



# LEGAL UPDATE

## California Expands Family and Medical Leave Under the CFRA

Effective Jan. 1, 2021, [amendments](#) to the California Family Rights Act (CFRA) expand the law's leave requirements to cover employers with at least five employees, provide new grounds for leave and remove leave limits.

### The CFRA

The CFRA provides 12 weeks of unpaid, job-protected leave to otherwise eligible employees to bond with a new child or to care for themselves, a child, a parent or a spouse. The law currently applies to government employers and employers with **50 or more employees** (20 for child bonding) **within 75 miles** of the worksite where the employee requesting the leave is employed.

When parents of a child work for the same employer, they are limited to a combined amount of 12 weeks of child-related leave. In addition, in some cases, employers may deny job reinstatement to high-paid employees.

### CFRA Amendments

In a major change, the amendments increase which employers are covered under the CFRA by:

- Applying the law to employers with **five or more** employees; and
- Eliminating the 75-mile requirement.

The amendments also change the law to allow employee leave to care for grandparents, grandchildren, siblings, and domestic partners and their children, and for exigencies related to a family member's active military duty. Parents who work for the same employer will now **each** be allowed to take 12 weeks of child-related leave.

Finally, the amendments eliminate the job reinstatement exemption for salaried employees in the highest-paid 10% of the employer's employees.

### Highlights

#### CFRA Leave Will Apply to Small Employers

Recent amendments lower the threshold to at least five employees.

#### More Family Members Included as Reason for Leave

Grandparents, grandchildren, siblings, and domestic partners and their children were added to definitions.

#### Parents Allowed Full Leave

Parents employed by the same employer are each allowed 12 weeks of leave.

*The amendments expand CFRA leave in a number of ways, including by eliminating the 75-mile requirement.*