

**ASSEMBLY BILL**

**No. 2030**

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**Introduced by Assembly Member Campos**

February 20, 2014

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An act to amend Section 230.8 of the Labor Code, relating to employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 2030, as introduced, Campos. Employees: time off.

Existing law prohibits an employer who employs 25 or more employees working at the same location from discharging or in any way discriminating against an employee who is a parent, guardian, or grandparent having custody of a child in a licensed child day care facility or in kindergarten or grades 1 to 12, inclusive, for taking off up to 40 hours each year for the purpose of participating in school activities, subject to specified conditions including a limitation of 8 hours in any calendar month of the school year. Existing law requires an employee to utilize existing vacation, personal leave, or compensatory time off for purposes of the planned absence authorized by this provision and also authorizes an employee to utilize time off without pay for this purpose, to the extent made available by his or her employer.

This bill would prohibit such an employer from discharging or discriminating against an employee taking time off, within those defined limitations, without loss of pay. The bill would prohibit an employee from being required to use existing vacation, personal leave, or compensatory time off for those purposes, unless otherwise provided by a collective bargaining agreement entered into before January 1, 2015, and in effect on that date, or from being required to use time off without pay for those purposes. The bill would prohibit the entitlement

of any employee under those provisions from being diminished by any collective bargaining agreement term or condition that is agreed to on or after January 1, 2015.

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 230.8 of the Labor Code is amended to  
2 read:

3 230.8. (a) (1) No employer who employs 25 or more  
4 employees working at the same location shall discharge or in any  
5 way discriminate against an employee who is a parent, guardian,  
6 or grandparent having custody, of one or more children in  
7 kindergarten or grades 1 to 12, inclusive, or attending a licensed  
8 child day care facility, for taking off up to 40 hours each year, not  
9 exceeding eight hours in any calendar month of the year, *without*  
10 *loss of pay*, to participate in activities of the school or licensed  
11 child day care facility of any of his or her children, if the employee,  
12 prior to taking the time off, gives reasonable notice to the employer  
13 of the planned absence of the employee.

14 (2) If both parents of a child are employed by the same employer  
15 at the same worksite, the entitlement under paragraph (1) of a  
16 planned absence as to that child applies, at any one time, only to  
17 the parent who first gives notice to the employer, such that the  
18 other parent may take a planned absence simultaneously as to that  
19 same child under the conditions described in paragraph (1) only  
20 if he or she obtains the employer’s approval for the requested time  
21 off.

22 (b) ~~(1)~~ ~~The employee shall utilize~~ *not be required to use* existing  
23 vacation, personal leave, or compensatory time off for purposes  
24 of the planned absence authorized by this section, unless otherwise  
25 provided by a collective bargaining agreement entered into before  
26 January 1, ~~1995~~, 2015, and in effect on that date. An employee  
27 ~~also may utilize~~ *shall not be required to use* time off without pay  
28 for this purpose, to the extent made available by his or her  
29 employer. The entitlement of any employee under this section shall  
30 not be diminished by any collective bargaining agreement term or  
31 condition that is agreed to on or after January 1, ~~1995~~, 2015.

1 ~~(2) Notwithstanding paragraph (1), in the event that all~~  
2 ~~permanent, full-time employees of an employer are accorded~~  
3 ~~vacation during the same period of time in the calendar year, an~~  
4 ~~employee of that employer may not utilize that accrued vacation~~  
5 ~~benefit at any other time for purposes of the planned absence~~  
6 ~~authorized by this section.~~

7 (c) The employee, if requested by the employer, shall provide  
8 documentation from the school or licensed child day care facility  
9 as proof that he or she participated in school or licensed child day  
10 care facility activities on a specific date and at a particular time.  
11 For purposes of this subdivision, “documentation” means whatever  
12 written verification of parental participation the school or licensed  
13 child day care facility deems appropriate and reasonable.

14 (d) Any employee who is discharged, threatened with discharge,  
15 demoted, suspended, or in any other manner discriminated against  
16 in terms and conditions of employment by his or her employer  
17 because the employee has taken time off to participate in school  
18 or licensed child day care facility activities as described in this  
19 section shall be entitled to reinstatement and reimbursement for  
20 lost wages and work benefits caused by the acts of the employer.  
21 Any employer who willfully refuses to rehire, promote, or  
22 otherwise restore an employee or former employee who has been  
23 determined to be eligible for rehiring or promotion by a grievance  
24 procedure, arbitration, or hearing authorized by law shall be subject  
25 to a civil penalty in an amount equal to three times the amount of  
26 the employee’s lost wages and work benefits.