

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 (birth, adoption, foster care placement) 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
CFRA Parental Leave Act	<ul style="list-style-type: none"> Baby Bonding (birth, adoption, foster care placement) 	<ul style="list-style-type: none"> 20 or more EEs w/in 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 &	<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 	<ul style="list-style-type: none"> 5 or more EEs if physical disability at 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

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Housing Act (Gov't Code §12940)	<ul style="list-style-type: none"> Condition makes a major life activity more difficult (AB 2222) 	<ul style="list-style-type: none"> 15 or more EEs if mental disability issue 		<ul style="list-style-type: none"> accommodation exists Maintain Health Insurance for same period of time as other disabled employees
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	<ul style="list-style-type: none"> For medical attention; 	<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

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Victim Labor Code 230.1	<ul style="list-style-type: none"> ▪ 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"> ▪ ER must maintain confidentiality ▪ Unscheduled leave requires medical certification ▪ ER may not discharge, retaliate or discriminate against EE
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

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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 (Labor Code 1025-1028)	<ul style="list-style-type: none"> ▪ EE wishes to voluntarily enter alcohol or drug rehabilitation program 	<ul style="list-style-type: none"> ▪ 25 or more EEs 	Time to complete program	<ul style="list-style-type: none"> ▪ ER shall reasonably accommodate EE, provided it doesn't impose undue hardship on ER ▪ 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
Literacy Education (Labor Code 1040-1044)	<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 	Reasonable time	<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
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
Healthy Workplaces/Healthy Families Act Of 2014 Paid Sick Leave (<i>eff. 7/1/15</i>)	<ul style="list-style-type: none"> • Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member (as defined in the law); or • For the purpose of obtaining or attempting to obtain a temporary restraining order, restraining order, or other injunctive relief, to help ensure the 	<ul style="list-style-type: none"> ▪ All employers 	<ul style="list-style-type: none"> ▪ EE who has worked for at least 30 or more days in California ▪ Minimum of 3 days per year ▪ 1 hour accrues for every 30 	<ul style="list-style-type: none"> ▪ ER may limit annual use to 3 days or 24 hours ▪ Accrued leave carries over, but can be capped at 48 hours or 6 days ▪ No carry over needed if EE receives 3 days in lump sum at beginning of each year ▪ No obligation to pay out accrued unused sick leave

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	<p>health, safety, or welfare of the victim or his or her child, or for treatment or services related to</p>		<p>hours worked</p> <ul style="list-style-type: none"> ▪ May use leave starting 90th day of employment 	<ul style="list-style-type: none"> ▪ Paystubs need to reflect accrued leave ▪ Must post law and provide written notice to EE ▪ Must maintain records of accrual and use
<p>San Diego Earned Sick Leave (<i>eff. 4/1/15</i>)</p>	<ul style="list-style-type: none"> • The employee is physically or mentally unable to perform his or her duties due to his own illness, injury, or a medical condition; • The absence is for the purpose of obtaining professional diagnosis or treatment for the employee's medical condition • The absence is for other medical reasons, such as pregnancy or obtaining a physical examination. • The employee is providing care or assistance to a Family Member (as defined), with an illness, injury, or medical condition, including assistance in obtaining professional diagnosis or treatment of a medical condition. • The absence is for the employee's use of Safe Time (time away from work that is necessary due to domestic violence, sexual assault or stalking, for the purpose of medical attention, services from a victim services organization, psychological or other counseling, relocation for the above, or legal services including preparing for or participating in civil or criminal proceedings) • The employee's place of business is closed by order of a public official due to a Public Health Emergency, or the employee is providing care or assistance to a child, whose school or child care provider is closed by order of a public official due to a Public Health Emergency. 	<ul style="list-style-type: none"> ▪ All employers who have an employee (defined as an individual entitled to payment of a minimum wage) who in one or more calendar weeks of the year performs at least two hours of work within the geographic boundaries of the City of San Diego. ▪ ER need not be in San Diego or in California 	<ul style="list-style-type: none"> ▪ one hour of paid sick leave for every 30 hours worked within the geographic boundaries of the City, with a maximum accrual of 40 hours per year. 	<ul style="list-style-type: none"> ▪ ER can prohibit use until after 90 days of employment. ▪ ER can set reasonable increments for use (e.g. 2 hours minimum) ▪ No payout of accrued unused sick leave ▪ ER can limit use to 40 hours maximum in a benefit year. ▪ ER may require advanced notice (if foreseeable, up to 7 days before sick leave is needed) ▪ ER may require documentation if 3 consecutive days are taken for sick leave ▪ ER must maintain contemporaneous records of accrual and use of sick leave

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