

SIDE BY SIDE COMPARISON OF SB 1661 AND EXISTING FAMILY AND MEDICAL LEAVE LAWS

	LAWS THAT PROVIDE JOB-PROTECTED LEAVE				LAWS THAT PROVIDE INCOME REPLACEMENT DURING LEAVE	
	FAMILY MEDICAL LEAVE ACT (FMLA), 29 U.S.C. § 2601, <i>et seq.</i>	CALIFORNIA FAMILY RIGHTS ACT (CFRA), Cal. Gov't Code § 12945.2	PREGNANCY DISABILITY LEAVE LAW (PDL), Cal. Gov't Code § 12945(b)(2)	FAMILY SICK LEAVE, Cal. Labor Code § 233	CALIFORNIA STATE UNEMPLOYMENT & DISABILITY INSURANCE CODE	CALIFORNIA FAMILY TEMPORARY DISABILITY INSURANCE (SB 1661)
BENEFITS	right to take job-protected, unpaid leave	right to take job-protected, unpaid leave	right to take job-protected, unpaid leave	right to use 50% of annual accrued and available sick leave to attend to an illness of a child, parent, spouse, or domestic partner	right to receive SDI (temporary disability) benefits = 55% of an employee's weekly earnings, up to a maximum of \$490/week in 2002 \$602/week in 2003 \$728/week in 2004 \$840/week in 2005	right to receive FTDI (family temporary disability insurance) benefits = 55% of an employee's weekly earnings, up to a maximum of \$602/week in 2003 \$728/week in 2004 \$840/week in 2005

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ELIGIBILITY REQUIREMENTS	<p>Employees with</p> <ul style="list-style-type: none"> • one year of service, • 1250 hours worked in the year preceding leave, and • employer of 50+ within 75 mile radius 	<p>Employees with</p> <ul style="list-style-type: none"> • one year of service, • 1250 hours worked in the year preceding leave, and • employer of 50+ within 75 mile radius 	<p>Employees with</p> <ul style="list-style-type: none"> • employer of 5+ 		<p>Employees who pay into the SDI fund and</p> <ul style="list-style-type: none"> • have earned sufficient wages during the disability base period • are unable to work because of the employee's own serious health condition • have worked in covered employment • suffered a wage loss during the period benefits are claimed • serve a 7-day waiting period <p>NOT state and legislative employees, although AB 2149 allows state employees to opt in through collective bargaining</p>	<p>Employees who pay into the SDI fund and</p> <ul style="list-style-type: none"> • have earned sufficient wages during the disability base period • are unable to work because needed to care for a family member with a serious health condition or to bond with a new child • have worked in covered employment • suffered a wage loss during the period benefits are claimed • serve a 7-day waiting period • employer can require employee to use up to two weeks earned, but unused vacation prior to receiving benefits, which can also be applied to waiting period • must provide that no other family member is able and available to provide the care

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PURPOSE OF LEAVE	<p>Baby bonding - to care for an employee's newborn child, or to care for a child placed with an employee for adoption or foster care.</p> <p>Family care - to care for an employee's child, parent, or spouse who has a serious health condition.</p> <p>Medical leave - due to an employee's own serious health condition, <u>including</u> Pregnancy/Related Disability - pregnancy, childbirth, or a related medical condition.</p>	<p>Baby bonding - to care for an employee's newborn child, or to care for a child placed with an employee for adoption or foster care.</p> <p>Family care - to care for an employee's child, parent, or spouse who has a serious health condition.</p> <p>Medical leave - due to an employee's own serious health condition, <u>may</u> exclude Pregnancy/Related Disability</p>	<p>Pregnancy/Related Disability - pregnancy, childbirth, or a related medical condition.</p>	<p>Family care - to care for an employee's child, parent, spouse, or domestic partner</p> <p>need NOT be serious health condition</p>		<p>Baby bonding - to care for an employee's newborn child, or to care for a child placed with an employee for adoption or foster care.</p> <p>Family care - to care for an employee's child, parent, domestic partner or spouse who has a serious health condition.</p>

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MAXIMUM DURATION OF LEAVE/BENEFITS	12 weeks	12 weeks	four months	50% of annual accrued and available sick leave	52 weeks	6 weeks
JOB PROTECTION DURING LEAVE?	YES	YES	YES	YES	Not addressed by statute	Not addressed by statute
HEALTH BENEFITS GUARANTEED DURING LEAVE?	YES	YES	No	Not addressed by statute	No	No

NOTE: Additional leave rights and job protections exist under the California Labor Code:

Labor Code §§230 and 230.1 provide time off work for victims of domestic violence.

Labor Code § 230.7 allows parents or guardians to take time off to appear in school when a child is suspended or expelled.

Labor Code § 230.8 allows employees to take off up to 40 hours per year to attend school or day care activities.

The Labor Code prohibits discharge or discrimination against the employee for the exercise of any of these leave rights.