

COMBINED

2024 California Leave Laws Explained

**Your playbook to mastering
leave management in California**

Stay Informed. Stay Ahead.
Stay Compliant with California's 2024 Leave
Law Landscape.



Leave Law Worries? Leave them Behind!

Align your business with California's latest leave laws

California's leave laws are dynamic. Your company policies need to be too.

2024's new set of leave rules and employer responsibilities are in full effect. You know what that means – it's time to update and adapt your leave management policies.

Whether it's navigating the intricacies of paid sick leave, adapting to new family and medical leave regulations, or ensuring bereavement and reproductive loss leaves are handled with care, this guide covers it all.

This content is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice.



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Paid Sick Leave

Effective Jan. 1, 2024, **all employers** must provide eligible employees with **40 hours/five workdays** of paid sick leave per year.

Employees may use this leave for preventive care for, or the diagnosis, care or treatment of, an existing health condition of the employee, a family member or a designated person.

Employers are also required to provide paid sick leave to employees who are victims of domestic violence, sexual assault or stalking.

Eligibility

To be eligible for paid sick leave, an employee must work in California for **30 or more days** for the same employer within a year from the start of his or her employment. Certain employees are not covered by the law.

Eligible employees may use accrued sick days beginning on their 90th day of employment.

Posting requirements apply.

Note: Additional local sick leave requirements may apply.




Family and Medical Leave

Under the California Family Rights Act (CFRA), employers with **five or more employees** must provide eligible employees with unpaid family and medical leave.

Eligibility

To be eligible for family and medical leave, an employee must:

- Have at least a **total of 12 months** of service with the employer; and
- Have worked at **least 1,250 hours in the 12-month period prior** to the date of the requested leave.

 Employers can limit to one “designated person” per 12-month period with a “designated person” defined as any individual related by blood or whose association with the employee is the equivalent of a family relationship.

Eligible employees may take **up to 12 weeks of CFRA leave in a 12-month period** for:

- Childbirth;
- Adoption;
- Bonding with a new child by birth, adoption, or foster care placement;
- Care for the serious health condition of the employee or of the employee’s child, grandchild, parent, parent-in-law, grandparent, sibling, spouse, registered domestic partner or partner’s child; or
- 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.

Leave runs concurrently with FMLA leave.
Notice and certification requirements apply.

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Family and Medical Leave

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Effective Jan. 1, 2023, the CFRA also requires employers to provide **five days of bereavement leave** to employees who have worked for them for **30 days**.

Bereavement leave must be completed within **three months** of the family member's death, and it must be taken pursuant to any existing bereavement leave policy of the employer (so long as the employee is entitled to no less than a total of five days of bereavement leave).

The leave may be unpaid in the absence of an existing policy, but employees may use other available leave, including paid sick leave.

Days of bereavement leave do not have to be consecutive.

Employers may require documentary verification of the family member's death **within 30 days of the first day** leave is taken.

Documentation that can be provided include, but are not limited to, a death certificate, a published obituary, or verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or governmental agency.

Other job protections apply to employees taking family and medical leave.

Bereavement Leave

The California Fair Employment and Housing Act requires employers to provide **five days of bereavement** leave to employees who have worked for them for **30 days**.

Bereavement leave must be completed **within three months** of the bereaved family member's death, and it must be taken pursuant to any existing bereavement leave policy of the employer (so long as the employee is entitled to no less than a total of five days of bereavement leave).

The leave **may be unpaid** in the absence of an existing policy, but employees may use other available leave, including paid sick leave. The days of bereavement leave do not have to be consecutive.

Employers may require documentary verification of the family member's death **within 30 days of the first day** leave is taken.

Eligibility

Employees are eligible for the leave if they have worked for their employer for **at least 30 days**.



Reproductive Loss Leave

Effective Jan. 1, 2024, the California Fair Employment and Housing Act also requires employers to allow employees to take **up to five days of unpaid leave** following a reproductive loss. The requirement applies to employers with **at least five employees**, including the state and its political subdivisions, such as cities and counties.



"Reproductive loss" is defined as a failed adoption, failed surrogacy, miscarriage, stillbirth or unsuccessful assisted reproduction.

Reproductive loss leave must be taken **within three months** of the reproductive loss event and pursuant to any applicable leave policy of the employer. Total leave for an employee's multiple reproductive loss events is limited to **20 days per 12-month period**. Employees may take the leave on nonconsecutive days.

Eligibility

Employees are eligible for the leave if they have worked for their employer for **at least 30 days**.

In the absence of an existing applicable employer policy, reproductive loss leave may be unpaid. However, employees may use any available vacation, personal leave, accrued and available sick leave or compensatory time off

The law prohibits employers from retaliating against employees who take the leave. Confidentiality provisions also apply.

Family Sick Leave

All employers that provide sick leave for employees must permit employees to use their accrued sick leave to care for an ill child, parent, spouse or domestic partner of the employee.

Leave is limited each year by the amount of sick leave the employee would accrue in six months. Leave runs concurrently with leave under the California Family Rights Act and the FMLA.



The definition of **“family member”** includes a child, parent, spouse, domestic partner, stepparent, parent-in-law, grandparent, grandchild, or sibling.

An employee must be permitted to use family sick leave for the same purposes as required under the paid sick leave law, including for the preventive care of a family member.



Pregnancy Disability Leave

Employers with **five or more employees** must provide a reasonable period of leave of **up to four months** per pregnancy to female employees who are disabled by pregnancy, childbirth or a related medical condition.

Leave runs concurrently with FMLA leave and is unpaid. Notice and certification requirements apply.

Leave does not need to be taken in one continuous period of time and may be taken intermittently, as needed. Employees on pregnancy disability leave will be allowed to continue to participate in group health insurance coverage for up to a maximum of four months of disability leave (if such insurance was provided before the leave was taken) at the level and under the conditions that coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. In some instances, an employer can recover premiums paid to maintain health coverage from an employee .



Other job protections also apply to employees taking pregnancy disability leave.

Organ and Bone Marrow Donor Leave

Employers with 15 or more employees must provide employees who are organ or bone marrow donors with:

- **Up to 30 business days of paid leave per year** and an additional 30 business days of unpaid leave per year to donate an organ; and
- **Up to five business days of leave** per year to donate bone marrow in a 12-month period.

Notice and certification requirements apply.

Leave may not run concurrently with FMLA or California disability leave, but an employer may require employees to take up to two weeks' accrued sick leave, paid time off or vacation leave for organ donation or five days for bone marrow donation.

Public employees must first exhaust paid sick leave before taking the unpaid leave.

Jury Duty, Witness and Crime Victim Leave

Employers are prohibited from discharging or discriminating against employees for taking time off to serve on an inquest jury or trial jury, if the employee gives reasonable notice to the employer.

Employers must similarly allow employees (including employees who are crime victims) to take time off to comply with a subpoena or other court order as a witness in any judicial proceeding.

Employers must also allow employees who are victims of a violent felony, serious felony or felony theft or embezzlement (or who are the immediate family members of such a victim, a registered domestic partner of the victim, or the child of a registered domestic partner of the victim) to be absent from work to attend judicial proceedings related to that crime.

Employees may use their accrued paid vacation time, personal leave time, sick leave or other available paid time off, or use unpaid leave time. The employee must give the employer a copy of the notice of each scheduled proceeding provided to the victim, unless advance notice is not feasible, in which case documentation evidencing the proceeding should be provided within a reasonable time.

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Jury Duty, Witness and Crime Victim Leave

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Furthermore, employers may not discharge or discriminate or retaliate against an employee who is a victim of an offense listed in California Labor Code § 230.5 for taking time off to be heard at any proceeding (including any delinquency proceeding) involving a post-arrest release decision, plea, sentencing, postconviction release decision or any proceeding in which a right of the victim is at issue.

Employees must provide reasonable advance notice where feasible. If advance notice is not feasible, the employee must provide documentary certification within a reasonable time after the absence. Employees may use available vacation, personal leave, or compensatory time off.



Victim Leave

All employers must grant **unpaid** leave to employees:

- Who are victims of crime or abuse that caused physical injury or mental injury;
- Who are victims of crime or abuse that caused mental injury and the threat of physical injury;
- Who are victims of domestic violence, sexual assault, or stalking; or
- Whose immediate family member was killed in a crime.

The purpose of the leave is to obtain any relief (such as a restraining order) to help ensure the health, safety or welfare of either themselves or their children.

Employee notice and certification requirements apply.

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Victim Leave

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Employers with at least 25 employees must grant leave, up to the amount of FMLA leave available, to employees who are victims of domestic violence, sexual assault or stalking, or who are victims of crime or abuse that caused physical injury or mental injury and the threat of physical injury, or whose immediate family member was killed in a crime, so they can:

- Seek medical attention for related injuries;
- Obtain services from a domestic violence shelter, program or rape crisis center;
- Obtain psychological counseling; or
- Participate in safety planning and take other actions to increase their safety.

Employer notice requirements upon hire and upon request apply. Employee notice and certification requirements also apply.

Employers are not required to provide this leave over or in addition to FMLA leave but may require an employee to use vacation, personal leave or compensatory time off that is otherwise available to him or her, unless a collective bargaining agreement provides otherwise.

These leave protections apply equally to men and women.

Voting Leave

All employers must allow employees who do not have sufficient time outside of working hours to vote in a statewide election to, on an election day, take enough time off from work to vote.

Employers must **pay** employees for **up to two hours** of leave for voting purposes. Notice requirements apply.



Military and Military Spouse Leave

In addition to federal law, California law provides employment protections for California and U.S. military members. **All employers** must provide temporary **unpaid** leave to military members for periods of military duty, as follows:

- **Up to 17 days** per year for U.S. Reserve members (for training, drills, encampment, naval cruises, special exercises, or like activity); and
- **Up to 15 days** per year for State Guard members (for inactive duty training).

Employers with five or more employees must provide employees eligible for leave under the California Family Rights Act with **up to 12 weeks of unpaid leave** under that statute for 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.

Employers with 25 or more employees must provide **up to 10 days of unpaid leave** to eligible spouses of military service members when their spouses are on leave from deployment. Spouses must work an average of **20 or more hours per week** for the employer to be eligible. Notice and documentation requirements apply.

All employers must reemploy National Guard members of any state following a period of active duty state military service.

School Activity Leave

Employers with 25 or more employees must provide employees with **up to 40 hours of unpaid** leave per year to attend or otherwise be involved with their child's school or day care facility. Notice and certification requirements apply.



The school activity leave law specifically allows a parent to take this leave for the following child-related activities:

- To find, enroll or reenroll his or her child in a school or with a licensed childcare provider, or to participate in activities of the school or childcare provider, **limited to eight hours per month**; or
- To address a school emergency or childcare provider emergency (including a situation where a child cannot stay at school or with a childcare provider due to behavioral or discipline problems). The eight hour per month limitation does not apply to such emergency usage.



A qualified emergency occurs when there is a request that the child be picked up or is prohibited from attending, has a behavior or discipline problem, or a closure or unexpected unavailability of the facility.

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School Activity Leave

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This law extends leave protections to nontraditional family relationships.



The law defines “**parent**” as a parent, guardian, stepparent, foster parent, or a grandparent of, or a person who stands in loco parentis to, a child.

All employers must permit employees to take time off from work to appear at their child’s school after the child has been suspended.

Notice requirements apply.



Alcohol or Drug Rehabilitation Leave

Employers with 25 or more employees must reasonably accommodate any employee who wishes to voluntarily enter and participate in an alcohol or drug rehabilitation program, unless the accommodation would impose an undue hardship on the employer.



Volunteer Firefighter, Reserve Police and Emergency Rescue Personnel Leave

All employers must permit an employee who is a volunteer firefighter, reserve peace officer or emergency rescue personnel to be absent from or late for work to perform emergency duty.

Employers with 50 or more employees must permit an employee who is a volunteer firefighter, reserve peace officer or emergency rescue personnel to take **up to 14 days** per year off from work to engage in fire, law enforcement or emergency rescue training.

The employee must provide appropriate documentation evidencing the performance of emergency duty and/or attendance at training upon returning to work. The employee may choose to use accrued vacation or sick leave time for an absence described above.



Civil Air Patrol Leave

Employers with more than 15 employees must provide employees who are Civil Air Patrol (CAP) members with up to **10 days of unpaid leave per calendar year** to respond to an emergency operational mission of the California Wing of the CAP.

An employee is eligible for CAP leave if he or she:

- Has been employed for at least 90 days before beginning leave;
- Is a volunteer member of the California Wing of the CAP; and
- Is responding to an emergency operational mission of the California Wing of the CAP.

An employer may not require an employee to exhaust any other type of leave before providing CAP leave. Leave is unpaid.

Notice and certification requirements apply.





SPECIAL CONSIDERATIONS FOR EMPLOYERS

California has a **paid family leave insurance program** that provides up to **eight weeks of wage replacement benefits** to eligible employees who take time off from work to care for a newborn, a newly adopted child or foster child, or a seriously ill family member.

Under this program, employees may receive a percentage of their wages during their absence, up to a certain maximum per week. Workers are eligible for the program if they contribute to the **State Disability Insurance (SDI)** fund. The program is separate from the federal FMLA and California's family and medical leave laws, which govern the terms of employee family and medical leaves.

In addition, San Francisco enacted a Paid Parental Leave Ordinance, which requires employers in that city to provide “supplemental compensation” to employees who receive wage replacement under California's paid family leave insurance program. Employers subject to this ordinance must pay employees the difference between their normal gross weekly wage and the weekly amount they receive from the SDI, so that they receive 100 percent of their regular wages (rather than a lower percentage).

More information on SDI is available on the California Employment Development Department's website.

Employers should also be aware that many California localities have their own paid leave laws that apply to covered employers in addition to state leave laws.



Conquer California's Leave Laws With Expert Guidance

Even though California's leave law landscape is extensive, understanding and meeting all requirements is a critical step toward stability, strength, and success for your business.

Are you ready to take that step toward complete compliance?

Here at Combined, we can help!

With our expert guidance, you'll have no problem tackling the complexities of California's leave laws.

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Don't leave compliance to chance!

Join forces with a partner that brings cutting-edge technology and expertise to the table.

With Combined, you get both advanced HCM solutions and a team of experienced specialists to help make your leave management process easier than ever.



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