

2018 National UI Conference

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Leaves of Absence: California's Maze

13+ types of mandated leaves of absence
for California employees

Kaleidoscope of Leaves of Absence

Requirements depend on size of business

- Family, Medical and Parental
- Pregnancy Disability
- Paid Sick
- Vacation, Paid Time Off, Holidays
- Organ & Bone Marrow Donor
- Crime Victims
- Voting
- Domestic Violence, Sexual Assault & Stalking Victims
- Jury or Witness Duty
- Military Service
- School Appearance & Activities
- Volunteer Civil Service
- And others....

Annual Expansion

- Each year the California Legislature proposes various paid leave requirements
- And expansion of paid leave benefits to others
 - Expand family leave to marginally related family members
 - Require smaller employers to provide family leave
 - Require paid leave for hotel workers that are victims of sexual assault or harassment
- If you can dream it, it will be a bill!

State Disability, Paid Family Leave and Sick Leave

FMLA and CFRA

12 weeks per 12-month period

Family Medical Leave Act

- FMLA and CFRA leave generally run concurrently
- Applies to self, spouse, child and parents
- Pregnancy-related disability covered
- Maintain health benefits during leave

California Family Rights Act

- Also applies to domestic partners and their children
- Maintain all group benefits during leave

Family, Medical and Parental Leave FMLA & CFRA Job-Protected Time Away From Work

- Effective this year, California New Parent Leave Act — employers with 20 or more employees — up to 12 weeks of unpaid, job-protected parental leave. Before, applied to 50 employees or more.
- 50 or more employees — covered by the Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA).
- Pregnancy Disability Leave applies to employers with 5 or more employees. Provides 4 months of leave if disabled during pregnancy, childbirth or related medical condition.

Paid Leave – Wage Replacement

- Two components
 - Disability insurance for the employee
 - Paid Family Leave to care for a family member
- Employee may not be eligible for protected time off
- Employee may be eligible for paid family leave while the employer is or is not required to grant leave under CFRA or FMLA

State Disability Insurance

- Paid exclusively by employees through 1% payroll deduction since 1946.
- 2004 – established first Paid Family Leave program in United States.
- Partial, temporary wage replacement for pregnancy or new baby bonding.
- Up to 6 weeks for baby bonding by birth, adoption or foster care placement for both mother and father
- Or to take care of seriously ill self, child, parent, parent-in-law, grandparent, grandchild, sibling, spouse or registered domestic partner

The Numbers

- In 2017, workers paid \$6.2 billion into the fund.
- Expected collection: 2018: \$7.1 billion; 2019: \$7.5 billion.
- Disability payout annually: approximately \$6 billion
- Disability claims filed annually: 685,000 – 750,000.
- Paid Family Leave payout annually: \$779 million.
- Paid Family Leave payout per month: \$65 million.
- Paid Family Leave claims annually: 200,000 – 260,000.
- Fraud is estimated at a fraction of 1%.

Paid Sick Leave (PSL) Mandate

- California's Healthy Workplaces, Healthy Families Act of 2014, effective July 2015.
- Applies to all employers, with limited exceptions.
- All employees who, on or after July 1, 2015, have worked in California for the same employer for 30 or more days within a year from the beginning of employment will be entitled to PSL with limited exceptions.
- Accrual rate of 1 hour for each 30 hours worked (generally) (also a lump sum method).
- Minimum 24 hours/3 days, whichever is greater, depending on work shift.
- Local ordinances—at least 8; comply with most beneficial to employees.

Paid Sick Leave

- Use may begin on 90th day of employment (waiting period optional)
 - For employee's own use
 - Domestic violence, sexual assault and stalking
 - Care for family member – child, spouse, parent, registered domestic partner, grandparent, grandchild, sibling
- Oral or written request
- Various limitations and protections
- Complex system for calculating sick leave and recordkeeping
- Itemized on wage statement
- Notice and poster requirements

Questions??