

CALIFORNIA ENACTS NEW LAW EXPANDING PARENTAL LEAVE TO SMALL EMPLOYERS

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California Governor Jerry Brown has signed a new law that extends twelve weeks of unpaid parental leave to California employees who work for small businesses, including retailers. The New Parent Leave Act applies generally to California employers with at least 20 and no more than 49 employees. The practical effect of the Act is to expand the parental leave required under the federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) to smaller employers. The new law takes effect on January 1, 2018.

Under the New Parent Leave Act, an employee may take up to twelve weeks of unpaid parental leave within one year of a child's birth, adoption, or foster care placement, so long as the employee (1) works at a location where the employer has at least 20 employees within a 75 mile radius, (2) has at least twelve months of service with the employer, and (3) has worked at least 1,250 hours during the previous twelve months. The new law requires the employer to maintain the employee's health care coverage, but the employer can recover the premium paid if the employee fails to return from leave due to a reason other than a serious health condition or "other circumstances beyond the control of the employee."

The law also creates a "parental leave mediation pilot program" that will last through January 1, 2020. Under the "pilot" mediation program, if an employer requests mediation within 60 days of receiving a right to sue notice, the employee is prevented from pursuing a civil action until the mediation is complete.

For questions or additional information, contact the authors, Lenora Plimpton at Lenora.Plimpton@bryancave.com or (303) 866-0276, or Donald Samuels at Donald.Samuels@bryancave.com or (303) 866-0548, or any member of the Retail or Labor and Employment teams.

MEET THE TEAM



Merrit M. Jones

San Francisco

merrit.jones@bclplaw.com

[+1 415 675 3435](tel:+14156753435)

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