

Introduced by Senator Jackson

February 18, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1166, as introduced, 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 from refusing, as specified, to allow an employee to take up to 12 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.

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:

1 12945.6. (a) It shall be an unlawful employment practice for
2 an employer to do either of the following:

3 (1) Refuse to allow an employee, upon request, to take up to 12
4 weeks of parental leave to bond with a new child within one year
5 of the child's birth, adoption, or foster care placement. If, on or
6 before the commencement of this parental leave, the employer
7 does not provide a guarantee of employment in the same or a
8 comparable position upon the termination of the leave, the
9 employer shall be deemed to have refused to allow the leave. The
10 employee shall be entitled to utilize accrued vacation pay, paid
11 sick time, other accrued paid time off, or other paid or unpaid time
12 off negotiated with the employer, during the period of parental
13 leave.

14 (2) Refuse to maintain and pay for coverage for an eligible
15 employee who takes parental leave pursuant to this section under
16 a group health plan, as defined in Section 5000(b)(1) of the Internal
17 Revenue Code of 1986, for the duration of the leave, not to exceed
18 12 weeks over the course of a 12-month period, commencing on
19 the date that the parental leave commences, at the level and under
20 the conditions that coverage would have been provided if the
21 employee had continued to work in his or her position for the
22 duration of the leave.

23 (b) Parental leave pursuant to this section shall run concurrently
24 with leave taken pursuant to Section 12945.2 and the federal
25 Family and Medical Leave Act of 1993 (P.L. 103-3), except for
26 leave taken for a disability on account of pregnancy, childbirth,
27 or related medical condition. The aggregate amount of leave taken
28 pursuant to this section, Section 12945.2, or the federal Family
29 and Medical Leave Act of 1993, or any combination of these laws,
30 except for leave taken for a disability on account of pregnancy,
31 childbirth, or related medical conditions, shall not exceed 12 work
32 weeks in a 12 month period.

33 (c) An employee is entitled to take, in addition to the leave
34 provided pursuant to this section, Section 12945.2, and the federal
35 Family and Medical Leave Act of 1993, leave provided pursuant
36 to Section 12945 if the employee is otherwise qualified for that
37 leave.

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