

Job Protected Leave Expanded to Small Employers

The California legislature has been busy! Numerous bills affecting almost every single California employer have been signed into law with varying effective dates. An expansion to job protected leave for small employers tops our list. If you have five or more employees in California, this applies to you, so keep reading.

On September 17, Governor Newsom signed a historic piece of legislation that expands the California Family Rights Act (CFRA) and brings changes to almost every employer in the state – SB 1383. Employees that work for a company with five or more employees may now be entitled to up to 12 weeks of job protected leave for their own personal medical condition or to care for a family member with a serious medical condition. SB 1383 will take effect on January 1, 2021 which means employers must take swift action to educate themselves and make policy and practice adjustments by the end of the year.

Criteria for Eligibility

Employees must have worked for the company for at least 12 months and have worked at least 1,250 hours to be eligible.

A family member is defined as a parent, spouse, sibling, grandparent, grandchild, minor child or adult child, or a child of a domestic partner. Important to note, this is an expanded list from the previous definition under CFRA of a family member.

Employers are considered to have five employees if they have employed five or more employees in any 20 weeks in the prior calendar year or current calendar year. You may even continue to be eligible after your headcount drops below five until you do not employ five people for at least 20 weeks in the current and preceding calendar year. Employers must count all full-time employees, part time employees, anyone on payroll even if they are not drawing compensation, and employees on leave who are expected to return.

Previously, employees had to work within 75 miles of the worksite to be eligible for CFRA. This is no longer a provision under the new SB 1383.

In Summary

This is major change for small employers who have not had to administer these types of leaves. Your consulting team is available to assist you with navigating this new process.