



Wall And Ceiling Alliance

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Governor Signs Paid Family Leave Expansion

AB 908 was signed by the Governor Today. This measure will increase the state's paid family leave (PFL) compensation rates for workers. The bill would increase the wage replacement rate for PFL benefits from 55% to:

- a) 70% for those who make up to 33% of the California average weekly wage
- b) 60% for those who make more than 33% of the California average weekly wage

The same increase would apply to people enrolled in California's State Disability Insurance (SDI) program, which entitles people to paid time off for non-work related injuries and disabilities, including pregnancies. Workers can take up to 6 weeks through the PFL program and up to 52 weeks off through the SDI program.

It's important to note that employers are not affected, as the cost is born by the employees and not the employers. The PFL program is part of the SDI program that is funded by proceeds from **employee** payroll deductions which are deposited in the SDI Fund.

[Fair Employment and Housing Council - Adopts Amendments to the Fair Employment and Housing Act \(FEHA\)](#)

Amendments to the Fair Employment and Housing Act (the Act) were approved by the Office of Administrative Law and filed with the Secretary of State on December 9, 2015. The regulations took effect April 1, 2016.

In addition to technical amendments and statutory updates, the proposed amendments most notably clarify and/or articulate:

- (1) The standard for establishing discrimination
- (2) The definition of "interns and volunteers"
- (3) That a victim of human trafficking may have a separate right of action under the FEHA
- (4) That an employee may be personally liable for harassing a co-employee
- (5) The standards for harassment and discrimination prevention and correction
- (6) The requirement to provide training on "abusive conduct" as a component of sexual harassment training
- (7) The standard for discrimination on the basis of possessing a driver's license granted under Section 12801.9 of the Vehicle Code
- (8) The definitions of "sex," "gender identity," "gender expression," "transgender," and "sex stereotype"
- (9) That it is no defense to a complaint of harassment based on sex that the alleged harassing conduct was not motivated by sexual desire

- (10) The standards for what constitute sexual harassment
- (11) That four months is the leave entitlement for pregnancy disability leave
- (12) The standard and content for posting notice of the right to take pregnancy disability leave
- (13) The definition and scope of “religious creed”
- (14) The definition of “support animal” and
- (15) The elimination of affirmative action as it relates to state contracts

Additional changes to the Act include: refining how to count employees as it relates to employee worksite for out-of-state employees; adding the definition of “person performing services pursuant to a contract”; clarifying the rights of unpaid interns and volunteers; clarifying the standard of establishing harassment as per *Harris v. City of Santa Monica* (2013) 56 Cal.4th 203; clarifying employers’ responsibilities in preventing and correcting harassment and discrimination as it relates to how to provide a complaint mechanism; clarifying sexual harassment prevention trainers’ obligations as they relate to incorporating “abusive conduct” into their training as per AB 2053 (Gonzalez 2014); clarifying the standard for hostile work environment sexual harassment; reinstates the pre-existing standard for calculating the length of pregnancy disability leave; adding transgender individuals to the pregnancy disability leave section (Article 6); and, clarifying employers’ reasonable accommodation duties as it relates to religious creed and disability.

Due to the broad scope of these regulations, you should ensure that your company policies are complete and up-to-date. To view the final version of the regulations with tracked changes go here:

<http://www.dfeh.ca.gov/res/docs/FEHC/FinalText.pdf>