

## CALIFORNIA FAMILY RIGHTS ACT (CFRA) New Policy Approved July 2007

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Generally, the provisions of the Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) leave laws are the same, and for most purposes, FMLA and CFRA run concurrently. The main differences in the laws are:

1. FMLA does not recognize domestic partners as eligible family members, but CFRA recognizes domestic partners who are registered with the State of California. This includes same sex partners and heterosexual partners if one of the partners is at least 62 years of age. The District, however, recognizes registered domestic partners through its Domestic Partnership Policy for either heterosexual or same sex domestic partners. FMLA and CFRA run concurrently for these circumstances. Under FMLA/CFRA, an eligible employee is entitled to take up to a total of 12 weeks in a rolling calendar year to care for his/her domestic partner. If an employee exhausts FMLA/CFRA due to his/her own serious health condition, he/she may apply for up to a 12-week Personal Leave of Absence to care for a family member, including a domestic partner.
2. In California, an employee disabled by pregnancy or a condition related to the pregnancy would be eligible for Pregnancy Disability Leave (PDL). Time off work for PDL runs concurrently with FMLA, provided that the employee meets FMLA eligibility requirements. (See Pregnancy Disability Leave and FMLA Leave). Once the employee is medically released from her Pregnancy Disability Leave, she may elect to take CFRA for the purpose of “bonding” with the baby for a total of up to 12 weeks as long as she meets the CFRA eligibility requirements. The CFRA will run concurrently with any remaining FMLA leave. In the event the employee is the father, CFRA baby bonding leave runs concurrently with FMLA.

The District does not offer intermittent baby bonding leave. However, under CFRA, an employee may request bonding leave of less than two weeks duration on two occasions. Otherwise, the leave will be at least two weeks in duration. The bonding leave must conclude within one year of the birth of the child, or one year from the date the child was placed with the employee for adoption or foster care. No medical certification is required.

For purposes of PDL/FMLA/CFRA requirements, an employee receives one 12-week period of District-paid health benefits in each 12-month rolling calendar year period.

**(See LEAVE OF ABSENCE, FMLA, PDL, PAID FAMILY LEAVE, PERSONAL LEAVE OF ABSENCE, STATE DISABILITY INSURANCE)**