

LAW	QUALIFYING EVENTS	COVERED EMPLOYEES	LEAVE ENTITLEMENT	PAY ENTITLEMENT	OBLIGATIONS
<b>Family and Medical Leave Act (FMLA)</b>	<ul style="list-style-type: none"> <li>• Birth/adoption/foster care</li> <li>• EE's "Serious Health Condition" (including pregnancy related condition or prenatal care)</li> <li>• Family members with "Serious Health Condition"</li> <li>• Military Exigencies and Injured military family members.</li> </ul>	<ul style="list-style-type: none"> <li>• 50 EEs within 75 miles</li> <li>• Employed 12 months</li> <li>• 1,250 hours in previous 12 months</li> </ul>	<ul style="list-style-type: none"> <li>• Up to 12 weeks</li> <li>• Per "leave year" as elected by employer</li> <li>• Up to 26 weeks for injured military family members.</li> </ul>	<ul style="list-style-type: none"> <li>• Unpaid unless company benefits available.</li> <li>• ER may require, or EE may elect to use vacation, sick or paid time off benefits.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide notice/designation of leave</li> <li>• Maintain Health Insurance for duration of leave</li> <li>• Return EE to same or equivalent position</li> <li>• Key employee exception</li> </ul>
<b>California Family Rights Act (CFRA)</b>	<ul style="list-style-type: none"> <li>• Birth/adoption/foster care</li> <li>• EE's "Serious Health Condition" (does not include pregnancy related condition or prenatal care)</li> <li>• Added family members with "Serious Health Condition" (including siblings, parents-in-law, grandparents, grandchildren and "designated person")</li> <li>• Military Exigencies</li> </ul>	<ul style="list-style-type: none"> <li>• 5 or more employees</li> <li>• Employed 12 months</li> <li>• 1,250 hours in previous 12 months</li> <li>• <u>No</u> 50 employee/75 mile requirement.</li> </ul>	<ul style="list-style-type: none"> <li>• Up to 12 weeks</li> <li>• Per "leave year" as elected by employer</li> </ul>	<ul style="list-style-type: none"> <li>• Unpaid unless company benefits available.</li> <li>• ER may require, or EE may elect to use vacation or other paid time off benefits if eligible.</li> <li>• ER may require, or EE may elect to use paid sick leave if CFRA leave for own serious health condition.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide notice/designation of leave</li> <li>• Maintain Health Insurance for duration of leave</li> <li>• Return EE to same or equivalent position</li> <li>• No "key employee" exception</li> </ul>
<b>California Pregnancy Disability Law (PDL)</b>	<ul style="list-style-type: none"> <li>• EE's disability because of pregnancy, pregnancy-related condition or childbirth.</li> <li>• Includes morning sickness and prenatal care</li> <li>• Does not include leave to care for / bond with newborn</li> </ul>	<ul style="list-style-type: none"> <li>• Companies with 5 or more EEs</li> </ul>	<ul style="list-style-type: none"> <li>• Up to 17 1/3 weeks (4 months) per pregnancy</li> <li>• Separate entitlement, if qualified, to 12 week CFRA leave for baby bonding (PDL does not "count" as CFRA leave).</li> </ul>	<ul style="list-style-type: none"> <li>• Unpaid unless ER pays for other temporary disability leaves for similarly situated EEs</li> <li>• ER may require an EE to use accrued sick pay for unpaid portion of PDL</li> <li>• EE may elect (ER cannot require) to use vacation or PTO</li> </ul>	<ul style="list-style-type: none"> <li>• Pay ER share of health insurance premium while on leave.</li> <li>• ER also required to provide accommodations at work</li> <li>• Return EE to same position unless legitimate business reasons prevent reinstatement, or, preservation of the employee's job compromises business safety or efficiency. A comparable position is sufficient.</li> </ul>

Abbreviation Key: ER = employer; EE = employee.

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<p><b>Americans with Disabilities Act (ADA)</b></p>	<ul style="list-style-type: none"> <li>Physical or mental disability that substantially limits a major life activity.</li> <li>“Qualified individual” with a disability who can perform the essential duties of a job with or without reasonable accommodation</li> </ul>	<ul style="list-style-type: none"> <li>15 or more Ees</li> <li>No waiting period</li> </ul>	<ul style="list-style-type: none"> <li>Evaluation on a case by case basis, where a leave would be effective in returning a disabled EE to work</li> <li>“Reasonable accommodation” analysis for availability and length</li> <li>Other accommodation options may eliminate need for leave.</li> <li>Undue hardship defense.</li> <li>Part-time leave available.</li> </ul>	<ul style="list-style-type: none"> <li>Unpaid unless company benefits available.</li> </ul>	<ul style="list-style-type: none"> <li>Return EE to same position (usually)</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 employees</li> </ul>
<p><b>California Fair Employment &amp; Housing Act (FEHA)</b> Cal. Gov. Code §12940</p>	<ul style="list-style-type: none"> <li>Physical or mental disability that limits a major life activity (i.e., condition makes a major life activity more difficult)</li> <li>EE with a disability who can perform the essential job duties of a job w/ or w/o reasonable accommodation</li> </ul>	<ul style="list-style-type: none"> <li>5 or more EEs</li> <li>No waiting period.</li> </ul>	<ul style="list-style-type: none"> <li>Evaluation on a case by case basis, where a leave would be effective in returning a disabled EE to work</li> <li>“Reasonable accommodation” analysis for availability and length</li> <li>Other accommodation options may eliminate need for leave.</li> <li>Undue hardship defense.</li> <li>Part-time leave available.</li> </ul>	<ul style="list-style-type: none"> <li>Unpaid unless company benefits available.</li> </ul>	<ul style="list-style-type: none"> <li>Return EE to same position (usually)</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 employees</li> </ul>

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<p><b>Kin Care Law</b> Labor Code §233</p>	<ul style="list-style-type: none"> <li>Family members (includes grandparents, grandchildren and siblings) or domestic partners with an illness, preventative care, or domestic violence issue.</li> </ul>	<ul style="list-style-type: none"> <li>All Employers</li> </ul>	<ul style="list-style-type: none"> <li>Up to one-half of accrued sick leave or PTO; max 6 months of accrual</li> </ul>	<ul style="list-style-type: none"> <li>Up to on-half of accrued sick leave or PTO; max 6 months of accrual</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> <li>ER shall not deny the EE the right to use sick leave, or discriminate against EE</li> </ul>
<p><b>California Workers Compensation Law</b></p>	<ul style="list-style-type: none"> <li>Employee must have sustained an injury arising out of employment and during the course of employment.</li> </ul>	<ul style="list-style-type: none"> <li>All Employers</li> </ul>	<ul style="list-style-type: none"> <li>No less than given to other employees (non-discrimination requirement pursuant to Labor Code §132a)</li> <li>Until Permanent &amp; Stationery / maximum medical improvement.</li> <li>Exceptions relating to business necessity.</li> </ul>	<ul style="list-style-type: none"> <li>Employee may use accrued sick pay or PTO; leave unpaid if consistent with employees on other types of leaves.</li> </ul>	<ul style="list-style-type: none"> <li>Refrain from termination for time unable to work unless demonstrate business necessity (potential Labor Code §132a and Serious &amp; willful claims)</li> <li>Explore any modified or alternative work</li> <li>Maintain Health Insurance for same period of time as other disabled employees</li> </ul>
<p><b>Jury Duty Leave</b> Labor Code §230(a)</p>	<ul style="list-style-type: none"> <li>Required by law to serve on jury (receipt of a jury summons).</li> </ul>	<ul style="list-style-type: none"> <li>All Employers</li> </ul>	<ul style="list-style-type: none"> <li>Time to complete jury service</li> </ul>	<ul style="list-style-type: none"> <li>EE may use vacation, personal leave, or compensatory time off</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 reasonable advance notice</li> </ul>

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<p><b>Witness Duty Leave</b> Labor Code §230(b)</p>	<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 Employers</li> </ul>	<ul style="list-style-type: none"> <li>• Time to appear in court</li> </ul>	<ul style="list-style-type: none"> <li>• EE may use vacation, personal leave, or compensatory time off</li> </ul>	<ul style="list-style-type: none"> <li>• ER may not discharge, retaliate or discriminate against EE</li> </ul>
<p><b>Crime Victim Leave</b> Labor Code §§ 230(b) &amp; 230.2</p>	<ul style="list-style-type: none"> <li>• EE who is 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 may elect to use accrued paid vacation time, personal leave time, sick leave time, compensatory time off</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> <li>• ER may not discharge, retaliate or discriminate against EE</li> </ul>
<p><b>Domestic Violence, Sexual Assault, Stalking or Other Crime Victim Leave</b> Labor Code §§230(c) &amp; 230.1</p>	<ul style="list-style-type: none"> <li>• For court hearings;</li> <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> <li>• Workplace accommodation also may be required</li> </ul>	<ul style="list-style-type: none"> <li>• Generally, all employers</li> <li>• 25 or more EEs for absences other than court hearings</li> </ul>	<ul style="list-style-type: none"> <li>• Time to obtain relief</li> </ul>	<ul style="list-style-type: none"> <li>• EE may use vacation, personal leave, or compensatory time off</li> <li>• Qualifies for use under California Paid Sick Leave</li> </ul>	<ul style="list-style-type: none"> <li>• EE give reasonable advance notice, unless not feasible</li> <li>• ER must maintain confidentiality</li> <li>• Unscheduled leave requires certification within a reasonable time after the absence</li> <li>• ER may not discharge, retaliate or discriminate against EE</li> <li>• Must provide reasonable accommodations for the safety of the victim while at work</li> </ul>

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<p><b>Military Leave</b> (Uniformed Services Employment and Re-employment Rights Act (USERRA))</p>	<ul style="list-style-type: none"> <li>• Past or present member of the uniformed services;</li> <li>• Have applied for membership in the uniform services; or</li> <li>• Are obligated to serve in the uniformed services</li> </ul>	<ul style="list-style-type: none"> <li>• All Employers</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>• Unpaid unless EE elects to substitute paid leave such as vacation or PTO.</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>
<p><b>Military Spouse Leave</b> Cal. Military &amp; Veterans Code §395.10</p>	<ul style="list-style-type: none"> <li>• Spouse is married to member of U.S. Armed Forces, Reserves, or National Guard</li> <li>• Member of military is on leave from a “qualified deployment” as defined in the statute.</li> </ul>	<ul style="list-style-type: none"> <li>• EE works at least 20 hours per week</li> <li>• 25 or more EEs</li> </ul>	<ul style="list-style-type: none"> <li>• 10 days in a qualified leave period (i.e., the period during which the EE’s spouse is on leave from deployment during a period of military conflict)</li> </ul>	<ul style="list-style-type: none"> <li>• Unpaid unless EE elects to substitute paid leave such as vacation or PTO.</li> </ul>	<ul style="list-style-type: none"> <li>• EE to provide at least 2 days advance notice from the date he/she received “official notice” of military member’s leave from deployment.</li> <li>• Cumulative with “regular” FMLA leave, for a combined maximum of 26 weeks/yr.</li> </ul>
<p><b>Bereavement Leave</b> Gov’t Code 12945.7 (Effective 1/1/23)</p>	<ul style="list-style-type: none"> <li>• Bereavement leave upon death of a family member.</li> </ul>	<ul style="list-style-type: none"> <li>• 30 days of employment or more.</li> </ul>	<ul style="list-style-type: none"> <li>• Up to 5 days (need not be consecutive)</li> <li>• Take within 3 months of death.</li> <li>• For family members: spouse, child, parent, sibling, grandparent, grandchild, domestic partner, parent-in-law.</li> </ul>	<ul style="list-style-type: none"> <li>• Unpaid unless company benefits available.</li> <li>• EE right to use vacation, sick or PTO.</li> </ul>	<ul style="list-style-type: none"> <li>• ER may request documentation of death of family member, e.g. death certificate, published obituary, documentation from mortuary, funeral home, religious institution, or like.</li> <li>• Must maintain confidentiality.</li> </ul>

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<p><b>Family Military Leave</b> (under FMLA)</p>	<ul style="list-style-type: none"> <li>• EE has spouse, son, daughter, parent or “next of kin” who is a servicemember or veteran.</li> <li>• Servicemember includes any branch of armed forces.</li> <li>• Servicemember receiving medical treatment for serious illness or injury from line of duty, or family member time off to deal with “qualified exigency.”</li> <li>• Veterans: treatment within five years of service.</li> </ul> <p>*NOTE: Effective 1/1/21 CFRA also covers “military</p>	<ul style="list-style-type: none"> <li>• Same as with "regular" FMLMA</li> </ul>	<ul style="list-style-type: none"> <li>• 26 weeks per year relating to injury or illness of service-member.</li> <li>• 12 weeks for “qualified exigency” (basically, activities related to deployment).</li> </ul>	<ul style="list-style-type: none"> <li>• Same as with "regular" FMLA</li> </ul>	<ul style="list-style-type: none"> <li>• Maintain Health Insurance for 26 weeks</li> <li>• Return EE to same or equivalent position</li> </ul>
<p><b>School Activity Leave</b> Labor Code §§ 230.7 &amp; 230.8</p>	<ul style="list-style-type: none"> <li>• EE is parent, grandparent or guardian of children in licensed day care, kindergarten or grades 1 to 12</li> <li>• EE takes time to participate in school activities, school emergency, or enrolling child.</li> <li>• Also: LC 230.7 provides leave for EE required to attend school pursuant to a suspension per Ed. Code 48900.1.</li> </ul>	<ul style="list-style-type: none"> <li>• 25 or more EEs</li> </ul>	<ul style="list-style-type: none"> <li>• Up to 40 hours a year, no more than 8 hours each month</li> </ul>	<ul style="list-style-type: none"> <li>• EE shall utilize vacation, personal leave, compensatory time off, or may utilize time without pay</li> </ul>	<ul style="list-style-type: none"> <li>• EE must give reasonable notice</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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<p><b>Voting Leave</b> Cal. Elec. Code §14000</p>	<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 Employers</li> </ul>	<ul style="list-style-type: none"> <li>• Enough working time to vote, when combined with available time off shift</li> </ul>	<ul style="list-style-type: none"> <li>• 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>
<p><b>Literary Education Leave</b> Labor Code §§1040-1044</p>	<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 not required to provide time off with pay for program</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 can't terminate if EE satisfactorily performs work</li> </ul>
<p><b>California Civil Air Patrol</b> Labor Code §1500</p>	<ul style="list-style-type: none"> <li>• Emergency call to duty by California Wing of the Civil Air Patrol</li> <li>• Volunteer members of California Wing of the Civil Air Patrol</li> </ul>	<ul style="list-style-type: none"> <li>• Employed for at least 90 days</li> <li>• 15 or more EEs</li> </ul>	<ul style="list-style-type: none"> <li>• Three days of leave per event, and a total of 10 days per calendar year.</li> </ul>	<ul style="list-style-type: none"> <li>• Employer may provide paid leave</li> <li>• ER shall not require EE to exhaust all accrued vacation, personal leave, compensatory leave, sick leave, disability leave or other available leave</li> </ul>	<ul style="list-style-type: none"> <li>• EE gives as much notice as possible</li> <li>• ER may require certification</li> <li>• Reinstatement to same or equivalent position</li> </ul>

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<p><b>Paid Sick Leave</b> Labor Code 245 et seq.</p> <p><u>Note:</u> Numerous local ordinances in CA also provide sick pay rights.</p> <p><u>Also Note:</u> Certain COVID-19 sick pay rights may also apply (set to expire 12/31/22)</p>	<ul style="list-style-type: none"> <li>• Leave can be used for employee’s own health condition, or a family member’s condition (includes parents, children (any age) spouses and registered domestic partners, grandparents and grandchildren, and sibling).</li> <li>• Effective 1/1/23, family also includes one “designated person” each 12 months period.</li> <li>• Includes preventative care.</li> <li>• Victims of sexual assault, stalking, domestic violence.</li> <li>• Bereavement Leave</li> </ul>	<ul style="list-style-type: none"> <li>• Applies to all ERs (certain union carve outs)</li> <li>• EE for at least 30 days within the state of California (accrual begins on day one of employment.)</li> <li>• EE entitled to start using accrued leave time upon completion of 90 days of employment.</li> <li>• Applies to full time, part time and temporary EEs</li> <li>• Applies to exempt and non-exempt employees</li> </ul>	<ul style="list-style-type: none"> <li>• See pay entitlement</li> <li>• Minimum use increment cannot exceed 2 hours.</li> <li>• Employer may cap use at 24 hours per year.</li> <li>• Employer may cap accrual at 48 hours per year.</li> </ul> <p>Note: Some local city ordinances require additional benefits.</p>	<ul style="list-style-type: none"> <li>• (1) One hour of paid sick leave for every 30 hours worked, or per-pay period if given at least 24 hours by 120th day; or (2) lump sum 24 hours per year.</li> <li>• Paid out at “regular rate” of pay for workweek, or a 90 day average. Exempt employees paid at rate otherwise specified for PTO.</li> </ul>	<ul style="list-style-type: none"> <li>• ER to distribute Labor Code 2810.5 notice to all employees, designating type of sick pay benefits.</li> <li>• ER to specify amount of paid sick time available for use on paystub or other document for each pay period.</li> <li>• EE must provide reasonable advance notice of the need to use the paid sick leave; notice as soon as practicable if unforeseeable.</li> <li>• Sick pay need not be cashed out upon termination (unless it is PTO).</li> <li>• ER may not discriminate or retaliate against EE who exercises rights.</li> <li>• ER may not require EE to find a substitute.</li> </ul>



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<b>Volunteer Emergency Personnel Leave</b> Labor Code §§230.3 & 230.4	<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 not to exceed 14 days per calendar year</li> </ul>	<ul style="list-style-type: none"> <li>• Pay not addressed by statute</li> </ul>	<ul style="list-style-type: none"> <li>• ER may not discharge, demote, suspend or discriminate against EE</li> </ul>
<b>Alcohol / Drug Rehabilitation Leave</b> Labor Code §§1025-1028	<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 not required to provide time off with pay, but EE may use sick leave</li> </ul>	<ul style="list-style-type: none"> <li>• ER shall reasonably accommodate EE, provided it doesn't impose undue hardship on ER</li> </ul>
<b>Bone Marrow / Organ Donor Leave</b> Labor Code §§1508-12	<ul style="list-style-type: none"> <li>• Leave taken to donate organ or bone marrow.</li> </ul>	<ul style="list-style-type: none"> <li>• 15 or more EEs</li> </ul>	<ul style="list-style-type: none"> <li>• Up to 30 business days/year of paid leave for organ donation; plus an additional 30 days of unpaid leave.</li> <li>• Up to 5 business days per year for bone marrow donation</li> <li>• Can be taken in increments.</li> </ul>	<ul style="list-style-type: none"> <li>• ER may require use of PTO, max 2 weeks for organ, 5 days for bone marrow.</li> </ul>	<ul style="list-style-type: none"> <li>• EE to provide written verification that EE is a donor and there is a medical necessity for the donation</li> <li>• Health care maintained</li> <li>• Reinstatement to same job, no break in service.</li> <li>• No discrimination, retaliation.</li> <li>• Not concurrent FMLA/</li> </ul>

*The information presented herein is intended as a brief overview of the law and is not intended to substitute as legal advice. Any questions or concerns regarding any statute or case law should be addressed to a licensed attorney.*