

Parental Leave Guidelines - California

Congratulations on your soon to arrive new family member! Pregnancy disability and parental leave are the most common types of leave and specific laws and benefits apply, so we've developed the following guide to help set your expectations as to what will happen during a "typical" parental leave process. Your leave of absence will be unique to you, but this guide will provide information that applies to most parental leaves of absence. In the below sections, we will list out a number of laws and benefits that you should be aware of when taking parental leave.

Family Medical Leave Act ([FMLA](#))

FMLA is designed to help employees balance their work and family responsibilities by allowing them to take reasonable unpaid leave for certain family and medical reasons. FMLA provides eligible employees with up to 12 weeks of unpaid, job-protected leave per year and also allows the continuation of health benefits during any period of unpaid leave under the same conditions as if the employee continued to work. FMLA-protected time off may be taken altogether, or at different times within a 12-month period. FMLA also prevents the loss of any employment benefit accrued before the beginning of the leave.

To be eligible for FMLA leave, an employee must have worked for at least 12 months, meet the hours requirement of 1250 hours in the 12 months preceding the leave, and work at a worksite with at least 50 employees within 75 miles. Employees taking FMLA leave do not accrue any sick time during their leave period.

FMLA Intermittent/Reduced Schedule Leave

The FMLA permits employees to take leave on an intermittent basis or to work a reduced schedule under certain circumstances. Intermittent/reduced schedule leave may be taken to care for a newborn or newly placed adopted or foster care child only with the employer's approval. Only the amount of leave actually taken while on intermittent/reduced schedule leave may be charged as FMLA leave.

Employees needing intermittent/reduced schedule leave for foreseeable medical treatment must work with their employers to schedule the leave so as not to unduly disrupt the employer's operations, subject to the approval of the employee's health care provider.

Additional Info on [FMLA](#)

California Family Rights Act [CFRA](#)

The California Family Rights Act (CFRA) is the state's version of FMLA and applies to private employers with 5 or more employees and provides employees with up to 12 weeks of unpaid, job-protected leave in a 12-month period for family care and medical leave. Employees eligible for CFRA leave are those with 12 months of service with the employer, who have worked at least 1,250 hours with the employer during the 12-month period before the date that leave begins.

An eligible employee is entitled to take family care and medical leave under CFRA for any of the following reasons: Birth of a child of the employee (baby bonding), placement of a child with the employee for adoption or foster care, care of a parent, spouse, or child of the employee with a serious health condition, serious health

condition of the employee (except for leave taken for disability due to pregnancy, childbirth, or related medical conditions).

California State Disability Insurance ([CA SDI](#))

California's SDI Program provides short-term Disability Insurance (DI) and Paid Family Leave (PFL) wage replacement benefits to eligible workers who need time off work. Employees may be eligible for DI if they are unable to work due to non-work-related illness or injury, pregnancy, or childbirth. Employees may be eligible for PFL to care for a seriously ill family member or to bond with a new child. SDI is administered by the Employment Development Department (EDD). More details can be found in the following sections.

[Info on How to file for SDI](#)

California Pregnancy Disability Leave ([PDL](#))

Pregnancy Disability Leave, or PDL, is leave from work to accommodate employees with a pregnancy disability. The employee's health care provider will recommend how long they need to take leave from work, but eligible employees are entitled to up to four months of PDL per pregnancy. This leave is in addition to any other leave for which they may be eligible under the Fair Employment and Housing Act (FEHA), California Family Rights Act (CFRA), other state laws and local ordinances, or their employer's leave policies.

It is common to begin Pregnancy Disability Leave up to (2) weeks prior to delivery - and sometimes (4) weeks prior with a doctor's certification; however some employees do work until the actual due date. Additionally, employees who give birth will normally be considered disabled for (6) weeks *after* the birth of the baby, regardless of the time they were out prior to delivery, and in some cases longer with certification from a doctor. After one is no longer considered disabled, their disability benefit payments will stop.

[Additional Info on PDL](#)

Wage Replacement While On CA SDI/PDL Leave

Eligible employees who become disabled due to pregnancy or childbirth can apply for SDI benefits. CA SDI covers approx. 60-70% of your weekly income. Below is a breakdown of the benefits and steps to file a claim.

Breakdown of SDI Wage Replacement Benefits

- **CALENDAR DAYS 1 – 7:** Disability Qualification Period: This is the unpaid waiting period before the benefit kicks in.
- **STARTING DAY 8:** You will begin receiving disability income equal to roughly 60-70% of your weekly earnings from CA SDI (administered through the EDD)
 - You must apply for CA SDI first. It is your responsibility to apply with the EDD. The max payment one can receive from CA SDI is \$1,540 per week.
 - **Example:** If you live in California and have a pre-disability income of \$100,000 annually, you would be due a weekly benefit of approx. \$1,153 (60%) from the State
 - Applying for SDI is your responsibility and is a three step process for you: **1)** File for the claim [online](#) or call the state. **2)** Complete your portion of the SDI application and submit. **3)** Have your physician complete the physician's statement and submit.
 - The benefits that you receive from the State will not be taxed.

California Paid Family Leave ([CA PFL](#))

Paid Family Leave (PFL) provides wage replacement benefits to individuals (mothers and fathers) who need to take time off work to care for a seriously ill child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner. Benefits are also available to new parents who need time to bond with a new child entering their life either by birth, adoption, or foster care placement. The total PFL time available is 8 weeks.

In order to be eligible for CA PFL benefits, the employee must:

- Be unable to do their regular or customary work due to the need to provide care for a seriously ill family member or to bond with a new child.
- Be employed or actively looking for work at the time their family leave begins.
- Have lost wages because they were caring for a seriously ill family member or bonding with a new child.
- Have earned at least \$300 from which State Disability Insurance (SDI) deductions were withheld from their paycheck during your base period. [For additional information, visit Calculating Paid Family Leave Benefit Payment Amounts.](#)

When PFL Begins

For PFL-eligible mothers who have given birth, PFL can begin when the employee is no longer considered disabled by their doctor, which in most cases, is (6) weeks following the baby's birth. However, CA PFL can be initiated (and taken) at any time prior to the baby's first birthday. PFL-eligible fathers are able to take PFL at any time during their baby's first year of life. The Total PFL time available is 8 weeks. When mothers initiate their Pregnancy Leave with CA SDI, they need to also make sure to indicate they would like to take CA PFL at the conclusion of their disability. Employees can apply directly online where they apply for CA SDI.

If an employee would like to take their PFL not immediately after their birth but later in the year, before the baby's first birthday, they must report their request for CA PFL 30-45 days prior to their expected departure date. Information on how to report CA PFL is found [here](#).

Wage Replacement While on PFL

Approximately 18.3 million California workers are covered by the PFL program, which is funded through mandatory employee payroll deductions. If eligible, employees can receive approximately 60% to 70% (depending on income) of wages earned 5 to 18 months prior to their claim start date (maximum wage replacement rate is \$1,540 per week). Eligible employees will receive this benefit for up to (8) weeks within any 12-month period.

To apply, the employee must complete the form [online](#) or call the state. For mothers who took Pregnancy Disability Leave and applied for and received SDI benefits, the state will automatically send them the appropriate form within 10 days after their SDI claim ends. The wage replacement benefits from the State will not be taxed.

Example Payment While on Pregnancy/Parental Leave – Mother Disabled 2 Weeks Prior to Due Date

***Please note that wage replacement benefits and timing will vary greatly depending on individual circumstances. This is just one possible scenario of many.*

Time Period (Calendar Weeks) Compensation

Week 1 State Disability Qualification Period Sick Leave bank (if balance exists) or go without income.
Employee has the right to draw down from SF

Week 2	SDI Leave	SDI Benefits - 60-70% of gross weekly wages, w/ max. \$1,620 / week *Employee can still draw down on SF Sick leave hours.
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Baby Is Born – Congratulations!!

Weeks 3-8	SDI Leave	SDI Benefits continue -60-70% of gross weekly wages, max benefit is \$1620/week
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Weeks 9-14 CA PFL PFL Benefits- approx. 60-70% of gross weekly wages **If working in SF, refer to SF PPLO section below

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For Employees Working in San Francisco Only: SF Paid Parental Leave Ordinance ([SF PPLO](#))

Employers in San Francisco are required to provide up to (8) weeks of supplemental compensation to employees who receive California Paid Family Leave (PFL) benefits to bond with a new child. Employers with 20 or more employees are covered by the law. A "Covered Employee" entitled to supplemental compensation under the PPLO is an employee:

- Who began employment with the covered employer at least 180 days prior to the start of the leave period;
- Who performs at least eight hours of work per week for the employer in San Francisco; • At least 40% of whose total weekly hours worked for the employer are in San Francisco; and • Who is eligible to receive paid family leave compensation under the California Paid Family Leave law for the purpose of bonding with a new child.

The ordinance requires employers to pay supplemental compensation during the 8-week leave period. **When SF PPLO Begin**

SF PPLO can begin during the same time of CA PFL (see above) which is after the child is born and will be up to (8) weeks maximum. Employees can take this leave intermittently and are not required to take it all at once.

Wage Replacement Offered Through SF PPLO Benefits

If an employee is eligible for California Paid Family Leave (PFL) benefits for new child bonding and they work in San Francisco, they may also be eligible for "Supplemental Compensation" from their employer. They must complete the [Paid Parental Leave Form](#), see below, to receive Supplemental Compensation for new child bonding from their employer.

The SF PPLO supplemental compensation amount received from the employer will be dependent on what the employee received from the State of California (CA PFL). The employer, Premier Talent Partners, is required to provide supplemental compensation in amount such that the California Paid Family Leave wage replacement **plus** the supplemental compensation equals 100% of the employee's gross weekly wage.

For example, if the State PFL Program pays out 60% of the employee's gross weekly wages, then Premier will supplement the remaining 40%, equaling 100% wage replacement during the (8) week leave period.

How to Apply for SF PPLO Leave Supplementary Compensation

- As a resident of California, employees must first apply for state Paid Family Leave (PFL) benefits (see above for directions and forms) through the CA [EDD's website](#).
- After applying for CA PFL, the employee can then submit the [SF PPLO](#) form to Premier.
 - Please list Premier as your employer of record when completing the form (please read all the directions to ensure that the form is completed correctly)
 - After applying for CA PFL, you should receive a "Notice of Computation" from the EDD. Please submit a copy of this with your SF PPLO form to Premier so that we can properly calculate your wage benefit
 - If you would like for information on this ordinance and how it works, contact the SF PPLO Hotline: (415) 554-4190 or e-mail pplo@sfgov.org

Example of Payment While on SF PPLO – Immediately following Pregnancy Disability Leave ***Please note that wage replacement benefits and timing will vary greatly depending on individual circumstances.*

Time Period (Calendar Weeks) Compensation

CA PFL will determine your maximum wage replacement and

Week 9-14 CA PFL + SF PPLO

Premier Talent Partners will supplement the remaining

wages = 100% wage replacement during this period

