

AMENDED IN ASSEMBLY MARCH 18, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 908

Introduced by Assembly Member Gomez

February 26, 2015

An act to amend Section ~~316~~ 3301 of the Unemployment Insurance Code, relating to ~~unemployment insurance~~, *disability compensation*, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 908, as amended, Gomez. ~~Unemployment insurance~~. *Disability compensation: family temporary disability insurance.*

Existing unemployment compensation disability law provides a formula for determining benefits available to qualifying disabled individuals. For an individual who has quarterly base wages of greater than \$1,749.20, the weekly benefit is calculated by multiplying base wages by 55% and dividing the result by 13. For a benefit that is not a multiple of \$1, existing law provides that the benefit shall be computed to the next higher multiple of \$1. However, existing law provides that this amount may not exceed the maximum workers' compensation temporary disability indemnity weekly benefit amount.

Under existing law, the family temporary disability insurance program provides up to 6 weeks of wage replacement benefits to workers who take time off work to care for specified persons, or to bond with a minor child within one year of the birth or placement of the child in connection with foster care or adoption. Existing law defines "weekly benefit amount" for purposes of this program to mean the amount of benefits available to qualifying disabled individuals pursuant to unemployment compensation disability law.

This bill would require the family temporary disability insurance program to provide up to 10 weeks of wage replacement benefits. This bill would, for purposes of this program, require the weekly benefit amount to be calculated with a specified formula. However, the amount would be prohibited from being less than \$250 and more than the maximum workers' compensation temporary disability indemnity weekly benefit amount, as specified.

Under existing law, workers are required to pay contributions to the Unemployment Compensation Disability Fund, a special fund in the State Treasury, and those funds are continuously appropriated for the purpose of providing disability benefits and making payment of expenses in administering those provisions.

This bill, by authorizing an increase in the expenditure of money from the Unemployment Compensation Disability Fund, would make an appropriation.

~~Existing unemployment insurance law requires all standard information pamphlets provided by the Employment Development Department concerning unemployment and disability insurance programs to be printed in English and the 7 other most commonly used languages among participants in each program. Existing law also requires the Employment Development Department to make pages on its Internet Web site that provide information regarding applying for, and receiving, unemployment insurance benefits available in the 7 languages, other than English, most commonly used by unemployment insurance applicants and claimants.~~

~~This bill would instead require that information and those pages to be printed and available in 10 languages other than English.~~

Vote: majority. Appropriation: ~~no~~ yes. 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) (1) The purpose of this chapter is to establish, within*
- 4 *the state disability insurance program, a family temporary disability*
- 5 *insurance program. Family temporary disability insurance shall*
- 6 *provide up to ~~six~~ 10 weeks of wage replacement benefits to workers*
- 7 *who take time off work to care for a seriously ill child, spouse,*
- 8 *parent, grandparent, grandchild, sibling, or domestic partner, or*

1 to bond with a minor child within one year of the birth or placement
2 of the child in connection with foster care or adoption.

3 (2) Nothing in this chapter shall be construed to abridge the
4 rights and responsibilities conveyed under the CFRA or pregnancy
5 disability leave.

6 (b) ~~An individual's "weekly benefit amount" shall be the amount~~
7 ~~provided in Section 2655.~~ An individual is eligible to receive
8 family temporary disability insurance benefits equal to one-seventh
9 of his or her weekly benefit amount for each full day during which
10 he or she is unable to work due to caring for a seriously ill or
11 injured family member or bonding with a minor child within one
12 year of the birth or placement of the child in connection with foster
13 care or adoption.

14 (c) The maximum amount payable to an individual during any
15 disability benefit period for family temporary disability insurance
16 shall be ~~six~~ 10 times his or her "weekly benefit amount," but in
17 no case shall the total amount of benefits payable be more than
18 the total wages paid to the individual during his or her disability
19 base period. ~~If the benefit is not a multiple of one dollar (\$1), it~~
20 ~~shall be computed to the next higher multiple of one dollar (\$1).~~

21 (d) No more than ~~six~~ 10 weeks of family temporary disability
22 insurance benefits shall be paid within any 12-month period.

23 (e) An individual shall file a claim for family temporary
24 disability insurance benefits not later than the 41st consecutive
25 day following the first compensable day with respect to which the
26 claim is made for benefits, which time shall be extended by the
27 department upon a showing of good cause. If a first claim is not
28 complete, the claim form shall be returned to the claimant for
29 completion and it shall be completed and returned not later than
30 the 10th consecutive day after the date it was mailed by the
31 department to the claimant, except that such time shall be extended
32 by the department upon a showing of good cause.

33 ~~(f) This section shall become operative on July 1, 2014.~~

34 (f) *For purposes of this chapter, an individual's "weekly benefit*
35 *amount" shall be as follows:*

36 (1) *When the amount of wages paid to the individual for*
37 *employment by employers during the quarter of the individual's*
38 *disability base period in which these wages were highest is not*
39 *more than four thousand sixty three dollars (\$4,063), then two*
40 *hundred fifty dollars (\$250).*

1 (2) When the amount of wages paid to the individual for
2 employment by employers during the quarter of the individual's
3 disability base period in which these wages were highest is more
4 than four thousand sixty three dollars (\$4,063), and does not
5 exceed 25 percent of the amount of the annual full-time minimum
6 wage level, then 80 percent of the amount of wages paid to the
7 individual for employment by employers during the quarter of the
8 individual's disability base period in which these wages were
9 highest, divided by 13. If the weekly benefit amount is not a multiple
10 of one dollar (\$1), it shall be computed to the next higher multiple
11 of one dollar (\$1).

12 (3) When the amount of wages paid to the individual for
13 employment by employers during the quarter of the individual's
14 disability base period in which these wages were highest exceeds
15 25 percent of the amount of the annual full-time minimum wage
16 level, but does not exceed 75 percent of the amount of the annual
17 full-time minimum wage level, then either (A) 20 percent of the
18 annual full-time minimum wage level divided by 13 or (B) 75
19 percent of the amount of wages paid to the individual for
20 employment by employers during the quarter of the individual's
21 disability base period in which these wages were highest divided
22 by 13, whichever amount is greater. If the weekly benefit amount
23 is not a multiple of one dollar (\$1), it shall be computed to the next
24 higher multiple of one dollar (\$1).

25 (4) Except as provided in paragraph (5), when the amount of
26 wages paid to the individual for employment by employers during
27 the quarter of the individual's disability base period in which these
28 wages were highest exceeds 75 percent of the amount of the annual
29 full-time minimum wage level, then either (A) 56.25 percent of the
30 annual full-time minimum wage level divided by 13 or (B) 65
31 percent of the amount of wages paid to the individual for
32 employment by employers during the quarter of the individual's
33 disability base period in which these wages were highest divided
34 by 13, whichever amount is greater. If the weekly benefit amount
35 is not a multiple of one dollar (\$1), it shall be computed to the next
36 higher multiple of one dollar (\$1).

37 (5) An individual's "weekly benefit amount" shall not exceed
38 the maximum workers' compensation temporary disability
39 indemnity weekly benefit amount established by the Department
40 of Industrial Relations pursuant to Section 4453 of the Labor Code.

1 (g) For purposes of this chapter, the “annual full-time minimum
2 wage level” means 2,000 hours multiplied by the hourly minimum
3 wage in effect pursuant to Section 1182.12 of the Labor Code.

4 SECTION 1. Section 316 of the Unemployment Insurance
5 Code is amended to read:

6 316. (a) ~~There shall be maintained within an appropriate~~
7 ~~division of the department, a bureau, section, or unit relating to~~
8 ~~education and public instruction for the purpose of informing~~
9 ~~employers and workers of their rights and responsibilities under~~
10 ~~this code, and of instructing the public generally concerning its~~
11 ~~basic purposes, provisions, and operations. All standard information~~
12 ~~employee pamphlets concerning unemployment and disability~~
13 ~~insurance programs shall be printed in English and the 10 other~~
14 ~~most commonly used languages among participants in each~~
15 ~~program in such number as he or she may determine.~~

16 (b) ~~The department shall make the pages on its Internet Web~~
17 ~~site that provide information regarding applying for, and receiving,~~
18 ~~unemployment insurance benefits available in the 10 languages,~~
19 ~~other than English, most commonly used by unemployment~~
20 ~~insurance applicants and claimants.~~