

# CLIENT NEWS BRIEF

## New Law Requires Districts to Pay Employees on Parental Leave at Least 50% of Their Salaries

Starting January 1, 2019, California school and community college districts will be required to pay certificated, classified, and academic employees eligible for parental leave under recently enacted laws at least 50% of their salaries once they exhaust their sick leave and begin taking differential leave. This requirement applies regardless of the rate districts pay substitute employees to fill in for the employees on parental leave. The new law is a result of Assembly Bill (AB) 2012, which was approved by Governor Brown on September 30, 2018, and is the latest in a series of bills which expanded protections for employees taking parental leave.

### Current Law

Prior to AB 2012, employees electing to take up to twelve weeks of parental leave under recently enacted additions to the California Education Code must first exhaust their paid sick leave, after which time they are compensated according to their districts' established practices for differential leave. (See Client News Brief Nos. 56, 84.)

Currently, there are two systems available for establishing the pay rate for employees on differential leave, whether the leave is due to parental leave, illness or accident. Under the first system, school and community college districts pay certificated and academic employees the difference between their regular salaries and the amount the districts pay or would have paid a substitute hired to fill in for the employee during his or her absence. For classified employees, this system requires that that districts actually hire a substitute employee in order to deduct a portion of the employee's regular salary. This system allows employees to potentially receive only a small percentage of their salary while on differential leave if the substitute's rate of pay is close to the employee's regular salary.

Alternatively, some school and community college districts have negotiated a system under which employees on extended sick are compensated at no less than 50% of their regular salary, regardless of the rate paid to a substitute.

### New Law

AB 2012 amends the law to require that, regardless of the type of pay system used by school and community college district to compensate employees on extended illness and accident leave, all certificated, academic and classified employees taking up to 12 weeks of parental leave must be paid no less than 50% of their regular salary. Employees will still be required to exhaust their fully paid sick leave before receiving differential pay for parental leave.

### Takeaways

AB 2012 only affects the differential pay system for employees on parental leave. School and community college districts should maintain their current

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system for determining the pay rate of employees on differential leave due to illness or accident. Furthermore, to the extent districts have a practice of providing employees on parental leave with *more* than 50% of their salary, districts should continue to maintain their current practice. AB 2012 is not intended to decrease the amount of compensation provided to employees on parental leave.

If you have any questions about AB 2012 or parental leave laws applicable to California school and community college districts, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#) or download our [Client News Brief App](#).

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