AMENDED IN ASSEMBLY APRIL 22, 2019
AMENDED IN ASSEMBLY MARCH 25, 2019
CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL No. 1224

Introduced by Assembly Member Gray

February 21, 2019

An act to add Section 12945.7 to the Government Code, and to amend Section 3301 of the Unemployment Insurance Code, relating to employee leave, and making an appropriation therefor.

LEGISLATIVE COUNSEL’S DIGEST


(1) Existing law, the Moore-Brown-Roberti Family Rights Act, or California Family Rights Act (CFRA), 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 bond with a new child or care for themselves or a family member, as specified. Existing law makes this leave available to an employee with more than 12 months of service with the employer and at least 1,250 hours of service with the employer within the last 12 months.

This bill would create an additional employee leave program and would make it an unlawful business practice to refuse a request for an employee to take up to 12 weeks of leave without a determination by their physician that they are disabled, so long as that employee has worked for 900 or more hours for any employer in the prior 12 months and all other conditions for taking leave under the CFRA are satisfied.
The bill would also prohibit leave taken under these provisions from being required to be taken concurrently with leave taken under the CFRA.

Existing unemployment compensation disability law requires workers to pay contribution rates based on, among other things, wages received in employment and benefit disbursement, for payment into the Unemployment Compensation Disability Fund, a special fund in the State Treasury. That fund is continuously appropriated for the purpose of providing disability benefits and making payment of expenses in administering those provisions.

(2) Under existing law,

Existing law establishes, within the State disability insurance program, the family temporary disability insurance program, also known as the paid family leave program, for the provision of up to 6 weeks of wage replacement benefits to workers who take time off work to care for a seriously ill child, spouse, parent, domestic partner, family member or to bond with a minor child within one year of the birth or placement of the child in connection with foster care or adoption. Existing law limits the temporary disability benefits paid under these provisions to not more than 6 weeks within any 12-month period.

This bill would authorize up to 12 weeks of temporary disability benefits by permitting a maximum of 2 qualifying events of up to 6 weeks each of temporary disability benefits in any 12-month period. Because this bill would expand the pool of persons eligible to receive payments from the Unemployment Compensation Disability Fund, a continuously-appropriated fund, it would make an appropriation.

By providing for the deposit of additional contributions in, and by authorizing an increase in disbursements from, the Unemployment Compensation Disability Fund, this bill would make an appropriation.


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

SECTION 1. Section 12945.7 is added to the Government Code, to read:

12945.7. (a) Notwithstanding any other law, it shall be an unlawful business practice for an employer to refuse to allow an
employee who has worked for 900 hours or more for the employer in the prior 12 months to take leave, upon request and without a determination by their physician that they are disabled, so long as all other conditions for taking leave under the California Family Rights Act leave are satisfied.

(b) The leave available under this section is separate from any leave available under the California Family Rights Act and shall not be required to be taken concurrently with leave available under that act.

SEC. 2.

SECTION 1. Section 3301 of the Unemployment Insurance Code, as amended by Section 1 of Chapter 849 of the Statutes of 2018, is amended to read:

3301. (a) (1) The purpose of this chapter is to establish, within the state disability insurance program, a family temporary disability insurance program. Family temporary disability insurance shall provide up to six weeks of wage replacement benefits to workers who take time off work to care for a seriously ill child, spouse, parent, grandparent, grandchild, sibling, or domestic partner, or to bond with a minor child within one year of the birth or placement of the child in connection with foster care or adoption.

(2) Nothing in this chapter shall be construed to abridge the rights and responsibilities conveyed under the CFRA or pregnancy disability leave.

(b) An individual’s “weekly benefit amount” shall be the amount provided in Section 2655. An individual is eligible to receive family temporary disability insurance benefits equal to one-seventh of their weekly benefit amount for each full day during which they are unable to work due to caring for a seriously ill or injured family member or bonding with a minor child within one year of the birth or placement of the child in connection with foster care or adoption.

(c) The maximum amount payable to an individual during any disability benefit period for family temporary disability insurance shall be six times their “weekly benefit amount,” but in no case shall the total amount of benefits payable be more than the total wages paid to the individual during their disability base period. If the benefit is not a multiple of one dollar ($1), it shall be computed to the next higher multiple of one dollar ($1).

(d) (1) No more than 12 weeks of family temporary disability insurance benefits shall be paid within any 12-month period.
Each qualifying event shall be eligible for a maximum of six weeks of family temporary disability insurance benefits. The maximum number of qualifying events for any 12-month period is two.

(e) An individual shall file a claim for family temporary disability insurance benefits not later than the 41st consecutive day following the first compensable day with respect to which the claim is made for benefits, which time shall be extended by the department upon a showing of good cause. If a first claim is not complete, the claim form shall be returned to the claimant for completion and it shall be completed and returned not later than the 10th consecutive day after the date it was mailed by the department to the claimant, except that such time shall be extended by the department upon a showing of good cause.

(f) This section shall remain in effect only until January 1, 2021, and as of that date is repealed.

SEC. 3.
SEC. 2. Section 3301 of the Unemployment Insurance Code, as added by Section 2 of Chapter 849 of the Statutes of 2018, is amended to read:

3301. (a) (1) The purpose of this chapter is to establish, within the state disability insurance program, a family temporary disability insurance program. Family temporary disability insurance shall provide up to six weeks of wage replacement benefits to workers who take time off work to care for a seriously ill child, spouse, parent, grandparent, grandchild, sibling, or domestic partner, to bond with a minor child within one year of the birth or placement of the child in connection with foster care or adoption, or to participate in a qualifying exigency related to the covered active duty or call to covered active duty of the individual’s spouse, domestic partner, child, or parent in the Armed Forces of the United States.

(2) Nothing in this chapter shall be construed to abridge the rights and responsibilities conveyed under the CFRA or pregnancy disability leave.

(b) An individual’s “weekly benefit amount” shall be the amount provided in Section 2655. An individual is eligible to receive family temporary disability insurance benefits equal to one-seventh of their weekly benefit amount for each full day during which they are unable to work due to caring for a seriously ill or injured family member.
member, bonding with a minor child within one year of the birth
or placement of the child in connection with foster care or adoption,
or participating in a qualifying exigency related to the covered
active duty or call to covered active duty of the individual’s spouse,
domestic partner, child, or parent in the Armed Forces of the United
States.

(c) The maximum amount payable to an individual during any
disability benefit period for family temporary disability insurance
shall be six times their “weekly benefit amount,” but in no case
shall the total amount of benefits payable be more than the total
wages paid to the individual during their disability base period. If
the benefit is not a multiple of one dollar ($1), it shall be computed
to the next higher multiple of one dollar ($1).

(d) (1) No more than 12 weeks of family temporary disability
insurance benefits shall be paid within any 12-month period.
(2) Each qualifying event shall be eligible for a maximum of
disability benefit period shall be limited to six weeks of family
temporary disability benefits. The maximum number of qualifying
events in any 12-month period is two.

(e) An individual shall file a claim for family temporary
disability insurance benefits not later than the 41st consecutive
day following the first compensable day with respect to which the
claim is made for benefits, which time shall be extended by the
department upon a showing of good cause. If a first claim is not
complete, the claim form shall be returned to the claimant for
completion and it shall be completed and returned not later than
the 10th consecutive day after the date it was mailed by the
department to the claimant, except that such time shall be extended
by the department upon a showing of good cause.

(f) This section shall become operative on January 1, 2021.