

**The California Family Rights Act (CFRA)
and
The Federal Family and Medical Leave Act (FMLA)**



California Family Rights Act (CFRA) And The Federal Family and Medical Leave Act (FMLA)

California employees may be entitled to a leave of absence under the California Family Rights Act (CFRA) for qualifying reasons. They may also be entitled to a leave of absence under the federal Family and Medical Leave Act (FMLA). Both CFRA and FMLA provide up to 12 weeks of job-protected leave.

If the employee is eligible for both leaves, CFRA will run concurrently with FMLA for qualifying reasons. This document is intended to help you understand if and when these job-protected leaves would apply.

Qualifying Reasons

CFRA ONLY

- **Serious health condition of the employee's:**
 - child (over 18)
 - parent-in-law
 - sibling
 - grandparent
 - grandchild
 - registered domestic partner
 - child of registered domestic partner
- **Foreign Military Leave for the employee's domestic partner**

BOTH (CFRA & FMLA)

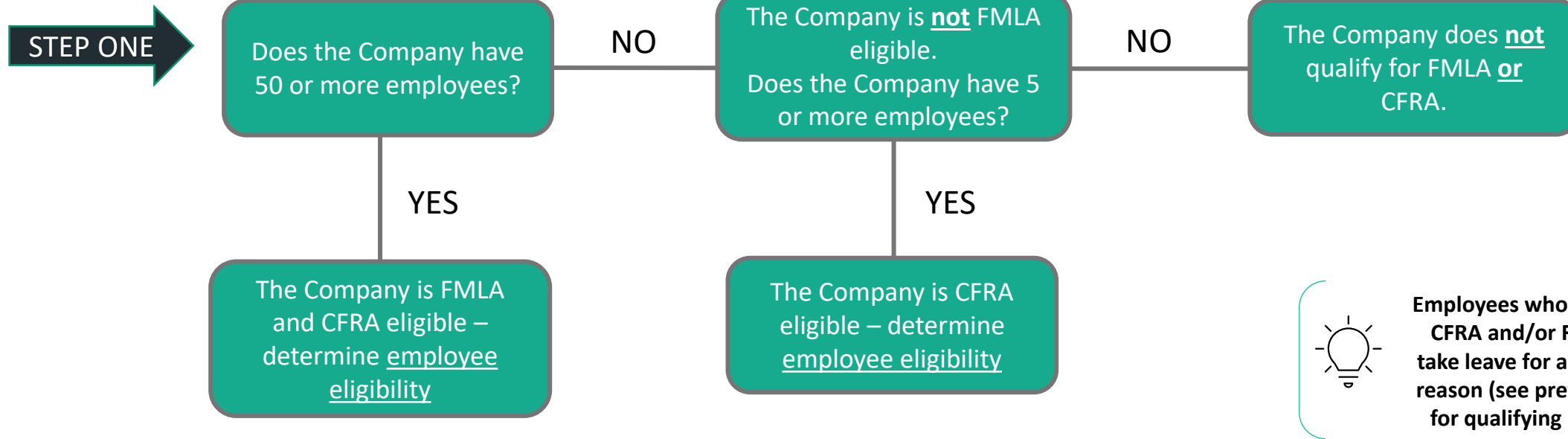
- **Serious health condition of the employee OR their:**
 - spouse
 - parent
 - child (under 18 or dependent adult)
- **Parental (baby-bonding) leave.**
- **Foreign military leave for the employee's:**
 - spouse
 - child
 - parent

FMLA ONLY

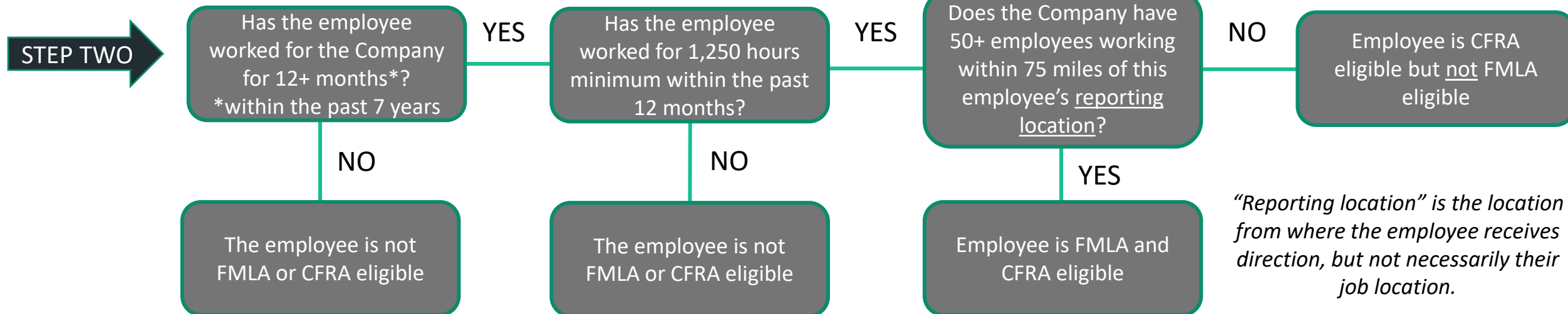
- **Pregnancy disability leave.**
- **Military caregiver leave.**

Determining FMLA/CFRA Eligibility

Employer Eligibility



Employee Eligibility



Concurrent Leaves & Pregnancy Disability Leave

Concurrent Leaves

If an employee is eligible for leave under both CFRA and FMLA as outlined in the previous slides, the leaves of absence will run concurrently and exhaust simultaneously. Note that the employee must be notified in writing of their eligibility for one or both leaves.

Pregnancy Disability Leave

California offers Pregnancy Disability Leave (PDL) for employees who work for employers with 5 or more employees

There are no employee tenure requirements for them to be eligible for PDL. Even if an employee does not qualify for CFRA or FMLA, they may still qualify for PDL. An employee who qualifies for both PDL and FMLA may take those leaves concurrently. CFRA and PDL will never run concurrently.

A pregnant employee may take up to four (4) months of PDL with their healthcare provider's certification and then follow their PDL with parental leave (CFRA/FMLA) if qualifications are met.

Intermittent Leave

In most cases, an employee may take CFRA and FMLA intermittently, which allows them to be away from work in a reduced, periodic, or occasional manner, rather than taking a continuous, uninterrupted block of time off. Intermittent leave can be as short as a few hours or days at a time, as needed based on the medical condition or circumstances. It is particularly valuable for employees and their family members dealing with chronic illnesses, medical treatments, or other situations where continuous leave is not necessary but periodic absences are required.

Intermittent leave is generally not permitted for the birth of a child, to care for a newly born child, or for placement of a child for adoption or foster care; such leave must be taken in at least two-week increments.

Next Steps Once Eligibility Is Confirmed

If you have determined an employee is eligible for protected leave under CFRA, FMLA, and/or PDL, the next steps are as follows:

- **A letter to the employee explaining the following:**
 - Their eligibility under CFRA, FMLA, and/or PDL (keep in mind concurrent leaves).
 - For medical leave of absence under CFRA, FMLA, or PDL, request the [Certification of a Healthcare Provider](#) (link on next page) in order to properly determine their leave type and document the dates of their leave. Parental leave does not require a Certification Form.
 - Provide the blank Certification Form to the employee
 - Employees must be provided with a minimum of 15 calendar days to return this completed form.
 - Breakdown of health insurance premiums owed during leave
- Along with this letter, you must also provide them with a **completed Notice of Rights and Responsibilities** (link on next page)
 - This notice explains their rights while on job-protected leave and outlines their responsibility regarding health insurance payments during leave (if applicable).
 - Employers must maintain the health insurance of employees on protected leave as though they were still working. This means making all payments you'd normally make each payroll cycle. The employee can be asked to pay their usual payroll deduction for health insurance while on leave.

Required forms
on next page



Necessary Forms

Provide the employee with their applicable Certification Form as outlined below:

CFRA/FMLA (concurrent): [Certification of a Healthcare Provider](#)

FMLA only: [Certification of Healthcare Provider](#)

PDL (with or without FMLA): [Certification of Healthcare Provider](#)

Provide the employee with their applicable Notice of Rights and Responsibilities as outlined below:

CFRA/FMLA and PDL/FMLA: [Notice of Rights and Responsibilities](#)

FMLA only: [Notice of Rights and Responsibilities](#)

Next Steps Once Eligibility Is Confirmed (cont.)

After the employee has returned their properly completed Certification Form, be sure to inform them (in writing) that leave is approved, the confirmed dates of their leave, and provide them with information about when they are expected back at work (if known).

If you have any questions regarding any leaves of absence or have an employee needing leave, please don't hesitate to reach out to us.



A very *human* resource™

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