

LEGAL UPDATE

California Expands Family and Medical Leave Under the CFRA

Effective Jan. 1, 2021, amendments to the California Family Rights Act (CFRA) expand the law's leave requirements to cover employers with at least five employees, provide new grounds for leave and remove leave limits.

The CFRA

The CFRA provides 12 weeks of unpaid, job-protected leave to otherwise eligible employees to bond with a new child or to care for themselves, a child, a parent or a spouse. The law currently applies to government employers and employers with **50 or more employees** (20 for child bonding) **within 75 miles** of the worksite where the employee requesting the leave is employed.

When parents of a child work for the same employer, they are limited to a combined amount of 12 weeks of child-related leave. In addition, in some cases, employers may deny job reinstatement to high-paid employees.

CFRA Amendments

In a major change, the amendments increase which employers are covered under the CFRA by:

- Applying the law to employers with **five or more** employees; and
- Eliminating the 75-mile requirement.

The amendments also change the law to allow employee leave to care for grandparents, grandchildren, siblings, and domestic partners and their children, and for exigencies related to a family member's active military duty. Parents who work for the same employer will now **each** be allowed to take 12 weeks of child-related leave.

Finally, the amendments eliminate the job reinstatement exemption for salaried employees in the highest-paid 10% of the employer's employees.

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Highlights

CFRA Leave Will Apply to Small Employers

Recent amendments lower the threshold to at least five employees.

More Family Members Included as Reason for Leave

Grandparents, grandchildren, siblings, and domestic partners and their children were added to definitions.

Parents Allowed Full Leave

Parents employed by the same employer are each allowed 12 weeks of leave.

The amendments expand CFRA leave in a number of ways, including by eliminating the 75-mile requirement.



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