initially meant as an advancement of rights for parents, instead of rights for all individuals with disabilities. If so, then there may be a need for revisions to make the law more inclusive and appropriate for modern society.
- Davidson, A. (2009). Beyond Benefits. *The Advocate*, 103, 66-70.
 - This article discusses the FMLA's exclusion of individuals who are gay, lesbian, and transgendered. Because same-sex unions are not acknowledged in some states, it is important to recognize standards for those who fall into this category and are treated differently.

Proposed Methodology

I will be shaping my paper in the methodological form of a classical theoretical capstone. Because it will be a traditional thesis, I will look at government resources, research universities, and online journals. Looking at articles and more research of groups of people who are unable to qualify under the existing law will be useful in contrasting these individuals with those who currently take advantage of the benefits of the Family and Medical Leave Act.

Relationship to Disability Studies

My capstone research will help explore an existing law and, through my research, I will determine the characteristics or general profile of individuals who qualify for and utilize benefits provided through the FMLA. After doing so, I can expand on these individuals' needs versus the

rights they are granted under the FMLA and determine whether the overall law is relevant in contemporary society. Researching these characteristics will allow for some potential policy implications regarding disability coverage within the FMLA. Further, my capstone will focus on the group of individuals who currently take advantage of the benefits of the Family and Medical Leave Act, and I would also like to take a look at articles and research of groups of people who are unable to qualify under the existing law. In addition, I find it vital to discuss issues that are more relevant today that may not have been during the time of passage of the bill, such as same-sex relationships. I hope for my thesis to contribute to disability studies and public policy in order to shed light on a law or issue that may or may not need to be revised.