



December 29, 2022

Newly Enacted Employment Law for 2023

1. AB 1041 – Expansion of list of people an employee can take time off to care for

Currently, under the California Family Rights Acts (CFRA), California employers with 5 or more employees must not refuse to grant from an employee who meets specified requirements to take up to a total of 12 workweeks in any 12-month period for family care and medical leave for their spouse, parent, parent-in-law, child, siblings, grandchild, grandparent or registered domestic partner. AB 1041 adds a “designated person” to the list beginning January 1, 2023.

The bill defines designated person as “any individual related by blood or whose association with the employee is the equivalent of a family relationship; i.e., uncle, aunts and cousins. The “designated person” may be identified by the employee at the time they request the leave. Employers may limit an employee to one designated person per 12-month period.

In addition to expanding CFRA, AB 1401 adds a “designated person” to the list of family members an employee take time off to care for under California Paid Sick Leave Law.

2. AB 1949 – Bereavement Leave

AB 1949 provides eligible employees with up to five days of bereavement leave upon the death of a qualifying family member (spouse, parent, parent-in-law, child, siblings, grandchild, grandparent and registered domestic partner) as defined in CFRA. The employee must complete the bereavement leave within the three months of the family member’s date of death. However, whether the bereavement leave are to be paid or unpaid depends on the employer’s existing bereavement leave policy which should at least provide 5 days of leave either paid or unpaid.

The employer can request that the employee provide documentation of the death of the family member such as a death certificate. The employer must maintain the confidentiality of an employee who requests bereavement leave under AB 1949 and all related documentation must be maintained as confidential as well.

3. SB 1162 – Pay Transparency Act

Currently, California employers are required to disclose pay scale information during a job interview when requested by the interviewee for the job position they had applied for.



SB 1162 requires followings as of January 1, 2023:

- All employers with 15 or more employees are required to include pay scale of positions in job postings (applies to both internal hiring and hiring thru a 3rd party)
- All employers (regardless of number of employees) are required to provide, upon a current employee's request, the pay scale information for the position held by the employee
- Must maintain records of the job title and wage rate history for each employee for the duration of their employment plus three years thereafter.

Types of Leave of Absence Available in California

Type of leave of absence	Maximum length of absence	Paid or Unpaid
Sick Leave	Number of hours accrued	Paid
Kin Care Leave	Half of sick leave hours	Paid
Family Sick Leave under CFRA (New definition under AB 1041)	12 Weeks	Unpaid
Family Sick Leave Under FMLA	12 Weeks	Unpaid
New Parent Leave	12 Weeks	Unpaid
Pregnancy Disability Leave	4 Months	Unpaid
Paternity Leave	12 Weeks	Unpaid
Bereavement Leave (AB 1949)	5 Days	Unpaid
Voting Leave	Sufficient time to vote	Paid (up to 2 hrs)
Crime Victims Leave	As long as necessary	Unpaid



CHOI HONG LEE & KANG LLP
Certified Public Accountants & Consultants

3435 Wilshire Blvd., Suite 480, Los Angeles, CA 90010 T: (213) 365-1700

1 Centerpointe Dr., Suite 350, La Palma, CA 90623 T: (714) 676-8100

3820 Del Amo Blvd., Suite 220, Torrance, CA 90503 T: (310) 542-6373

WWW.CHLKCPA.COM

Domestic Violence Victim Leave	As long as necessary	Unpaid
Jury Duty or Subpoena Leave	As long as necessary	Unpaid
Military Injury Leave	26 Weeks	Unpaid
Military Spouse Leave	10 days	Unpaid
Leave for School Activities	40 hours per year	Unpaid
Literacy Education Leave	Reasonable accommodations	Unpaid
Drug or Alcohol Rehab Leave	Reasonable accommodations	Unpaid
Organ or Bone Marrow Donor Leave	5 days for bone marrow, 30 days for an organ donation	Unpaid