

CALIFORNIA FAMILY RIGHTS ACT EXPANSION IMPACTS ALL EMPLOYERS WITH FIVE OR MORE EMPLOYEES

Beginning next year, 2021, the California Family Rights Act (“CFRA”) will greatly expand to include businesses with five or more employees. And, even for businesses that are already subject to CFRA, the scope of the leave rights are also larger. Here are the key changes to CFRA, which provides employees with up to 12 weeks of protected, unpaid leave to care for themselves, a family member or to bond with a new child:

1. CFRA now applies to private employers with five or more employees;
2. To qualify, employees only need to have worked for the employer for a year or more and 1,250 hours in the preceding 12 months. There is no longer a requirement that employees work at a location with 50 or more employees within 75 miles radius;
3. The definition of a “family member” now includes siblings, grandparents, grandchildren, domestic partners and adult children and children of domestic partners;
4. Both parents who work for the same employer may take up to 12 weeks to bond with a new child;
5. Removes the key employee exception. Employers may not now refuse to reinstate an employee returning from leave if the employee is salaried and amongst its highest paid 10%; and
6. Now also allows leave because of a qualifying exigency related to the covered active duty or

call to covered active duty of an employee’s spouse, domestic partner, child, or parent in the Armed Forces of the United States.

Employers should familiarize themselves with the new provisions of CFRA, and update their policies and handbooks. If you have any questions regarding the CFRA or need any other assistance, please do not hesitate to reach out to us. Donahue Fitzgerald’s [employment attorneys](#) are committed to providing your business with our best guidance and advice during these changing times.

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