

FEDERAL AND CALIFORNIA LEAVE LAWS

Law	Qualifying Events	Covered Employers	Leave Entitlement	Obligations
FMLA Family Medical Leave Act	<ul style="list-style-type: none"> ▪ Baby Bonding ▪ Family members with “Serious Health Condition” ▪ EE’s “Serious Health Condition” ▪ EE’s disability because of pregnancy ▪ Active Duty ▪ Injured Service Member 	<ul style="list-style-type: none"> ▪ 50 EEs w/i 75 miles ▪ Employed 12 months ▪ 1,250 hours in previous 12 months 	12 weeks, except 26 weeks for Injured Service Member Leave	<ul style="list-style-type: none"> ▪ Maintain Health Insurance for 12 weeks ▪ Return EE to same or equivalent position
CFRA California Family Rights Act	<ul style="list-style-type: none"> ▪ Baby Bonding ▪ Family members or domestic partner with “Serious Health Condition” ▪ EE’s “Serious Health Condition” 	<ul style="list-style-type: none"> ▪ 50 EEs w/i 75 miles ▪ Employed 12 months ▪ 1,250 hours in previous 12 months 	12 Weeks	<ul style="list-style-type: none"> ▪ Maintain Health Insurance for 12 weeks ▪ Return EE to same or equivalent position
PDL California Pregnancy Disability Law	<ul style="list-style-type: none"> ▪ EE’s Disability because of pregnancy or birth 	<ul style="list-style-type: none"> ▪ 5 or more EEs 	16 Weeks	<ul style="list-style-type: none"> ▪ Maintain health insurance for only maximum of 16 weeks ▪ Return EE to same position <u>unless</u> legitimate business reasons prevent reinstatement, or, preservation of the employee’s job would compromise business safety or efficiency. In such case, a <i>comparable</i> position will be sufficient.
ADA Americans with Disabilities Act	<ul style="list-style-type: none"> ▪ “Qualified individual” with a disability who can perform the essential duties of a job w/ or w/o reasonable accommodation ▪ Condition that <i>substantially</i> limits a major life activity 	<ul style="list-style-type: none"> ▪ 15 or more EEs 	Case by case basis	<ul style="list-style-type: none"> ▪ Return EE to same position ▪ Engage in interactive process to determine whether a reasonable accommodation exists ▪ Maintain Health Insurance for same period of time as other disabled employees
FEHA Fair Employment & Housing Act (Gov’t Code §12940)	<ul style="list-style-type: none"> ▪ “Qualified individual” with a disability who can perform the essential duties of a job w/ or w/o reasonable accommodation ▪ Condition makes a major life activity more difficult (AB 2222) 	<ul style="list-style-type: none"> ▪ 5 or more EEs if physical disability at issue ▪ 15 or more EEs if mental disability issue 	Case by case basis	<ul style="list-style-type: none"> ▪ Return EE to same position ▪ Engage in interactive process to determine whether a reasonable accommodation exists ▪ Maintain Health Insurance for same period of time as other disabled employees

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Bone Marrow /Organ Donation Leave [Michelle Maykin Memorial Donation Protection Act] (Labor Code 1508-1513)	<ul style="list-style-type: none"> ▪ EE who has exhausted all sick leave, may receive leave for organ and bone marrow donation 	<ul style="list-style-type: none"> ▪ 15 or more employees 	<ul style="list-style-type: none"> ▪ 30 days for organ donation ▪ 5 days for bone marrow 	<ul style="list-style-type: none"> ▪ Paid leave benefit ▪ Not taken concurrent with FMLA/CFRA related leaves ▪ Return EE to same or equivalent position ▪ Can require EE use PTO, vacation, or sick benefits: <ul style="list-style-type: none"> - up to 5 days for marrow donations - up to 2 weeks for organ donations
Kin Care Law (Labor Code 233)	<ul style="list-style-type: none"> ▪ Family members or domestic partners with an illness 	<ul style="list-style-type: none"> ▪ All Employers 	Up to ½ accrued sick leave; max 6 months	<ul style="list-style-type: none"> ▪ Paid leave benefits ▪ Apply consistent with sick leave policy, if offered ▪ Return EE to same or equivalent position
Workers Compensation Law	<ul style="list-style-type: none"> ▪ Employee must have sustained an injury AOE and COE 	<ul style="list-style-type: none"> ▪ All Employers 	Until reach Maximum Medical Benefit (formerly permanent & stationary)	<ul style="list-style-type: none"> ▪ Refrain from termination for time unable to work unless demonstrate business necessity (potential Labor Code §132a and Serious & willful claims) ▪ Explore whether any modified or alternative work ▪ Maintain Health Insurance for same period of time as other disabled employees
Jury Duty Labor Code 230 (a)	<ul style="list-style-type: none"> ▪ Required by law to serve on a jury 	<ul style="list-style-type: none"> ▪ All Employers 	Time to complete jury service	<ul style="list-style-type: none"> ▪ Cannot reduce weekly wages of exempt EE as long as EE works any part of the workweek ▪ EE must give advance notice
Witness Duty Labor Code 230 (b)	<ul style="list-style-type: none"> ▪ EE required to appear in court as witness, in compliance with a subpoena or court order 	<ul style="list-style-type: none"> ▪ All Employers 	Time to appear in court	<ul style="list-style-type: none"> ▪ ER may not discharge, retaliate or discriminate against EE
Crime Victim Labor Code 230.2	<ul style="list-style-type: none"> ▪ EE who is a victim of a crime ▪ EE who is an immediate family members of a victim, registered domestic partner of a victim or the child of a registered domestic partner of a victim 	<ul style="list-style-type: none"> ▪ 25 or more EEs 	Time to attend judicial proceedings	<ul style="list-style-type: none"> ▪ EE must give ER copy of notice of scheduled proceeding ▪ ER must keep records confidential ▪ Unscheduled leave requires documentation of proceeding
Domestic Violence Victim Labor Code 230.1	<ul style="list-style-type: none"> ▪ For medical attention; ▪ To obtain services from a program; ▪ To participate in a safety course; or ▪ To ensure welfare of victim or his/her child 	<ul style="list-style-type: none"> ▪ 25 or more EEs 	Time to obtain relief	<ul style="list-style-type: none"> ▪ EE must give advance notice ▪ ER must maintain confidentiality ▪ Unscheduled leave requires medical certification ▪ ER may not discharge, retaliate or discriminate against EE

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Military Leave (USERRA)	<ul style="list-style-type: none"> ▪ Past or present member of the uniformed services; ▪ Have applied for membership in the uniform services; or ▪ Are obligated to serve in the uniformed services 	<ul style="list-style-type: none"> ▪ All Employers 	EE protected for a cumulative total of 5 years while providing service	<ul style="list-style-type: none"> ▪ ER may not deny initial employment ▪ EE has right to reemployment if satisfies requirements ▪ ER may not discharge, retaliate, deny promotion or deny a benefit based on EE military status ▪ ER must provide continual health care coverage
Military Leave (SSCRA)	<ul style="list-style-type: none"> ▪ EE entering or called to active duty ▪ Includes training or education 	<ul style="list-style-type: none"> ▪ All employers 	No maximum period of protected leave	<ul style="list-style-type: none"> ▪ EE has 90 days after service to apply for reemployment ▪ After reemployment ER may not discharge for 1 year without good cause ▪ ER rehire to similar position
Military Spouse (Military and Veterans Code 395.10)	<ul style="list-style-type: none"> ▪ 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 ▪ EE works an average of 20 hours or more per week ▪ EE provides notice of intent to take leave within two days of receiving official notice the military member will be on leave from deployment; and ▪ EE submits written documentation that the military spouse will be on leave during period of time the leave is requested 	<ul style="list-style-type: none"> ▪ 25 or more EEs 	10 days unpaid leave	<ul style="list-style-type: none"> ▪ EE has right to reinstatement ▪ ER may not discharge, retaliate, deny promotion or deny a ▪ ER must provide continual health care coverage
School Activity (Labor Code 230.7 & 230.8)	<ul style="list-style-type: none"> ▪ EE has children in kindergarten or grades 1 to 12 ▪ EE takes time to participate in school activities 	<ul style="list-style-type: none"> ▪ 25 or more EEs 	40 hours a year, no more than 8 hours each month	<ul style="list-style-type: none"> ▪ EE must give advance notice ▪ EE shall utilize vacation, personal leave or time off without pay ▪ ER can require documentation of participation in school activity ▪ ER may not discharge, retaliate or discriminate against EE
Volunteer Firefighter (Labor Code 230.3)	<ul style="list-style-type: none"> ▪ EE is volunteer firefighter, reserve peace officer or emergency rescue personnel ▪ To provide emergency services (e.g., EMS) 	<ul style="list-style-type: none"> ▪ 50 or more EEs 	Time to perform emergency duty	<ul style="list-style-type: none"> ▪ ER may not discharge, demote, suspend or discriminate against EE
Alcohol Drug Rehab	<ul style="list-style-type: none"> ▪ EE wishes to voluntarily enter alcohol or 	<ul style="list-style-type: none"> ▪ 25 or more EEs 	Time to complete	<ul style="list-style-type: none"> ▪ ER shall reasonably accommodate EE,

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(Labor Code 1025-1028)	drug rehabilitation program		program	<p>provided it doesn't impose undue hardship on ER</p> <ul style="list-style-type: none"> ▪ ER must maintain confidentiality ▪ ER not required to provide time off with pay
Voting (Cal. Elec. Code 14000)	<ul style="list-style-type: none"> ▪ State-wide election ▪ Voter doesn't have sufficient time outside of work to vote 	<ul style="list-style-type: none"> ▪ All Employers 	Enough working time to vote, 2 hours maximum of paid time off	<ul style="list-style-type: none"> ▪ Time off shall be at the beginning or end of working shift ▪ EE must give two days notice if knows time is needed three days prior to election

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<p>Literacy Education (Labor Code 1040-1044)</p>	<ul style="list-style-type: none"> ▪ EE reveals a problem of illiteracy and requests ER assistance in enrolling in an adult literacy education program 	<ul style="list-style-type: none"> ▪ 25 or more EEs 	<p>Reasonable time</p>	<ul style="list-style-type: none"> ▪ ER must accommodate EE and assist in adult literacy program unless it creates undue hardship ▪ ER must maintain confidentiality ▪ ER not required to provide time off with pay for program ▪ ER can't terminate if EE satisfactorily performs work
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Key

“EE” = Employee

“ER” = Employer