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AB-2123 Disability compensation: paid family leave. (2023-2024)

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Assembly Bill No. 2123

CHAPTER 949

An act to amend Section 3303.1 of the Unemployment Insurance Code, relating to paid family leave.

[Approved by Governor September 29, 2024. Filed with Secretary of State September 29, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2123, Papan. Disability compensation: paid family leave.

Existing law establishes, within the state disability insurance program, a family temporary disability insurance program, also known as the paid family leave program, for the provision of wage replacement benefits to workers who take time off work to care for certain seriously ill family members, to bond with a minor child within one year of birth or placement, as specified, or to participate in a qualifying exigency related to the covered active duty or call to covered active duty of certain family members.

Existing law authorizes an employer to require an employee to take up to 2 weeks of earned but unused vacation before, and as a condition of, the employee's initial receipt of these benefits during any 12-month period in which the employee is eligible for these benefits.

This bill would make that authorization and related provisions inapplicable to any disability commencing on or after January 1, 2025. The bill would also make nonsubstantive changes.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 3303.1 of the Unemployment Insurance Code is amended to read:

3303.1. (a) An individual is not eligible for family temporary disability insurance benefits with respect to any day that any of the following apply:

- (1) The individual has received, or is entitled to receive, unemployment compensation benefits under Part 1 (commencing with Section 100) or under an unemployment compensation act of any other state or of the federal government.
- (2) The individual has received, or is entitled to receive, "other benefits" in the form of cash benefits as defined in Section 2629.
- (3) The individual has received, or is entitled to receive, state disability insurance benefits under Part 2 (commencing with Section 2601) or under a disability insurance act of any other state.
- (4) Another family member, as defined in Section 3302, is ready, willing, and able and available for the same period of time in a day that the individual is providing the required care or participating in a qualifying exigency related to the covered active duty

or call to covered active duty of the individual's spouse, domestic partner, child, or parent in the Armed Forces of the United States.

(b) An individual who is entitled to leave under the FMLA and the CFRA shall take Family Temporary Disability Insurance (FTDI) leave concurrent with leave taken under the FMLA and the CFRA.

(c) (1) As a condition of an employee's initial receipt of family temporary disability insurance benefits during any 12-month period in which an employee is eligible for these benefits, an employer may require an employee to take up to two weeks of earned but unused vacation leave prior to the employee's initial receipt of these benefits.

(2) This subdivision may not be construed in a manner that relieves an employer of any duty of collective bargaining the employer may have with respect to the subject matter of this subdivision.

(3) This subdivision shall not apply to any period of disability commencing on or after January 1, 2025.