

Date of Hearing: May 20, 2020

ASSEMBLY COMMITTEE ON LABOR AND EMPLOYMENT

Ash Kara, Chair

AB 2017 (Mullin) – As Amended March 12, 2020

SUBJECT: Employee: sick leave: kin care

SUMMARY: Clarifies that it is at the employee's discretion to designate sick leave for the purpose of diagnosis, care, or treatment of their or their family member's health condition or for obtaining relief if the employee is a victim of domestic violence, sexual assault, or stalking.

EXISTING LAW:

- 1) Requires an employer who provides sick leave for employees to permit an employee to use the employee's accrued and available sick leave entitlement to receive care for their or their family member's health condition or for obtaining relief if the employee is a victim of domestic violence, sexual assault, or stalking.
- 2) Provides that sick leave available for these purposes shall not be less than the sick leave that would be accrued during six months at the employee's rate of entitlement at that time.
- 3) Defines family member as a child, as defined, parent or guardian, as defined, spouse or registered domestic partner, grandchild, grandparent, and sibling.
- 4) Prohibits an employer from denying an employee the right to use sick leave or taking specific discriminatory action against an employee for using, or attempting to exercise the right to use sick leave for these purposes.

FISCAL EFFECT: Unknown

COMMENTS: More than two decades ago, AB 109 (Knox) extended sick leave to cover what is commonly referred to as "kin care"—care provided by an employee for a close relative during time of illness. Kin care recognizes that it is not just employees who get sick but also their family members. In addition, many workers cannot afford to take care of ill family members without being paid. The program also addresses the burden placed on working mothers to care for their sick children. According to the U.S. Bureau of Labor Statistics, in 2018, the labor force participation rate of women with children under age 18 was nearly 72 percent. In other words, most women in the workplace will encounter circumstances necessitating time off to care for their minor children.

According to the author, "AB 2017 simply clarifies that when an employee calls in sick – it is the employee who determines which type of leave they are using – sick leave for themselves or kin care. Employers should not be designating for the employee without their consent which type of leave they are using when they are using an available sick day. This measure does not require employers to provide any additional paid time off. It only clarifies who is responsible for designating what type of leave an employee is using."

The California Teamsters are in support and state, "we have seen employers designate personal sick leave as kin care even though the employee clearly took it because they themselves were sick. The result is when a family member is sick, there is either not enough or zero kin care days

left when needed. This bill will put an end to this practice by ensuring that the employee has the right to designate what kind of sick leave they are taking.”

Prior Legislation

SB 579 (Jackson) Chapter 802, Statutes of 2015, prohibited an employer from denying an employee the right to use sick leave or taking specific discriminatory action against an employee for using, or attempting to exercise the right to use, sick leave for kin care purposes.

AB 1522 (Gonzalez) Chapter 317, Statutes of 2014, established the Healthy Workplaces, Healthy Families Act that provided, among other things, that an employee could use sick leave for the diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee’s family member.

REGISTERED SUPPORT / OPPOSITION:

Support

California Catholic Conference
California Conference Board of The Amalgamated Transit Union
California Conference of Machinists
California Teamsters Public Affairs Council
Communication Workers of America, District 9
Engineers & Scientists of California, Local 20, Ifpte
Inlandboatmen's Union of The Pacific (IBU)
International Association of Machinists and Aerospace Workers
Professional and Technical Engineers, Ifpte Local 21
Unite Here International Union
Utility Workers Union of America

Opposition

None on file.

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