

January 2017

SB 63 (JACKSON): UNLAWFUL EMPLOYMENT: PARENTAL LEAVE

POSITION: The Chamber's Public Policy will consider SB 63 on January 10, 2017.

STATUS: SB 63 was introduced by Senator Hannah-Beth Jackson on December 22, 2016. It has not been referred to a committee.

AT-A-GLANCE

SB 63 prohibits an employer from refusing to allow an employee who has more than 12 months of time with the employer to take up to 12 weeks of parental leave to bond with a new child or upon taking custody of a child, per specifications. The bill further prohibits an employer from refusing to maintain and/or pay for coverage under a group health plan for an employee who takes said leave.

SUMMARY

Under existing law, the Moore-Brown-Roberti Family Rights Act grants eligible employees up to 12 workweeks of unpaid protected leave during a 12 month period to bond with a child, care for a parent or to self-care for a serious health condition.

SB 63 establishes the New Parent Leave Act, and specifies that companies with at least 20 employees must comply with the law requiring employers to provide 12 weeks of unpaid maternity and paternity leave, as the law currently applies only to businesses with 50 or more employees. The final component is the clarification that businesses must continue to pay for coverage in a group health plan for an employee during a 12 week leave.

ANALYSIS

SB 63 is a reintroduction of legislation that was vetoed by Governor Brown in 2015. The previously introduced legislation mandated only six weeks of leave and requested that the author provide a path toward mediation between an employer and employee who have a dispute regarding the mandate.

California maintains one of the most generous leave policies in the country. SB 63 expands that leave with an additional component that opens employers, even those who attempt to comply in a good faith effort, to litigation and financial loss. This legislation omits companies below existing CFRA and FMLA coverage who do negotiate leave (paid or otherwise) with employees who take time to bond with children and instead operationalizes a blanket, one-size-fits all policy.