

# 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 leave under the California Family Rights Act (CFRA) for qualifying reasons. They may also be entitled to leave under the federal Family and Medical Leave Act (FMLA).

If the employee is qualified for both, CFRA will run concurrently with FMLA for qualifying reasons.

# Determining FMLA/CFRA Eligibility



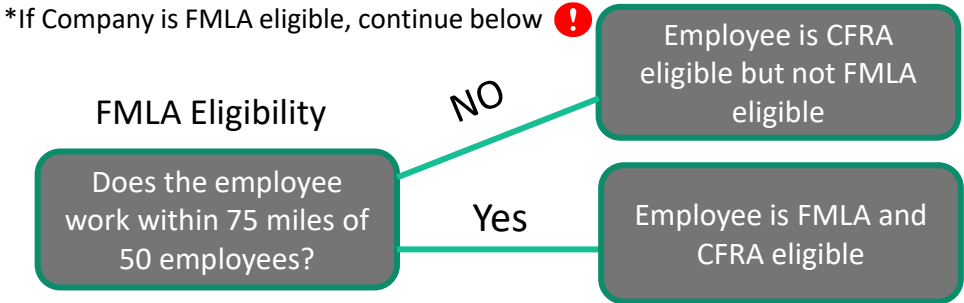
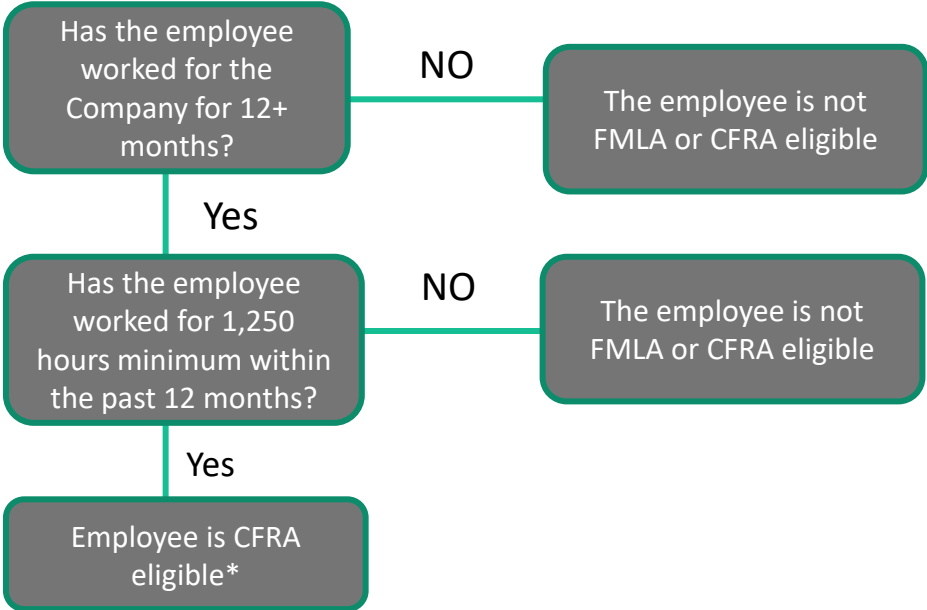
YES

The Company is FMLA and CFRA eligible – determine employee eligibility

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## Employee Eligibility



If the EMPLOYER is only CFRA eligible, they won't need to go further to the mileage requirement to determine if the EMPLOYEE is eligible for FMLA.

If the EMPLOYER is CFRA and FMLA eligible, the mileage will determine if the EMPLOYEE is eligible for FMLA as well or only CFRA.

\*If Company is FMLA eligible, continue below



**\*CFRA and FMLA provide up to 12 weeks of job-protected leave for covered reasons.**



# 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

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

## FMLA ONLY

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

# 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.

## Pregnancy Disability Leave

California offers Pregnancy Disability Leave (PDL) for employees who work for a covered employer. Covered employers are those with 5 or more employees.

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.

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, if qualifications are met.

If you have any questions regarding CFRA/FMLA or have an employee needing leave, please don't hesitate to reach out to us.

*Contact:*

**Trudi Simmons**

310.938.3828

trudi@peoplepersonhr.com

**Kathy Williams**

213.340.4290

kathy@peoplepersonhr.com



A very *human* resource <sup>TM</sup>

**Contact Us:**

Trudi Simmons, PHR  
CEO/HR Business Partner  
People Person, Inc.  
310.938.3828

[trudi@peoplepersonhr.com](mailto:trudi@peoplepersonhr.com)  
[www.peoplepersonhr.com](http://www.peoplepersonhr.com)

