

CALIFORNIA BROADENS PAID FAMILY LEAVE TO INCLUDE A DESIGNATED PERSON: HERE'S WHAT EMPLOYERS NEED TO KNOW

Insights
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The Golden State continues to expand paid leave and wage replacement laws to reflect evolving caregiving responsibilities of today's workforce. SB 590, which Governor Newsom just signed yesterday, marks a significant change by broadening the definition of "family" under the Paid Family Leave (PFL) Program. Beginning July 1, 2028, it will include a designated person who is not legally or biologically related but has a family-like relationship with the employee. Here are the top three changes and the key steps you should consider taking before the effective date.

1. Employees May Take Paid Family Leave to Care for a "Designated Person"

Currently, California's PFL program provides up to eight weeks of partial wage replacement for eligible employees who take time off to care for seriously ill family members, bond with a new child, or assist with a qualifying military exigency.

SB 590 expands the definition of "family member" to now include a designated person, defined as: any *care recipient* related by blood or whose association with the employee is the equivalent of a family relationship.

This allows employees to receive PFL benefits to care for individuals who may not be biologically or legally related but have deep, family-like bonds with the employee. This is a major development that aligns PFL more closely with [recent changes made under AB 1041](#).

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2. Identification and Documentation Requirements

Unlike the requirements under AB 1041 for the California Family Rights Act (CFRA) and Paid Sick Leave, which do not require a sworn declaration, SB 590 introduces a more formal process for employees seeking PFL to care for a designated person. When requesting PFL benefits through the California Employment Development Department to care for a designated person, employees must:

- Identify the designated person at the time of their first claim for such benefits; and
- Attest under penalty of perjury how the relationship is either blood-related or equivalent to a family relationship.

This added step highlights the state's intent to ensure accountability while expanding access to paid family leave benefits.

3. Limitations and Employer Protections

As with prior legislation, the law allows employees to designate one person per 12-month period. This provision aligns the category expansion in caregiving leave requests with PFL.

Importantly, this law does not alter the overall benefit duration or structure. Eligible employees are still entitled to a maximum of eight weeks of wage replacement benefits per 12-month period under the PFL program.

What Employers Should Do Now

Be prepared to update your paid leave policies and procedures under California's Family Temporary Disability Insurance program. Although the changes under SB 590 do not become operative until July 1, 2028, you should consider taking the following steps well ahead of the effective date:

- Consider how the new rule aligns with existing CFRA and Paid Sick Leave policies, especially following AB 1041, which added a "designated person" under CFRA beginning in 2023.
- Review your policies and employee handbooks to ensure they include updated definitions under AB 1041, SB 590, and other applicable laws.

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- Update your information packets to employees on filing for paid benefits from the state.
- Train HR staff on the new definition of eligible care recipients under the PFL program.
- Consult with employment counsel to ensure policies, training, and procedures align with the new requirements.

Conclusion

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