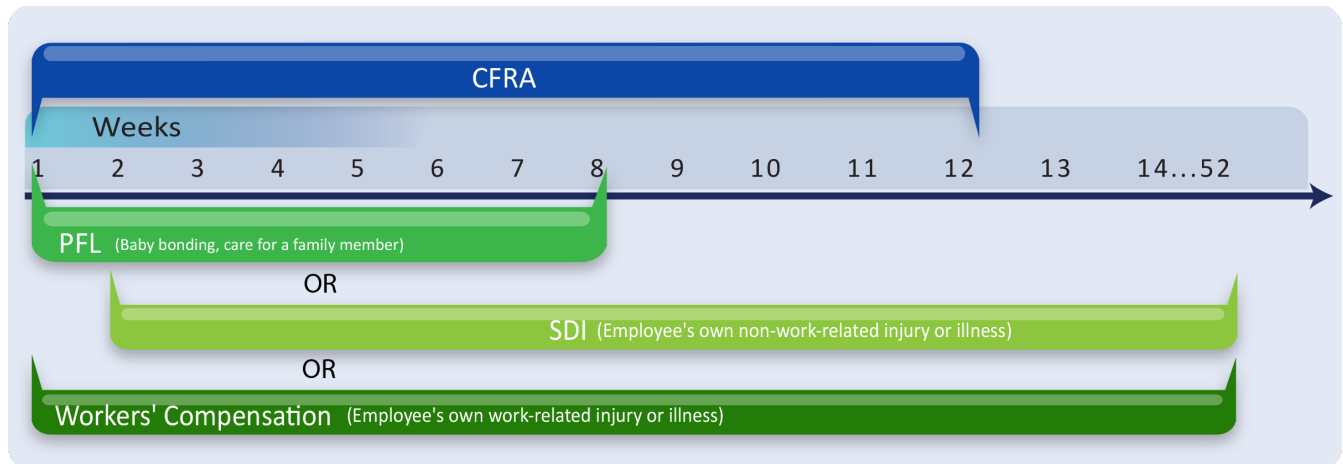


## Leave Interaction (FMLA/CFRA/PDL)

### CFRA Only



The California Family Rights Act (CFRA) applies to employers with five or more employees. Eligible employees must meet all of the following:

- Have worked for you for 12 months; and
- Have worked for you for 1,250 hours in the past 12 months.

The CFRA provides eligible employees with up to 12 weeks of protected leave for their own serious health condition or to take care of a spouse, registered domestic partner, child, parent, parent-in-law, sibling, grandchild, grandparent or someone else with a blood or family-like relationship with the employee ("designated person") with a serious health condition.

The CFRA may also be used to bond with a new child within one year of the child's birth, adoption or foster care placement, or for a qualifying exigency arising because the spouse, son, daughter, parent or registered domestic partner of the employee is on covered active duty or call to covered active duty status.

The CFRA is unpaid; however, employees must be allowed to use accrued vacation pay, paid sick time, other accrued paid time off, or other paid or unpaid time off negotiated with the employer. If the leave is to take care of a family member or to bond with a child, an employee may be eligible for Paid Family Leave (PFL) benefits for a maximum of eight weeks while on CFRA leave. PFL is only a wage replacement benefit; it is not a protected leave of absence.

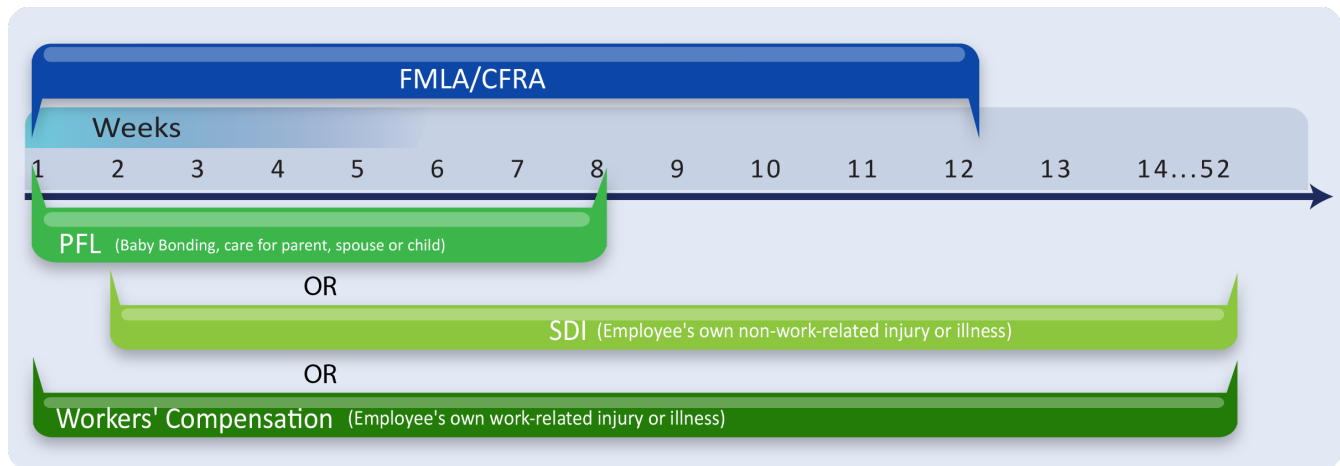
An employee may also be eligible for up to 52 weeks of State Disability Insurance (SDI) if the absence is for the employee's own non-work-related serious health condition, even though the amount of time they are off from work/on leave with job protection is normally limited to the 12 weeks of CFRA.

If the employee's serious health condition is work related, then the employee may apply for workers' compensation benefits through the employer's workers' compensation insurance carrier. **As a reminder, workers' compensation does not provide for a job-protected leave of absence.** You will place an employee on CFRA leave, if eligible, and if not, you will explore whether leave is a reasonable accommodation under the circumstances.

**Keep in mind that employees cannot receive multiple wage replacement benefits at the same time and that there is typically a 7-day waiting period for SDI benefits.** However, there is no waiting period for PFL or workers' compensation benefits.

## Leave Interaction (FMLA/CFRA/PDL)

### FMLA/CFRA Running Concurrently



The California Family Rights Act (CFRA) covers employers with five or more employees and the Family and Medical Leave Act (FMLA) covers employers with 50 or more employees. Eligible employees must meet all of the following:

- Have worked for you for 12 months; and
- Have worked for you for 1,250 hours in the 12 months prior to the need for the leave; and
- For FMLA only, work at a location with 50 or more employees in a 75-mile radius.

This leave is:

- For an employee's own serious health condition; or
- To care for a parent, child or spouse; or
- Time for a parent bonding with a newborn baby or child placed for adoption/foster care.

Employers should note that the CFRA provides broader coverage for leave to care for family members than the FMLA. In addition to children, parents and spouses, the CFRA allows employees to take up to 12 weeks of leave to care for registered domestic partners, parents-in-law, siblings, grandparents, grandchildren or someone else with a blood or family-like relationship with the employee ("designated person") with a serious health condition. If the employee is taking leave to care for any of these family members, the leave will be CFRA only and will not run concurrently with FMLA. Leave taken as CFRA-only doesn't affect the employee's time available under the FMLA.

The CFRA and FMLA are unpaid; however, employees must be allowed to use accrued vacation pay, paid sick time, other accrued paid time off, or other paid or unpaid time off negotiated with the employer. If the leave is to take care of a family member or to bond with a child, an employee may be eligible for Paid Family Leave (PFL) benefits for a maximum of eight weeks while on CFRA leave. PFL is only a wage replacement benefit; it is not a protected leave of absence.

An employee may also be eligible for up to 52 weeks of State Disability Insurance (SDI) if the absence is for the employee's own non-work-related serious health condition, even though the amount of time they are off from work/on leave with job protection is normally limited to the 12 weeks of CFRA.

If the employee's serious health condition is work related, then the employee may apply for workers' compensation benefits through your workers' compensation insurance carrier. **As a reminder, workers' compensation does not provide for a job-protected leave of absence.** You will place an employee on CFRA leave, if eligible, and if not, you will explore whether leave is a reasonable accommodation under the circumstances.

**Keep in mind that employees cannot receive multiple wage replacement benefits at the same time and that there is typically a 7-day waiting period for SDI benefits.** However, there is no waiting period for PFL or workers' compensation benefits.