

AMENDED IN ASSEMBLY AUGUST 18, 2016
AMENDED IN ASSEMBLY AUGUST 11, 2016
AMENDED IN ASSEMBLY SEPTEMBER 2, 2015
AMENDED IN SENATE JUNE 2, 2015
AMENDED IN SENATE APRIL 21, 2015

SENATE BILL

No. 654

Introduced by Senator Jackson
(Coauthors: Senators Hancock, Leyva, and Wolk)
(Coauthors: Assembly Members Atkins, Bonilla, Burke, Campos,
Cristina Garcia, Gonzalez, and Lopez)

February 27, 2015

An act to add Section 12945.6 to the Government Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 654, as amended, Jackson. Unlawful employment practice: parental leave.

Existing law prohibits an employer from refusing to allow a female employee disabled by pregnancy, childbirth, or a related medical condition to take a leave for a reasonable time of up to 4 months before returning to work. Existing law also prohibits an employer from refusing to maintain and pay for coverage under a group health plan for an employee who takes that leave, as specified.

This bill would prohibit an employer, as defined, from refusing, as specified, to allow an employee with more than 12 months of service with the employer, and who has at least 1,250 hours of service with the employer during the previous 12-month period, to take up to ~~12~~ 6 weeks

of parental leave to bond with a new child within one year of the child's birth, adoption, or foster care placement. The bill would also prohibit an employer from refusing to maintain and pay for coverage under a group health plan for an employee who takes this leave.

The provisions of the bill would become operative on January 1, 2018.

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. This act shall be known, and may be referred to,
2 as the New Parent Leave Act.

3 SEC. 2. Section 12945.6 is added to the Government Code, to
4 read:

5 12945.6. (a) It shall be an unlawful employment practice for
6 an employer to do either of the following:

7 (1) Refuse to allow an employee with more than 12 months of
8 service with the employer, and who has at least 1,250 hours of
9 service with the employer during the previous 12-month period,
10 upon request, to take up to ~~12~~ six weeks of parental leave to bond
11 with a new child within one year of the child's birth, adoption, or
12 foster care placement. If, on or before the commencement of this
13 parental leave, the employer does not provide a guarantee of
14 employment in the same or a comparable position upon the
15 termination of the leave, the employer shall be deemed to have
16 refused to allow the leave. The employee shall be entitled to utilize
17 accrued vacation pay, paid sick time, other accrued paid time off,
18 or other paid or unpaid time off negotiated with the employer,
19 during the period of parental leave.

20 (2) Refuse to maintain and pay for coverage for an eligible
21 employee who takes parental leave pursuant to this section under
22 a group health plan, as defined in Section 5000(b)(1) of the Internal
23 Revenue Code of 1986, for the duration of the leave, not to exceed
24 ~~12~~ six weeks over the course of a 12-month period, commencing
25 on the date that the parental leave commences, at the level and
26 under the conditions that coverage would have been provided if
27 the employee had continued to work in his or her position for the
28 duration of the leave.

1 ~~(b) Parental leave pursuant to this section shall run concurrently~~
2 ~~with leave taken pursuant to Section 12945.2 and the federal~~
3 ~~Family and Medical Leave Act of 1993 (Public Law 103-3), except~~
4 ~~for leave taken for a disability on account of pregnancy, childbirth,~~
5 ~~or related medical condition. The aggregate amount of leave taken~~
6 ~~pursuant to this section, Section 12945.2, or the federal Family~~
7 ~~and Medical Leave Act of 1993, or any combination of these laws,~~
8 ~~except for leave taken for a disability on account of pregnancy,~~
9 ~~childbirth, or related medical conditions, shall not exceed 12~~
10 ~~workweeks in a 12-month period.~~

11 ~~(e)~~

12 ~~(b) An employee is entitled to take, in addition to the leave~~
13 ~~provided pursuant to this section, Section 12945.2, and the federal~~
14 ~~Family and Medical Leave Act of 1993, leave provided pursuant~~
15 ~~to Section 12945 if the employee is otherwise qualified for that~~
16 ~~leave.~~

17 ~~(c) This section does not apply to an employee subject to both~~
18 ~~Section 12945.2 and the federal Family and Medical Leave Act of~~
19 ~~1993.~~

20 ~~(d) In any case in which two employees who are entitled to leave~~
21 ~~under this section for the same birth, adoption, or foster care~~
22 ~~placement are employed by the same employer, the employer is~~
23 ~~not required, but may elect, to grant simultaneous leave to both~~
24 ~~employees.~~

25 ~~(e) The basic minimum duration of the leave shall be two weeks.~~
26 ~~However, an employer may grant requests for additional occasions~~
27 ~~of leave lasting less than two weeks.~~

28 ~~(f) Parental leave taken pursuant to this section shall run~~
29 ~~concurrently to parental leave taken as described in Section~~
30 ~~44977.5 of the Education Code.~~

31 ~~(d)~~

32 ~~(g) For purposes of this section, “employer” means either of the~~
33 ~~following:~~

34 ~~(1) A person who directly employs 10 employees, within 75 miles~~
35 ~~of the worksite where an employee is employed, 20 or more persons~~
36 ~~to perform services for a wage or salary.~~

37 ~~(2) The state, and any political or civil subdivision of the state,~~
38 ~~and cities, except for a school district, county office of education,~~
39 ~~or a community college district.~~

1 *(h) This section shall become operative on January 1, 2018.*

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