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September 21, 2020

California Expands Family Rights Act Leave

[Governor Gavin Newsom](#) signed [SB 1383](#) which expands the California Family Rights Act (CFRA) on September 17, 2020. Previously, the CFRA applied to companies with 50 or more employees within a 75-mile radius and generally required employers to provide 12 weeks of unpaid protected leave during a 12-month period to employees who worked 1,250 hours during the previous year. SB 1383 removes the 75-mile radius requirement and will apply to employers with five or more employees. The new law means that small businesses with five or more employees must provide 12 weeks of protected leave under the CFRA to eligible employees beginning January 1, 2021.

In addition, SB 1383 expands the reasons for protected leave including allowing 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 U.S. armed forces. SB 1383 also adds additional categories of family members for whom employees can take CFRA leave to provide care. SB 1383 removes two exemptions from CFRA leave that existed in the current law: an exemption where both parents were working for the same employer and an exemption for "key employees."

Employers of all sizes doing business in California should review their handbooks and leave policies to make sure that they are prepared to comply with SB 1383.

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