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ALERT: Parents Are Out of Paid Sick Leave, Now What? Employer Obligations for Protected "Parental Leave"

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With Labor Day fast approaching, many parents are running out of Paid Sick Leave and other Paid Time Off to homeschool or supervise distance learning this semester with no end in sight. As we previously reported [here](#), this new normal raises questions for California employers on paid leave and teleworking during COVID.

In addition to the traditional alphabet soup of leave laws – FMLA, CFRA, PDL, SPSL, and FFCRA – California employers should be aware of little known Labor Code Section 230.8 "Parental Leave" sitting on the sidelines. Section 230.8 applies to California employers with more than 25 employees working in one location. Under Section 230.8, California employers must provide up to forty (40) hours of unpaid "Parental Leave" each year for qualifying "child-related" activities. Qualifying "child-related" activities include: finding, enrolling or reenrolling a child in school or with a licensed child care provider; participating school or child care activities; and addressing a child care provider or school emergency (i.e. closure or unavailability of school or child care provider).

For clarity, Section 230.8 is not separate paid leave under the California Labor Code. This "Parental Leave" is unpaid time when the employee has exhausted existing vacation, personal leave, or compensatory time off. All the same, California employers are smart to be aware of Section 230.8 as the civil penalties stack at three times the amount of the employee's lost wages and work benefits.

COUNSEL TO MANAGEMENT:

As with other leave laws, Section 230.8 extends "Parental" Leave to mean parents, guardians, stepparents, foster parents, and grandparents standing in *loco parentis* to a child. California employers should review their Company Handbook and related leave designation forms to include Section 230.8 if not already memorialized there. For individual questions about parental leave, or best practices during COVID-19, please contact the experts at the Saqui Law Group, a division of Dowling Aaron Incorporated.

Disclaimer: *The goal of this article is to provide employers with current labor and employment law information. The contents should neither be interpreted as, nor construed as legal advice or opinion. The reader should consult with Dowling Aaron Incorporated, Saqui Law Group Division at (916) 782-8555 or help@laborcounselors.com for individual responses to questions or concerns regarding any given situation.*



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