California Fractional HR COMPLIANCE-FIRST · STATEWIDE

CALIFORNIA LEAVE · STEP BY STEP

Own Serious Illness Leave — *Step by Step*

For the employee's own serious health condition that isn't work-related. CFRA holds the job for up to 12 weeks; SDI can pay up to 52 weeks.

IS THE JOB PROTECTED?
CFRA holds it for up to 12 weeks (5+ employees). FMLA runs with it at 50+ employees within 75 miles: 12 weeks, not 24.

IS ANYTHING REPLACING THE PAY?
SDI, paid by EDD, not the employer: 70%–90% of wages, up to $1,765 a week in 2026, after a 7-day unpaid wait. Up to 52 weeks.

DOCUMENT OR ACTION	WHO → TO WHOM	WHEN	NOTE
1 Employee requests leave			
Leave request	**Employee → Employer**	Foreseeable: 30 days ahead (CFRA lets the employer require it; FMLA requires it). Otherwise as soon as practicable.	At least oral notice of the reason, timing, and duration; the employee need not name CFRA or FMLA.
Disability insurance brochure DE 2515 Get it: EDD brochure (PDF)	**Employer → Employee**	When the employee asks for time off for a non-work-related illness, injury, or surgery.	Also given to every new hire.
2 Employer responds			
Response	**Employer → Employee**	Within 5 business days of the request.	Try to respond before leave begins. When granting, guarantee the same or a comparable job — in writing if asked.
Designation as CFRA (or CFRA/FMLA) Get it: DOL WH-382 (PDF)	**Employer → Employee**	Tell the employee the leave counts as CFRA.	Under FMLA, the written designation notice (WH-382) goes out within 5 business days of having enough information.
FMLA eligibility notice WH-381 Get it: DOL WH-381 (PDF)	**Employer → Employee**	Within 5 business days of the request.	FMLA applies only at 50+ employees within 75 miles.
3 Medical certification			
Certification request	**Employer → Employee**	If the employer requires one: ask when the employee gives notice (FMLA: within 5 business days).	State the consequences of not providing it.
Medical certification WH-380-E or the CRD form Get it: DOL WH-380-E (PDF) · CRD CFRA form (PDF)	**Health provider → Employee → Employer**	Allow at least 15 calendar days.	Start date, probable duration, and that the employee can't work or do an essential function. No diagnosis unless the employee chooses.
4 Employee files the disability pay claim			
Disability insurance claim DE 2501, Part A Get it: SDI Online · order the paper form	**Employee → EDD**	No later than 49 days after the disability begins.	SDI Online or paper. The first 7 days are an unpaid waiting period.
Provider's certification DE 2501, Part B Get it: SDI Online	**Health provider → EDD**	Within 49 days of the disability start.	The claim isn't complete without it.
EDD's notice of the claim DE 2503 Sent by EDD — no blank to download · EDD employer page	**Employer → EDD**	Within 2 working days of receiving it from EDD.	SDI Online or paper. EDD does not share medical details with the employer.
5 The return to work			
Return-to-work release	**Employee → Employer**	Only if the employer requires one of everyone, under a uniformly applied policy.	Under CFRA, a fitness-for-duty exam can't be a condition of return.

OFFICIAL FORMS edd.ca.gov/en/disability/Forms_and_Publications · dol.gov/agencies/whd/fmla/forms · calcivilrights.ca.gov/family-medical-pregnancy-leave

THE FULL TRAINING **Sick Leave and Serious Illness** — one illness, two stages, on one calendar. Four minutes, free: calfractionalhr.com/sick-leave

Starting framework, not legal advice — verify current figures before acting. CFRA applies at 5+ employees; FMLA at 50+ within 75 miles. Employees need 12 months of service and 1,250 hours in the prior 12 months. CFRA and FMLA run together for the employee's own condition. For executives and managers — not company policy.

NOT LEGAL ADVICE
CURRENT AS OF 10.31.2026
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