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ASSEMBLY BILL (AB) 2123: Improving Access to Paid Family Leave

SUMMARY

Assembly Bill (AB) 2123 will remove an unnecessary barrier for individuals seeking to access their paid family benefits. This will allow individuals to take care of their loved ones without fear of losing their vacation time.

BACKGROUND

Over 20 years ago, California became the first state in the nation to enact a paid family leave program. California Paid Family Leave (PFL) provides workers with partial wage replacement when they take leave from work to provide care for a family member in specific circumstances.

During the last decade, the Legislature has expanded California's Paid Family Leave program, including recognizing a broader range of family relationships and expanding benefits from 6 weeks per year to 8 weeks per year. In 2022, the Legislature enacted SB 951, which will allow low-to-middle income workers to receive 90% of their regular wages through PFL, rather than the current rate of 60-70%, effective 2025.

PROBLEM

Paid Family Leave has been [linked to improved maternal and child health outcomes](#), decreased enrollment in nursing homes for older adults and economic security for women and families.

Under current law, employers can require an employee to use up to two weeks of accrued vacation leave before

they can access PFL benefits. This requirement contradicts the purpose of the program and impedes workers from obtaining the benefits that they are entitled to.

Vacation time is intended for personal time off and accrual policies vary across industries and employers, while PFL is intended to support workers unable to work because they are bonding or caregiving. Moreover, workers who have already paid for PFL should be able to receive the benefit as soon as they become eligible.

The purpose of Paid Family Leave is to ensure that California workers do not have to choose between bonding with a new child or caring for a seriously ill family member and their economic security. Access to Paid Family Leave has been shown to improve public health and socio-economic outcomes.

SOLUTION

AB 2123 will make a crucial and commonsense improvement to California's Paid Family Leave by removing the provision that allows employers to require employees to use 2 weeks of accrued vacation before they can receive PFL benefits.

Removing the ability for employers to require employees to use up to 2 weeks of accrued vacation will clarify and simplify the process for workers and for employers. In fact, [2023 polling from Small Business Majority](#) shows that a majority of California small business owners support this change.

This requirement contradicts the purpose of the program and impedes workers from obtaining the benefits that they pay for. AB 2123 protects California families who live paycheck to paycheck by not permitting their employers to force them to use up their earned vacation time in order to access their PFL.

These updates will allow workers to access the support they need without placing any additional requirements on California employers.

SUPPORT

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