



November 19, 2025

The Honorable Tim Walberg
Chairman, Committee on Education
and the Workforce
U.S. House of Representatives
2266 Rayburn House Office Building
Washington, DC 20515

The Honorable Richard Neal
Ranking Member, Ways and Means
Committee
U.S. House of Representatives
372 Cannon House Office Building
Washington, DC 20515

The Honorable Bobby Scott
Ranking Member, Committee on
Education and the Workforce
U.S. House of Representatives
2328 Rayburn House Office Building
Washington, DC 20515

The Honorable Rosa DeLauro
Ranking Member, Appropriations
Committee
U.S. House of Representatives
2413 Rayburn House Office Building
Washington, DC 20515

The Honorable Jason Smith
Chairman, Ways and Means Committee
U.S. House of Representatives
1139 Longworth House Office Building
Washington, DC 20515

Re: Comments on H.R. 5390, Family and Medical Insurance Leave Act

Dear Representatives Walberg, Scott, Smith, Neal, and DeLauro:

PayrollOrg supports the concept of a national baseline for paid leave benefits and poses some considerations for H.R. 5390, Family and Medical Insurance Leave Act (FAMILY Act) and its potential impacts on payroll management.

About PayrollOrg

PayrollOrg is a nonpartisan, nonpolitical association representing over 20,000 payroll professionals who manage the payroll function for employers of all sizes and industries across the U.S. PayrollOrg is dedicated to advancing the payroll industry through education, advocacy, networking, and collaboration. PayrollOrg's Government Relations Task Force provides payroll professionals with the opportunity to partner with government to create

efficiencies, open doors to new technologies, and provide opportunities for professional growth.

State Paid Family and Medical Leave Laws

PayrollOrg requests greater clarity on how the Deputy Commissioner of Family and Medical Leave at the Social Security Administration will evaluate whether state family and medical leave insurance plans qualify for special status because they comply with the new federal requirements.

Currently, more than 20 states have paid leave laws, each with unique provisions. Similarly, more than 20 local governments have their own distinct paid leave requirements. The FAMILY Act seeks to accommodate existing state plans (legacy states) that are equal to or better than the plan proposed in H.R. 5390.

For payroll professionals, efficient and effective determinations of acceptable state paid family and medical leave insurance plans is crucial for compliance. If a state plan changes or is eliminated to accommodate federal law, payroll operations will need time to adjust their management systems and educate employees about the changes.

Employer Paid Family and Medical Leave Benefits

PayrollOrg also requests greater clarity on how employer plans will be evaluated, such as the parameters for the Social Security Administration to follow. Data on employer plans varies in terms of what care is covered, benefit amounts paid to employees, and employee eligibility. In many instances, evaluation of these plans will require employer reporting to the Social Security Administration or state agencies, which is a significant financial and administrative burden.

PayrollOrg appreciates the FAMILY Act provision allowing employees eligibility following a 90-day waiting period. This is consistent with the new hire practices of most employers regarding employee benefits. This waiting period also provides payroll professionals with sufficient time to prepare for any additional federal or state requirements, such as reporting.

Funding and Management

PayrollOrg is concerned about the expectations of covered individuals, employers, and states regarding the employee benefits outlined in the FAMILY Act. The FAMILY Act does not specify a funding mechanism for legacy states, employees, and self-employed workers to be paid by the Social Security Administration. PayrollOrg understands that the congressional appropriations bill process differs from a bill to establish a family and medical leave

insurance program. However, if sufficient funding is not identified upon bill passage, the FAMILY Act could create an uncertain benefit program.

Establishing an Advisory Committee

PayrollOrg recommends that the bill provide greater guidance on the expertise and skills needed by individuals serving on the proposed FAMILY Act advisory committee. The FAMILY Act would establish an advisory committee consisting of 15 individuals appointed by various federal government leaders to assist in developing regulations. The term “experts in the relevant subject matter and officials charged with implementing state paid family and medical leave insurance programs” (see H.R. 5390 § 6) does not fully consider employer benefits personnel nor payroll professionals to serve on the advisory committee.

Thank you for the opportunity to participate in the discussion on paid family and medical leave. To consider payroll management and these comments further, please contact PayrollOrg through Alice Jacobsohn at 202-669-4001 or ajacobsohn@payroll.org.

Sincerely,



Alice P. Jacobsohn, Esq.
Director, Government Relations

For: Government Relations Task Force
Federal Issues Subcommittee
Cochairs Rebecca Harshberger, CPP; Mindy Mayo, CPP; and Jon Schausten, CPP