



Civil Rights
Department
STATE OF CALIFORNIA

EXPANDED FAMILY AND MEDICAL LEAVE IN CALIFORNIA

The California Family Rights Act (CFRA) provides most employees in California with the right to take up to 12 weeks off work to care for themselves or their family members with a serious health condition, or to bond with a new child. Employees returning to work after taking CFRA leave are entitled to their same or a comparable position, among other job protections. The Civil Rights Department (CRD), which enforces CFRA, created this factsheet to help employees and employers understand recent changes to CFRA.

CHANGES TO CFRA - EFFECTIVE JANUARY 1, 2023

Leave expanded to include “designated persons”: Starting in 2023, employees can use some or all of their 12 weeks of CFRA leave to care for an additional “designated person” with a serious health condition. A designated person can be any person related by blood to the employee – such as the employee’s aunt, uncle, or cousin. A designated person can also be any person who is like family to the employee, such as the employee’s unmarried partner or best friend (when in a relationship equivalent to family). The employee may identify the designated person at the time they request leave from work. Employers have the right to limit employees to using CFRA leave to care for one designated person per 12-month period.

ADDITIONAL RECENT CHANGES – EFFECTIVE JANUARY 1, 2021

- 1. Employers of 5 or more employees covered by CFRA:** Starting January 1, 2021, California expanded CFRA’s scope includes private employers with 5 or more employees and employees. CFRA also applies to California state and local governments as employers.
- 2. Worksite mileage limitation eliminated:** CFRA no longer requires employers to have at least 50 employees within 75 miles of the employee’s worksite for an employee to be eligible for CFRA leave.
- 3. Circumstances for CFRA leave expanded:** Eligible employees can take up to 12 weeks of CFRA leave to care for their own serious health condition; care for certain family members’ serious health condition; or to bond with a new child (by birth, adoption, or foster placement). In addition, CFRA leave covers certain individuals and instances related to service in the U.S. Armed Forces, as specified in Section 3302.2 of the Unemployment Insurance Code.
- 4. Types of family members expanded:** Employees may take leave to care for additional family members, including: an adult child, child of a domestic partner, grandparent, grandchild, or sibling. Thus, under the law as of 2023, eligible employees may take CFRA leave for a child, spouse, domestic partner, parent, parent-in-law, grandparent, grandchild, sibling, or someone else related by blood or in a family-like relationship (“designated person”) with a serious health condition.
- 5. Limitation on parents working for the same employer eliminated:** If both parents of a new child work for the same employer, parents do not have to “split” the 12 weeks of leave; each parent is entitled to up to 12 weeks of leave.

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- 6. *Small employer mediation program created:*** CFRA applies the same to covered employers regardless of size. However, CRD offers mediation to smaller employers (5-19 employees) and their employees to resolve any dispute over CFRA leave, before the employee can proceed with a court case. For more information about this program, please review CRD's [frequently asked questions](#). Employers and employees wishing to take advantage of CRD's mediation services should contact CRD at drdonlinerequests@dfeh.ca.gov.
- 7. *Exceptions eliminated:*** All employees who take CFRA leave have the same reinstatement rights. An exception for an employer's highest-paid employees was eliminated in 2021.

KEY CFRA PROVISIONS THAT ARE UNCHANGED

- 1. *When is an employee eligible for CFRA leave?*** An employee must have worked for the employer for more than 12 months and have worked at least 1,250 hours in the 12 months prior to their leave.
- 2. *What qualifies as a "serious health condition"?*** A serious health condition is an illness, injury, impairment, or physical or mental condition involving either (A) inpatient care in a hospital, hospice, or residential health care facility; or (B) continuing treatment or supervision by a health care provider.
- 3. *Does an employee get pay and benefits on CFRA leave?*** Employers may pay their employees while taking CFRA leave, but employers are not required to do so. Employees taking CFRA leave may be eligible for California's Paid Family Leave (PFL) program or State Disability Insurance (SDI), administered by the Employment Development Department (EDD). For information about using paid time off while on CFRA leave, see California Code of Regulations, Title 2, section 11092. Employers are required to continue the health benefits of an employee taking CFRA leave.
- 4. *How much notice must an employee provide to their employer?*** If the employee's need for CFRA leave is foreseeable, the employee must provide reasonable advance notice and, if due to a planned medical treatment or supervision, the employee must make a reasonable effort to schedule the treatment or supervision to avoid operational disruption, subject to the approval of the health care provider of the individual requiring the treatment or supervision. If the employee's need for CFRA leave is not foreseeable, for reasons such as a lack of knowledge of approximately when leave will be required to begin, or a medical emergency, notice must be given as soon as practicable or 15 days from the employer's request.
- 5. *May an employer require medical certification?*** An employer may require that an employee's request for leave for the employee's own health condition or to care for a family member who has a serious health condition be supported by a certification issued by the health care provider of the individual requiring care.
- 6. *Where can employees and employers find out more about CFRA leave?*** To learn more about CFRA, including applicable definitions, see Government Code section 12945.2 and California Code of Regulations, Title 2, sections 11087 - 11097. A variety of educational materials about CFRA and other forms of job-protected leave are also available at: calcivilrights.ca.gov/family-medical-pregnancy-leave/.

TO FILE A COMPLAINT

calcivilrights.ca.gov/complaintprocess
Toll Free: 800.884.1684 / TTY: 800.700.2320
California Relay Service (711)

For translations of this guidance, visit:
calcivilrights.ca.gov/posters/employment