



Regulatory Compliance Bulletin

November 19, 2020

SB 1383 - California Family Rights Act Expansion

SB 1383, which was chaptered on September 17, 2020, expands the California Family Rights Act ("CFRA") and will go into effect on January 1, 2021.

This new law adds Section 12945.2 and 12945.6 to the Government Code to expand the CFRA to cover employers who employ five or more persons. It also increases the groups of family members an employee can take leave to care for to include a child, parent, spouse, domestic partners, grandparents, grandchildren, siblings or parent-in-laws who also have a serious health condition.

This bill further expands the definition of child to mean 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. There are now no age limitations.

SB 1383 allows an employee to take up to 12 weeks of unpaid leave in any 12-month period, and this leave can be used in increments. In order to qualify for CFRA leave, an employee is required to have worked at least 1,250 hours during the previous 12-month period prior to taking leave.

Eligible leave includes caring for an employee's specified family members serious health condition or their own serious health condition. In addition, qualifying leave will include a qualifying exigency related to the covered active duty or call to covered active duty of an employee's spouse, domestic partner, child, or parent in the Armed Forces of the United States.

The new law eliminates the requirement for an employee to qualify for CFRA leave to work at a worksite for an employer who employs 50 or more employees either at the worksite or within a 75-mile radius. In addition, the current provision disallowing reinstatement of an employee to the same or a comparable position if they are among the highest paid 10 percent earners has also been removed. When an employee is reinstated, they must be reinstated to the same or comparable position held before taking leave.

Finally, SB 1383 increases the time that two parents who work for the same employer are allowed for the birth, adoption or foster care placement of a child for up to 12 weeks of leave each.

CBA opposed this legislation arguing that it imposed significant new burdens and costs on California employers.

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