

**ASSEMBLY BILL**

**No. 1327**

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**Introduced by Assembly Member Wyland**

February 21, 2003

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An act to amend Sections 3301 and 3303 of the Unemployment Insurance Code, relating to disability compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1327, as introduced, Wyland. Disability compensation: family temporary disability insurance.

Existing law provides, within the state disability insurance program, for a family temporary disability insurance program that provides 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, or to bond with a new child. That law authorizes employers to require that employees utilize up to 2 weeks of earned but unused vacation leave prior to that employee's receipt of these additional benefits, as provided. These benefits are payable for family temporary disability leaves that begin on and after July 1, 2004.

This bill would provide that only businesses that employ 50 or more individuals within a 75-mile radius of the worksite of the individual requesting leave are subject to the temporary disability insurance program. The bill would also require an individual, to be eligible for the benefits, to work at least 1,250 hours during the 12-month period prior to the period for which the individual is requesting the family temporary disability leave.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 3301 of the Unemployment Insurance  
2 Code is amended to read:

3 3301. (a) The purpose of this chapter is to establish, within  
4 the state disability insurance program, a family temporary  
5 disability insurance program to provide up to six weeks of wage  
6 replacement benefits to workers who take time off work to care for  
7 a seriously ill child, spouse, parent, domestic partner, or to bond  
8 with a new child.

9 Nothing in this chapter shall be construed to abridge the rights  
10 and responsibilities conveyed under the CFRA or pregnancy  
11 disability leave.

12 (b) *Only businesses that employ 50 or more individuals who*  
13 *perform services for a wage or salary are subject to this chapter.*

14 (c) An individual’s “weekly benefit amount” shall be the  
15 amount provided in Section 2655.

16 ~~(e)~~

17 (d) The maximum amount payable to an individual during any  
18 disability benefit period for family temporary disability insurance  
19 shall be six times his or her “weekly benefit amount,” but in no  
20 case shall the total amount of benefits payable be more than the  
21 total wages paid to the individual during his or her disability base  
22 period. If the benefit is not a multiple of one dollar (\$1), it shall be  
23 computed to the next higher multiple of one dollar (\$1).

24 ~~(d)~~

25 (e) No more than six weeks of family temporary disability  
26 insurance benefits shall be paid within any 12-month period.

27 SEC. 2. Section 3303 of the Unemployment Insurance Code  
28 is amended to read:

29 3303. (a) An individual *who complies with the requirements*  
30 *of this subdivision* shall be deemed eligible for family temporary  
31 disability insurance benefits on any day in which he or she is  
32 unable to perform his or her regular or customary work because he  
33 or she is caring for a new child during the first year after the birth  
34 or placement of the child or a seriously ill child, parent, spouse, or  
35 domestic partner, partner. Eligibility is subject to ~~a~~ *the following*  
36 *requirements:*



1 (1) A waiting period of seven consecutive days during each  
2 family temporary disability benefit period where no benefits are  
3 payable within that period.

4 (2) *The individual has worked at least 1,250 hours in the*  
5 *12-month period prior to the date the individual's leave begins.*

6 (3) *The individual's employer employs at least 50 employees*  
7 *within 75 miles of the individual's worksite.*

8 (b) An individual is not eligible for family temporary disability  
9 insurance benefits with respect to any day that he or she has  
10 received unemployment compensation benefits under Part 1  
11 (commencing with Section 100) or under an unemployment  
12 compensation act of any other state or of the federal government.

13 (c) An individual is not eligible for family temporary disability  
14 insurance benefits with respect to any day of unemployment and  
15 disability for which he or she has received, or is entitled to receive,  
16 "other benefits" in the form of cash benefits as defined in  
17 subdivision (b) of Section 2629.

18 (d) An individual is not eligible for family temporary disability  
19 insurance benefits with respect to any day that he or she is entitled  
20 to receive state disability insurance benefits under Part 2  
21 (commencing with Section 2601) or under a disability insurance  
22 act of any other state.

23 (e) An individual is not eligible for family temporary disability  
24 insurance benefits with respect to any day that another family  
25 member is able and available for the same period of time that the  
26 individual is providing the required care.

27 (f) An individual who is entitled to leave under the FMLA and  
28 the CFRA must take Family Temporary Disability Insurance  
29 (FTDI) leave concurrent with leave taken under the FMLA and the  
30 CFRA.

31 (g) As a condition of an employee's initial receipt of family  
32 temporary disability insurance benefits during any 12-month  
33 period in which an employee is eligible for these benefits, an  
34 employer may require an employee to take up to two weeks of  
35 earned but unused vacation leave prior to the employee's initial  
36 receipt of these benefits. If an employer ~~se~~requires an employee  
37 to take vacation leave, that portion of the vacation leave that does  
38 not exceed one week shall be applied to the waiting period required  
39 under subdivision (a). This subdivision may not be construed in a  
40 manner that relieves an employer of any duty of collective



- 1 bargaining the employer may have with respect to the subject
- 2 matter of this subdivision.
- 3 SEC. 3. This act shall become operative on January 1, 2004.

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