PERSONAL LEAVE OF ABSENCE

Personal leaves of absence are legally required in the following situations:

1. **Family Leave**

The Fair Employment and Housing Act, enforced by the Department of Fair Employment and Housing (DFEH) contains family care and medical leave provisions, known as the California Family Rights Act (CFRA), for California employees who work for employers who do business in California and employ fifty (50) or more part-time or full-time employees. To be eligible for CFRA an employee must have more than 12 months of service with the employer and have worked at least 1,250 hours for that employer in the 12-month period before the leave begins. Employees may take unpaid time off to care for a seriously ill parent, spouse or child, for the employee's own serious health condition or to bond with an adopted or foster child or newborn. Full-time employees may take leave up to 12 work weeks in a 12-month period. Part-time employees may take leave on a proportional basis. The leave does not need to be taken in one continuous period of time. An employer may require a 30-day advance notice, but when this is not possible due to the unexpected nature of the leave, notice should be given as soon as possible. Notice can be written or verbal.

In addition to the leave requirements of the CFRA, employers of five (5) or more person also have additional obligations pertaining to Pregnancy Disability Leave (PDL), also enforced by the DFEH. An employee disabled by pregnancy is entitled to up to four months unpaid disability leave which leave may be taken before or after birth during any period of time the woman is physically unable to work because of pregnancy or a pregnancy-related condition. Employees are entitled to take pregnancy disability leave in addition to any leave entitlement they might have under CFRA. For example, an employee could take four months pregnancy disability leave for her disability, and 12 weeks of CFRA leave to bond with the baby, or to bond with an adopted or foster child, or to care for a parent, spouse or child with a serious health condition, or for the employee's own serious health condition.

Both the employer and employee are afforded other rights and responsibilities with respect to salary and benefits during either or both types of leave, specific conditions of leave entitlement as well as return to work rights. It is advised that you review the DFEH website at www.dfeh.ca.gov for more detailed information and publications, or contact them for additional information by telephoning the appropriate office listed on the website or writing to the Department of Fair Employment and Housing at 2218 Kausen Dr., Ste. 100, Elk Grove, CA 95758.

In addition, an employee may be eligible for six weeks of paid leave under the Family Temporary Disability Insurance (FTDI) administered by the Employment Development Department (EDD). For further information contact the EDD at 800-480-3287 or visit the website at www.edd.ca.gov.

2. **Sick Leave**

An employer who provides sick leave for employees must permit an employee to use accrued sick leave to attend to a child, parent or spouse who is ill (the employee is entitled to use not less than the amount of sick leave the employee would accrue in 6 months, per calendar year). Conditions placed on sick leave usage for use by an employee also applies to sick leave used to care for a sick child, parent or spouse. (Labor Code § 233)

3. **Jury Duty**

An employer may not discriminate against an employee for taking time off to serve as a juror at an inquest or trial or when the employee is a victim of a crime and is required to appear as a witness. An employer may not discriminate against an employee for taking time off to obtain relief as a result of domestic violence. The employee must give reasonable notice to the employer. It is not a requirement to compensate employees for time off to serve on juries or to appear as a witness. (Labor Code § 230)

4. **Emergency Duty As A Volunteer Firefighter, Reserve Police Officer, or Emergency Rescue Personnel**

All employers must provide leaves of absence for employees who are required to perform emergency duty as a volunteer firefighter, a reserve police officer, or an emergency rescue personnel. It is not a requirement that the employee be compensated during time off to perform the duties of an emergency volunteer fire fighter, reserve police officer or emergency rescue personnel duties. (Labor Code § 230.3)

5. **Time Off To Visit The School of a Child**

Employers with twenty-five (25) or more employees working at the same location, must allow a parent, grandparent or guardian to take up to forty (40) hours off per year to participate in activities at his or her child's school, including a day care facility. The employee must give reasonable notice to the employer. Employees must first utilize existing vacation, personal leave or compensatory time off for this purpose. The time off to visit school is not required to be compensated. (Labor Code § 230.8)

6. **Time Off To Appear At School When Required By The School**

All employers must allow a parent, grandparent or guardian of a pupil to appear at the school when the school has given advance notice. It is not a requirement that the employee be compensated for the time. The employee is required to give reasonable notice to the employer. (Labor Code § 230.7)

7. **Time Off To Vote**

If a voter does not have sufficient time to vote outside of working hours, he or she may take off time to vote at the beginning or the end of the shift, whichever provides the most free time to vote. The employees may take off no more than two hours without loss of pay, providing he or she has given at least two working days' notice that time off is desired. (Elections Code § 14000)

8. **Drug and/or Alcohol Rehabilitation**

Employers with twenty-five (25) or more employees must reasonably accommodate an employee's voluntary participation in an alcohol and/or drug rehabilitation program, provided that this reasonable accommodation does not impose an undue hardship on the employer. An employer must also make reasonable efforts to safeguard an employee's privacy with regard to his or her enrollment in a rehabilitation program. An employer may refuse to hire or may discharge an employee because of the employee's current use of alcohol and/or drugs, or because the employee is unable to perform his or her duties, or cannot perform the duties in a manner which would not endanger his or her health and safety, or the health and safety of others. (Labor Code § 1025, et seq.)

9. **Literacy Assistance**

Employers with twenty-five (25) or more employees must reasonably accommodate and assist any employee who reveals a literacy problem and requests employer assistance either in enrolling in a literacy program or in arranging visits of an instructor to the job site, provided such accommodation does not pose an undue hardship on the employer. In addition, the employer must make reasonable efforts to safeguard the employee's privacy with regard to a literacy problem. An employee who satisfactorily performs his or her duties may not be discharged for disclosing a literacy program. (Labor Code § 1041, et seq.)

10. **Temporary Military Leave And/Or Reserve Duty**

Any employee who is a member of the reserve corps of the armed forces of the United States, the National Guard or the National Militia is entitled to a temporary leave while engaged in military duty ordered for purposes of military training, drills, encampment, naval cruises, special duty or like activity. (Military and Veterans Code §§ 394, 394.5)