

## Leave Interaction

---

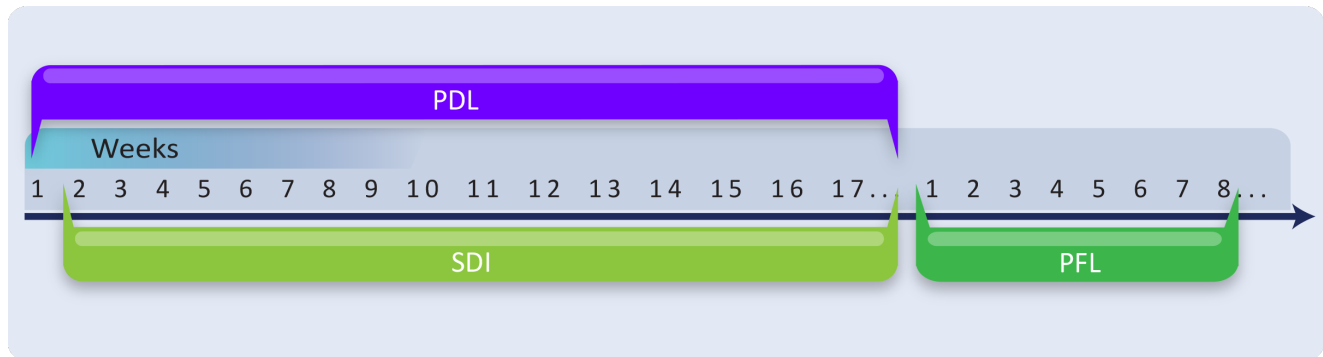
Use the leave interaction information and timelines to help determine the relationships among the various state-mandated leaves of absence and benefits during time off.

The types of leave and benefits include:

- **CFRA** - California Family Rights Act
- **FMLA** - Family and Medical Leave Act
- **PDL** - Pregnancy Disability Leave
- **PFL** - Paid Family Leave
- **SDI** - State Disability Insurance

## Leave Interaction

### PDL Only



Employees eligible for **only** Pregnancy Disability Leave (PDL) work for employers:

1. With five or more employees; and
2. The pregnant employee is not yet eligible for the Family and Medical Leave Act (FMLA) and/or the California Family Rights Act (CFRA) because the employee has not worked for 12 months and 1,250 hours in the prior 12 months.

An employee disabled by pregnancy, childbirth or a related medical condition has up to four months (one-third of a year equaling 17 1/3 weeks) of protected leave. For a full-time employee, who works 40 hours per week, four months equals 693 hours of leave entitlement (40 hours/week x 17 1/3 weeks). For employees who work more or less than 40 hours per week, the leave entitlement is calculated on a pro rata basis.

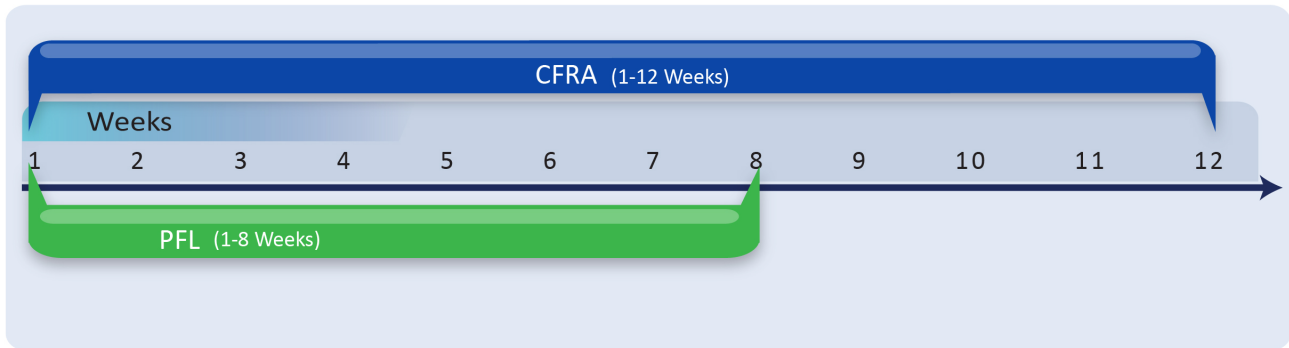
Eligible employees may receive up to 52 weeks of State Disability Insurance (SDI) benefits during the time they are disabled.

Keep in mind that there is typically a 7-day waiting period for SDI benefits.

## Leave Interaction

---

### CFRA Only



The California Family Rights Act (CFRA) applies to employers with five or more employees. Eligible employees must meet all of the following:

- Have worked for you for 12 months; and
- Have worked for you for 1,250 hours in the past 12 months.

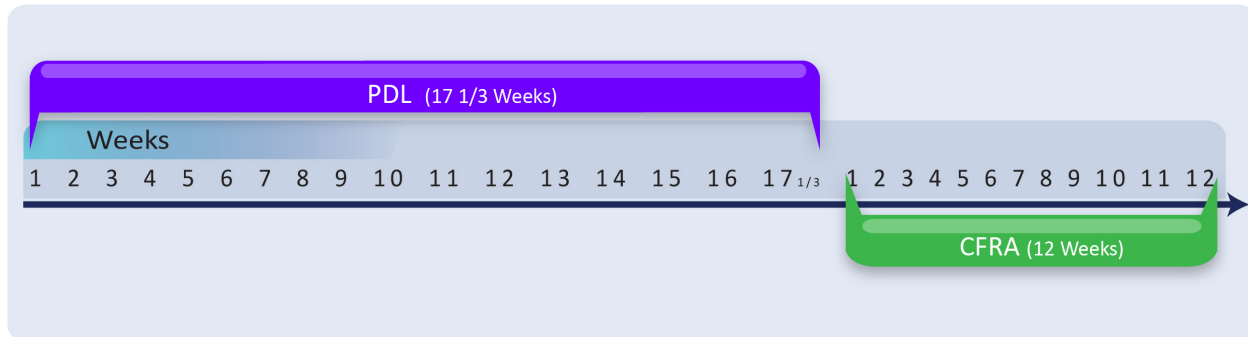
The CFRA provides eligible employees with up to 12 weeks of protected leave for their own serious health condition or to take care of a spouse, registered domestic partner, child, parent, sibling, grandchild or grandparent with a serious health condition.

The CFRA may also be used to bond with a new child within one year of the child's birth, adoption or foster care placement, or for a qualifying exigency arising because the spouse, son, daughter, parent or registered domestic partner of the employee is on covered active duty or call to covered active duty status.

The CFRA is unpaid; however, employees must be allowed to use accrued vacation pay, paid sick time, other accrued paid time off, or other paid or unpaid time off negotiated with the employer. Employees may also be eligible for Paid Family Leave (PFL) benefits for a maximum of eight weeks while on the CFRA. The PFL is only a wage replacement benefit; it is not a protected leave of absence.

## Leave Interaction

### PDL and CFRA



Pregnancy Disability Leave (PDL) applies to employers with five or more employees. Employees are eligible for PDL when they are disabled by pregnancy, childbirth or a related medical condition. An employee has up to four months (one-third of a year equaling 17 1/3 weeks) of protected leave.

The California Family Rights Act (CFRA) applies to employers with five or more employees. Eligible employees must meet all of the following:

- Have worked for you for 12 months; and
- Have worked for you for 1,250 hours in the past 12 months.

The CFRA provides eligible employees with up to 12 weeks to bond with a new child within one year of the child's birth, adoption or foster care placement.

PDL and the CFRA do not run concurrently. Therefore, an employee cannot begin to use the CFRA until the employee is no longer disabled by pregnancy. The CFRA cannot begin until PDL ends.

While this chart reflects an employee taking CFRA after the employee is no longer disabled by pregnancy, keep in mind that employees can choose to take CFRA at any point within the 12 months following the child's birth, adoption or foster care placement.

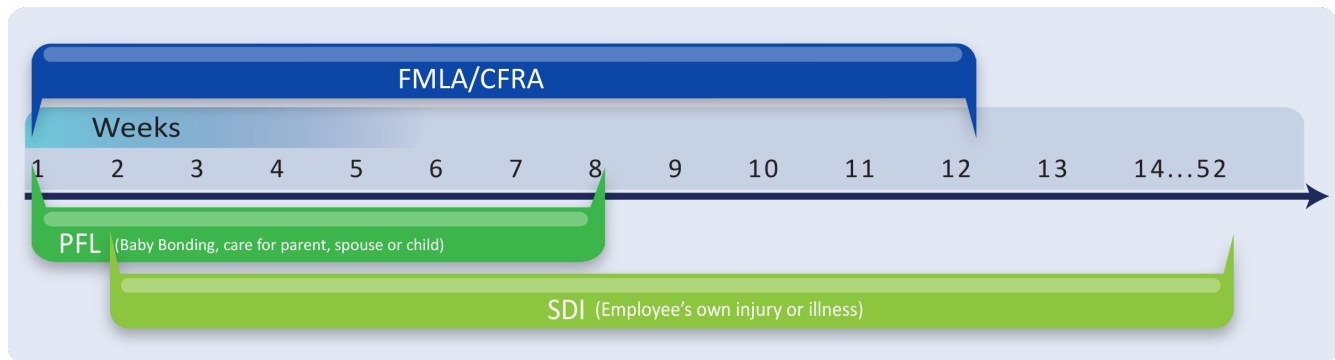
Employees may be eligible for up to 52 weeks of State Disability Insurance (SDI) while on PDL. Employees may also be eligible for Paid Family Leave (PFL) benefits for a maximum of eight weeks while on the CFRA. SDI and PFL are wage replacement benefits; they are not a protected leave of absence.

CFRA is unpaid, however, employees must be allowed to use accrued vacation pay, paid sick time, other accrued paid time off or other paid or unpaid time off negotiated with the employer.

Keep in mind that employees cannot receive PFL and SDI at the same time and that there is typically a 7-day waiting period for SDI benefits. However, there is no waiting period for PFL.

## Leave Interaction

### FMLA/CFRA Running Concurrently



The California Family Rights Act (CFRA) covers employers with five or more employees and the Family and Medical Leave Act (FMLA) covers employers with 50 or more employees. Eligible employees must meet all of the following:

- Have worked for you for 12 months; and
- Have worked for you for 1,250 hours in the 12 months prior to the need for the leave; and
- For FMLA only, work at a location with 50 or more employees in a 75-mile radius.

This leave is:

- For an employee's own serious health condition; or
- To care for a parent, child or spouse; or
- Time for a parent bonding with a newborn baby or child placed for adoption/foster care.

Employers should note that the CFRA provides broader coverage for leave to care for family members than the FMLA. In addition to children, parents and spouses, the CFRA allows employees to take up to 12 weeks of leave to care for a registered domestic partners, siblings, grandparents or grandchildren with serious health conditions. If the employee is taking leave to care for any of these family members, the leave will be CFRA only and will not run concurrently with FMLA. Leave taken as CFRA-only doesn't affect the employee's time available under the FMLA.

An employee may also be eligible for up to 52 weeks of State Disability Insurance (SDI) if the absence is for the employee's own serious illness/injury, even though the amount of time they are off from work/on leave with job protection is normally limited to the 12 weeks of FMLA/CFRA.

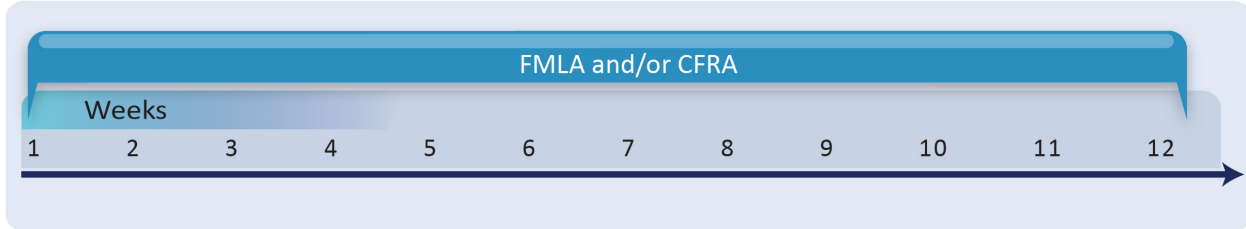
Additional leave may be provided beyond the 12 weeks, based on your company's policy or practice. An employee may be eligible for up to eight weeks of Paid Family Leave wage replacement benefits if the absence is to care for a parent, spouse or child, or to bond with a child. (PFL is also available for other absences not covered by FMLA/CFRA.)

Keep in mind that employees cannot receive PFL and SDI at the same time and that there is typically a 7-day waiting period for SDI benefits. However, there is no waiting period for PFL.

## Leave Interaction

---

### Qualifying Exigency



Both the California Family Rights Act (CFRA) and the federal Family and Medical Leave Act (FMLA) provide leave for qualifying exigencies related to military service. The CFRA covers employers with five or more employees, and the FMLA covers those with 50 or more employees. Eligible employees must meet all of the following:

- Have worked for you for 12 months; and
- Have worked for you for 1,250 hours in the 12 months prior to the need for the leave; and
- For FMLA only, work at a location with 50 or more employees in a 75-mile radius.

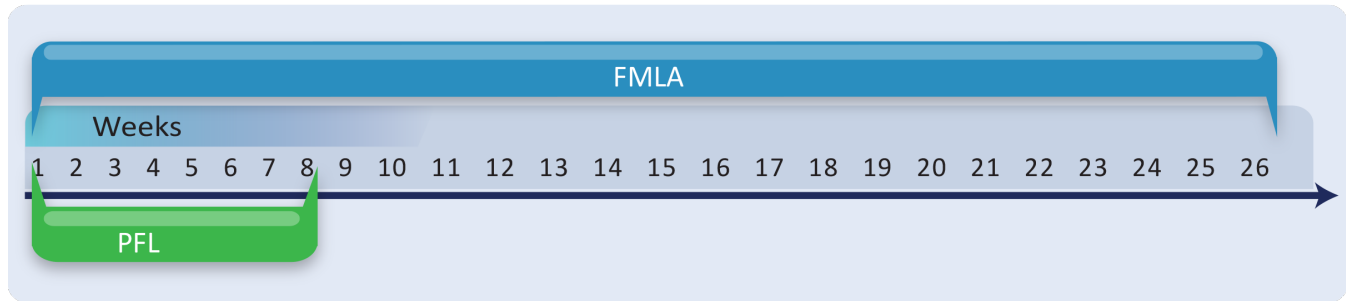
Eligible employees are entitled to up to 12 weeks of FMLA and/or CFRA leave because of "any qualifying exigency" arising because the spouse, son, daughter, parent or, under CFRA only, registered domestic partner of the employee is on covered active duty or call to covered active duty status.

For employers covered by both the FMLA and CFRA, this leave may run concurrently, unless the leave is related to the military service of the employee's registered domestic partner, in which case it will be CFRA only. Additionally, for employers with 5-49 employees, the leave will be CFRA only because those employers are not covered by the FMLA.

To read more about leave for a qualifying exigency, see [FMLA and CFRA Qualifying Reasons](#) (CalChamber members only).

## Leave Interaction

### FMLA Only – Caring for Servicemember



Family and Medical Leave Act (FMLA)-covered employers include those with 50 or more employees. Eligible employees must meet all of the following:

- Have worked for you for 12 months; and
- Have worked for you for 1,250 hours in the 12 months prior to the need for the leave; and
- Work at a location with 50 or more employees in a 75-mile radius.

FMLA includes a special leave entitlement that permits eligible employees a total of 26 workweeks of leave during a single 12-month period to care for a covered servicemember. A covered servicemember is either:

- A current member of the Armed forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\*; or
- A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness.\*

\*The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition."

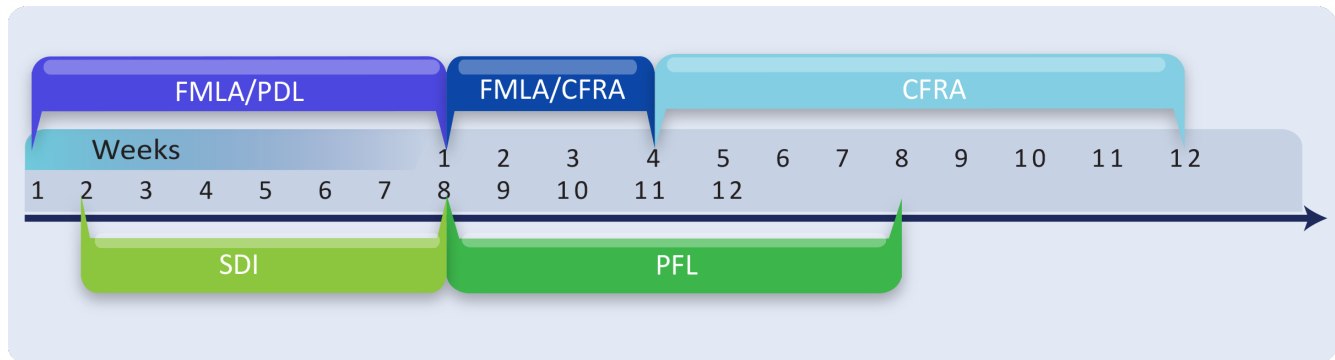
Those entitled to this leave include the spouse, son, daughter, parent or next of kin of a covered servicemember, as defined above.

This leave does not exist under California law, so when this leave is exhausted, an employee may still have CFRA time available for a covered reason. **Note — not shown in chart above:** CFRA may run concurrently with FMLA for up to 12 weeks if the employee is caring for a family member covered by CFRA.

The employee may be eligible for up to eight weeks of PFL benefits if the injured service member is the spouse, parent or child of the employee. (PFL is also available for other absences not covered by FMLA/CFRA.)

## Leave Interaction

### PDL/FMLA and FMLA/CFRA Example 1



This example shows an employee taking eight weeks of leave for pregnancy disability and then 12 weeks for bonding with the new baby after the employee is no longer disabled by pregnancy.

Pregnancy Disability Leave (PDL)- and California Rights Act (CFRA)-covered employers include those with five or more employees, and Family and Medical Leave Act (FMLA)-covered employers include those with 50 or more employees. Eligible employees must meet all of the following:

- Have worked for you for 12 months; and
- Have worked for you for 1,250 hours in the 12 months prior to the need for the leave; and
- For FMLA only, work at a location with 50 or more employees in a 75-mile radius.

PDL and FMLA may run concurrently for up to 12 weeks. The pregnant employee may be eligible for PDL/FMLA when the employee is unable to perform the essential functions of the employee's job because of:

- Pregnancy; or
- Childbirth; or
- A related medical condition.

Additionally, PDL and FMLA cover absences for prenatal care and serious conditions such as severe morning sickness. An employee may also be eligible for up to 52 weeks of State Disability Insurance (SDI) when the employee is disabled, and for up to eight weeks of Paid Family Leave (PFL) benefits during the CFRA leave for baby bonding.

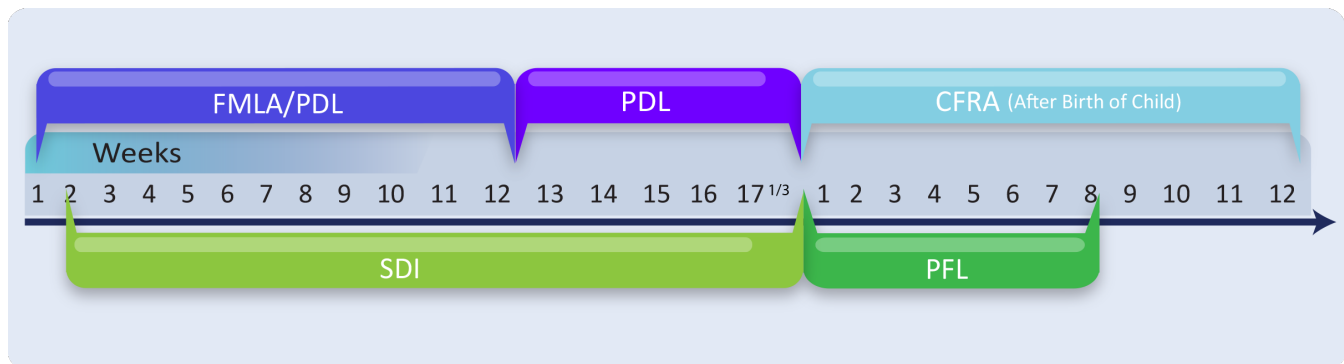
This chart reflects PDL/FMLA running concurrently for eight weeks. Once the employee's health care provider has released the employee to return to work, the employee will be eligible for up to 12 weeks of CFRA for baby bonding. In this example, the remaining four weeks of FMLA run concurrently with CFRA.

Keep in mind that employees cannot receive PFL and SDI at the same time. This chart reflects the employee receiving SDI benefits during the employee's pregnancy leave and then PFL during baby bonding. While there is typically a seven-day waiting period for SDI benefits, there is no corresponding waiting period for PFL benefits.



## Leave Interaction

### PDL/FMLA and FMLA/CFRA Example 2



This example shows an employee taking 17 1/3 weeks of time for pregnancy disability and then 12 weeks for bonding with the baby after the employee is no longer disabled by pregnancy.

Covered employers under the California Family Rights Act (CFRA) include those with five or more employees and under the Family and Medical Leave Act (FMLA), those with 50 or more employees. Eligible employees must meet all of the following:

- Have worked for you for 12 months; and
- Have worked for you for 1,250 hours in the 12 months prior to the need for the leave; and
- For FMLA only, work at a location with 50 or more employees in a 75-mile radius.

This leave is designated as Pregnancy Disability Leave (PDL) and FMLA running concurrently, followed by up to 12 weeks of CFRA leave for baby bonding after the birth of the child.

The pregnant employee may be covered by PDL and FMLA when the employee is unable to perform the essential functions of the job because of:

- Pregnancy; or
- Childbirth; or
- A related medical condition.

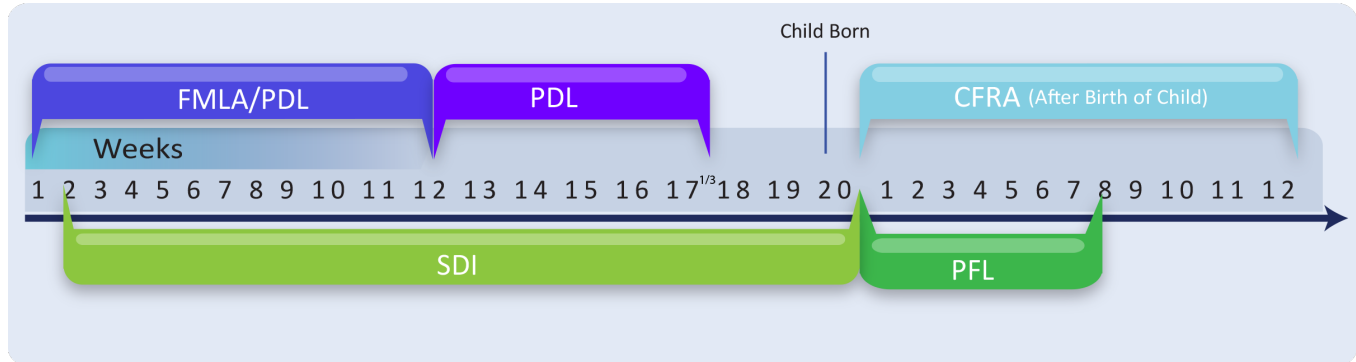
Additionally, PDL and FMLA cover absences for prenatal care and serious conditions such as severe morning sickness. An employee may be eligible for up to 52 weeks of State Disability Insurance (SDI) when the employee is disabled, and for up to eight weeks of Paid Family Leave (PFL) benefits during the CFRA leave for baby bonding.

This chart reflects the total amount of time available to an employee who is pregnant and eligible for FMLA and CFRA. While the employee may be eligible for up to four months (17 1/3 weeks) of PDL, the employee's health care provider determines the actual amount of time that the employee is considered to be disabled by the pregnancy, childbirth or related medical condition.

Keep in mind that employees cannot receive PFL and SDI at the same time and that there is typically a seven-day waiting period for SDI benefits; however, there is no waiting period for PFL benefits.

## Leave Interaction

### PDL/FMLA and FMLA/CFRA Example 3



This example shows an employee using 17 1/3 weeks of leave for pregnancy disability before the child is born and then taking an additional 12 weeks of leave for bonding with the new baby after the baby's birth.

Covered employers under the California Family Rights Act (CFRA) include those with five or more employees and under the Family and Medical Leave Act (FMLA), those with 50 or more employees. Eligible employees must meet all of the following:

- Have worked for you for 12 months; and
- Have worked for you for 1,250 hours in the 12 months prior to the need for the leave; and
- For FMLA only, work at a location with 50 or more employees in a 75-mile radius.

This leave is pregnancy disability leave (PDL) and FMLA running concurrently, followed by up to 12 weeks of CFRA leave for baby bonding after the birth of the child.

The pregnant employee may be covered by PDL and FMLA when the employee is unable to perform the essential functions of the job because of the:

- Pregnancy; or
- Childbirth; or
- A related medical condition.

Additionally, PDL and FMLA cover absences for prenatal care and serious conditions such as severe morning sickness. An employee may be eligible for up to 52 weeks of State Disability Insurance (SDI) when she is disabled, and for up to eight weeks of Paid Family Leave (PFL) benefits during the CFRA leave for baby bonding.

This chart reflects the leave available when an employee uses all PDL/FMLA before the birth of the child. Once the employee has exhausted all PDL, the employer's policy applies to any job protection. The employee may take CFRA leave for baby bonding at any time after the child is born. The baby bonding must be completed during the 12 months after the birth of the child.

Keep in mind that employees cannot receive PFL and SDI at the same time and that there is typically a seven-day waiting period for SDI benefits but there is no waiting period for PFL benefits. This chart is assuming the employee was no longer disabled immediately upon the birth of the child. Generally, however, a physician will certify the employee as disabled for a certain period after childbirth, typically six weeks. In that situation, the employee would continue receiving SDI for the employee's own disability after the child's birth and then PFL.