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State-by-State Guide to Family Medical Leave & Parental Leave Laws

By Annemaria Duran

The [Family Medical Leave Act \(FMLA\)](#) was put into law in 1993. The law oversees companies across the United States. FMLA applies to employers who have at least 50 employees within a 75 mile radius. Their employees who have worked at least 1 year and 1,250 hours in the last year are eligible for FMLA leave.

FMLA provides up to 12 weeks of leave for family or medical purposes. In specific circumstances, employees can take up to 26 weeks of protected leave. Employees are able to take leave to bond with new children, care for ill family members, or take care of their own serious illness. Family members that are included in the act includes the employee's child, spouse, or parents.

In addition, when an employee leaves to care for a seriously ill service member, they may take up to 26 weeks of leave. Lastly, employees may take leave for military exigencies.

California Family Medical Leave and Pregnancy Leave

Both the California Family Rights Act and Pregnancy Disability Act provides protected leave for families.

The [Pregnancy Disability Act](#) covers employers with 5 or more employees and provides up to 4 months of leave due to pregnancy disability. Often this leave can be used simultaneously with FMLA leave. Employees are eligible for pregnancy disability leave for every pregnancy, regardless of if two pregnancies occur in the same year or not. One exception to this is with new employees who would not qualify for FMLA leave and small businesses employees.

In addition, California also requires protected leave through the [California Family Rights Act \(CFRA\)](#). CFRA provides 12 weeks of leave in a 12 month period. As with FMLA, CFRA provides leave for bonding after the birth or placement of a child into the home, to care for seriously ill family members, or for the employee's own serious illness.

One key difference from FMLA is that CFRA provides leave for more family relationships. When these relationships are the reason for leave, the employee only uses CFRA and will not simultaneously take FMLA..

Colorado Family Care Act

The [Colorado Family Care Act](#) is the most ambiguous and unclear statewide leave law in the country. Its stated purpose is to expand the reach of the FMLA. It seeks to expand coverage for additional relationships that employees can take family leave under. However, a state law does not have the authority to expand the scope of the federal FMLA. Instead, the Colorado Family Care act inadvertently creates a second protected

leave for employees who take leave for these additional family members. Those employees would still have additional full leave coverage provided under FMLA.

Connecticut Family Medical Leave Act

The [Connecticut Family Medical Leave Act \(CFMLA\)](#) provides up to 16 weeks of leave every 24 months. In addition, its requirements for eligibility differ slightly from FMLA requirements. CFMLA provides additional coverage for the relationship of parent-in-law and provides leave for organ or bone marrow donations. Due to these and other subtle differences, employers may have to provide separate full FMLA and CFMLA leave to employees.

Read more state-by-state laws at www.cpapracticeadvisor.com/12354784.

[This article first appeared on the [SwipeClock.com](#) blog.]

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