

FEDERAL AND CALIFORNIA LEAVE LAWS

| Law  | Qualifying Events  | Covered Employers  | Leave Entitlement  | Obligations   |
|--|--|--|--|---|
| <b>FMLA</b><br>Family Medical Leave Act                          | <ul style="list-style-type: none"> <li>▪ Baby Bonding</li> <li>▪ Family members with “Serious Health Condition”</li> <li>▪ EE’s “Serious Health Condition”</li> <li>▪ EE’s disability because of pregnancy</li> <li>▪ Active Duty</li> <li>▪ Injured Service Member</li> </ul> | <ul style="list-style-type: none"> <li>▪ 50 EEs w/i 75 miles</li> <li>▪ Employed 12 months</li> <li>▪ 1,250 hours in previous 12 months</li> </ul>     | 12 weeks, except 26 weeks for Injured Service Member Leave | <ul style="list-style-type: none"> <li>▪ Maintain Health Insurance for 12 weeks</li> <li>▪ Return EE to same or equivalent position</li> </ul>  |
| <b>CFRA</b><br>California Family Rights Act                      | <ul style="list-style-type: none"> <li>▪ Baby Bonding</li> <li>▪ Family members or domestic partner with “Serious Health Condition”</li> <li>▪ EE’s “Serious Health Condition”</li> </ul>  | <ul style="list-style-type: none"> <li>▪ 50 EEs w/i 75 miles</li> <li>▪ Employed 12 months</li> <li>▪ 1,250 hours in previous 12 months</li> </ul>     | 12 Weeks   | <ul style="list-style-type: none"> <li>▪ Maintain Health Insurance for 12 weeks</li> <li>▪ Return EE to same or equivalent position</li> </ul>  |
| <b>PDL</b><br>California Pregnancy Disability Law                | <ul style="list-style-type: none"> <li>▪ EE’s Disability because of pregnancy or birth</li> </ul>  | <ul style="list-style-type: none"> <li>▪ 5 or more EEs</li> </ul>  | 16 Weeks   | <ul style="list-style-type: none"> <li>▪ Maintain health insurance for only maximum of 12 weeks</li> <li>▪ 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.</li> </ul> |
| <b>ADA</b><br>Americans with Disabilities Act                    | <ul style="list-style-type: none"> <li>▪ “Qualified individual” with a disability who can perform the essential duties of a job w/ or w/o reasonable accommodation</li> <li>▪ Condition that <i>substantially</i> limits a major life activity</li> </ul>                      | <ul style="list-style-type: none"> <li>▪ 15 or more EEs</li> </ul>   | Case by case basis   | <ul style="list-style-type: none"> <li>▪ Return EE to same position</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>   |
| <b>FEHA</b><br>Fair Employment & Housing Act (Gov’t Code §12940) | <ul style="list-style-type: none"> <li>▪ “Qualified individual” with a disability who can perform the essential duties of a job w/ or w/o reasonable accommodation</li> <li>▪ Condition makes a major life activity more difficult (AB 2222)</li> </ul>                        | <ul style="list-style-type: none"> <li>▪ 5 or more EEs if physical disability at issue</li> <li>▪ 15 or more EEs if mental disability issue</li> </ul> | Case by case basis   | <ul style="list-style-type: none"> <li>▪ Return EE to same position</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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|--|---|--|--|---|
| <b>Bone Marrow /Organ Donation Leave</b><br>[Michelle Maykin Memorial Donation Protection Act]<br>(Labor Code 1508-1513) | <ul style="list-style-type: none"> <li>▪ EE who has exhausted all sick leave, may receive leave for organ and bone marrow donation</li> </ul>   | <ul style="list-style-type: none"> <li>▪ 15 or more employees</li> </ul> | <ul style="list-style-type: none"> <li>▪ 30 days for organ donation</li> <li>▪ 5 days for bone marrow</li> </ul> | <ul style="list-style-type: none"> <li>▪ Paid leave benefit</li> <li>▪ Not taken concurrent with FMLA/CFRA related leaves</li> <li>▪ Return EE to same or equivalent position</li> <li>▪ Can require EE use PTO, vacation, or sick benefits:                         <ul style="list-style-type: none"> <li>- up to 5 days for marrow donations</li> <li>- up to 2 weeks for organ donations</li> </ul> </li> </ul> |
| <b>Kin Care Law</b><br>(Labor Code 233)  | <ul style="list-style-type: none"> <li>▪ Family members or domestic partners with an illness</li> </ul>   | <ul style="list-style-type: none"> <li>▪ All Employers</li> </ul>        | Up to ½ accrued sick leave; max 6 months   | <ul style="list-style-type: none"> <li>▪ Paid leave benefits</li> <li>▪ Apply consistent with sick leave policy, if offered</li> <li>▪ Return EE to same or equivalent position</li> </ul>  |
| <b>Workers Compensation Law</b>  | <ul style="list-style-type: none"> <li>▪ Employee must have sustained an injury AOE and COE</li> </ul>  | <ul style="list-style-type: none"> <li>▪ All Employers</li> </ul>        | Until reach Maximum Medical Benefit (formerly permanent & stationary)  | <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 whether any modified or alternative work</li> <li>▪ Maintain Health Insurance for same period of time as other disabled employees</li> </ul>   |
| <b>Jury Duty</b><br>Labor Code 230 (a)   | <ul style="list-style-type: none"> <li>▪ Required by law to serve on a jury</li> </ul>  | <ul style="list-style-type: none"> <li>▪ All Employers</li> </ul>        | Time to complete jury service  | <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 advance notice</li> </ul>   |
| <b>Witness Duty</b><br>Labor Code 230 (b)  | <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>        | Time to appear in court  | <ul style="list-style-type: none"> <li>▪ ER may not discharge, retaliate or discriminate against EE</li> </ul>  |
| <b>Crime Victim</b><br>Labor Code 230.2  | <ul style="list-style-type: none"> <li>▪ EE who is a victim of a crime</li> <li>▪ 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</li> </ul> | <ul style="list-style-type: none"> <li>▪ 25 or more EEs</li> </ul>       | Time to attend judicial proceedings  | <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> </ul>   |
| <b>Domestic Violence Victim</b><br>Labor Code 230.1  | <ul style="list-style-type: none"> <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> </ul>                 | <ul style="list-style-type: none"> <li>▪ 25 or more EEs</li> </ul>       | Time to obtain relief  | <ul style="list-style-type: none"> <li>▪ EE must give advance notice</li> <li>▪ ER must maintain confidentiality</li> <li>▪ Unscheduled leave requires medical certification</li> <li>▪ ER may not discharge, retaliate or discriminate against EE</li> </ul>   |

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| <b>Military Leave (USERRA)</b>                        | <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>  | EE protected for a cumulative total of 5 years while providing service | <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> |
| <b>Military Leave (SSCRA)</b>                         | <ul style="list-style-type: none"> <li>▪ EE entering or called to active duty</li> <li>▪ Includes training or education</li> </ul>   | <ul style="list-style-type: none"> <li>▪ All employers</li> </ul>  | No maximum period of protected leave                                   | <ul style="list-style-type: none"> <li>▪ EE has 90 days after service to apply for reemployment</li> <li>▪ After reemployment ER may not discharge for 1 year without good cause</li> <li>▪ ER rehire to similar position</li> </ul>  |
| <b>School Activity (Labor Code 230.7 &amp; 230.8)</b> | <ul style="list-style-type: none"> <li>▪ EE has children in kindergarten or grades 1 to 12</li> <li>▪ EE takes time to participate in school activities</li> </ul>   | <ul style="list-style-type: none"> <li>▪ 25 or more EEs</li> </ul> | 40 hours a year, no more than 8 hours each month                       | <ul style="list-style-type: none"> <li>▪ EE must give advance notice</li> <li>▪ EE shall utilize vacation, personal leave or time off without pay</li> <li>▪ ER can require documentation of participation in school activity</li> <li>▪ ER may not discharge, retaliate or discriminate against EE</li> </ul>              |
| <b>Volunteer Firefighter (Labor Code 230.3)</b>       | <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> | Time to perform emergency duty   | <ul style="list-style-type: none"> <li>▪ ER may not discharge, demote, suspend or discriminate against EE</li> </ul>  |
| <b>Alcohol Drug Rehab (Labor Code 1025-1028)</b>      | <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> | Time to complete program   | <ul style="list-style-type: none"> <li>▪ ER shall reasonably accommodate EE, provided it doesn't impose undue hardship on ER</li> <li>▪ ER must maintain confidentiality</li> <li>▪ ER not required to provide time off with pay</li> </ul>   |
| <b>Voting (Cal. Elec. Code 14000)</b>                 | <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>  | Enough working time to vote, 2 hours maximum of paid time off          | <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>   |

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| <b>Literacy Education</b><br>(Labor Code 1040-1044)  | <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>       | Reasonable time  | <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 not required to provide time off with pay for program</li> <li>▪ ER can't terminate if EE satisfactorily performs work</li> </ul>   |
| <b>Bone Marrow /Organ Donation Leave</b><br>[Michelle Maykin Memorial Donation Protection Act]<br>(Labor Code 1508-1513) | <ul style="list-style-type: none"> <li>▪ EE who has exhausted all sick leave, may receive leave for organ and bone marrow donation</li> </ul>                         | <ul style="list-style-type: none"> <li>▪ 15 or more employees</li> </ul> | <ul style="list-style-type: none"> <li>▪ 30 days for organ donation</li> <li>▪ 5 days for bone marrow</li> </ul> | <ul style="list-style-type: none"> <li>▪ Paid leave benefit</li> <li>▪ Not taken concurrent with FMLA/CFRA related leaves</li> <li>▪ Return EE to same or equivalent position</li> <li>▪ Can require EE use PTO, vacation, or sick benefits:                         <ul style="list-style-type: none"> <li>- up to 5 days for marrow donations</li> <li>- up to 2 weeks for organ donations</li> </ul> </li> </ul> |

Key

“EE” = Employee

“ER” = Employer