



FAMILY AND MEDICAL LEAVE ACT (FMLA) FACT SHEET

The Family and Medical Leave Act (FMLA) allows "eligible" employees to take off up to 12 work weeks in any 12 month period for the birth or adoption of a child, to care for a family member, or if the employee themselves has serious health condition.

An "eligible" employee is an employee who has been employed by the employer for a least 12 months and worked at least 1,250 hours. The 12 months do not need to be consecutive. You are only an "eligible" employee if your employer employs 50 or more employees within 75 miles of the worksite.

FMLA can be taken on an intermittent basis allowing the employee to work on a less than full-time schedule.

The employee is entitled to have their benefits maintained, but they must continue to pay their portion during the leave. The employee also has the right to return to the same or equivalent position, pay, and benefits at the conclusion of their leave.

The eligible employee must provide 30 day advance notice for foreseeable events. The employer is allowed to ask the employee to obtain a certification from a medical provider testifying to the need for the employee to take the leave for themselves or for the family member. Upon completion of the leave the employer is allowed to require the employee to obtain a certification of fitness to return to work when the leave was due to the employee's own health concerns. The employer can delay the start of FMLA for 30 days if the employee does not provide advance notice, and/or until the employee can provide certification from a medical provider.

If you and your spouse both work for the same employer. You cannot each take 12 weeks off for the birth of a child, when adopting a child, or to care for a parent with a serious health condition.

For additional information on FMLA go to: <http://www.dol.gov/dol/topic/benefits-leave/fmla.htm>

CALIFORNIA FAMILY RIGHTS ACT (CFRA) CFRA Eligibility Requirements

An employee may take an unpaid leave for the birth of a child for purposes of bonding, for placement of a child in the employee's family for adoption or foster care, for the serious health condition of the employee's child, parent, or spouse, and for the employee's own serious health condition.

Health condition

Serious health condition means illness, injury (including on-the-job injuries), impairment, or physical or mental condition of the employee or a child, parent or spouse of the employee that involves either:

- In-patient care (i.e., an overnight stay) in a hospital, hospice, or residential health care facility
- Continuing treatment or supervision by a health care provider

Requirements employee must satisfy to be eligible to take a CFRA leave

To be eligible for CFRA leave, an employee must be either a full-time or part-time employee working in California, have more than 12 months (52 weeks) of service with the employer, have worked at least 1,250 hours in the 12-month period before the date the leave begins, and work at a location in which the employer has at least 50 employees within 75 miles radius of the employee's work site.