

## FEDERAL AND CALIFORNIA LEAVE LAWS

Law	Qualifying Events	Covered Employers	Leave Entitlement	Obligations
<b>FMLA</b> Family Medical Leave Act	<ul style="list-style-type: none"> <li>Baby Bonding</li> <li>Family members with "Serious Health Condition"</li> <li>EEs "Serious Health Condition"</li> <li>EEs disability because of pregnancy</li> <li>Active Duty Member</li> <li>Injured Service Member</li> </ul>	<ul style="list-style-type: none"> <li>50 EEs</li> <li>Employed 12 months</li> <li>1,250 hours in previous 12 months</li> </ul>	<ul style="list-style-type: none"> <li>12 weeks, except up to 26 weeks for Injured Service Member Leave</li> </ul>	<ul style="list-style-type: none"> <li>Maintain health insurance for 12 weeks</li> <li>Return EE to same or equivalent position</li> </ul>
<b>CFRA</b> California Family Rights Act	<ul style="list-style-type: none"> <li>Baby Bonding</li> <li>Family members with "Serious Health Condition"</li> <li>EEs "Serious Health Condition"</li> </ul>	<ul style="list-style-type: none"> <li>50 EEs</li> <li>Employed 12 months</li> <li>1,250 hours in previous 12 months</li> </ul>	<ul style="list-style-type: none"> <li>12 weeks</li> </ul>	<ul style="list-style-type: none"> <li>Maintain health insurance for 12 weeks</li> <li>Return EE to same or equivalent position</li> </ul>
<b>PDL</b> California Pregnancy Disability Law	<ul style="list-style-type: none"> <li>EEs disability because of pregnancy or birth</li> </ul>	<ul style="list-style-type: none"> <li>5 or more EEs</li> </ul>	<ul style="list-style-type: none"> <li>16 weeks</li> </ul>	<ul style="list-style-type: none"> <li>Maintain health insurance for only maximum of 12 weeks</li> <li>Return EE to same position</li> </ul>
<b>ADA</b> Americans with Disabilities Act	<ul style="list-style-type: none"> <li>"Qualified individual" with a disability who can perform the essential duties of a job w/ or w/o reasonable accommodation</li> <li>Condition that <i>substantially</i> limits a major life activity</li> </ul>	<ul style="list-style-type: none"> <li>15 or more EEs</li> </ul>	<ul style="list-style-type: none"> <li>Case by case basis</li> </ul>	<ul style="list-style-type: none"> <li>Return EE to same position</li> <li>Engage in interactive process to determine whether a reasonable accommodation exists</li> <li>Maintain health insurance for same period of time as other disabled EEs</li> </ul>
<b>FEHA</b> Fair Employment & Housing Act <i>Gov't Code § 12940</i>	<ul style="list-style-type: none"> <li>"Qualified individual" with a disability who can perform the essential duties of a job w/ or w/o reasonable accommodation</li> <li>Condition makes a major life activity more difficult (<i>AB2222</i>)</li> </ul>	<ul style="list-style-type: none"> <li>5 or more EEs if physical disability at issue</li> <li>15 or more EEs if mental disability at issue</li> </ul>	<ul style="list-style-type: none"> <li>Case by case basis</li> </ul>	<ul style="list-style-type: none"> <li>Return EE to same position</li> <li>Engage in interactive process to determine whether a reasonable accommodation exists</li> <li>Maintain health insurance for same period of time as other disabled EEs</li> </ul>
<b>KIN CARE LAW</b> <i>Labor Code 233</i>	<ul style="list-style-type: none"> <li>Family members with an illness</li> </ul>	<ul style="list-style-type: none"> <li>All ERs</li> </ul>	<ul style="list-style-type: none"> <li>Up to 1/2 accrued sick leave; max 6 months</li> </ul>	<ul style="list-style-type: none"> <li>Apply consistent with sick leave policy, if offered</li> <li>Return EE to same or equivalent position</li> </ul>

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<b>WORKERS COMPENSATION LAW</b>	<ul style="list-style-type: none"> <li>• EE must have sustained injury AOE or COE                             <ul style="list-style-type: none"> <li>• <b>AOE</b> = on Account of Employment</li> <li>• <b>COE</b> = in the Course of Employment</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• All ERs</li> </ul>	<ul style="list-style-type: none"> <li>• Until Permanent and Stationary (P &amp; S)</li> </ul>	<ul style="list-style-type: none"> <li>• Refrain from termination for time unable to work unless demonstrates business necessity</li> <li>• Explore whether any modified or alternative work</li> <li>• Maintain health insurance for same period of time as other disabled EEs</li> </ul>
<b>JURY DUTY</b> <i>Labor Code 230 (a)</i>	<ul style="list-style-type: none"> <li>• Required by law to serve on a jury</li> </ul>	<ul style="list-style-type: none"> <li>• All ERs</li> </ul>	<ul style="list-style-type: none"> <li>• Time to complete jury service</li> </ul>	<ul style="list-style-type: none"> <li>• Cannot reduce weekly wages of exempt EE as long as EE works any part of the workweek</li> <li>• EE must give advance notice</li> </ul>
<b>WITNESS DUTY</b> <i>Labor Code 230 (B)</i>	<ul style="list-style-type: none"> <li>• EE required to appear in court as witness, in compliance with a subpoena or court order</li> </ul>	<ul style="list-style-type: none"> <li>• All ERs</li> </ul>	<ul style="list-style-type: none"> <li>• Time to appear in court</li> </ul>	<ul style="list-style-type: none"> <li>• ER may not discharge, retaliate or discriminate against EE</li> </ul>
<b>CRIME VICTIM</b> <i>Labor Code 230.2</i>	<ul style="list-style-type: none"> <li>• EE who is a victim of a crime</li> <li>• EE who is an immediate family member of a victim, registered domestic partner of a victim or the child of a registered domestic partner of a victim</li> </ul>	<ul style="list-style-type: none"> <li>• 25 or more EEs</li> </ul>	<ul style="list-style-type: none"> <li>• Time to attend judicial proceedings</li> </ul>	<ul style="list-style-type: none"> <li>• EE must give ER copy of notice of scheduled proceeding</li> <li>• ER must keep records confidential</li> <li>• Unscheduled leave requires documentation of proceeding</li> </ul>
<b>DOMESTIC VIOLENCE VICTIM</b> <i>Labor Code 230.1</i>	<ul style="list-style-type: none"> <li>• For medical attention;</li> <li>• To obtain services from a program;</li> <li>• To participate in a safety course; or</li> <li>• To ensure welfare of victim or his/her child</li> </ul>	<ul style="list-style-type: none"> <li>• 25 or more EEs</li> </ul>	<ul style="list-style-type: none"> <li>• Time to obtain relief</li> </ul>	<ul style="list-style-type: none"> <li>• EE must give advance notice</li> <li>• ER must maintain confidentiality</li> <li>• Unscheduled leave requires medical certification</li> <li>• ER may not discharge, retaliate or discriminate against EE</li> </ul>
<b>MILITARY LEAVE</b> <i>(SSCRA)</i>	<ul style="list-style-type: none"> <li>• EE entering or called to active duty</li> <li>• Includes training or education</li> </ul>	<ul style="list-style-type: none"> <li>• All ERs</li> </ul>	<ul style="list-style-type: none"> <li>• No maximum period of protected leave</li> </ul>	<ul style="list-style-type: none"> <li>• EE has 90 days after service to apply for reemployment</li> <li>• After reemployment, ER may not discharge for 1 year without good cause</li> <li>• ER rehire to similar position</li> </ul>

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<b>MILITARY LEAVE</b> <i>(USERRA)</i>	<ul style="list-style-type: none"> <li>Past or present member of the uniformed services;</li> <li>Have applied for membership in the uniformed services; or</li> <li>Are obligated to serve in the uniformed services</li> </ul>	<ul style="list-style-type: none"> <li>All ERs</li> </ul>	<ul style="list-style-type: none"> <li>EE protected for a cumulative total of 5 years while providing service</li> </ul>	<ul style="list-style-type: none"> <li>ER may not deny initial employment</li> <li>EE has right to reemployment if satisfies requirements</li> <li>ER may not discharge, retaliate, deny promotion or deny a benefit based on EE military status</li> <li>ER must provide continual health care coverage</li> </ul>
<b>MILITARY SPOUSE LEAVE</b> <i>(Military &amp; Veterans Code 395.10)</i>	<ul style="list-style-type: none"> <li>Spouse of military member requests leave during a "period of military conflict" means either a period of war declared by U.S. Congress, or a period of deployment for which a reservist is ordered to active duty pursuant to 10 USC §§ 12301-12302, or 32 USC</li> </ul>	<ul style="list-style-type: none"> <li>25 or more EEs</li> </ul>	<ul style="list-style-type: none"> <li>10 days unpaid leave</li> </ul>	<ul style="list-style-type: none"> <li>EE is the spouse of a member of the Armed Forces, National Guard, or Reserves that has been deployed during a period of military conflict</li> <li>EE works an average of 20 hours or more per week</li> <li>EE provides notice of intent to take leave within two days of receiving official notice the military member will be on leave from deployment; <b>AND</b></li> <li>EE submits written documentation that the military spouse will be on leave during period of time the leave is requested</li> </ul>
<b>SCHOOL ACTIVITY</b> <i>(Labor Code 230.7 &amp; 230.8)</i>	<ul style="list-style-type: none"> <li>EE has children in kindergarten or grades 1 thru 12</li> <li>EE takes time to participate in school activities</li> </ul>	<ul style="list-style-type: none"> <li>25 or more EEs</li> </ul>	<ul style="list-style-type: none"> <li>40 hours a year, no more than 8 hours each month</li> </ul>	<ul style="list-style-type: none"> <li>EE must give advance notice</li> <li>EE shall utilize vacation, personal leave or time off without pay</li> <li>ER can require documentation of participation in school activity</li> <li>ER may not discharge, retaliate or discriminate against EE</li> </ul>

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<b>VOLUNTEER FIREFIGHTER</b> <i>(Labor Code 230.3)</i>	<ul style="list-style-type: none"> <li>• EE is volunteer firefighter, reserve peace officer or emergency rescue personnel</li> <li>• To provide emergency services (e.g., EMS)</li> </ul>	<ul style="list-style-type: none"> <li>• 50 or more EEs</li> </ul>	<ul style="list-style-type: none"> <li>• Time to perform emergency duty</li> </ul>	<ul style="list-style-type: none"> <li>• ER may not discharge, retaliate or discriminate against EE</li> </ul>
<b>ALCOHOL DRUG REHAB</b> <i>(Labor Code 1025-1028)</i>	<ul style="list-style-type: none"> <li>• EE wishes to voluntarily enter alcohol or drug rehabilitation program</li> </ul>	<ul style="list-style-type: none"> <li>• 25 or more EEs</li> </ul>	<ul style="list-style-type: none"> <li>• Time to complete program</li> </ul>	<ul style="list-style-type: none"> <li>• ER shall reasonably accommodate EE, provided it doesn't impose undue hardship on ER</li> <li>• ER must maintain confidentiality</li> <li>• ER not required to provide time off with pay</li> </ul>
<b>VOTING</b> <i>(Cal. Elec. Code 14000)</i>	<ul style="list-style-type: none"> <li>• State-wide election</li> <li>• Voter doesn't have sufficient time outside of work to vote</li> </ul>	<ul style="list-style-type: none"> <li>• All ERs</li> </ul>	<ul style="list-style-type: none"> <li>• Enough working time to vote, 2 hours maximum of paid time off</li> </ul>	<ul style="list-style-type: none"> <li>• Time off shall be at the beginning or end of working shift</li> <li>• EE must give two days notice if knows time is needed three days prior to election</li> </ul>
<b>LITERACY EDUCATION</b> <i>(Labor Code 1025-1028)</i>	<ul style="list-style-type: none"> <li>• EE reveals a problem of illiteracy and requests ER assistance in enrolling in an adult literacy education program</li> </ul>	<ul style="list-style-type: none"> <li>• 25 or more EEs</li> </ul>	<ul style="list-style-type: none"> <li>• Reasonable time</li> </ul>	<ul style="list-style-type: none"> <li>• ER must accommodate EE and assist in adult literacy program unless it creates undue hardship</li> <li>• ER must maintain confidentiality</li> <li>• ER not required to provide time off with pay for program</li> <li>• ER cannot terminate if EE satisfactorily performs work</li> </ul>