

A Refresher on the California Family Rights Act

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At the start of 2021, California's family and medical leave law, the California Family Rights Act (CFRA), [expanded its coverage](#) to apply to smaller employers—from employers with 50 or more employees to those with just 5 or more employees. More recently, during the 2021 legislative session, California's governor signed legislation to [add "parent-in-laws" under the coverage of care for a family member](#).

Due to the continued expansion of CFRA, employers with California employees should refresh themselves with the basics as there are significant differences from the federal Family Medical Leave Act (FMLA).

Covered Employers

Employers with 5 or more employees must provide CFRA leave to eligible employees. Unlike FMLA there is no qualification as to where the employees work, e.g., within a 75-miles radius.

Covered Employees

Employees are eligible for leave for covered reasons under CFRA if they have been employed by the employer for at least 12 months and worked 1,250 hours of service within the last 12 months.

Covered Reasons for Leave

Under CFRA, eligible employees may take up to 12 weeks of unpaid, job-protected leave [for the following reasons](#):

- to bond with a newborn child or placement of a child in an employee's home for foster care or adoption;
- to care for a seriously ill family member;
- to recover from a worker's own serious illness ([except pregnancy-related disability](#)); or
- to address qualifying exigencies arising out of a family member's deployment.

The definition of a [family member](#) under CFRA includes:

- Child, including adult children
- Parent
- [Parent-in-law](#)
- Spouse or registered domestic partner
- Grandparents
- Grandchildren

Reinstatement Rights

After an employee completes a CFRA leave they must be reinstated to the same or comparable position. The position must be the same or close to the employee's position before leave, meaning a position that is virtually identical to the employee's original position in terms of pay, benefits, and working conditions, including privileges, prerequisites, and status.

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