

# Family Care and Medical Leave: Quick Reference Guide

California law guarantees job-protected leave to eligible employees with a serious health condition, who are caring for a family member with a serious health condition, or to bond with a new child (by birth, adoption, or foster placement). This leave is referred to as the California Family Rights Act leave or CFRA leave. Employees also have federal rights to leave for their own or a family member's serious health condition or to bond with a new child, which are provided for by the Family and Medical Leave Act (FMLA). When both state and federal laws apply, the employee receives the benefit of the more protective law.

The Quick Reference Guide below concerns leave for an employee's own serious health condition or to care for a family member with a serious health condition. For information about job-protected leave for an employee who is disabled by pregnancy or to bond with a new child, visit [Leave for Pregnancy Disability and Child Bonding: Quick Reference Guide](#).

**California Family Rights Act Leave (CFRA)****Family & Medical Leave Act (FMLA)**

<b>I am eligible if:</b>	I have or a family member has a serious health condition, I have worked for my employer for 1+ year, I have 1250 hours of service in the past year, and my employer has 5+ employees. ( <i>Gov. Code, § 12945.2; Cal. Code Regs., tit. 2, § 11087</i> ).	I have or a family member has a serious health condition, I have worked for my employer for 1+ year, I have 1250+ hours of service in the past year, and 50+ employees work within 75 mile radius. ( <i>29 U.S.C. § 2611(2); 29 C.F.R. § 825.110</i> ).
<b>How much leave do I get?</b>	Up to 12 weeks per year for all CFRA purposes. ( <i>Cal. Code Regs., tit. 2, § 11090</i> ).	Up to 12 weeks per year for all FMLA purposes. ( <i>29 U.S.C. § 2612; 29 C.F.R. § 825.701</i> ).
<b>Which family members may I take leave for?</b>	An eligible employee may take job-protected leave to care for a child of any age, spouse, domestic partner, parent, grandparent, grandchild, or sibling with a serious health condition. "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of an employee or the employee's domestic partner, or a person to whom the employee stands in loco parentis. "Parent" includes a biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child.	An eligible employee may take job-protected leave to care for a child, spouse, or parent with a serious health condition.
<b>What is a serious health condition?</b>	A serious health condition is an illness, injury, or physical or mental condition that involves either inpatient care or continuing treatment by a healthcare provider. ( <i>Cal. Code Regs., tit. 2, § 11087</i> ).	A serious health condition is an illness, injury, or physical or mental condition that involves either inpatient care or continuing treatment by a healthcare provider. ( <i>29 U.S.C. § 2611(11); 29 CFR § 825.113</i> ).
<b>Should I notify my employer when I'm going to take leave?</b>	Yes. Give your employer at least 30 days' notice if possible. ( <i>Cal. Code Regs., tit. 2, § 11091</i> ).	Yes. Give your employer at least 30 days' notice if possible. ( <i>29 U.S.C. § 2612(e)(1)</i> ).
<b>Am I required to take leave all at once?</b>	No. The leave does not need to be taken in one continuous period of time. ( <i>Cal. Code Regs., tit. 2, § 11090</i> ).	Maybe. You can take leave intermittently if medically necessary. Otherwise, you need the approval of your employer to take intermittent leave. ( <i>29 U.S.C. § 2612(b); 29 C.F.R. § 825.202(c)</i> ).
<b>Will I lose my job while on leave?</b>	No. You will be reinstated to your same or comparable job, except in limited circumstances unrelated to your leave (such as layoffs). ( <i>Cal. Code Regs., tit. 2, § 11089</i> ).	No. You will be reinstated to your same or comparable job, except in limited circumstances unrelated to your leave (such as layoffs). ( <i>29 U.S.C. § 2614(a); 29 C.F.R. § 825.214 &amp; 825.216</i> ).
<b>Will I be paid on leave?</b>	Maybe. You will be paid if your employer pays employees on CFRA leave, if you use accrued paid time off (such as vacation time), or if you apply to the California Employment Development Department (EDD) for <a href="#">State Disability Insurance (SDI)</a> or <a href="#">Paid Family Leave (PFL)</a> and qualify. ( <i>Cal. Code Regs., tit. 2, § 11092</i> ).	You will be paid if your employer pays employees on FMLA leave, if you use accrued paid time off (such as vacation time), or if you apply to EDD for SDI or PFL and qualify.

**California Family Rights Act Leave (CFRA)****Family & Medical Leave Act (FMLA)****Am I required to use sick/vacation time?**

*CFRA leave for self:*  
 If you are receiving State Disability Insurance for your own serious health condition, an employer may not require you to use accrued vacation or sick time. You may elect to supplement State Disability Insurance with accrued vacation or sick time. If you are not receiving State Disability Insurance, you may elect to use, and your employer may require you to use, accrued vacation and/or sick time.

*CFRA leave for family member:*  
 If you are receiving Paid Family Leave to care for the serious health condition of a family member, an employer may not require you to take accrued vacation time. You may elect to supplement Paid Family Leave with accrued vacation time or, if your employer agrees, sick time. If you are not receiving Paid Family Leave, you may elect to use it, and your employer may require you to use accrued vacation time, and you and your employer may agree that you can use sick time.

You may elect to use vacation time, sick leave, or paid time off. If you are on unpaid leave, your employer may require you to use vacation time, sick leave, or paid time off. (29 C.F.R. § 825.207).

**Will my employer continue to pay for my health coverage?**

Yes. Your employer must pay for the continuation of your group health benefits if your employer normally pays for those benefits. (Cal. Code Regs., tit. 2, § 11092).

Yes. Your employer must pay for the continuation of your group health benefits if your employer normally pays for those benefits. (29 U.S.C. § 2614(c); 29 C.F.R. § 825.209).

**Will I lose seniority or benefits?**

No. And, you may accrue seniority or benefits if your employer allows accrual for other forms of leave. (Cal. Code Regs., tit. 2, § 11092).

No. And, you may accrue seniority or benefits if your employer allows accrual for other forms of leave. (29 U.S.C. § 2614(a) (2); 29 C.F.R. § 825.209(h)).

**Do I need to provide a medical certification?**

Maybe. Your employer may require medical certification of a serious health condition. (Cal. Code Regs., tit. 2, § 11091).

Maybe. Your employer may require medical certification of a serious health condition. (29 U.S.C. § 2614(a)(4); 29 C.F.R. § 825.306).

\* This guidance is for informational purposes only, does not establish substantive policy or rights, and does not constitute legal advice.