

Question

I read your article regarding the new family leave act and I do have a few questions. We have an employee who is taking a few months off so he can take care of his Dad. Is it the employer's job to tell the employee about the family leave? Are we supposed to supply the employee with the proper paper work?

If you could get back to me regarding my questions that would be great. Thank you for your help.

Answer

The act you are referring to is California's "Paid Family Leave" law which went into effect July 1, 2004. The purpose of the program is to pay workers who suffer a wage loss when they take time off work to care for a seriously ill child, spouse, parent, or domestic partner, or to bond with a new child. The program is a component of the State Disability Insurance (SDI) program, funded entirely with employee contributions. Employers are required to deduct the Paid Family Leave contributions from the wages of employees who are covered by the SDI program

Employees are covered for benefits regardless of the size of their employer, provided they contribute to the SDI program. Participants may receive up to six (6) weeks of paid benefits over a 12-month period. The weekly benefit constitutes approximately 55 percent of the employee's earnings up to the maximum benefit amount.

Employers are not obligated to grant time off or hold the employee's job open unless the employer is covered by the Family and Medical Leave Act and the California Family Rights Act (applies to employers with 50/more employees) i.e. is not a form of job protection.

The Paid Family Leave law requires employers to provide Paid Family Leave brochure to new employees and employees who request the leave, but are not required to provide insurance claim forms to employees. For more information or to order the Paid Family leave brochure, refer to the EDD website (www.edd.ca.gov).