



News & Types: Client Advisories

California Requires Employers with Five or More Employees to Provide 12-Weeks of Leave

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By: Frank J. Del Barto

Practices: Employment, Labor & Benefits

EXECUTIVE SUMMARY

On September 17, 2020, California Governor Newsom signed SB 1383 into law significantly expanding eligibility for family care and medical leave under the California Family Rights Act (“CFRA”). These changes are effective January 1, 2021.

Currently, the CFRA makes it an unlawful employment practice for any employer with fifty (50) or more employees to refuse to grant a leave request by an employee who has at least 1,250 hours of service with the employer during the previous 12-month period. Under current law, that employee may take up to 12 workweeks of unpaid protected leave during any 12-month period to bond with a new child of theirs or to care for themselves, a child, a parent or spouse. In addition, the CFRA currently authorizes an employer to refuse the request if there are fewer than 50 employees living within 75 miles of the worksite or if the employee's salary is among the highest 10% of all employees.

Effective January 1, 2021, the CFRA applies to all employers with five (5) or more employees and provides some significant eligibility and coverage enhancements which will require HR professionals to update their leave policies and understand how these changes interact with other leave laws, and vacation and sick day entitlements. On Thursday, November 19, 2020, we will be conducting an interactive webinar to review the law, the required administrative changes and answer any questions.

KEY CHANGES TO THE CFRA - EFFECTIVE JANUARY 1, 2021

1. The CFRA applies to employers with five (5) or more (versus 50 or more) employees. In addition, the requirement that there are at least 50 employees living within 75 miles of the worksite where that employee is employed no longer applies.

2. In addition to taking leave for the serious health conditions of a spouse, parent or child, an eligible employee can also take leave for the serious health conditions of a grandparent, grandchild, sibling or domestic partner.
3. Each parent is permitted to take 12 weeks of family and medical leave to bond with a new child, adopted child or foster care placement if both parents work for the same employer.
4. An employer cannot refuse to reinstate a salaried employee who is among the highest 10% of the employer's employees.
5. Leave is permitted for qualifying military exigencies related to a call to active duty of an employee's spouse, domestic partner, child or parent in the Armed Forces of the United States.