

# CLIENT NEWS BRIEF

## Partial Pay for Baby Bonding Leave Extended to Classified and Community College Employees

In 2015, Governor Jerry Brown signed Assembly Bill (AB) 375 ([see 2015 Client News Brief No. 56](#)), which allowed certificated school district employees to use differential leave for up to 12 weeks when they take baby bonding leave under the California Family Rights Act (CFRA), effective January 1, 2016.

On September 30, 2016, the Governor signed AB 2393, which extends the rights afforded under AB 375 to classified employees of school and community college districts and community college academic positions. This bill also clarifies baby bonding leave rights for certificated employees provided under AB 375. The law becomes effective on January 1, 2017.

AB 2393 clarifies that the leave rules apply to districts with differential leave or 100-day extended sick leave. Baby bonding leave under both AB 375 and AB 2393 is subject to the following rules:

- The employee must exhaust all available sick leave, including accumulated sick leave, before receiving partial pay for the remaining portion of the 12-workweek period.
- Baby bonding leave, referred to in AB 2393 as “parental leave,” is leave for the birth of a child of the employee or placement of a child with an employee in connection with the adoption or foster care of the child by the employee.
- Employees may not receive more than one 12-workweek period of partial pay parental leave within a 12-month period.
- Partial pay parental leave runs concurrent with the 12 weeks of baby bonding leave provided under CFRA.

AB 2393 makes several significant changes to leave as provided by AB 375. First, it eliminates one of the requirements to be eligible for leave under CFRA. In order to be eligible for leave under CFRA, the employee must have been employed for 12 months and must have worked 1,250 hours within the previous 12-month period. AB 2393 eliminates the requirement that the employee work 1,250 hours within the last 12-month period in order to be eligible for partial pay parental leave. This means there may be situations where an employee is not qualified for baby bonding under CFRA leave because the employee has not worked 1,250 hours within the last 12 months, but will qualify for up to 12 weeks of partial pay parental leave under AB 2393.

AB 2393 also eliminates the exception under AB 375 that authorized employers with collective bargaining agreement language that conflicts with AB 375 to delay implementation of the partial pay for bonding. This means school districts that were previously exempt from the requirements of AB 375 because of their collective bargaining agreement must provide employees with parental leave in accordance with AB 2393 effective January 1, 2017.

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There are still unanswered questions regarding implementation, so if you have any questions about AB 2393 or need assistance interpreting the leave rights of your employees, please contact the authors of this Client News Brief or an attorney at one of our [10 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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