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California Extends Paid Family Leave Benefits

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California has approved a new law that extends its Paid Family Leave benefits from six weeks to eight weeks. The new law, Senate Bill 83, will go into effect on **July 1, 2020.**

Currently, the maximum duration of PFL benefits employees may receive from California's State Disability Insurance program is six weeks. SB 83 extends this duration so that eligible employees may claim up to eight weeks of PFL pay benefits within a 12-month period.

Employees may apply for PFL benefits when taking time off from work to (a) care for a seriously ill child, spouse, parent, grandparent, grandchild, sibling or domestic partner, or (b) bond with a minor child within one year of the birth, adoption or foster placement.

An important thing to keep in mind is that the PFL program is not a leave entitlement, unlike California's paid sick leave law, the Family and Medical Leave Act and the California Family Rights Act, which all entitle eligible employees to leave for various purposes. Rather, employees who are eligible to take *leave* through paid sick leave or under FMLA/CFRA, or who are otherwise granted leave for the above-listed reasons by the employer, are then eligible to apply for *wage replacement benefits* through PFL.

How SB 83 affects San Francisco employers

San Francisco employers have additional obligations to employees who receive PFL benefits for child bonding purposes. The San Francisco Paid Parental Leave Ordinance requires San Francisco employers with 20 or more employees (worldwide, not only in San Francisco) to pay "supplemental compensation" to eligible employees for the time that they receive PFL benefits in order to bond with a child. This means that during the parental leave period, San Francisco employers are required to supplement the employee's PFL benefits, such that the employee receives 100% of the employee's gross weekly wage, subject to a cap. (For 2019, that cap is $2,087 per week.)

Employees are eligible for supplemental compensation under the PPLO if the employee:

- Began employment with the covered employer at least 180 days prior to the start of the leave period
- Performs at least eight hours of work per week for the employer in San Francisco
- Performs at least 40% of their total weekly hours worked for their employer in San Francisco
- Is eligible to receive paid family leave compensation under the PFL program for the purpose of bonding with a new child

On July 1, 2020, when the PFL period increases from six to eight weeks, the PPLO supplemental compensation period will concurrently increase to eight weeks as well. As a result, covered employers will be required to provide eligible employees with eight weeks (instead of six weeks) of supplemental compensation under the PPLO.

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