

File No. 210583

Committee Item No. _____

Board Item No. 42

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: May 25, 2021

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Award Letter
- Application
- Public Correspondence

OTHER

- AB 123 12/18/20
- CSAC LCC Position
- _____
- _____
- _____
- _____
- _____
- _____
- _____

Prepared by: Jocelyn Wong

Date: May 21, 2021

Prepared by: _____

Date: _____

1 [Supporting California State Assembly Bill No.123 (Gonzalez) and Re-Affirming Support for
2 City's Paid Family Leave Program]

3 **Resolution supporting the passage of California State Assembly Bill No. 123, authored**
4 **by Assembly Member Lorena Gonzalez, and re-affirming San Francisco's support for**
5 **equitable and fair Paid Family Leave.**

6
7 WHEREAS, Paid Family Leave (PFL) offers benefits to workers who need to take time
8 off to bond with a new child entering the family or to care for a seriously ill child, parent,
9 parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner; and

10 WHEREAS, California is a historic leader establishing the first PFL program in the
11 nation in 2004, which is funded by deductions from workers' paychecks and administered
12 through the State's Employment Development Department; and

13 WHEREAS, Robust PFL programs have proven positive outcomes in preventing
14 premature births and infant mortality, increasing the likelihood of breastfeeding, and reducing
15 the likelihood of domestic violence; and

16 WHEREAS, PFL programs also offers important bonding time for newborn parents,
17 which has proven to build on family resiliency; and improve a child's long-term health and
18 development; and

19 WHEREAS, While California's PFL is groundbreaking, prior to 2018, California workers
20 were only paid 55% of their income when they went on leave, which was a barrier for low-
21 income workers who could not afford the significant loss in wages; and

22 WHEREAS, In 2018, the California State Legislature passed Assembly Bill No. 908 (AB
23 908), which raised wage replacement during PFL to 70% for very low-income workers and
24 60% for other workers, which resulted in an increase in the utilization of paid family leave
25 benefits for individuals to bond with their child or care for family members; and

1 WHEREAS, AB 908 will be sunseting at the end of 2021 and will revert back to the
2 previous formula that only offered 55% wage replacement for PFL to all workers, which would
3 not only be inequitable, but detrimental to the progress made; and

4 WHEREAS, The COVID-19 pandemic demonstrated the critical importance for
5 programs such as PFL to allow workers the ability to care for their children or family members
6 without having to forgo their livelihoods; and

7 WHEREAS, President Joseph Biden is including a national paid family and medical
8 leave program as part of the American Families Plan; and

9 WHEREAS, PFL programs also improve employee morale and reduce staff turnover
10 while supporting economic growth; and

11 WHEREAS, Women of color and lower-income women are the most likely to be forced
12 out of the workforce during the COVID-19 pandemic because they are more likely to be
13 responsible for child care; and

14 WHEREAS, The economic recovery will need to look at expanding benefits like PFL to
15 retain and attract women back into the workforce; now, therefore, be it

16 RESOLVED, That the Board of Supervisors affirms support for fair and equitable Paid
17 Family Leave programs and will support the re-examination of our own local policies if the
18 State rolls back wage replacement; and, be it

19 FURTHER RESOLVED, That the Board of Supervisors and the City and County of San
20 Francisco supports California State Assembly Bill 123 by Assembly Member Lorena Gonzalez
21 (AD-80), which would expand PFL benefits for workers to receive up to 90% of their wages;
22 and, be it

23 FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board
24 to transmit a copy of this Resolution to the State Legislative Delegation and the City Lobbyist
25 upon its final passage.

ASSEMBLY BILL

No. 123

Introduced by Assembly Member Lorena Gonzalez

December 18, 2020

An act to amend Section 3301 of the Unemployment Insurance Code, relating to paid family leave, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 123, as introduced, Lorena Gonzalez. Paid family leave: weekly benefit amount.

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 to care for a seriously ill family member or to bond with a minor child within one year of birth or placement, as specified. Existing law defines “weekly benefit amount” for purposes of both employee contributions and benefits under this program to mean the amount of weekly benefits available to qualifying disabled individuals pursuant to unemployment compensation disability law, calculated pursuant to specified formulas partly based on the applicable percentage 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, but not to exceed the maximum workers’ compensation temporary disability indemnity weekly benefit amount established by the Department of Industrial Relations.

This bill would revise the formula for determining benefits available pursuant to the family temporary disability insurance program, for periods of disability commencing after January 1, 2022, by redefining the weekly benefit amount to be equal to 90% 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.

By providing for the deposit of additional contributions in, and by authorizing an increase in disbursements from, the Unemployment Compensation Disability Fund, 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, as amended by Section 40 of Chapter 24 of the Statutes of
3 2019, is amended to read:

4 3301. (a) (1) The purpose of this chapter is to establish, within
5 the state disability insurance program, a family temporary disability
6 insurance program. Family temporary disability insurance shall
7 provide up to eight weeks of wage replacement benefits to workers
8 who take time off work to care for a seriously ill child, spouse,
9 parent, grandparent, grandchild, sibling, or domestic partner, to
10 bond with a minor child within one year of the birth or placement
11 of the child in connection with foster care or adoption, or to
12 participate in a qualifying exigency related to the covered active
13 duty or call to covered active duty of the individual’s spouse,
14 domestic partner, child, or parent in the Armed Forces of the United
15 States.

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

1 (b) (1) An individual's "weekly benefit amount" for periods
2 of disability commencing before January 1, 2022, shall be the
3 amount provided in Section ~~2655~~: 2655, and for periods of
4 disability commencing on or after January 1, 2022, shall be the
5 amount provided in paragraph (2). An individual is eligible to
6 receive family temporary disability insurance benefits equal to
7 one-seventh of the individual's weekly benefit amount for each
8 full day during which the individual is unable to work due to caring
9 for a seriously ill or injured family member, bonding with a minor
10 child within one year of the birth or placement of the child in
11 connection with foster care or adoption, or participating in a
12 qualifying exigency related to the covered active duty or call to
13 covered active duty of the individual's spouse, domestic partner,
14 child, or parent in the Armed Forces of the United States.

15 (2) For periods of disability commencing on or after January
16 1, 2022, the weekly benefit amount shall be equal to 90 percent of
17 the wages paid to an individual for employment by employers
18 during the quarter of the individual's disability base period in
19 which these wages were highest, divided by 13, but not exceeding
20 the maximum workers' compensation temporary disability
21 indemnity weekly benefit amount established by the Department
22 of Industrial Relations pursuant to Section 4453 of the Labor Code.

23 (c) The maximum amount payable to an individual during any
24 disability benefit period for family temporary disability insurance
25 shall be eight times the individual's "weekly benefit amount," but
26 in no case shall the total amount of benefits payable be more than
27 the total wages paid to the individual during the individual's
28 disability base period. If the benefit is not a multiple of one dollar
29 (\$1), it shall be computed to the next higher multiple of one dollar
30 (\$1).

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

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

- 1 department to the claimant, except that such time shall be extended
- 2 by the department upon a showing of good cause.
- 3 ~~(f) This section shall become operative on January 1, 2021.~~

O

Lew, Lisa (BOS)

From: BOS Legislation, (BOS)
To: Low, Jen (BOS); BOS Legislation, (BOS)
Cc: Imperial, Megan (BOS); Carrillo, Lila (BOS); Fieber, Jennifer (BOS)
Subject: RE: Melgar - Resolution - Resolution Supporting the Passage of Assembly Bill 123 and Re-Affirming Support for City's Paid Family Leave Program

From: Low, Jen (BOS) <jen.low@sfgov.org>
Sent: Wednesday, May 19, 2021 1:55 PM
To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Cc: Imperial, Megan (BOS) <megan.imperial@sfgov.org>; Carrillo, Lila (BOS) <lila.carrillo@sfgov.org>; Fieber, Jennifer (BOS) <jennifer.fieber@sfgov.org>
Subject: Re: Melgar - Resolution - Resolution Supporting the Passage of Assembly Bill 123 and Re-Affirming Support for City's Paid Family Leave Program

Thanks Lisa. The proof with additional edits is attached.

A copy of AB 123 is attached for the file. I am also writing to confirm that this item is routine and not contentious. The California State Association of Counties and League of California Cities have not taken positions on this item at the time of introduction.

Thank you!

Jen

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Melgar

Subject:

Resolution Supporting the Passage of Assembly Bill 123 and Re-Affirming Support for City's Paid Family Leave Program

The text is listed:

Resolution Supporting the Passage of Assembly Bill 123 and Re-Affirming Support for City's Paid Family Leave Program

Signature of Sponsoring Supervisor: Melgar

For Clerk's Use Only