

Tips To Untangle Leave Laws In California

Publication

4.01.09

California employers face a challenging array of federal, state and local laws governing leaves. Due to the confusing nature of the rules that apply to these "layered" leaves, even the best-intentioned employers can make mistakes.

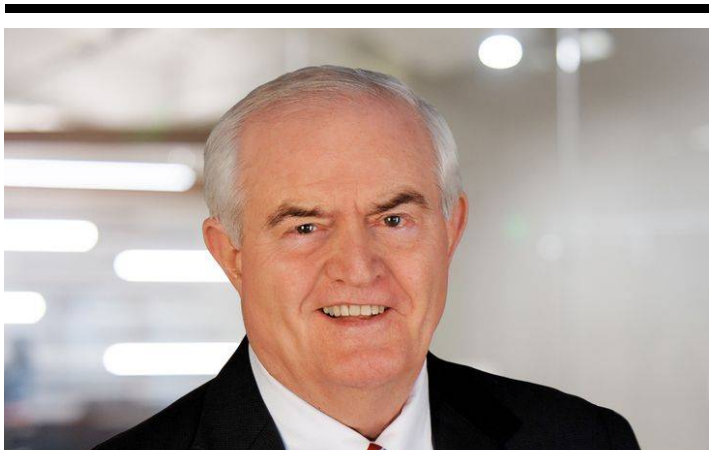
Employers in California must consider not only the main federal law governing leave – the Family and Medical Leave Act (FMLA) – but also the California Family Rights Act (FEHA), the California Pregnancy Disability Leave Act (PDL), which is contained within and is part of the FEHA, the California Family Temporary Disability Insurance Act (FTDI), as well as the state's workers' compensation law. These laws weave a web with other state and federal laws dealing with discrimination, privacy, health insurance and workers' compensation.

Technically, under the leave laws, an employer can terminate an employee's employment if the employee does not return to work when his or her leave is exhausted. Before doing so, employers must consider their obligations under state and federal disability laws.

The law regarding leaves of absence under the FMLA, CFRA and other state and local regulations is often counterintuitive. Employers should move cautiously through the process and emphasize clear, consistent communication with their employees.

This article appeared in the April 2009 California Employment Law Special Report, published by the [Society for Human Resource Management](#).

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