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California Expands Job-Protected Family Leave

Today, the California legislature passed Senate Bill 1383, which expands the California Family Rights Act [CFRA] to allow employees to use unpaid job-protected leave to care for a domestic partner, grandparent, grandchild, sibling, or parent-in-law with a serious health condition.

Major Provisions: SB 1383 expands CFRA's medical and family leave protections through the following statutory changes:

- Dictates that employers with at least five [5] employees must grant an employee request to take up to 12 workweeks for family care and medical leave if the employee has had at least 1,250 hours of service with the employer.
- Expands the definition of "family care and medical leave" to include:
 - Leave to care for a grandparent, grandchild, sibling, or domestic partner who has a serious health condition.
 - 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, as specified.
- Expands the definition of "child" under CFRA to include a child of a domestic partner or a person to whom the employee stands in loco parentis; eliminates the requirement that the child be under 18 years of age or an adult dependent child.
- Provides that the term "domestic partner" shall have the same meaning as defined in Section 297 of the Family Code.
- Defines "grandchild" as a child of the employee's child.
- Defines "grandparent" as a parent of the employee's parent.
- Defines "parent-in-law" as the parent of a spouse or domestic partner.
- Defines "sibling" as a person related to another person by blood, adoption, or affinity through a common legal or biological parent.
- Repeals the California New Parents Leave Act of 2017.

Questions? Contact Stokes Wagner.

These changes bring CFRA out of conformity with FMLA. As a result, CFRA will offer 12 weeks of job-protected unpaid leave for scenarios not covered by federal law. This means the ability to “stack leave” for up to 24 weeks of unpaid leave may be possible. For example, an employee could take unpaid leave for one of the newly CFRA-covered events (such as caring for a sick grandparent) and then take additional leave for an FMLA-covered event, such as for the employee’s own medical issues. The state does not require leave to be paid by the employer, and the bill does not change that. The full text of SB 1382 is available [here](#).

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Employers are advised to continue to monitor updates as available. If you have any questions about the rapidly changing laws and regulations regarding COVID-19, contact your Stokes Wagner representative.

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