

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

Abbreviation Key: ER = employer; EE = employee.

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<p>Americans with Disabilities Act (ADA)</p>	<ul style="list-style-type: none"> • Physical or mental disability that substantially limits a major life activity. • “Qualified individual” with a disability who can perform the essential duties of a job with or without reasonable accommodation 	<ul style="list-style-type: none"> • 15 or more Ees • No waiting period 	<ul style="list-style-type: none"> • Evaluation on a case by case basis, where a leave would be effective in returning a disabled EE to work • “Reasonable accommodation” analysis for availability and length • Other accommodation options may eliminate need for leave. • Undue hardship defense. • Part-time leave available. 	<ul style="list-style-type: none"> • Unpaid unless company benefits available. 	<ul style="list-style-type: none"> • Return EE to same position (usually) • Engage in interactive process to determine whether a reasonable accommodation exists • Maintain Health Insurance for same period of time as other disabled employees
<p>California Fair Employment & Housing Act (FEHA) Cal. Gov. Code §12940</p>	<ul style="list-style-type: none"> • Physical or mental disability that limits a major life activity (i.e., condition makes a major life activity more difficult) • EE with a disability who can perform the essential job duties of a job w/ or w/o reasonable accommodation 	<ul style="list-style-type: none"> • 5 or more EEs • No waiting period. 	<ul style="list-style-type: none"> • Evaluation on a case by case basis, where a leave would be effective in returning a disabled EE to work • “Reasonable accommodation” analysis for availability and length • Other accommodation options may eliminate need for leave. • Undue hardship defense. • Part-time leave available. 	<ul style="list-style-type: none"> • Unpaid unless company benefits available. 	<ul style="list-style-type: none"> • Return EE to same position (usually) • 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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<p>Kin Care Law Labor Code §233</p>	<ul style="list-style-type: none"> Family members (includes grandparents, grandchildren and siblings) or domestic partners with an illness, preventative care, or domestic violence issue. 	<ul style="list-style-type: none"> All Employers 	<ul style="list-style-type: none"> Up to one-half of accrued sick leave or PTO; max 6 months of accrual 	<ul style="list-style-type: none"> Up to on-half of accrued sick leave or PTO; max 6 months of accrual 	<ul style="list-style-type: none"> Apply consistent with sick leave policy, if offered Return EE to same or equivalent position ER shall not deny the EE the right to use sick leave, or discriminate against EE
<p>California Workers Compensation Law</p>	<ul style="list-style-type: none"> Employee must have sustained an injury arising out of employment and during the course of employment. 	<ul style="list-style-type: none"> All Employers 	<ul style="list-style-type: none"> No less than given to other employees (non-discrimination requirement pursuant to Labor Code §132a) Until Permanent & Stationery / maximum medical improvement. Exceptions relating to business necessity. 	<ul style="list-style-type: none"> Employee may use accrued sick pay or PTO; leave unpaid if consistent with employees on other types of leaves. 	<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 any modified or alternative work Maintain Health Insurance for same period of time as other disabled employees
<p>Jury Duty Leave Labor Code §230(a)</p>	<ul style="list-style-type: none"> Required by law to serve on jury (receipt of a jury summons). 	<ul style="list-style-type: none"> All Employers 	<ul style="list-style-type: none"> Time to complete jury service 	<ul style="list-style-type: none"> EE may use vacation, personal leave, or compensatory time off 	<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 reasonable advance notice

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<p>Witness Duty Leave Labor Code §230(b)</p>	<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 	<ul style="list-style-type: none"> • Time to appear in court 	<ul style="list-style-type: none"> • EE may use vacation, personal leave, or compensatory time off 	<ul style="list-style-type: none"> • ER may not discharge, retaliate or discriminate against EE
<p>Crime Victim Leave Labor Code §230.2</p>	<ul style="list-style-type: none"> • EE who is victim of a crime • 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 • Includes certain violent felonies, serious felonies, and felony theft or embezzlement. 	<ul style="list-style-type: none"> • All Employers 	<ul style="list-style-type: none"> • Time to attend judicial proceedings 	<ul style="list-style-type: none"> • EE may elect to use accrued paid vacation time, personal leave time, sick leave time, compensatory time off 	<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 • ER may not discharge, retaliate or discriminate against EE
<p>Domestic Violence, Sexual Assault, Stalking or Other Crime Victim Leave FEHA 12945.8</p>	<ul style="list-style-type: none"> • EE who is victim of a qualifying violent crime, or who's family member is a victim. • For court hearings; • For medical attention; • To obtain services from a program; • To participate in a safety course; or • To ensure welfare of victim also may be required 	<ul style="list-style-type: none"> • All Employers 	<ul style="list-style-type: none"> • 12 weeks for Qualifying Act of Violence victim • 5 days for relocation or enrolling of child in a new school. • 10 days when family member is a crime victim (non-fatal) • May run concurrently with CFRA/FMLA 	<ul style="list-style-type: none"> • EE may use vacation, personal leave, or compensatory time off • Qualifies for use under California Paid Sick Leave 	<ul style="list-style-type: none"> • EE give reasonable advance notice, unless not feasible • ER must maintain confidentiality • Unscheduled leave requires certification within a reasonable time after the absence • ER may not discharge, retaliate or discriminate against EE • Must provide reasonable accommodations for the safety of the victim while at work

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<p>Military Leave (Uniformed Services Employment and Re-employment Rights Act (USERRA))</p>	<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 	<ul style="list-style-type: none"> • EE protected for a cumulative total of 5 years while providing service 	<ul style="list-style-type: none"> • Unpaid unless EE elects to substitute paid leave such as vacation or PTO. 	<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
<p>Military Spouse Leave Cal. Military & Veterans Code §395.10</p>	<ul style="list-style-type: none"> • Spouse is married to member of U.S. Armed Forces, Reserves, or National Guard • Member of military is on leave from a “qualified deployment” as defined in the statute. 	<ul style="list-style-type: none"> • EE works at least 20 hours per week • 25 or more EEs 	<ul style="list-style-type: none"> • 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) 	<ul style="list-style-type: none"> • Unpaid unless EE elects to substitute paid leave such as vacation or PTO. 	<ul style="list-style-type: none"> • EE to provide at least 2 days advance notice from the date he/she received “official notice” of military member’s leave from deployment. • Cumulative with “regular” FMLA leave, for a combined maximum of 26 weeks/yr.

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<p>Bereavement Leave Gov't Code 12945.7 (Effective 1/1/23)</p>	<ul style="list-style-type: none"> • Bereavement leave upon death of a family member. 	<ul style="list-style-type: none"> • Employers with 5 or more employees • 30 days of employment or more. 	<ul style="list-style-type: none"> • Up to 5 days (need not be consecutive) • Take within 3 months of death. • For family members: spouse, child, parent, sibling, grandparent, grandchild, domestic partner, parent-in-law. 	<ul style="list-style-type: none"> • Unpaid unless company benefits available. • EE right to use vacation, sick or PTO. 	<ul style="list-style-type: none"> • ER may request documentation of death of family member, e.g. death certificate, published obituary, documentation from mortuary, funeral home, religious institution, or like. • Must maintain confidentiality.
<p>Reproductive Loss Leave Gov't Code 12945.6 (Effective 1/1/24)</p>	<ul style="list-style-type: none"> • Reproductive Loss Event, which includes a failed adoption, failed surrogacy, miscarriage, stillbirth or an unsuccessful assisted reproduction. 	<ul style="list-style-type: none"> • Employers with 5 or more employees. • 30 days of employment or more 	<ul style="list-style-type: none"> • Up to 5 days per event. • Days off need not be consecutive, but taken within 3 months of event. • If more than one event in 12 months, must grant up to 20 days within a 12 month period. 	<ul style="list-style-type: none"> • Unpaid, unless the company provides benefits. • EE right to use accrued vacation, sick or PTO. 	<ul style="list-style-type: none"> • If after a reproductive loss the employee first takes CFRA or PDL leave, the employee may take Reproductive Loss Leave within 3 months of the end of that first leave. • Must maintain confidentiality.

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<p>Family Military Leave (under FMLA)</p>	<ul style="list-style-type: none"> • EE has spouse, son, daughter, parent or “next of kin” who is a servicemember or veteran. • Servicemember includes any branch of armed forces. • Servicemember receiving medical treatment for serious illness or injury from line of duty, or family member time off to deal with “qualified exigency.” • Veterans: treatment within five years of service. <p>*NOTE: Effective 1/1/21 CFRA also covers “military</p>	<ul style="list-style-type: none"> • Same as with "regular" FMLMA 	<ul style="list-style-type: none"> • 26 weeks per year relating to injury or illness of servicemember. • 12 weeks for “qualified exigency” (basically, activities related to deployment). 	<ul style="list-style-type: none"> • Same as with "regular" FMLA 	<ul style="list-style-type: none"> • Maintain Health Insurance for 26 weeks • Return EE to same or equivalent position
<p>School Activity Leave Labor Code §§ 230.7 & 230.8</p>	<ul style="list-style-type: none"> • EE is parent, grandparent or guardian of children in licensed day care, kindergarten or grades 1 to 12 • EE takes time to participate in school activities, school emergency, or enrolling child. • Also: LC 230.7 provides leave for EE required to attend school pursuant to a suspension per Ed. Code 48900.1. 	<ul style="list-style-type: none"> • 25 or more EEs 	<ul style="list-style-type: none"> • Up to 40 hours a year, no more than 8 hours each month 	<ul style="list-style-type: none"> • EE shall utilize vacation, personal leave, compensatory time off, or may utilize time without pay 	<ul style="list-style-type: none"> • EE must give reasonable notice • ER can require documentation of participation in school activity • ER may not discharge, retaliate or discriminate against EE

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<p>Voting Leave Cal. Elec. Code §14000</p>	<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 	<ul style="list-style-type: none"> • Enough working time to vote, when combined with available time off shift 	<ul style="list-style-type: none"> • 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
<p>Literary Education Leave 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 	<ul style="list-style-type: none"> • Reasonable time 	<ul style="list-style-type: none"> • ER not required to provide time off with pay for program 	<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 can't terminate if EE satisfactorily performs work
<p>California Civil Air Patrol Labor Code §1500</p>	<ul style="list-style-type: none"> • Emergency call to duty by California Wing of the Civil Air Patrol • Volunteer members of California Wing of the Civil Air Patrol 	<ul style="list-style-type: none"> • Employed for at least 90 days • 15 or more EEs 	<ul style="list-style-type: none"> • Three days of leave per event, and a total of 10 days per calendar year. 	<ul style="list-style-type: none"> • Employer may provide paid leave • ER shall not require EE to exhaust all accrued vacation, personal leave, compensatory leave, sick leave, disability leave or other available leave 	<ul style="list-style-type: none"> • EE gives as much notice as possible • ER may require certification • Reinstatement to same or equivalent position

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<p>Paid Sick Leave Labor Code 245 et seq.</p> <p><u>Note:</u> Numerous local ordinances in CA also provide sick pay rights.</p>	<ul style="list-style-type: none"> • 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). • Family also includes one “designated person” each 12 months period. • Includes preventative care. • Victims of sexual assault, stalking, domestic violence or other qualifying violent crimes. • Bereavement Leave 	<ul style="list-style-type: none"> • Applies to all ERs (certain union carve outs) • EE for at least 30 days within the state of California (accrual begins on day one of employment.) • EE entitled to start using accrued leave time upon completion of 90 days of employment. • Applies to full time, part time and temporary EEs • Applies to exempt and non-exempt employees 	<ul style="list-style-type: none"> • See pay entitlement • Minimum use increment cannot exceed 2 hours. • Employer may cap use at 40 hours / 5 days per year. • Employer may cap accrual at 80 hours / 10 days per year. <p>Note: Some local city ordinances require additional benefits.</p>	<ul style="list-style-type: none"> • (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 and 40 hours by 200th day; or (2) lump sum 40 hours per year (24 hours by the 120th day of the year, and the full 40 hours by the 200th day of the year). • Paid out at “regular rate” of pay for workweek, or a 90 day average. Exempt employees paid at rate otherwise specified for PTO. 	<ul style="list-style-type: none"> • ER to distribute Labor Code 2810.5 notice to all employees, designating type of sick pay benefits. • ER to specify amount of paid sick time available for use on paystub or other document for each pay period. • EE must provide reasonable advance notice of the need to use the paid sick leave; notice as soon as practicable if unforeseeable. • Sick pay need not be cashed out upon termination (unless it is PTO). • ER may not discriminate or retaliate against EE who exercises rights. • ER may not require EE to find a substitute.

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

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.