

SB 62 (JACKSON): UNLAWFUL EMPLOYMENT: FAMILY CARE AND MEDICAL LEAVE

POSITION: The Chamber's Public Policy will consider SB 62 on January 10, 2017.

STATUS: SB 62 was introduced by Senator Hannah-Beth Jackson on December 22, 2016. It has not been referred to a committee.

AT-A-GLANCE

SB 62 expands definitions found in the Moore-Brown-Roberti Family Rights Act that mandates an employer grant requests by eligible employees to take up to 12 workweeks of unpaid protected leave during any 12-month period.

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 62 significantly expands the definition of "child" and "parent" in the act, thereby further restraining the ability of an employer to expect employees to meet the terms of their employment and reduces the independence of an employer.

ANALYSIS

SB 62 expands the definition of family members an employee is eligible to take unpaid leave for to include grandparent, grandchild, sibling, domestic partner, parent-in-law or adult child (or adult child of domestic partner/spouse). This is an updated version of legislation introduced by the Senator in 2015 that was ultimately vetoed by Governor Brown due to perceived contradictions with the already-implemented Federal Medical Leave Act.

Implementation of SB 62 would represent a further move by the state away from the national standard, as California already has a mandated, protected leave law with only six other states following suit. It should be noted that a strong federal law, the aforementioned Family Medical and Parental Leave Act provides up to 12 workweeks of protected leave for employers of more than 50 workers for an employee to leave to care for an immediate family member's medical condition or bond with a newborn.

Additional, existing programs include the Pregnancy Disability Leave Act, School Activities Leave Act, Kin Care and Paid Sick Leave, available to eligible employees across the state. These examples are provided as an indication that California employers are currently providing numerous opportunities to employees for flexibility to maintain presence at home and with family. Ultimately, what the author appears to want to achieve is a more extensive policy program that expands coverage for all caretakers regardless of affiliation to the person in need of care, or the cost to employers and its larger impact on the California economy as a whole.