

# Protected Leaves of Absences

This is a brief overview of leaves protected by law.

## Family Medical Leave Act (FMLA)

The Family Medical Leave Act (FMLA) provides up to 12 weeks per year of unpaid, job protected leave, and continuation of health benefits to eligible employees to: 1) care for their own serious medical condition; 2) care for the serious medical condition of a family member, or 3) to bond with a newborn or adopted child.

Military Leave - FMLA also provides an employee up to 26 weeks of leave to care for an ill or injured military service member who is the employee's spouse, son, daughter or next of kin.

## California Leave Laws

Similar to the FMLA, the **California Family Rights Act (CFRA)**. CFRA is modeled after FMLA and provides eligible employees with unpaid, job-protected leave for medical reasons and specific family care. It also allows up to 12 weeks of leave per year to: 1) care for their own serious medical condition; 2) care for the serious medical condition of a family member, defined as a child, spouse or parent; or 3) to bond with a newborn or adopted child.

Although CFRA and FMLA often overlap so that the two leaves run concurrently, there are significant differences where the two leaves do not run concurrently. For example, any pregnancy-related disability is considered a "serious medical condition" under FMLA, but not CFRA. Accordingly, a pregnant employee in California can take 12 weeks of leave under FMLA for pregnancy-related conditions, and then an additional 12 weeks of protected leave under CFRA for bonding after the baby is born. Another deviation between FMLA and CFRA is leave to care for an injured military service member. If the service member is the son, daughter or spouse of the employee, then the employee's leave under CFRA and FMLA would likely run concurrently. If the service member is the "next of kin," however, only FMLA leave would be triggered, providing a California employee with up to 26 weeks of leave under FMLA and an additional 12 weeks of leave under CFRA.

## Other California protected leaves of absence include the following

**Pregnancy Disability Leave:** This leave provides up to four months of protected leave. It runs concurrently with FMLA, but not CFRA. Therefore, an employee could take up to four months for pregnancy disability/FMLA leave, and still have another 12 weeks of protected leave under CFRA for bonding with a new child or to care for the employee's/family members' serious medical condition.

**School Activities Leave:** This leave provides eligible employees with up to 40 hours of leave per year to participate in school activities with their children.

**School Appearance Leave:** This law provides time off in order to appear at school on a child's behalf with regard to school suspension.

**Military Spouse Leave:** This leave allows an employee to take up to 10 days to spend time with a military spouse who has been deployed in military conflict.

**Voting Leave:** This leave provides as much time off as needed to vote. A maximum of two hours of time off to vote is paid.

**Jury Duty/Witness Leave:** This leave provides any employee called upon for jury duty or subpoenaed as a witness time off from work for the duration of the civil service on a jury or as a witness.

**Domestic Abuse/ Sexual Assault/Stalking Leave:** This leave provides an indefinite leave of absence to an employee who is seeking services or medical attention as a result of domestic violence, sexual assault, or stalking.

**Victims of Crime Leave:** This leave provides an indefinite amount of leave in order to attend judicial proceedings to an employee who is a victim of crime as defined in statute, or has an immediate family member who was a victim of crime.

**Civil Air Patrol:** This leave provide no less than 10 days per calendar year of unpaid leave for an employee who is responding to an emergency operational mission of the California Wing of the Civil Air Patrol.

**Volunteer Firefighting, Reserve Peace Officer, and Emergency Rescue Personnel Leave:** This leave provides an employee who is a volunteer firefighter, reserve peace officer, or emergency rescue personnel, with up to 14 days of leave per year to engage in fire, law enforcement or emergency rescue training.

**Organ Donation Leave:** This leave provides eligible employees with up to one month of paid protected leave in a year to donate an organ. This leave is explicitly excluded from running concurrently with FMLA or CFRA.

**Bone Marrow Leave:** This leave provides eligible employees with up to one week of paid protected leave in a year to donate an organ. This leave is explicitly excluded from running concurrently with FMLA or CFRA.

<http://www.calchamber.com/governmentrelations/issuereports/documents/2014-reports/california-protected-leaves-2014.pdf>

Additionally the County of Marin has other leaves not covered by law {link to PMR 44}.