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California Expands Family and Medical Leave Entitlements Under CFRA

Background

Under the existing law, the California Family Rights Act (CFRA) provides eligible employees with 12 weeks of unpaid job-protected leave for the purposes of bonding with a new child or caring for themselves, a child, a parent, or a spouse. The law currently applies to government employers and employers who have 50 or more employees (note: for the purposes of child bonding it is 20 or more employees), within a 75-mile radius of the worksite where the worker requesting leave is employed.

Summary

Expansion of Leave Under New Amendments

Effective January 1, 2021, [amendments](#) to the California Family Rights Act (CFRA) will expand the state's leave requirements to:

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- Include employers who have at least five employees
- Allow an employee to take leave to care for grandparents, grandchildren, siblings, and domestic partners and their children, as well as needs related to a family member's active military duty
- Allow parents who work for the same employer to **each** take 12 weeks of child-related leave, as opposed to the current requirement of a combined total of 12 weeks

In addition, the leave eliminates some previous requirements:

- The 75-mile radius worksite requirement
- The CFRA's job reinstatement exemption for salaried employees in the highest-paid 10% of the workforce

Please note that the definition of an employee remains the same:

- An individual who has at least 1,250 hours of service with the employer during the previous 12-month period, unless otherwise provided

Employer Next Steps

- You can find a helpful summary of California employee leave laws [here](#).
- Update any leave policies you may have with the new amendments.
- If you are a Full-Service or Virtual HR client and would like our assistance with updating your policy, please [email us](#).

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