

# Senate Bill 135

## Family Leave for a 21<sup>st</sup> Century California

### Senator Jackson

#### SUMMARY

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Senate Bill 135 will ensure that nearly all Californians who pay into the Paid Family Leave Program can use it without losing their jobs; that more newborns can receive individual care for their first six months of life, an essential time for early brain development; and that California's leave laws reflect the state's diverse, multigenerational families and caregiving needs.

#### BACKGROUND

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Fifteen years ago, California enacted the nation's first Paid Family Leave Program, providing six weeks of partial wage replacement to bond with a newborn or care for a seriously ill family member. However, there is no job protection directly associated with the Paid Family Leave Program, leaving far too many Californians struggling with the impossible choice of whether to care for their newborn or loved one or jeopardize their jobs and economic security.

Unfortunately, our laws that provide job-protection to individuals using Paid Family Leave have strict eligibility requirements and are limited to only those working for large employers, leaving over half the workforce without return-to-work rights. For example, the California Family Rights Act (CFRA) provides job-protection for up to 12 weeks of family leave, but only for those who have worked for their employer for at least one year and 1250 hours, only if the employer has at least 50 employees within a 75 miles radius, and only for caregiving of certain family members. The New Parent Leave Act (SB 63, Jackson) helped remedy some of these limitations by expanding job-protection for baby bonding leave to workers at companies with 20 or more employees. Still, too many workers are not covered by either of these laws because their employer is too small, they have not worked long enough, or the family member they wish to care for is not covered.

Research has increasingly made clear that the first months and years of an infant's life are crucial to success: over 80% of a child's total brain development happens in the first three years, and frequent, nurturing

interactions are key to strong early brain development. In addition, evolving workplaces and family structures also necessitate changes to California's leave laws. With more women in the workplace and more two-income families, it is vital for men and women to be able to take job-protected time off to care for newborns or seriously ill family members and utilize their Paid Family Leave benefits to do so.

California's families also do not look the same as they did decades ago. In 2016, a record 64 million people, or 20 percent of the U.S. population, lived with multiple generations under one roof, and California has the second highest percentage of multigenerational families in the U.S.

In addition, up to 40 percent of infants in California are born into single-parent families, making it vital to expand the circle of caregivers who can care for a child to achieve Governor Gavin Newsom's articulated goal of six months of individual care for newborns. An aunt or grandparent, for instance, may be an important source of loving, individual care during the first months of a newborn's life.

By 2030, California's population of older adults will increase by four million. Yet, families are smaller, living farther apart and often unconventionally assembled. Sometimes, the most obvious caregiver for a seriously ill person may be a roommate or long-time neighbor.

#### SOLUTION

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As proposed to be amended, SB 135 will give newborns a greater chance to receive their strongest developmental start, while ensuring our leave laws reflect the reality of California's working families today. It will simplify and strengthen the California Family Rights Act (CFRA), the California law which provides 12 weeks of job-protected leave for caregiving and serves as the job-protection foundation for California's landmark Paid Family Leave Program. This bill would:

- Ensure that employees who work for employers of 5 or more and have worked for an employer

for at least 6 months are able to take 12 weeks of job-protected time off to bond with a newborn, care for a seriously ill family member or take time off for their own serious illness within a 12-month period. This would ensure that nearly everyone who pays into the Paid Family Leave Program will be able use it without losing their jobs.

- Expand job-protected baby bonding leave to include care by an employee who designates an infant or child for their care. This helps ensure that more infants are able to receive individual, nurturing care during their first six months of life from their parents or other caring adults.
- Expand the definition of family members for the purpose of caregiving to include a grandparent, grandchild, sibling, parent-in-law, child-in-law, or “designated person,” and make corresponding changes to the Paid Family Leave Program, to allow for diverse caregiving needs and multigenerational families.
- Expand CFRA to allow job-protected time off to care for needs arising from the overseas military deployment of a spouse, domestic partner, parent or child.

This bill will fix inequities and inconsistencies in California’s leave laws and lead California toward the full promise of a 21<sup>st</sup> century Paid Family Leave Program.

## **CONTACT**

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## **SUPPORT**

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California Employment Lawyers Association (co-sponsor)  
First 5 California (co-sponsor)  
Legal Aid at Work (co-sponsor)

## **STATUS**

In the Rules Committee.