

Know Your Rights: Taking Job-Protected Leave and Sick Days to Care for Chosen Family

As of January 1, 2023, eligible workers in California can take job-protected leave and/or sick days to care for a chosen family member.

California Paid Sick/Safe Days provide eligible California employees with a minimum of five paid sick days per year to attend to the diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member. Covered family members include a child, parent, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, sibling, and a **designated person**.



Example 2:

Brianna needs to take a sick day to care for her cousin Shanice who has the flu. Brianna can now take a sick day to care for Shanice who is her designated person.

The California Family Rights Act (CFRA) provides 12 weeks of job-protected leave to eligible California workers who have a serious health condition, are welcoming a new child, need to care for a seriously ill family member, or are experiencing a military exigency. To qualify for CFRA, workers must have 1) worked for their employer for at least one year, 2) have worked over 1,250 within the last year, and 3) work for an employer with 5 or more employees.

Caregiving leave under the **California Family Rights Act (CFRA)** can be taken to care for seriously ill parents, children, spouses, registered domestic partners, grandparents, grandchildren, siblings, parents-in-law, and **one designated person per year**.



Example 1:

Diane needs leave from work to care for her three-year-old nephew, Kevin, who is in the hospital. Even though Diane and Kevin are related by blood, Kevin is not one of the listed family members covered by CFRA. Now, Diane can take CFRA leave to care for Kevin as her designated person.

What is a designated person?

A designated person means any person related by blood or whose association with the employee is like a family relationship. This person may be identified by the employee at the time the employee requests a sick day and/or caregiving leave. An employer may limit an employee to one designated person per 12-month period for CFRA family care and medical leave.



Example 3:

Kris and Justin have been together for 15 years. They are committed partners, but are not married and are not registered domestic partners. Kris needs leave from work to care for Justin, who is set to undergo knee surgery. Kris can now take CFRA leave to care for Justin as their designated person.



Example 4:

Alex needs leave from work to care for his close friend and neighbor, Billie, who needs help attending regular dialysis appointments. Alex can now take CFRA caregiving leave to take Billie to appointments by telling his employer that Billie is his designated person.


How do I request leave or sick days to care for a designated person?

For sick days, notify your employer that you will need to take a sick day to care for your family member.

For CFRA caregiving leave, give your employer 30 days notice of your need for leave, or as much notice as possible. Your employer may ask for certification from your designated person's healthcare provider.

Have Questions or Want More Information?

If you have questions about this fact sheet or your rights at work, contact Legal Aid at Work on our Work and Family Helpline

 (800) 880-8047

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