

AMENDED IN SENATE JULY 3, 2023

AMENDED IN ASSEMBLY APRIL 4, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 518

Introduced by Assembly Member Wicks
(Coauthors: Assembly Members Berman, Calderon, Cervantes,
Gipson, Grayson, and Wood)

February 7, 2023

An act to ~~amend~~ *amend, repeal, and add* Sections 3301, 3302, and 3303 of the Unemployment Insurance Code, relating to disability compensation, and making an appropriation therefor.

LEGISLATIVE COUNSEL’S DIGEST

AB 518, as amended, Wicks. Paid family leave: eligibility: care for designated persons.

Existing unemployment compensation disability law requires workers to pay contribution rates based on, among other things, wages received in employment and benefit disbursement, for payment into the Unemployment Compensation Disability Fund, a special fund in the State Treasury. That fund is continuously appropriated for the purpose of providing disability benefits and making payment of expenses in administering those provisions.

Existing law establishes, within the above 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 for up to 8 weeks to workers who take time off work for prescribed purposes, including to care for a seriously ill family member.

Existing law defines terms for its purposes, including “family care leave” and “family member.”

This bill would expand eligibility for benefits under the paid family leave program to include individuals who take time off work to care for a seriously ill designated person. The bill would define “designated person” to mean any individual related by blood or whose association with the employee is the equivalent of a family relationship. The bill would authorize the employee to identify the designated person when they file a claim for benefits. The bill would make conforming changes to the definitions of the terms “family care leave” and “family member.” *The bill would make these changes operative on and after July 1, 2024.*

By authorizing expenditures from the Unemployment Compensation Disability Fund for a new purpose, this bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 3301 of the Unemployment Insurance
- 2 Code is amended to read:
- 3 3301. (a) (1) The purpose of this chapter is to establish, within
- 4 the state disability insurance program, a family temporary disability
- 5 insurance program. Family temporary disability insurance shall
- 6 provide up to eight weeks of wage replacement benefits to workers
- 7 who take time off work to care for a seriously ill child, spouse,
- 8 parent, grandparent, grandchild, sibling, *or* domestic partner, ~~or~~
- 9 ~~designated person~~, to bond with a minor child within one year of
- 10 the birth or placement of the child in connection with foster care
- 11 or adoption, or to participate in a qualifying exigency related to
- 12 the covered active duty or call to covered active duty of the
- 13 individual’s spouse, domestic partner, child, or parent in the Armed
- 14 Forces of the United States.
- 15 (2) Nothing in this chapter shall be construed to abridge the
- 16 rights and responsibilities conveyed under the CFRA or pregnancy
- 17 disability leave.
- 18 (b) (1) An individual’s “weekly benefit amount” for periods of
- 19 disability commencing before January 1, 2025, shall be the amount
- 20 provided in Section 2655, and for periods of disability commencing
- 21 on or after January 1, 2025, shall be the amount provided in

paragraph (2). An individual is eligible to receive family temporary disability insurance benefits equal to one-seventh of the individual's weekly benefit amount for each full day during which the individual is unable to work due to caring for a seriously ill or injured family member, bonding with a minor child within one year of the birth or placement of the child in connection with foster care or adoption, 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.

(2) For periods of disability commencing on or after January 1, 2025, the weekly benefit amount shall be as follows:

(A) When the amount of wages paid to the individual for employment by employers during the quarter of the individual's disability base period in which these wages were highest is less than seven hundred twenty-two dollars and fifty cents (\$722.50), then fifty dollars (\$50).

(B) When the amount of wages paid to the individual for employment by employers during the quarter of the individual's disability base period in which these wages were highest is more than 70 percent of the state average quarterly wage, the weekly benefit amount shall be equal to the greater of 70 percent of the wages paid to an individual for employment by employers during the quarter of the individual's disability base period in which these wages were highest, divided by 13, but not exceeding the maximum workers' compensation temporary disability indemnity weekly benefit amount established by the Department of Industrial Relations pursuant to Section 4453 of the Labor Code, or 63 percent of the state average weekly wage.

(C) When the amount of wages paid to the individual for employment by employers during the quarter of the individual's disability base period in which these wages were highest is seven hundred twenty-two dollars and fifty cents (\$722.50), or more, but 70 percent or less than the state average quarterly wage, then the weekly benefit amount shall be equal to 90 percent of the wages paid to an individual for employment by employers during the quarter of the individual's disability base period in which these wages were highest, divided by 13, but not exceeding the maximum workers' compensation temporary disability indemnity weekly

benefit amount established by the Department of Industrial Relations pursuant to Section 4453 of the Labor Code.

(3) For purposes of this subdivision, “state average weekly wage” and “state average quarterly wage” have the same meanings as defined in subdivision (g) of Section 2655.

(c) The maximum amount payable to an individual during any disability benefit period for family temporary disability insurance shall be eight times the individual’s “weekly benefit amount,” but in no case shall the total amount of benefits payable be more than the total wages paid to the individual during the individual’s disability base period. If the benefit is not a multiple of one dollar (\$1), it shall be computed to the next higher multiple of one dollar (\$1).

(d) No more than eight weeks of family temporary disability insurance benefits shall be paid within any 12-month period.

(e) An individual shall file a claim for family temporary disability insurance benefits not later than the 41st consecutive day following the first compensable day with respect to which the claim is made for benefits, which time shall be extended by the department upon a showing of good cause. If a first claim is not complete, the claim form shall be returned to the claimant for completion and it shall be completed and returned not later than the 10th consecutive day after the date it was mailed by the department to the claimant, except that such time shall be extended by the department upon a showing of good cause.

(f) *This section shall become inoperative on July 1, 2024, and as of that date is repealed.*

SEC. 2. *Section 3301 is added to the Unemployment Insurance Code, to read:*

3301. (a) (1) *The purpose of this chapter is to establish, within the state disability insurance program, a family temporary disability insurance program. Family temporary disability insurance shall provide up to eight weeks of wage replacement benefits to workers who take time off work to care for a seriously ill child, spouse, parent, grandparent, grandchild, sibling, domestic partner, or designated person, to bond with a minor child within one year of the birth or placement of the child in connection with foster care or adoption, or to participate in a qualifying exigency related to the covered active duty or call to covered active duty of*

1 the individual's spouse, domestic partner, child, or parent in the
2 Armed Forces of the United States.

3 (2) Nothing in this chapter shall be construed to abridge the
4 rights and responsibilities conveyed under the CFRA or pregnancy
5 disability leave.

6 (b) (1) An individual's "weekly benefit amount" for periods of
7 disability commencing before January 1, 2025, shall be the amount
8 provided in Section 2655, and for periods of disability commencing
9 on or after January 1, 2025, shall be the amount provided in
10 paragraph (2). An individual is eligible to receive family temporary
11 disability insurance benefits equal to one-seventh of the
12 individual's weekly benefit amount for each full day during which
13 the individual is unable to work due to caring for a seriously ill
14 or injured family member, bonding with a minor child within one
15 year of the birth or placement of the child in connection with foster
16 care or adoption, or participating in a qualifying exigency related
17 to the covered active duty or call to covered active duty of the
18 individual's spouse, domestic partner, child, or parent in the Armed
19 Forces of the United States.

20 (2) For periods of disability commencing on or after January
21 1, 2025, the weekly benefit amount shall be as follows:

22 (A) When the amount of wages paid to the individual for
23 employment by employers during the quarter of the individual's
24 disability base period in which these wages were highest is less
25 than seven hundred twenty-two dollars and fifty cents (\$722.50),
26 then fifty dollars (\$50).

27 (B) When the amount of wages paid to the individual for
28 employment by employers during the quarter of the individual's
29 disability base period in which these wages were highest is more
30 than 70 percent of the state average quarterly wage, the weekly
31 benefit amount shall be equal to the greater of 70 percent of the
32 wages paid to an individual for employment by employers during
33 the quarter of the individual's disability base period in which these
34 wages were highest, divided by 13, but not exceeding the maximum
35 workers' compensation temporary disability indemnity weekly
36 benefit amount established by the Department of Industrial
37 Relations pursuant to Section 4453 of the Labor Code, or 63
38 percent of the state average weekly wage.

39 (C) When the amount of wages paid to the individual for
40 employment by employers during the quarter of the individual's

1 disability base period in which these wages were highest is seven
2 hundred twenty-two dollars and fifty cents (\$722.50), or more, but
3 70 percent or less than the state average quarterly wage, then the
4 weekly benefit amount shall be equal to 90 percent of the wages
5 paid to an individual for employment by employers during the
6 quarter of the individual's disability base period in which these
7 wages were highest, divided by 13, but not exceeding the maximum
8 workers' compensation temporary disability indemnity weekly
9 benefit amount established by the Department of Industrial
10 Relations pursuant to Section 4453 of the Labor Code.

11 (3) For purposes of this subdivision, "state average weekly
12 wage" and "state average quarterly wage" have the same
13 meanings as defined in subdivision (g) of Section 2655.

14 (c) The maximum amount payable to an individual during any
15 disability benefit period for family temporary disability insurance
16 shall be eight times the individual's "weekly benefit amount," but
17 in no case shall the total amount of benefits payable be more than
18 the total wages paid to the individual during the individual's
19 disability base period. If the benefit is not a multiple of one dollar
20 (\$1), it shall be computed to the next higher multiple of one dollar
21 (\$1).

22 (d) No more than eight weeks of family temporary disability
23 insurance benefits shall be paid within any 12-month period.

24 (e) An individual shall file a claim for family temporary
25 disability insurance benefits not later than the 41st consecutive
26 day following the first compensable day with respect to which the
27 claim is made for benefits, which time shall be extended by the
28 department upon a showing of good cause. If a first claim is not
29 complete, the claim form shall be returned to the claimant for
30 completion and it shall be completed and returned not later than
31 the 10th consecutive day after the date it was mailed by the
32 department to the claimant, except that such time shall be extended
33 by the department upon a showing of good cause.

34 (f) This section shall become operative on July 1, 2024.

35 ~~SEC. 2.~~

36 SEC. 3. Section 3302 of the Unemployment Insurance Code
37 is amended to read:

38 3302. (a) On and after July 1, 2014, for purposes of this part:

39 (a)

1 (1) "Care recipient" means the family member who is receiving
2 care for a serious health condition or the new child with whom the
3 care provider is bonding. For the purposes of a qualifying exigency
4 as set forth in Section 3302.2, "care recipient" also includes the
5 military member, or child or parent of the military member, who
6 is receiving assistance, or the employee who is participating in a
7 qualifying exigency.

8 (b)

9 (2) "Care provider" means the family member who is providing
10 the required care for a serious health ~~condition~~; *condition*, the
11 family member who is bonding with the new ~~child~~; *child*, or the
12 employee who is participating in a qualifying exigency as provided
13 in Section 3302.2.

14 (c)

15 (3) "Child" means a biological, adopted, or foster son or
16 daughter, a stepson or stepdaughter, a legal ward, a son or daughter
17 of a domestic partner, or the person to whom the employee stands
18 in loco parentis.

19 (d) ~~"Designated person" means any individual related by blood
20 or whose association with the employee is the equivalent of a
21 family relationship. The designated person may be identified by
22 the employee when they file a claim for benefits.~~

23 (e)

24 (4) "Domestic partner" has the same meaning as defined in
25 Section 297 of the Family Code.

26 (f)

27 (5) "Family care leave" means any of the following:

28 (1)

29 (A) Leave to bond with a minor child within the first year of the
30 child's birth or placement in connection with foster care or
31 adoption.

32 (2)

33 (B) Leave to care for a child, parent, grandparent, grandchild,
34 sibling, spouse, or domestic partner, ~~or designated person~~, *partner*
35 who has a serious health condition.

36 (3)

37 (C) Leave to participate in a qualifying exigency as provided
38 in Section 3302.2.

39 (g)

(6) “Family member” means a child, parent, grandparent, grandchild, sibling, spouse, ~~domestic partner, or designated person.~~
or domestic partner.

~~(h)~~

(7) “Grandchild” means a child of the employee’s child.

~~(i)~~

(8) “Grandparent” means a parent of the employee’s parent.

~~(j)~~

(9) “Military member” means a child, spouse, domestic partner, or parent of the employee, where the military member is on covered active duty or call to active duty in the Armed Forces of the United States as defined in subdivision (a) of Section ~~3302.1~~ 3302.1.

~~(k)~~

(10) “Parent” means a biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child.

~~(l)~~

(11) “Parent-in-law” means the parent of a spouse or a domestic partner.

~~(m)~~

(12) “Serious health condition” means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential health care facility, or continuing treatment or continuing supervision by a health care provider, as defined in Section 12945.2 of the Government Code.

~~(n)~~

(13) “Sibling” means a person related to another person by blood, adoption, or affinity through a common legal or biological parent.

~~(o)~~

(14) “Spouse” means a partner to a lawful marriage.

~~(p)~~

(15) “Valid claim” means any claim for family temporary disability insurance benefits made in accordance with the provisions of this code, and any rules and regulations adopted thereunder, if the individual claiming benefits is unemployed and has been paid the necessary wages in employment for employers to qualify for benefits under Section 2652 and is caring for a seriously ill family member, or bonding with a minor child during

1 the first year after the birth or placement of the child in connection
2 with foster care or adoption.

3 ~~(g)~~

4 (16) “Twelve-month period,” with respect to any individual,
5 means the 365 consecutive days that begin with the first day the
6 individual first establishes a valid claim for family temporary
7 disability benefits.

8 (b) *This section shall become inoperative on July 1, 2024, and*
9 *as of that date is repealed.*

10 SEC. 4. *Section 3302 is added to the Unemployment Insurance*
11 *Code, to read:*

12 3302. (a) *On and after July 1, 2014, for purposes of this part:*

13 (1) “Care recipient” means the family member who is receiving
14 care for a serious health condition or the new child with whom
15 the care provider is bonding. For the purposes of a qualifying
16 exigency as set forth in Section 3302.2, “care recipient” also
17 includes the military member, or child or parent of the military
18 member, who is receiving assistance, or the employee who is
19 participating in a qualifying exigency.

20 (2) “Care provider” means the family member who is providing
21 the required care for a serious health condition, the family member
22 who is bonding with the new child, or the employee who is
23 participating in a qualifying exigency as provided in Section
24 3302.2.

25 (3) “Child” means a biological, adopted, or foster son or
26 daughter, a stepson or stepdaughter, a legal ward, a son or
27 daughter of a domestic partner, or the person to whom the
28 employee stands in loco parentis.

29 (4) “Designated person” means any individual related by blood
30 or whose association with the employee is the equivalent of a family
31 relationship. The designated person may be identified by the
32 employee when they file a claim for benefits.

33 (5) “Domestic partner” has the same meaning as defined in
34 Section 297 of the Family Code.

35 (6) “Family care leave” means any of the following:

36 (A) Leave to bond with a minor child within the first year of the
37 child’s birth or placement in connection with foster care or
38 adoption.

1 (B) Leave to care for a child, parent, grandparent, grandchild,
2 sibling, spouse, domestic partner, or designated person, who has
3 a serious health condition.

4 (C) Leave to participate in a qualifying exigency as provided
5 in Section 3302.2.

6 (7) “Family member” means a child, parent, grandparent,
7 grandchild, sibling, spouse, domestic partner, or designated
8 person.

9 (8) “Grandchild” means a child of the employee’s child.

10 (9) “Grandparent” means a parent of the employee’s parent.

11 (10) “Military member” means a child, spouse, domestic
12 partner, or parent of the employee, where the military member is
13 on covered active duty or call to active duty in the Armed Forces
14 of the United States as defined in subdivision (a) of Section 3302.1.

15 (11) “Parent” means a biological, foster, or adoptive parent,
16 a parent-in-law, a stepparent, a legal guardian, or other person
17 who stood in loco parentis to the employee when the employee
18 was a child.

19 (12) “Parent-in-law” means the parent of a spouse or a
20 domestic partner.

21 (13) “Serious health condition” means an illness, injury,
22 impairment, or physical or mental condition that involves inpatient
23 care in a hospital, hospice, or residential health care facility, or
24 continuing treatment or continuing supervision by a health care
25 provider, as defined in Section 12945.2 of the Government Code.

26 (14) “Sibling” means a person related to another person by
27 blood, adoption, or affinity through a common legal or biological
28 parent.

29 (15) “Spouse” means a partner to a lawful marriage.

30 (16) “Valid claim” means any claim for family temporary
31 disability insurance benefits made in accordance with the
32 provisions of this code, and any rules and regulations adopted
33 thereunder, if the individual claiming benefits is unemployed and
34 has been paid the necessary wages in employment for employers
35 to qualify for benefits under Section 2652 and is caring for a
36 seriously ill family member, or bonding with a minor child during
37 the first year after the birth or placement of the child in connection
38 with foster care or adoption.

39 (17) “Twelve-month period,” with respect to any individual,
40 means the 365 consecutive days that begin with the first day the

1 *individual first establishes a valid claim for family temporary*
2 *disability benefits.*

3 *(b) This section shall become operative on July 1, 2024.*

4 ~~SEC. 3.~~

5 SEC. 5. Section 3303 of the Unemployment Insurance Code
6 is amended to read:

7 3303. (a) On and after July 1, 2014, only if the director makes
8 both of the findings described in subdivision (b), an individual
9 shall be deemed eligible for family temporary disability insurance
10 benefits equal to one-seventh of the individual's weekly benefit
11 amount on any day in which the individual is unable to perform
12 their regular or customary work because of any of the following:

13 (1) The individual is bonding with a minor child during the first
14 year after the birth or placement of the child in connection with
15 foster care or adoption.

16 (2) The individual is caring for a seriously ill child, parent,
17 grandparent, grandchild, sibling, spouse, or domestic partner, or
18 ~~designated person.~~ *partner.*

19 (3) The individual is participating in a qualifying exigency
20 related to the covered active duty or call to covered active duty of
21 the individual's spouse, domestic partner, child, or parent in the
22 Armed Forces of the United States.

23 (b) An individual shall be deemed eligible for family temporary
24 disability insurance benefits described in subdivision (a) only if
25 the director finds both of the following:

26 (1) The individual has made a claim for temporary disability
27 benefits as required by authorized regulations.

28 (2) The individual has filed a certificate, as required by Sections
29 2708 and 2709, or for purposes of participating in a qualifying
30 exigency related to the covered active duty or call to covered active
31 duty of the individual's spouse, domestic partner, child, or parent
32 in the Armed Forces of the United States, has provided the
33 information requested pursuant to Section 3307.

34 *(c) This section shall become inoperative on July 1, 2024, and*
35 *as of that date is repealed.*

36 SEC. 6. Section 3303 is added to the Unemployment Insurance
37 Code, to read:

38 3303. (a) On and after July 1, 2014, only if the director makes
39 both of the findings described in subdivision (b), an individual
40 shall be deemed eligible for family temporary disability insurance

- 1 *benefits equal to one-seventh of the individual's weekly benefit*
2 *amount on any day in which the individual is unable to perform*
3 *their regular or customary work because of any of the following:*
4 *(1) The individual is bonding with a minor child during the first*
5 *year after the birth or placement of the child in connection with*
6 *foster care or adoption.*
7 *(2) The individual is caring for a seriously ill child, parent,*
8 *grandparent, grandchild, sibling, spouse, domestic partner, or*
9 *designated person.*
10 *(3) The individual is participating in a qualifying exigency*
11 *related to the covered active duty or call to covered active duty of*
12 *the individual's spouse, domestic partner, child, or parent in the*
13 *Armed Forces of the United States.*
14 *(b) An individual shall be deemed eligible for family temporary*
15 *disability insurance benefits described in subdivision (a) only if*
16 *the director finds both of the following:*
17 *(1) The individual has made a claim for temporary disability*
18 *benefits as required by authorized regulations.*
19 *(2) The individual has filed a certificate, as required by Sections*
20 *2708 and 2709, or for purposes of participating in a qualifying*
21 *exigency related to the covered active duty or call to covered active*
22 *duty of the individual's spouse, domestic partner, child, or parent*
23 *in the Armed Forces of the United States, has provided the*
24 *information requested pursuant to Section 3307.*
25 *(c) This section shall become operative on July 1, 2024.*