

ASSEMBLY BILL

No. 2197

Introduced by Assembly Member Cristina Garcia

February 18, 2016

An act to amend Section 3303.1 of the Unemployment Insurance Code, relating to paid family leave.

LEGISLATIVE COUNSEL'S DIGEST

AB 2197, as introduced, Cristina Garcia. Disability compensation: paid family leave.

Existing law establishes within the state disability insurance program, a family temporary disability insurance program, also known as the paid family leave program, for the provision of wage replacement benefits to workers who take time off work to care for a seriously ill family member or to bond with a minor child within one year of birth or placement, as specified. Existing law conditions eligibility for these benefits upon the individual's inability to perform his or her regular or customary work for a 7-day waiting period during each disability benefit period.

Existing law authorizes an employer to require an employee to take up to 2 weeks of earned but unused vacation before, and as a condition of, the employee's initial receipt of these benefits during any 12-month period in which the employee is eligible for them. Existing law requires that portion of the vacation leave that does not exceed one week to be applied to the 7-day waiting period.

This bill would delete the requirement that vacation leave be applied to the 7-day waiting period.

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

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

1 SECTION 1. Section 3303.1 of the Unemployment Insurance
2 Code is amended to read:

3 3303.1. (a) An individual is not eligible for family temporary
4 disability insurance benefits with respect to any day that any of
5 the following apply:

6 (1) The individual has received, or is entitled to receive,
7 unemployment compensation benefits under Part 1 (commencing
8 with Section 100) or under an unemployment compensation act
9 of any other state or of the federal government.

10 (2) The individual has received, or is entitled to receive, “other
11 benefits” in the form of cash benefits as defined in Section 2629.

12 (3) The individual has received, or is entitled to receive, state
13 disability insurance benefits under Part 2 (commencing with
14 Section 2601) or under a disability insurance act of any other state.

15 (4) Another family member, as defined in Section 3302, is ready,
16 willing, and able and available for the same period of time in a
17 day that the individual is providing the required care.

18 (b) An individual who is entitled to leave under the FMLA and
19 the CFRA must take Family Temporary Disability Insurance
20 (FTDI) leave concurrent with leave taken under the FMLA and
21 the CFRA.

22 (c) As a condition of an employee’s initial receipt of family
23 temporary disability insurance benefits during any 12-month period
24 in which an employee is eligible for these benefits, an employer
25 may require an employee to take up to two weeks of earned but
26 unused vacation leave prior to the employee’s initial receipt of
27 these benefits. ~~If an employer so requires an employee to take~~
28 ~~vacation leave, that portion of the vacation leave that does not~~
29 ~~exceed one week shall be applied to the waiting period required~~
30 ~~under subdivision (b) of Section 3303.~~ This subdivision may not
31 be construed in a manner that relieves an employer of any duty of
32 collective bargaining the employer may have with respect to the
33 subject matter of this subdivision.

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