



California State Leaves Primer

This guide covers leave entitlements for employees under various California leave laws by employee count.

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California employees have varying rights to paid and unpaid time off, depending on the reason they need leave, the size of the employer, and other factors.

This primer covers the basic leave entitlements under California law. It doesn't address all notice, documentation, and timing requirements, as they often vary by situation and can be extensive.

Employers can't retaliate against employees for requesting or taking protected leave. Even when advance notice is required by an employer's policy, most laws provide exceptions if the need for leave is unforeseeable. In some cases, the leave time may need to be granted intermittently (rather than in one continuous block of time), such as for a pregnant employee who needs to attend prenatal appointments or an employee undergoing chemotherapy.

Under most laws, during an employee's leave, health insurance benefits must be continued with employees and employers continuing to pay their usual portions. Generally, once the employee is ready to return to work, they must be returned to the same position and tenure as they had before taking leave. If an employee is taking unpaid leave, they are generally entitled to use their available vacation or other paid time off.

Some laws only apply to employers once their workforce reaches a certain size. For instance, employers need to start providing organ donation leave when they have 16 employees.

Employees also may need to be employed for a certain length of time or be employed on a full-time basis before they're entitled to certain types of protected leave. Other leaves apply to all

employees and are available to them beginning on their first day of employment. In limited circumstances, such as certain industries and when there is a collective bargaining agreement (CBA) in place, employers are not subject to the law and instead should follow the industry-specific regulations or the terms defined in the CBA.

Leaves that can be unpaid often need to be paid if the employee is classified as salaried exempt under the Fair Labor Standards Act.

Employers may always create leave programs that are more generous than what the law requires, but when employers have created their own policies, they must be applied consistently.

Employees in similar groups should be granted the same amount of leave and job protections as any other member of that job group. To grant leave inconsistently may be seen as discriminatory, opening the door to litigation. In addition, a neutral policy that disproportionately disfavors employees based on a protected characteristic (e.g., gender) could also lead to a discrimination complaint.

The next section shows California's main leave laws organized by employee count thresholds.



All Employers

Victim Leave

Employees who are victims of certain crimes have the right to take unpaid leave for an assortment of related reasons. This includes, but isn't limited to, taking steps to protect their own or their children's safety or welfare, such as seeking a restraining order.

Additionally, employees who are victims of certain crimes, or have family members who are victims, can take unpaid leave to attend any related judicial proceeding.

Employers with 25 or more employees must provide victim leave for additional reasons.

Military Leave

All employees receive unpaid time when called to duty as members of the military.

Length of leave requirements vary:

- Reserve Corps of the U.S. Armed Forces, Reserve Corps of the U.S. National Guard, or Naval Militia (17 days)
- State military reserve (15 days)

Paid Sick Leave

All employees who work 30 or more days in California are entitled to earn paid sick leave at a rate of no less than one hour for every 30 worked. Employers can cap use at 40 hours (or five days, whichever is greater) per year. Many cities have sick leave ordinances that go above and beyond what is required by the state; employers should ensure they are following the most employee-friendly rules. Paid sick leave can be used for a variety of reasons, including, but not limited to, preventive care, diagnosis, or treatment for a physical or mental health condition of the employee, their family member, or their designated person (which can be anyone the employee chooses as their designated person).

Sick leave can also be used for jury duty, when called to appear in court as a witness, or for any reason covered by the victim leave law.

Jury Leave

All employees who are summoned to report for jury duty must be granted an unpaid leave of absence. Employers may require that employees submit a copy of the original summons for jury duty to their supervisor or manager.

Employers may request that employees seek to be excused from or request postponement of jury service if the absence from work would create a hardship to the company, but must not take any adverse action against an employee who does not get excused. Employees get to keep all fees received for jury duty, including travel fees.

Employees must be allowed to use any available paid time off towards the absence.

School Leave for Disciplinary Matters

Employees who are parents or guardians of school-age children are entitled to take time off work to attend disciplinary events. Employers may require employees to provide reasonable notice when possible and to use their available vacation for this leave.

Volunteer Emergency Responder Leave

All employees who are volunteer firefighters, reserve peace officers, or emergency rescue personnel must receive unpaid time off to respond when summoned to an emergency.

Voting Leave

All employees must be provided with up to two hours of paid leave to vote during polling hours if their work schedule prevents them from doing so. Employees must request the time off two days in advance and employers may schedule the leave so it is least disruptive to operations.

Witness Leave

All employees who are required or requested to serve as witnesses in a criminal case must be granted unpaid leave to comply with the request.



Employers with 5 or More Employees



California Family Rights Act

Employers with five or more employees nationwide are required to provide California Family Rights Act (CFRA) leave to their employees in California. Employees are eligible to use up to 12 weeks of leave if they have been employed for at least 12 months total and have done 1,250 hours of work within the 12 months immediately before taking leave.

Eligible employees receive 12 weeks of unpaid leave every 12 months to care for their own serious health condition, the serious health condition of a family member or designated person, to bond with a new baby or child, or to participate in a qualifying military event. For CFRA, the designated person can be anyone who the employee is related to by blood or has a close association with that's equivalent to a family relationship.

Employers may have a policy requesting 30 days' advance notice when the need for leave is foreseeable (e.g., the birth of a child) but must accept reasonable notice when the need for leave is unforeseeable. In some cases, CFRA leave may run concurrently with federal Family and Medical Leave Act (FMLA) leave, but not with pregnancy disability leave (PDL). Unlike FMLA, each new parent who is an eligible employee is entitled to take the full 12 weeks of CFRA leave bonding with a new child even if the child's other parent also works for the same employer.

Disability Leave (Under the Fair Employment and Housing Act)

All employees are provided unpaid leave for a disability as a reasonable accommodation, unless leave would create an undue hardship. Disabilities are broadly defined as conditions that limit a major life activity, including physical and mental disabilities, as well as medical conditions such as cancer or HIV/AIDS.

Pregnancy Disability Leave

All employees are entitled to take up to four months of unpaid leave for pregnancy-related disabilities. Examples of pregnancy-related disabilities include, but aren't limited to, severe morning sickness, bed rest, recovery from childbirth, and postpartum depression. Pregnancy Disability Leave (PDL) may run concurrently with some leaves, such as FMLA, but not others, such as CFRA. Employers may require that employees provide a certification to support their request for PDL.

Bereavement Leave

Employees who have worked for an employer for at least 30 days are entitled to take up to five days of bereavement leave when a family member dies. The days of leave don't have to be consecutive but must be taken within three months of the family member's death. There isn't a cap on how many times an employee can take bereavement leave.

Reproductive Loss Leave

Employees who have worked for an employer for at least 30 days and would have been the parent are entitled to take up to five days of leave for a reproductive loss. A reproductive loss includes a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction. Generally, this leave must be completed within three months of the loss and the day can be taken intermittently. The leave is unpaid unless there is an existing paid leave policy that would apply. If unpaid, employees can choose to use any available paid leave, including sick leave. This leave is in addition to all other state leave rights and does not run concurrently with CFRA or PDL.



Employers with 15 or More Employees

Bone Marrow Donation

Employees who donate bone marrow must be granted up to five working days of paid leave for this purpose. Employees may be required to use any available sick leave or other paid time off first.

This leave does not run concurrently with FMLA, CFRA, or California paid sick leave.

Organ Donation Leave

Employees who donate an organ must be granted up to 30 working days of paid leave for this purpose. Employees may be required to use any available sick leave or other paid time off up to a maximum of two weeks; if their paid leave has been exhausted, or the organ donation leave exceeds two weeks, the employer must continue to pay their regular wages for up to 30 days. Organ donation leave does not run concurrently with FMLA, CFRA, or California Paid Sick Leave.

Employers with 16 or More Employees

Civil Air Patrol Leave

Employees who have been employed for at least 90 days and are members of the Civil Air Patrol must receive up to 10 days of unpaid leave to respond to an emergency.



Employers with 25 or More Employees

Alcohol and Drug Rehabilitation Leave

All employees engaged in treatment for alcohol or drug dependency must be provided with unpaid leave as a reasonable accommodation, unless the leave would create an undue hardship.

Victim Leave

All employees who are victims of a qualifying act of violence (or who have a family member who is a victim of a qualifying act of violence) must be granted unpaid time off for an assortment of related reasons. The reasons include, but aren't limited to, seeking medical attention, obtaining services from a domestic violence program, getting psychological counseling or mental health services, or participating in safety planning, including relocation.

Military Spouse Leave

Employees who are the spouse of an active duty service member and work an average of 20 hours per week must receive up to 10 unpaid days off when their partner is home on leave from deployment. The employer may require that an employee provide notice of the intent to take leave within two business days of receiving official notice that their spouse will be on leave from deployment.

School Involvement Leave

All employees must be provided up to 40 hours of unpaid leave per year for certain child-related activities. Employers may require employees use available paid time off first (though not state-mandated paid sick leave). Employees are eligible if they are a parent, stepparent, grandparent, or someone standing in loco parentis to a child in day care or kindergarten through high school. Leave can be taken to find, enroll, or re-enroll a child in a school or day care (may be limited to eight hours per month), participate in school or daycare activities (may be limited to eight hours per month), or to address a daycare or school emergency.

Literacy Assistance Leave

Employees are entitled to take leave to attend an adult literacy program unless the leave creates an undue hardship for the employer.

Employers with 50 or More Employees

Volunteer Emergency Response Leave

Employees who are volunteer firefighters, reserve peace officers, or emergency rescue personnel must be provided time to perform their emergency duties and up to 14 days off to attend related trainings. This time can be unpaid.