ASSEMBLY BILL No. 372

Introduced by Assembly Member Voepel Members Voepel and Gonzalez

February 5, 2019

An act to add Chapter 2.7 (commencing with Section 19991.20) to Part 2.6 of Division 5 of Title 2 of the Government Code, relating to state employees.

LEGISLATIVE COUNSEL’S DIGEST

AB 372, as amended, Voepel. State employees: Infant at Work programs.

Existing law establishes various employment protections to promote parent-infant bonds and infant health. The Moore-Brown-Roberti Family Rights Act, or California Family Rights Act, makes it an unlawful employment practice for an employer, as defined, to refuse to grant a request by an eligible employee to take up to 12 workweeks of unpaid protected leave during any 12-month period to care for a child born to, adopted by, or placed for foster care with, the employee. The New Parent Leave Act prohibits an employer, as defined, from refusing to allow eligible employees to take up to 12 weeks of parental leave to bond with a new child within one year of the child’s birth, adoption, or foster care placement. Other existing law requires both public and private employers to provide a reasonable amount of break time, and make reasonable efforts to provide a private location, for expressing breast milk, as prescribed.

This bill would authorize a state agency, as defined, to adopt an Infant at Work program bill, from January 1, 2020, until January 1, 2022,
would establish the Infant at Work Pilot Program. The bill would authorize a state agency, as defined, to participate in the pilot program to allow an employee of the agency who is a new parent or caregiver to an infant to bring the infant to the workplace. The bill would establish certain required elements for such a pilot program. The bill would authorize a state agency to adopt regulations that it determines necessary to establish such a pilot program. The bill would prohibit a state agency from participating in the pilot program in circumstances that are inappropriate based on safety, health, or other concerns for the infant or adult, as specified.


The people of the State of California do enact as follows:

SECTION 1. (a) It is the intent of the Legislature in enacting this act to improve infant bonding time among new parents, which has been found crucial to both brain development and the long-term health of the child.

(b) The Legislature finds and declares this act promotes the health of infants by supporting breastfeeding, encourages state employees to return to work sooner than they otherwise might, and is community and family friendly.

SEC. 2. Chapter 2.7 (commencing with Section 19991.20) is added to Part 2.6 of Division 5 of Title 2 of the Government Code, to read:

Chapter 2.7 Infant at Work Programs Pilot Program

19991.20. (a) There is hereby established the Infant at Work Pilot Program.

(b) A state agency may adopt an Infant at Work participate in the pilot program in accordance with this chapter to allow an employee of the agency who is a new parent or caregiver to an infant to bring the infant to the workplace.

(c) The pilot program established pursuant to subdivision (a) shall include, but is not limited to, the following elements:
(1) The pilot program shall be for infants from six weeks of age to six months of age, inclusive, or until the infant is crawling, whichever is earlier.

(2) An infant shall be cleared for participation in the pilot program by a physician and surgeon.

(3) The program shall establish a clear process for application and approval to participate in the program, including eligibility requirements and designation of the person or office with the responsibility to approve or disapprove an application.

(4)

(3) The parent or caregiver shall have the sole responsibility for the safety of the infant at the workplace.

(d) A state agency participating in the pilot program shall establish a clear process for application and approval of an employee to participate in the program, including eligibility requirements and designation of the person or office with the responsibility to approve or disapprove an application.

(e)

(f) A state agency participating in the pilot program may adopt regulations that it determines necessary to establish the program comply with this chapter in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3.

(g) A state agency shall not adopt participate in the pilot program if the work environment is inappropriate for infants, for safety, health, or other concerns regarding the infant, the adult, or both.

(g) The pilot program shall be operative from January 1, 2020, until January 1, 2022.

REVISIONS:

Heading—Line 1.

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