

# Senate Bill 1383

## Ensuring Job Protection for Paid Family Leave

Senator Jackson

### SUMMARY

---

Part of the budget agreement reached between Governor Newsom and legislative leaders, this bill will ensure that nearly all Californians can use the Paid Family Leave benefits they pay for without fear of job loss. The COVID-19 pandemic has added urgency to the need for equitable family leave, with families across the state needing time off from work to care for themselves or a sick family member to keep themselves and their workplaces healthy and safe.

### BACKGROUND

---

The United States is the only industrialized country in the world without a national Paid Family Leave Program, forcing states to lead. In 2004, California implemented the nation's first Paid Family Leave Program, an entirely worker-funded program paid for through paycheck deductions funneled through the State Disability Insurance program. But because there was no job protection directly associated with the program, Californians have had to rely on separate and inadequate job protection laws, primarily the California Family Rights Act, to ensure they can take the Paid Family Leave benefits they pay for without risking their economic security and livelihoods while doing so.

These job protection laws have long been inadequate because they exclude millions of Californians because of their employer size. Currently, 40 percent of California workers are at risk of losing their jobs if they take leave to care for a seriously ill loved one or themselves because their employer is too small. This means that employees are risking their economic livelihood at precisely the time they are dealing with the strain of caring for a newborn or a parent with cancer.

Once a leader on family leave, California has now fallen behind. Other states, including New York, Massachusetts, Connecticut, Rhode Island and Oregon have enacted paid family leave laws that provide job protection for all workers, regardless of employer size.

According to a new report by the Bay Area Council Economic Institute, co-commissioned by the Small Business Majority, Bay Area Council, and Los Angeles Chamber of Commerce, Paid Family Leave results in savings to employers due to improved employee retention and higher productivity.

Newly enacted federal leave tied to COVID-19 leaves out up to 80% of the workforce and expires at the end of the year, making this bill necessary to ensure California workers affected by the coronavirus can take time to care for themselves or a sick family member and keep their workplaces and communities healthy and safe.

### SOLUTION

---

SB 1383 arose out of the work of the Governor's Paid Family Leave Task Force, a diverse group of stakeholders from business, labor, early childhood education, health, and philanthropy that met in the Fall of 2019 and considered a broad array of data and research in their deliberations. It is the first in a series of phased-in recommendations issued by the task force to ensure more equitable access to the state's Paid Family Leave program.

This proposal helps realize the promise of California's Paid Family Leave program, that families can be there for each other in times of need. It will:

- Ensure job-protected leave for those who work for an employer with 5 or more

employees, to bond with a newborn, care for a seriously ill family member, address a military exigency or care for their own illness under the California Family Rights Act (CFRA). This aligns the employer size threshold under CFRA with the employer size threshold in Pregnancy Disability Leave, a program that has been in place since 1978;

- Bring the California Family Rights Act definition of family in line with the definition of family under the California Paid Family Leave program, recognizing the value of more diverse, multigenerational family relationships;
- Provide for an accompanying \$1 million in funding and training resources in the recently passed state budget to support small businesses whose employees take leave;
- Will become effective January 1, 2021.

Before being eligible for leave, a worker must still have worked one year and at least 1,250 hours for an employer.

#### SUPPORT

**Bay Area Council\***  
**California Labor Federation\***  
**California Pan-Ethnic Health Network\***  
**First 5 California\***  
**Legal Aid at Work\***  
**Small Business Majority\***  
**SEIU\***  
**UNITE-LA\***

\*Members of Governor Newsom's Paid Family Leave Task Force

605 Citizenship Project  
9to5 National Association of Working Women  
A Better Balance  
AARP California  
AAUW of California  
Academy of Lactation Policy and Practice  
ACCE

ACCESS Women's Health Justice  
ACCRC  
ACT for Women and Girls  
Advancing Justice – Asian Law Caucus  
Alliance of Californians for Community Empowerment (ACCE) Action  
Alzheimer's Association  
American Academy of Pediatrics – California (AAP-CA)  
American Association of University Women – California  
American Nurses Association – California  
Anti-Eviction Mapping Project  
API Forward Movement (APIFM)  
APLA Health  
Asian Americans Advancing Justice – California  
Association of California Caregiver Resource Centers  
B of California  
Baby Café Bakersfield  
Bet Tzedek Legal Services  
Beverly Care  
BFUU Social Justice Committee  
Birth with Empowerment  
Birthing & Babies  
Breast Cancer Action  
Breastfeed LA  
Bright Beginnings  
Bryan Schwartz Law  
Business & Professional Women of Nevada County  
California Advanced Lactation Institute  
California Advocates for Nursing Home Reform  
California Alliance for Retired Americans  
California Alternative Payment Program Association  
California Asset Building Coalition  
California Breastfeeding Coalition  
California Child Care Resource & Referral Network  
California Domestic Workers Coalition  
California Employment Lawyers Association  
California Family Resource Association  
California Immigrant Policy Center  
California Latinas for Reproductive Justice  
California National Organization for Women  
California Nurse-Midwives Association  
California Partnership  
California Partnership to End Domestic Violence  
California Rural Legal Assistance  
California Teachers Association  
California WIC Association  
California Women's Law Center  
California Work & Family Coalition  
CAPP Children's Foundation  
Career Ladders Project  
Center for Law and Social Policy  
Center for Popular Democracy

Center for Workers' Rights  
Central Coast Early Childhood Advocacy Network  
Centro Binacional para el Desarrollo Indigena  
Oaxaqueño  
Centro Legal de la Raza  
ChangeLab Solutions  
Chichihualli LA  
Child Care Law Center  
Children Now  
Children's Defense Fund – California  
Children's Institute  
Chinese Progressive Association  
Citizens For Choice  
Clergy and Laity United for Economic Justice  
Closing the Women's Wealth Gap  
Coalition for Humane Immigrant Rights (CHIRLA)  
Coalition of California Welfare Rights Organizations  
Common Sense  
Communications Workers of America, District 9  
Community Legal Services in East Palo Alto  
Consortium for Early Learning Services  
Consumer Attorneys of California  
Contra Costa Breastfeeding Task Force  
CradleSong Birthing  
CRLA Foundation  
CurvedWear  
CWA 9400  
Disability Rights California  
Disability Rights Education and Defense Fund  
Disability Rights Legal Center  
Diversity Uplifts, Inc.  
Early Ed Consulting  
Education and Leadership Foundation  
Ella Baker Center for Human Rights  
End Child Poverty in CA Campaign/GRACE Institute  
End Hunger  
Equality California  
Equal Rights Advocates  
EveryChild California  
Evolve California  
Family Caregiver Alliance  
Family Values @ Work  
Family Violence Appellate Project  
FASD Network of Southern California  
First 5 Association of California  
First 5 Fresno County  
First 5 San Bernardino  
First 5 San Mateo County  
First 5 Santa Clara County  
First 5 Santa Cruz County  
Food Empowerment Project  
FreeForm

Friends Committee of Legislation of California  
Grace Institute/End Child Poverty in CA  
Grass Roots Neighbors  
Ground Game LA  
Hand in Hand: The Domestic Employers Network  
Having Our Say Coalition  
Health Access California  
Health Kids Happy Faces  
Healthy Families Solano  
Hero Birth Services  
Hollywood NOW  
Home-Safe, Vista Del Mar  
Hope Paul Productions  
Housing Equality & Advocacy Resource Team (HEART)  
Human Impact Partners  
IDEPSA  
If/When/How: Lawyering for Reproductive Justice  
IMMA Lactation, LLC  
Inglewood First United Methodist Church  
Inland Empire Breastfeeding Coalition  
Inner City Law Center  
InnerCity Struggle  
Instituto Laboral de la Raza  
Jewish Center for Justice  
Justice in Aging  
Kidango  
KIWA (Koreatown Immigrant Workers Alliance)  
Korean Community Center of the East Bay  
LA Best Babies Network  
LA Forward  
LA Partnership for Early Childhood Investment  
La Raza Centro Legal  
LA Voice  
Labor Occupational Health Program  
Lake County Breastfeeding Coalition  
Legal Aid Society of San Mateo County  
Legal Services for Prisoners with Children  
LIFT, Inc  
Los Angeles Black Worker Center  
Los Angeles Worker Center Network  
Los Gatos Lactation  
LOOM  
Mahmee  
Materna Lactation Services  
Maternal and Child Health Access  
Mendocino County Breastfeeding Coalition  
Mi Familia Vota  
Military Officers Association of America-California  
Council of Chapters  
Mother's Own Milk Matters  
MUA  
My Nursing Coach

NARAL Pro-Choice California  
National Association of Social Workers (NASW)  
California  
National Council of Jewish Women CA  
National Council of Jewish Women Los Angeles  
National Domestic Workers Alliance  
National Employment Law Project  
National Health Law Program  
National Immigration Law Center  
National Lawyers Guild – SF Bay Area Legislative Reform  
Committee  
National Lawyers Guild of Los Angeles  
National Organization for Women Hollywood Chapter  
National Women’s Political Caucus of California  
Native Breastfeeding Council  
NCJW-LA  
Nevada County Citizens for Choice  
One Redwood City  
Opportunity Institute  
Optimal Solutions Consulting  
Orange County Equality Coalition  
Our Family Coalition  
Pacifica Progressive Alliance, Pacifica Peace Peoples,  
Pacifica Social Justice  
Parent Voices SF  
Parents Voices California  
PICO California  
Pilipino Workers Center for Southern California  
PL+US: Paid Leave for the United States  
Planned Parenthood Affiliates of California  
PLUS  
Presque, Inc.  
Progressive Asian Network for Action (PANA)  
Public Counsel  
Public Law Center  
Raising California Together  
Religious Coalition for Reproductive Choice of California  
Restaurant Opportunities Center of The Bay  
Rhythm and Truth  
ROC Los Angeles  
Rubicon Programs  
Runyon Saltzman, Inc.  
San Diego County Breastfeeding Coalition  
San Francisco Senior & Disability Action  
San Joaquin Breastfeeding Coalition  
Santa Barbara Women’s Political Committee  
SIREN (Services, Immigrant Rights and Education  
Network)  
South Bay Baby Care Nursing Services, Inc.  
Street Level Health Project  
Stronger California Advocates Network  
Support for Families of Children with Disabilities

TEACH (Training in Early Abortion for Comprehensive  
Healthcare)  
TechEquity Collaborative  
Thai Community Development Center  
The Children’s Movement Fresno  
The Children’s Partnership  
The Sidewalk Project  
TIME’s UP Now  
TODEC Legal Center  
Tradeswomen Inc.  
UC Student Workers’ Union – UAW 2865  
URGE: Unite for Reproductive & Gender Equity  
UFCW  
United Food and Commercial Workers, Western States  
Council (UFCW)  
Vietnam Veterans of America-California State Council  
VietRISE  
Village Connect  
Voices for Progress  
Warehouse Worker Resource Center  
Watsonville Law Center  
Western Center Law and Poverty  
Winning Justice for Working Women  
Women For: Orange County  
Women in Transition Re-entry Project Inc.  
Women Organizing Resources, Knowledge and Services  
(WORKS)  
Women’s Employment Rights Clinic  
Women’s Employment Rights Clinic – Golden Gate  
University  
Women’s Foundation of California  
Work Equity Action Fund  
Working Partnerships  
Worksafe  
YWCA San Francisco & Marin  
YWCA Silicon Valley

#### **STATUS**

---

Scheduled to be heard in Assembly Labor Committee on  
July 29, 2020.

#### **CONTACT**

---

Lisa Gardiner  
Chief of Staff  
Senator Hannah-Beth Jackson’s office  
Cell: 916-202-3857  
[lisa.gardiner@sen.ca.gov](mailto:lisa.gardiner@sen.ca.gov)