

CFRA, FMLA & MEDICAL LEAVE

A California employee guide to eligibility, job protection, overlapping leave laws, and the disability-accommodation questions that may remain after leave.

WHAT THE EMPLOYER WILL TEST
THE ONE-SENTENCE RULE CFRA, FMLA, employer leave policies, disability accommodation, and wage-replacement benefits are related but different. Keep the statutes and the paperwork in separate lanes.

THE 60-SECOND LEAVE-LAW SCREEN

Issue	CFRA	FMLA	Employee action
Employer size	California coverage generally begins at 5+ employees.	Federal coverage generally depends on 50 employees within 75 miles.	Confirm which law actually applies.
Service eligibility	Generally 12+ months and 1,250 hours in prior 12 months.	Generally 12+ months and 1,250 hours in prior 12 months.	Check service dates and hours.
Leave amount	Up to 12 workweeks for covered CFRA purposes.	Up to 12 workweeks for covered FMLA purposes.	Track the employer's leave accounting.
Family definitions	California includes broader family categories, including a designated person in defined circumstances.	Federal family definitions are narrower.	Identify the reason and family relationship.
After protected leave	Separate FEHA accommodation duties may still matter for disability.	FMLA entitlement itself is limited.	Do not assume "leave exhausted" ends every inquiry.

FIVE LEAVE RULES TO CHECK

1. CFRA provides job-protected family and medical leave to eligible employees. Government Code section 12945.2 provides up to 12 workweeks in a 12-month period for eligible employees and requires a guarantee of the same or comparable position on return, subject to the statute. Gov. Code §12945.2 2. California and federal eligibility rules are not identical. CRD's current comparison shows CFRA coverage generally at 5+ employees, while FMLA generally uses a 50-employees-within-75-miles test in addition to service requirements. CRD CFRA/FMLA guide	3. FMLA guarantees qualifying employees up to 12 weeks of unpaid leave. The federal statute also protects health coverage and restoration rights during qualifying leave. U.S. Department of Labor FMLA; Ragsdale v. Wolverine 4. Leave and disability accommodation are separate analyses. Even when CFRA/FMLA leave is exhausted or unavailable, FEHA's reasonable-accommodation and interactive-process provisions may require a separate review. Gov. Code §12940(m)-(n) 5. More leave is not automatically required forever. The analysis turns on the expected duration, essential duties, effective accommodation, and undue hardship. Open-ended or uncertain leave raises different questions than a finite extension.
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LEAVE EXHAUSTED? THAT MAY NOT END THE ANALYSIS

Protect your leave record	Watch employer accounting	After-leave questions
• Request date and stated reason • Certification supplied • Approval / designation notice • Intermittent leave records • Return-to-work information	• Which law was designated? • How many weeks/hours counted? • Paid leave running concurrently? • Benefit deductions • Any retroactive changes?	• Can you perform essential duties? • Is a finite extension possible? • Other accommodation options? • Interactive process held? • What reason is given for termination?

MEDICAL-LEAVE DOCUMENT CHECKLIST

- ☐ Leave request and approval/denial notices
- ☐ Medical certification and restrictions
- ☐ Employer CFRA/FMLA designation notices
- ☐ Payroll/PTO records showing leave use
- ☐ Benefits continuation notices
- ☐ Return-to-work communications
- ☐ Accommodation requests after/before leave

FROM THE EMPLOYER'S SIDE: "Leave exhausted" answers one question. It does not automatically answer every disability-accommodation question. Ask what document, witness, analysis, or contemporaneous explanation should exist if the company's position is genuine.

RELATED RUGGLES LAW FIRM READING

- California Leave of Absence Advice to Employees
- Fired While on Medical Leave in California
- Denied Medical Leave: Lessons from Head v. Costco
- Indefinite Medical Leave: Can My Employer Terminate Me?

CALIFORNIA STATUTES / REGULATIONS • Government Code section 12945.2 • Government Code section 12945.6	PUBLISHED CALIFORNIA CASES • Moore v. Regents of University of California, 248 Cal.App.4th 216 (2016) • Bareno v. San Diego Community College District, 7 Cal.App.5th 546 (2017) • Avila v. Continental Airlines, Inc., 165 Cal.App.4th 1237 (2008)
 SCAN TO READ California Leave of Absence Advice to Employees RugglesLawFirm.com	OFFICIAL RESOURCES CRD CFRA/FMLA Guide Gov. Code §12945.2 DOL FMLA

"Qualifying employees are guaranteed 12 weeks of unpaid leave each year by the Family and Medical Leave Act of 1993."
 — Ragsdale v. Wolverine World Wide, Inc., 535 U.S. 81 (2002)

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