



YPI CHARTER SCHOOLS

February 6, 2023

TO: YPI Charter Schools
Board of Directors

FROM: Yesenia Zubia, PHRca
Coordinator of HR/AP

SUBJECT: Recommendation to approve limiting the number of designated persons for CFRA leave and YPICS regular sick bank

BACKGROUND

The California Family Rights Act provides job protection to employees needing to take time off to care for their own serious health condition, baby bonding or to care for a child, spouse, domestic partner, parent, grandparent, grandchild, or sibling with a serious health condition.

On January 1, 2023 the California Family Rights Act (CFRA) expanded their definition of a “family member” (AB1041). Employees may now be able to take a leave of absence to care for a “designated person”. While clarifications on the updates to the law have not been published, the definition of a “designated person” currently is: Any individual related by blood or whose association with the employee is equivalent of a family relationship. **Employers are allowed to limit the number of designated persons to 1 per 12-month period.**

The California’s Healthy Workplaces Health Families Act (HWHFA) requires employers to provide their employees with paid sick time if the employee meets certain criteria. Paid sick time can be used to care for yourself or family members who are ill or needs medical diagnosis, treatment, or preventative care [counties and cities have additional required sick leaves].

On January 1, 2023 the HWHFA added caring for a “designated person”. The designated person do not need to have a relationship “equivalent to that of a family relationship” and employers are allowed to limit the number of designated persons to 1 per 12-month period.

ANALYSIS

Although the Department of Labor has not published FAQs on expansion of the above mentioned, it is perceived if an employer does not adopt a limitation on the number of designated persons an employee can have for CFRA and HWHFA then there is no limit to how many designated persons an employee can have.



Allowing an unlimited number of designations would mean an employee would be able to take time off to care for anyone (sick leave), and anyone an employee states has a family relation equivalency (CFRA) potentially leading to misappropriation of their sick time and potentially lead the schools to be short staffed.

YPICS' general liability insurance carrier, CharterSAFE has also recommended schools adopt a limitation to the number of designated persons for both expanded laws.

RECOMMENDATION

It is recommended that the Board of Directors approve limiting the number of designated persons for CFRA and HWHFA purposes to one for a 12-month period.