

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 3975

with Assembly Floor Amendments
(Proposed by Assemblywoman QUIJANO)

ADOPTED: OCTOBER 29, 2018

These floor amendments make this bill identical to Senate No. 2528 (2R). Further, these amendments incorporate updates to existing law by deleting outdated sections of law and inserting current sections of law. Specifically, these amendments:

1. Reduce the maximum number of days of intermittent FLI leave from 84 days in the bill as introduced to 52 days;
2. Reduce weekly TDI and FLI benefit rates from 90% to 85% of a workers' average wage and reduce the maximum weekly benefit from 100% to 70% of the State average weekly wage;
3. Make the increased weekly benefits available in all TDI claims, not just pregnancy and childbirth-related claims;
4. Require the division to permit applications for approval of TDI or FLI private plans to be submitted by means of electronic communication, including the use of an electronic signature;
5. Permit the department to process claims more rapidly by calculating eligibility for, and the amount of, benefits by using wage data for base years similar to those used for unemployment benefits, instead of data from the last 52 weeks before the disability;
6. Amend the current law to delay, from January 1, 2019 to October 4, 2019, the date on which TDI and FLI claims may be filed before benefits commence in cases in which the beginning of the benefit period is predictable, such as childbirth or scheduled surgery;
7. Specify that the limit on the administration expenses for the TDI and FLI programs of 0.1% is applied to the current TDI tax base, not on the bill's new FLI tax base;
8. Permit the department to use expedited methods in obtaining outside contractors to assist in implementing the provisions of the bill.
9. Change the years in which \$1.2 million is allocated for the dissemination of program information from calendar years to fiscal years, so that the allocation will commence on July 1, 2019, instead of January 1, 2019;
10. Increase the maximum amount of wages which are subject to employee TDI and FLI contributions from 52 to 107 times the State average weekly wage, which would make the TDI and FLI tax bases approximately equal to the federal Social Security tax base; and
11. In cases of employees who are not subject to a collective bargaining agreement, remove the current provision of the "Temporary Disability Benefits Law" that, if employees are required to contribute toward the cost of disability benefits, the employer is not permitted to

establish a private which replaces the State plan unless a majority of the affected employees agree in a written election to that replacement. The current requirement of agreement by a majority of employees would continue to apply in cases where the employees are subject to a collective bargaining agreement, unless the collective bargaining agreement expressly waives the employees' right to a majority election as a condition for the private plan. The amendments also set requirements for notification to employees by employers of the benefits provided by a private plan.