



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING
FAIR EMPLOYMENT & HOUSING COUNCIL
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ATTACHMENT B

FAIR EMPLOYMENT AND HOUSING COUNCIL *Meeting of December 10, 2013*

REVISIONS TO TEXT OF PROPOSED AMENDMENTS TO CFRA REGULATIONS FROM LAST MEETING

Pursuant to the Fair Employment and Housing Council's direction at and following its September 16, 2013 meeting, and pursuant to the rulemaking guidance under Government Code section 11349, the following substantive changes were made to the California Family Rights Act (CFRA) Regulations (Cal. Code Regs., tit. 2, §§ 11087-11098).

1. Changed the prospective incorporation by reference of the FMLA regulations into an incorporation by reference of the most recent set from March 8, 2013 in the preamble to sections 11087 and 11087, subdivision (i), the reference citation of sections 11087, 11090, subdivision (b), and 11096;
2. Added a reference to the certification form to section 11087, subdivision (b)(2);
3. Changed the definition of "covered employer" in section 11087, subdivision (d), to reflect who is an eligible employee;
4. Added "leave to which they are otherwise entitled to" to section 11087, subdivision (e)(5);
5. Added "Rights upon Return" to the title of section 11089 to reflect its new contents;
6. Added "[a]s per (a)(1) of this section, this burden shall not be satisfied if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence" to section 11089, subdivision (d);
7. Changed "deduct" to "reduce" in section 11090, subdivision (e)(4);
8. Amended the title of section 11093 from "Relationship between CFRA Leave and Pregnancy Disability Leave" to "Relationship between CFRA Leave and Pregnancy Disability Leave; Relationship between CFRA Leave and Non-Pregnancy Related Disability Leave" to reflect its new contents;
9. Added a subdivision on the relationship between CFRA leave and disability leave as section 11093, subdivision (e); and
10. Struck "Remedies. (Reserved)" under section 11095 and renumbered the subsequent sections to reflect statutory elimination of administrative adjudication, and to defer to courts to order appropriate remedies; and
11. Added that the FMLA regulations that are incorporated by reference must be within the scope of Government Code section 12945.2 to the first sentence in section 11096.