

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2023-2024 Regular Session

AB 2499 (Schiavo)
Version: June 6, 2024
Hearing Date: June 18, 2024
Fiscal: Yes
Urgency: No
ME

SUBJECT

Employment: unlawful discrimination and paid sick days: victims of violence

DIGEST

This bill moves provisions from the Labor Code, that allow employees to take time off of work for specified purposes when they are the victims of specified crimes and when specified family members are the victims of specified crimes that resulted in death, to the Fair Employment and Housing Act (FEHA). The bill also expands the list of crimes for which employees are entitled to take time off. Additionally, the bill allows employees to take time off to help family members, as defined, who are the victims of the specified crimes for specified purposes, even if the crimes did not result in the family member victim's death. The bill limits the amount of time the employees can take off of work for the above purposes and requires that employees be allowed to take their sick leave for these purposes.

EXECUTIVE SUMMARY

Current law allows crime victims to take time off for specified purposes when they are the victims of crimes and when family members are the victims of specified crimes that resulted in death. According to the author and advocates for crime victims, there are gaps in existing law that put many survivors in the position of choosing between their safety and their jobs following their victimization or that of their family members. The provisions of this bill are designed to ensure victims of violence and their family have access to limited unpaid time off to meet specific and critical recovery, safety, and legal needs. This bill seeks to further support victims of crime in tending to their physical and psychological healing, their and their family's safety, and bringing perpetrators to justice. The bill does this by protecting the victim and their supportive family member's employment when the victim or family member takes time off.

This bill is sponsored by Californians for Safety and Justice, Crime Survivors for Safety and Justice, and Legal Aid at Work. The bill is supported by survivor groups, employee organizations, and a number of organizations that support survivors and employees. The bill is opposed by a number of organizations that represent employers, including

the California Chamber of Commerce, various Chambers of Commerce, the California Retailers Association, and the California Restaurant Association. Should the bill pass out of this Committee it will next be heard in the Senate Labor, Public Employment and Retirement Committee.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the Civil Rights Department (CRD) to, among other things, enforce California's Fair Employment and Housing Act and certain civil rights laws in order to protect Californians from discrimination in employment, housing, businesses, state-funded programs, and from bias-motivated violence, and from human trafficking. (Gov. Code § 12900 *et seq.*)
- 2) Establishes the Office of the Labor Commissioner (LC) within the Department of Industrial Relations (DIR), to enforce, among other things, wage and hour laws, anti-retaliation provisions, and employer notice requirements. (Labor Code § 79 *et seq.*)
- 3) Provides that an employer shall not discharge or in any manner discriminate against an employee for taking time off to:
 - a) Serve as required by law on an inquest jury or trial jury, if the employee, prior to taking the time off, gives reasonable notice to the employer that the employee is required to serve.
 - b) Appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding or to obtain or attempt to obtain any relief if the employee is a victim of a crime. (Labor Code § 230 (a)-(c).)
- 4) Prohibits an employer from discharging or in any manner discriminating or retaliating against an employee because of the employee's status as a victim of crime or abuse, if the employee provides notice to the employer of the status or the employer has actual knowledge of the status. (Labor Code § 230 (e).)
- 5) Requires an employer to provide reasonable accommodations for a victim of domestic violence, sexual assault, or stalking, who requests an accommodation for the safety of the victim while at work. (Labor Code § 230 (f)(1).)
- 6) Provides that an employee who is discharged, threatened with discharge, demoted, suspended, or in any other manner discriminated or retaliated against in the terms and conditions of employment by their employer because the employee has taken time off, as specified, shall be entitled to reinstatement and reimbursement for lost wages and work benefits caused by the acts of the employer. (Labor Code § 230 (g)(1).)

- 7) Provides that an employee who is discharged, threatened with discharge, demoted or suspended, or in any other manner discriminated against, as specified, for exercising their rights pursuant to the above provisions may file a complaint with the LC. (Labor Code § 230 (h)(1).)
- 8) Prohibits an employer with 25 or more employees from discharging, discriminating or retaliating against an employee who is a victim of stalking, domestic violence, sexual assault, or of a crime that caused physical injury or that caused mental injury and a threat of physical injury, or whose immediate family member is deceased as the direct result of a crime, for taking time off from work for any of the following purposes:
 - a) To seek medical attention for injuries caused by crime or abuse.
 - b) To obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of the crime or abuse.
 - c) To obtain psychological counseling or mental health services related to an experience of crime or abuse.
 - d) To participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation. (Labor Code § 230.1 (a).)
- 9) Provides that an employee who is discharged, threatened with discharge, demoted, suspended, or in any other manner discriminated or retaliated against in the terms and conditions of employment by their employer because the employee has taken time off for a purpose set forth in 8), above, is entitled to reinstatement and reimbursement for lost wages and work benefits caused by the acts of the employer, as well as appropriate equitable relief. (Labor Code § 230.1 (c).)
- 10) States that an employer who willfully refuses to rehire, promote, or otherwise restore an employee or former employee who has been determined to be eligible for rehiring or promotion by a grievance procedure or hearing authorized by law is guilty of a misdemeanor. (Labor Code § 230.1 (c).)
- 11) Provides that an employee who is discharged, threatened with discharge, demoted or suspended, or in any other manner discriminated against, as specified, for exercising their rights protected in 8), above, may file a complaint with the LC. (Labor Code § 230.1 (d)(1)).
- 12) Requires employers to inform each employee of their rights, as specified. Requires the information to be provided to new employees upon hire and to other employees upon request and requires the LC to develop a form that an employer may use to comply with the notice requirements. (Labor Code § 230.1 (h)(1)-(2).)

13) Defines: "child" as a biological, adopted, or foster child, a stepchild, a legal ward, a child of a domestic partner, or a person to whom the employee stands in loco parentis; "domestic partner" as having the same meaning as defined in Family Code section 297; "grandchild" as a child of the employee's child; "grandparent" as a parent of the employee's parent; "parent" as a biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child; "parent-in-law" as the parent of a spouse or domestic partner; "sibling" as a person related to another person by blood, adoption, or affinity through a common legal or biological parent. (Gov't Code § 12945.2 (b).)

This bill:

- 1) Moves provisions regarding protected time off for an employee to attend jury duty or to attend to their needs and ensure their safety as a victim of a crime from the Labor Code to the Government Code and places those provisions under the FEHA.
- 2) Replaces references to an experience of "crime or abuse" with the term "qualifying act of violence."
- 3) Entitles an employee working for an employer with 25 or more employees who has a family member, as defined, who is a victim of a qualifying act of violence to certain protections, including, among other things:
 - a) Taking time off from work without discrimination or retaliation to assist a family member to obtain or attempt to obtain relief. Relief includes, among other things, a temporary restraining order or other injunctive relief.
 - b) Taking time off from work without discrimination or retaliation to assist a family member to obtain victim services that include, among other things, obtaining medical attention to recover from injuries, seeking or obtaining services from a domestic violence shelter, obtaining psychological counseling, participating in safety planning, and providing care to a family member who is recovering from injuries caused by the qualifying act of violence.
- 4) Defines qualifying act of violence to mean any of the following, regardless of whether anyone is arrested for, prosecuted for, or convicted of committing any crime:
 - a) Domestic violence.
 - b) Sexual assault.
 - c) Stalking.
 - d) An act, conduct, or pattern of conduct that includes any of the following:

- i) In which an individual causes bodily injury or death to another individual.
 - ii) In which an individual exhibits, draws, brandishes, or uses a firearm, or other dangerous weapon, with respect to another individual.
 - iii) In which an individual uses, or makes a reasonably perceived or actual threat to use, force against another individual to cause physical injury or death.
- 5) Updates the definition of family member to mean a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner as those terms are defined in Government code section 12945.2, or designated person. Defines “designated person” as any individual not related by blood whose association with the employee is the equivalent of a family relationship. Provides that an employer may limit an employee to one designated person per 12-month period for leave pursuant to the bill.
- 6) Defines employer to mean: any person who directly employs one or more persons to perform services for a wage or salary; and the state, and any political or civil subdivision of the state and cities.
- 7) Provides that an employee who is a victim or who has a family member who is a victim may take time off without discrimination or retaliation, for additional reasons, including, among other things:
 - a) To seek, obtain, or assist a family member to seek or obtain civil or criminal legal services in relation to the qualifying act of violence.
 - b) To prepare for, participate in, or attend any civil, administrative, or criminal legal proceeding related to the qualifying act of violence.
 - c) To seek, obtain, or provide childcare or care to a care-dependent adult if the childcare or care is necessary to ensure the safety of the child or dependent adult as a result of the qualifying act of violence.
- 8) Extends an employer's obligation to provide reasonable accommodations for an employee who is a victim to an employee whose family member is a victim of a qualifying act of violence who requests an accommodation for the safety of the employee while at work.
- 9) Clarifies that an employee who is a victim or whose family member is a victim may use sick leave for time off to attend to their needs or ensure their safety.
- 10) Specifies that an employer may limit the total leave taken to 12 weeks.
- 11) Specifies that if an employee's family member is a victim who is not deceased as a result of a crime, and the employee is not a victim, and the employee takes leave to relocate or engage in the process of securing a new residence due to the qualifying

act of violence, including, but not limited to, securing temporary or permanent housing or enrolling children in a new school or childcare, then the employer may limit the total leave taken to 5 days.

- 12) Specifies that if an employee's family member is a victim who is not deceased as a result of crime, and the employee is not a victim, the employer may limit the total leave taken to 10 days, except that the employer may limit the total amount of leave taken to 5 days as described in 11) above.
- 13) Specifies that leave taken pursuant to this bill shall run concurrently with leave taken pursuant to the federal Family and Medical Leave Act of 1993 and the Moore-Brown-Roberti Family Rights Act, commonly referred to as the California Family Rights Act, if the employee would have been eligible for that leave.
- 14) Provides that the employer provide notice to employees of their rights under these provisions and this notice shall be given, upon the employee's hire, on an annual basis, at any time upon request, and at any time an employee informs an employer that the employee or the employee's family member is a victim.
- 15) Provides that the notice to the employee shall also include information about other available leaves or wage replacement programs.
- 16) Requires the CRD to post the form for the notice in various languages, including any other language that is spoken by a substantial number of non-English-speaking people, as specified, on the CRD's internet website. Requires the CRD to create the form and post it on or before July 1, 2025.

COMMENTS

1. Stated need for the bill

According to the author:

AB 2499 will address shortcomings in the state's current approach to leave and workplace protections for victims and survivors of violence, by ensuring survivors and their loved ones the ability to take necessary time off for specific reasons related to safety and recovery.

The bill will recognize additional common reasons survivors need to take unpaid time off from work, allow family members of survivors to take necessary unpaid time off to support their loved ones in achieving safety and recovery, allow family members to use their pre-existing paid sick days for covered purposes, and streamline the process through which survivors can learn about and assert their rights. This bill will also permit reasonable safety-related accommodations for survivors of more forms of violence - consistent

with the types of violent victimization experiences currently included in leave protections - and include family members in those protections.

This proposal benefits employers because when employees have the time they need to ensure their and their families' safety and recovery, they are more likely to return to work as productive members of the team. Protections for survivors and their family members also promote a diverse and strong workforce.

2. Stakeholder positions

Legal Aid at Work, Californians for Safety and Justice, Crime Survivors for Safety and Justice, who are sponsors of this bill, and a broad coalition of groups who support and represent crime victims, marginalized communities, and employees write the following in support of AB 2499:

[W]e write to express our support for Assembly Bill 2499 (Schiavo), a bill that will ensure that family members of living direct victims and survivors of domestic violence, sexual assault, stalking, and other violence can take unpaid time off to address safety concerns, to heal, or to support their family.

One in six victims of violent crime report losing their jobs or being demoted because they need to take time off following the victimization and in one study, over 90% of employed women experiencing domestic violence reported that they had resigned or been terminated within the previous two years as a result of their abuse. This is because, too often, survivors have to make a choice between staying employed or taking necessary steps to preserve their safety. This is critical, given that 7 in 10 victims describe feeling unsafe or scared following a traumatic event. While current law offers some protection to survivors who need to take time off for specific recovery and safety related reasons, its application is somewhat limited and leaves out certain crucial needs stemming from victimization.

AB 2499 will address existing shortcomings by ensuring survivors and their loved ones the ability to take limited, necessary, capped, and unpaid time off for specific reasons related to safety and recovery. This bill will permit reasonable safety-related accommodations for survivors of more forms of violence, recognize additional common reasons survivors need to take unpaid time off from work, allow family members of survivors to take necessary unpaid time off to support their loved ones in achieving safety and recovery, allow family members to use their pre-existing paid sick days for covered purposes, and streamline the process through which survivors can learn about and assert their rights.

No sibling should be fired for taking a day off to help their sister move from a violent home and no parent should be terminated for holding their child's hand

in court when their child has experienced a violent crime. When survivors have to choose between their safety and their job, families are destabilized economically and businesses lose productive employees. For these reasons, we ask that you support Assembly Bill AB 2499 (Schiavo).

In support, Prosecutors Alliance of California, writes:

The Prosecutors Alliance of California (PAC) is a membership organization of more than 4,000 prosecutors, victim advocates and allies committed to reforming California's criminal justice system through smart, safe, and modern solutions that advance public safety, human dignity and community well-being. The advisory committee of PAC consists of the elected district attorneys of Alameda, Los Angeles, and Contra Costa counties, representing 32% of the state, as well as line prosecutors, former elected district attorneys, researchers, community advocates and policy experts.

AB 2499 will permit reasonable safety-related accommodations for survivors of violence to take unpaid time off from work, and allow family members of crime survivors to take unpaid time off to support their loved ones in court and in other ways.

The bill will provide that if an employee provides an employer adequate advance notice of the need to take time off, to care of themselves or a family member who suffered violence, that the employee shall not be fired or discriminated against for reasonable steps, including:

1. Seeking care for themselves or a family member from a rape crisis center, victim service organization, or domestic violence shelter;
2. Seeking a restraining order;
3. Seeking psychological care to recover from violence;
4. Relocating or helping a family member relocate to escape violence;
5. Preparing for a criminal or civil action.

No parent should be terminated for being in court to support their child who has to testify to their victimization. No one should be fired for taking a day off to get their sister out of the home of an abuser, or to court to seek a restraining order to save their life.

The California Chamber of Commerce removed AB 2499 from their "Job Killer" list because of the June 6, 2024 amendments to the bill; however, they remain opposed to the bill together with a number of local Chambers of Commerce, the California Restaurant Association, California Retailers Association, California Farm Bureau, and a number of other organizations who represent employers. They write the following about their opposition to the bill in their most recent letter:

We appreciate the amendments that have been taken on this bill and understand the importance of this issue. However, California's businesses have been subject to nine new or expanded leaves in just the last four years. Some of those leaves address the same circumstances addressed in this bill. While one more leave in isolation may not seem burdensome, it is important to view this proposal as part of the broader set of mandates to which employers are subject, especially our smallest employers. We must continue to oppose the expansion of another leave.

3. Codifies further support for victims of crimes and the family members that support them

Under current law employers are prohibited from discharging or in any manner discriminating against an employee because of the employee's status as a victim of crime or abuse or for taking time off for specified purposes, including serving on a jury, and, if the employee is a victim of a crime, appearing in court as a witness in any judicial proceeding, and obtaining or attempting to obtain prescribed relief. Employers are required to provide reasonable accommodations for a victim of domestic violence, sexual assault, or stalking, who request an accommodation for the safety of the victim while at work. Employees who are discriminated or retaliated against because they have exercised these rights may file a complaint with the Division of Labor Standards Enforcement of the Department of Industrial Relations.

Additionally employers with 25 or more employees are prohibited from discharging, or in any manner discriminating or retaliating against, an employee who is a victim, for taking time off from work to seek medical attention for injuries caused by crime or abuse, to obtain certain services as a result of the crime or abuse or related to an experience of crime or abuse, or to participate in safety planning and take other actions to increase safety from future crime or abuse. Employees who are discriminated or retaliated against because they have exercised these rights are entitled to file a complaint with the Division of Labor Standards Enforcement of the Department of Industrial Relations. The provisions in current law are in the Labor Code.

The author and advocates for crime survivors note that gaps in existing law continue to place survivors in the untenable position of choosing between their safety and their jobs following victimization. Advocates contend that this legislation will provide consistency and clarity across employment protections for survivors, and ensure victims of violence and their loved ones have access to limited unpaid time off to meet specific and critical recovery, safety, and legal needs. Specifically, this bill revises and recasts the above jury, court, and victim time off provisions for employees as unlawful employment practices within the California Fair Employment and Housing Act and subject to enforcement by CRD. The bill prohibits an employer with 25 or more employees from discharging or in any manner discriminating or retaliating against an employee who is a victim or who has a family member who is a victim for taking time off work for additional prescribed purposes relating to a qualifying act of violence. The

bill permits an employer to limit the total leave taken pursuant to these provisions (10 days or 5 days for family members, depending on what they are attending to, and 12 weeks for victims) and requires that the leave taken by an employee pursuant to these provisions run concurrently with leave taken pursuant to the federal Family and Medical Leave Act of 1993 and the California Family Rights Act if the employee would have been eligible for that leave. The bill expands the eligibility for reasonable accommodations to include an employee who is a victim or whose family member is a victim of a qualifying act of violence for the safety of the employee while at work. The bill requires an employer to inform each employee of their rights under the bill, to be provided to new employees upon hire, to all employees annually, at any time upon request, and any time an employee informs an employer that the employee or the employee's family member is a victim.

As described above, there are some job protections for victims of crimes. However, job protections do not generally extend to family members who provide critical support to their relative when they are victims of crime. Just as family members can provide critical support during times of illness, the presence and assistance of family members can be vital to the recovery for victims of sexual assault, domestic violence, stalking, and other crimes that impact a person's safety. Recognizing this, the author introduced this bill to extend to family members the possibility of taking job-protected time off to help family members, who are the victims of the specified crimes. The bill also expands the list of crimes for which employees and their families are entitled to take time off of work. The bill limits the amount of time the employees and family members can take off of work and requires that employees be allowed to take their sick leave for these purposes.

4. The problem and need for the bill

The author provided the following information to the Committee in support of the bill:

One in six victims of violent crime report losing their jobs or being demoted because they need to take time off following the victimization.¹ And, more than half (53%) of survivors of domestic violence report losing a job because of the abuse.² This is because, too often, survivors have to make a choice between staying employed or taking necessary steps to preserve their safety. When surveyed, 7 in 10 victims describe feeling unsafe or scared following a victimization.³ [...]

¹ Alliance for Safety and Justice (2022). [Crime Survivors Speak: National Survey of Victims' Views on Safety and Justice](#).

² Institute for Women's Policy Research (2018). [Dreams Deferred: A Survey on the Impact of Intimate Partner Violence on Survivors' Education, Careers, and Economic Security](#).

³ Alliance for Safety and Justice, [Crime Survivors Speak: National Survey of Victims' Views on Safety and Justice](#) (2022)

Some survivors of violence can take unpaid job-protected time off to access medical or mental healthcare, victim services, or to engage in safety planning. But other common reasons survivors need to take time off due to victimization are not covered under existing law.

What's more, the constellation of loved ones who are impacted by violence and need to take time off for their or their loved ones safety or recovery are not protected under California law - family members of direct victims who may also face threats of violence or need to help a loved one who has experienced violence get to safety have no recourse.

No employee who has been a victim of a violent crime or who has a loved one who has been victimized should have to choose between their or their family's safety and avoiding the financial consequences of losing their job.

Under current law, for example, the following workers have no protection:

- A fast food worker who needs to take an hour off of work in the morning so that they can drive their child to school, because their child cannot safely take the bus due to threats of violence.
- A construction worker who needs a day off to help his daughter and grandchildren move from the apartment they share with the daughter's abusive spouse while the spouse is away at work.
- A nurse who needs an afternoon off to go to court with their brother to help him seek a restraining order.
- A janitor who needs to seek legal services on behalf of their minor child who was sexually assaulted at work.

SUPPORT

Californians for Safety and Justice (sponsor)

Crime Survivors for Safety and Justice (sponsor)

Legal Aid at Work (sponsor)

AAUW California

American Federation of State, County, and Municipal Employees, AFL-CIO

Asian Law Alliance

BreastfeedLA

California Breastfeeding Coalition

California Catholic Conference

California Child Care Resource & Referral Network

California Domestic Workers Coalition

California Immigrant Policy Center

California NOW

California Partnership to End Domestic Violence

California Rural Legal Assistance Foundation

Californians for Safety and Justice
California Teachers Association
California Work & Family Coalition
Caring Across Generations
Center for Community Action and Environmental Justice
Center for Workers' Rights
Child Care Law Center
Citizens for Choice
Community Legal Services in East Palo Alto
Courage California
Crime Survivors for Safety and Justice
Electric Universe
Equal Rights Advocates
Food Empowerment Project
Friends Committee on Legislation of California
GRACE/End Child Poverty California
Human Impact Partners
Jewish Center for Justice
LA Alliance for a New Economy
LA Best Babies Network
National Council of Jewish Women Los Angeles
National Coalition of Jewish Women-California
National Partnership for Women & Families
Orange County Equality Coalition
Our Family Coalition
Parent Voices California
Poder Latinx
Prosecutors Alliance Action
Public Counsel
Smart Justice California
TechEquity Action
UAW Region 6
UFCW Western States Council
W.O.M.A.N., Inc.
Working Partnerships USA
Worksafe
Initiate Justice
Prosecutors Alliance of California

OPPOSITION

Acclamation Insurance Management Services
Allied Managed Care
American Petroleum & Convenience Store Association
Anaheim Chamber of Commerce

Association of General Contractors
Associated General Contractors of San Diego
Brea Chamber of Commerce
California Association of Joint Power Authorities
California Association of Health Facilities
California Association for Health Services at Home
California Builders Alliance
California Business Properties Association
California Business Roundtable
California Chamber of Commerce
California Farm Bureau
California Farm Labor Contractor Association
California Financial Services Association
California Landscape Contractor's Association
California League of Food Producers
California Lodging Industry Association
California Manufacturers and Technology Association
California Restaurant Association
California Retailers Association
California State Council of the Society for Human Resource Management
Carlsbad Chamber of Commerce
Chino Valley Chamber of Commerce
Civil Justice Association of California
Coalition of Small and Disabled Veteran Businesses
Corona Chamber of Commerce
Construction Employers' Association
Cupertino Chamber of Commerce
El Dorado County Chamber of Commerce
El Dorado Hills Chamber of Commerce
Elk Grove Chamber of Commerce
Fairfield-Suisun Chamber of Commerce
Family Business Association of California
Flasher Barricade Association
Folsom Chamber of Commerce
Fontana Chamber of Commerce
Garden Grove Chamber of Commerce
Glendora Chamber of Commerce
Greater San Fernando Valley Chamber of Commerce
Housing Contractors of California
Independent Lodging Industry Association
La Cañada Flintridge Chamber of Commerce
Laguna Niguel Chamber of Commerce
Lincoln Area Chamber of Commerce
Livermore Valley Chamber of Commerce
Long Beach Area Chamber of Commerce

Mammoth Lakes Chamber of Commerce
National Federation of Independent Business
Oceanside Chamber of Commerce
Palos Verdes Peninsula Chamber of Commerce
Paso Robles and Templeton Chamber of Commerce
Rancho Cordova Chamber of Commerce
Redondo Beach Chamber of Commerce
Ridgecrest Chamber of Commerce
Rocklin Chamber of Commerce
Roseville Area Chamber of Commerce
Sacramento Metropolitan Chamber of Commerce
Sacramento Regional Builders Exchange
San Juan Capistrano Chamber of Commerce
San Marcos Chamber of Commerce
San Pedro Chamber of Commerce
Santa Maria Valley Chamber of Commerce
Santee Chamber of Commerce
Shingle Springs/Cameron Park Chamber of Commerce
Simi Valley Chamber of Commerce
South Bay Association of Chambers of Commerce
Torrance Chamber of Commerce
West Ventura County Business Alliance
Western Electrical Contractors Association
Western Growers Association
Yuba-Sutter Chamber of Commerce

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

SB 616 (Gonzalez, Ch. 309, Stats. 2023) increased the three days of paid sick leave currently afforded to employees under existing law to five days, as specified. Increased the cap that employers can place on paid sick days from six to 10 days and 48 to 80 hours and increased the number of paid sick days an employee can roll over to the next year from three to five days. Extended procedural and anti-retaliation provisions in existing paid sick leave law to employees covered by a valid collective bargaining agreement that is exempt, if they met specified criteria, from other provisions of the paid sick leave law.

AB 1041 (Wicks, Ch. 748, Stats. 202) Added a “designated person” to the list of individuals for whom an employee may take leave to care for under the California Family Rights Act (CFRA) and the Healthy Workplaces, Healthy Families Act of 2014 (Paid Sick Days). AB 1041 (1) defined “designated person” as a person identified by the

employee at the time of the request, and (2) allowed employers to limit the employee to one designated person per 12-month period. For leave under CFRA, this bill also defined “designated person” as an individual related by blood or whose association with the employee is the equivalent of a family relationship.

AB 2992 (Weber, Ch. 224, Stats. 2020) expanded existing protected leave to victims of any violent crime, and to immediate family members of homicide victims; and further allowed additional reasonable forms of documentation to verify that a crime or abuse occurred to determine employee eligibility for protected leave.

AB 628 (Bonta, 2019) would have allowed victims of sexual harassment to take time off from work to obtain relief to ensure their health and safety in the same manner that existing law allowed victims of domestic violence, sexual assault, and stalking to take time off from work, and would have extended job-protected leave to immediate family members of victims. This bill died on the Assembly floor.

PRIOR VOTES:

Assembly Floor (Ayes 56, Noes 8)

Assembly Appropriations Committee (Ayes 10, Noes 4)

Assembly Judiciary Committee (Ayes 7, Noes 2)

Assembly Labor and Employment Committee (Ayes 5, Noes 0)
