

AMENDED IN SENATE APRIL 21, 2016

SENATE BILL

No. 1166

Introduced by Senator Jackson

*(Coauthors: Assembly Members Bonilla, Campos, Cristina Garcia,
Gonzalez, and Lopez)*

February 18, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1166, 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~~ *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 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:

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~~, *employee with more than 12*
8 *months of service with the employer, and who has at least 1,250*
9 *hours of service with the employer during the previous 12-month*
10 *period*, upon request, to take up to 12 weeks of parental leave to
11 bond with a new child within one year of the child's birth, adoption,
12 or foster care placement. If, on or before the commencement of
13 this 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 weeks over the course of a 12-month period, commencing on
25 the date that the parental leave commences, at the level and under
26 the conditions that coverage would have been provided if the
27 employee had continued to work in his or her position for the
28 duration of the leave.

29 (b) Parental leave pursuant to this section shall run concurrently
30 with leave taken pursuant to Section 12945.2 and the federal
31 Family and Medical Leave Act of 1993 (Public Law 103-3), except
32 for leave taken for a disability on account of pregnancy, childbirth,
33 or related medical condition. The aggregate amount of leave taken
34 pursuant to this section, Section 12945.2, or the federal Family
35 and Medical Leave Act of 1993, or any combination of these laws,
36 except for leave taken for a disability on account of pregnancy,
37 childbirth, or related medical conditions, shall not exceed 12
38 workweeks in a 12-month period.

1 (c) An employee is entitled to take, in addition to the leave
2 provided pursuant to this section, Section 12945.2, and the federal
3 Family and Medical Leave Act of 1993, leave provided pursuant
4 to Section 12945 if the employee is otherwise qualified for that
5 leave.

6 (d) *For purposes of this section, employer means either of the*
7 *following:*

8 (1) *A person who directly employs 10 or more persons to*
9 *perform services for a wage or salary.*

10 (2) *The state, and any political or civil subdivision of the state*
11 *and cities.*

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