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California's Kin Care Law – What Does It Mean for You?

California Labor Code Section 233, also known as the "Kin Care" Act, requires your employer to allow you to use up to half of your accrued and available sick leave entitlement to attend to the care, support, and/or illness of those defined as "kin" under the statute. California's Kin Care law provides sick leave protection for covered employees. This law requires employers to grant a limited amount of sick leave annually upon the employee's oral or written request.

Who is "Kin" Under the Act?

Until 2016, the Kin Care Act applied only to the care, support, or illness of a parent, child, spouse, or registered domestic partner. The Act was amended in 2016 to broaden its protections. Specifically, the amendment now allows for an employee to take kin care leave for their "kin" *and* for the "diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee." Thus, the benefits outlined in the Act extend to the care of the employee as well as the care of his or her kin.

How Much Kin Care Leave Do You Have as an Employee?

The short answer: it depends. Employees are entitled to take up to one-half of their annual accrued paid sick leave as kin care leave.

Why is This Important?

According to the Act, your employer is *prohibited* from taking discriminatory or retaliatory action against you for requesting or using kin care leave. Notably, the 2016 amendment to the Act removed the provision which expressly allowed employers to place conditions and restrictions on the use of employee sick leave (e.g., requiring a doctor's note). This amendment has been interpreted as restricting an employer's right to request medical certification to support the reason for taking sick leave.

Additionally, pursuant to a 2020 amendment to the Act, you have the *sole discretion* to designate what type of sick days you are taking. For example, you can now indicate that you are taking sick leave "pursuant to the Kin Care Act," and that sick leave is protected and may not be "counted against" or be the basis of discipline for attendance violations. Further, your protected kin care leave cannot be cited as a performance deficiency in performance evaluations or otherwise.

Any employee aggrieved by a violation of the Act is entitled to reinstatement and actual damages, or one day's pay, whichever is greater.