



California Expands Family and Paid Sick Leave to Allow Employees to Care for a “Designated Person”

Insights

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California Governor Newsom just signed into law a bill that further expands state family and paid sick leave by allowing employees to take protected time off to care for to include a “designated person.” [AB 1041](#), signed into law on September 29 and taking effect on January 1, 2023, will mean that employers will need to adjust their policies and protocols for both the California Family Rights Act (CFRA) and Paid Sick Leave in California. What do employers need to know about this impending change?

Employees May Take Job-Protected CFRA Leave to Care for a “Designated Person”

Currently, under the CFRA, eligible employees may take job-protected leave to care for their child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner. AB 1041 adds a “designated person” to the list.

The bill defines designated person as “any individual related by blood or whose association with the employee is the equivalent of a family relationship.” The legislation does not further define who may be considered “the equivalent of a family relationship” at this time. Further guidance may be released in the future. Until then, however, the conservative approach is to leave this determination to the employee.

The “designated person” may be identified by the employee at the time they request the leave. It does not have to be designated in advance. However, employers may limit an employee to one designated person per 12-month period.

Employees May Take Paid Sick Leave to Care for a “Designated Person”

In addition to expanding CFRA, AB 1041 adds a “designated person” to the list of family members an employee may take time off to care for under California’s Paid Sick Leave law.

For purposes of paid sick leave, a “designated person” is defined as “a person identified by the employee at the time the employee requests paid sick days.” Interestingly, this definition does *not* require that the person be related by blood or affinity (as under some local paid sick leave laws) or be “the equivalent of a family relationship.” As under CFRA, employers are permitted to limit an employee to one designated person per 12-month period for paid sick days.

Conclusion

We will continue to monitor these developments, so make sure you are subscribed to [Fisher Phillips' Insight system](#) to keep up with the most up-to-date information. Please contact your Fisher Phillips attorney, the authors of this Insight, or [any attorney in our California offices](#) or any attorney in our [Employee Leaves and Accommodations Practice Group](#) should you have any questions.

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