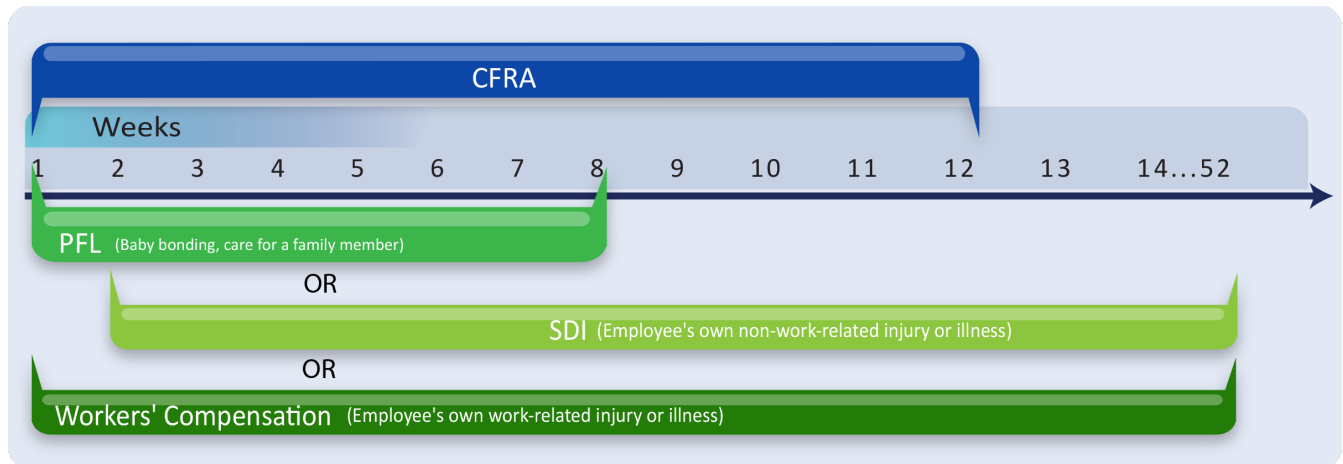


Leave Interaction (FMLA/CFRA/PDL)

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, parent-in-law, sibling, grandchild, grandparent or someone else with a blood or family-like relationship with the employee ("designated person") 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. If the leave is to take care of a family member or to bond with a child, an employee may be eligible for Paid Family Leave (PFL) benefits for a maximum of eight weeks while on CFRA leave. PFL is only a wage replacement benefit; it is not a protected leave of absence.

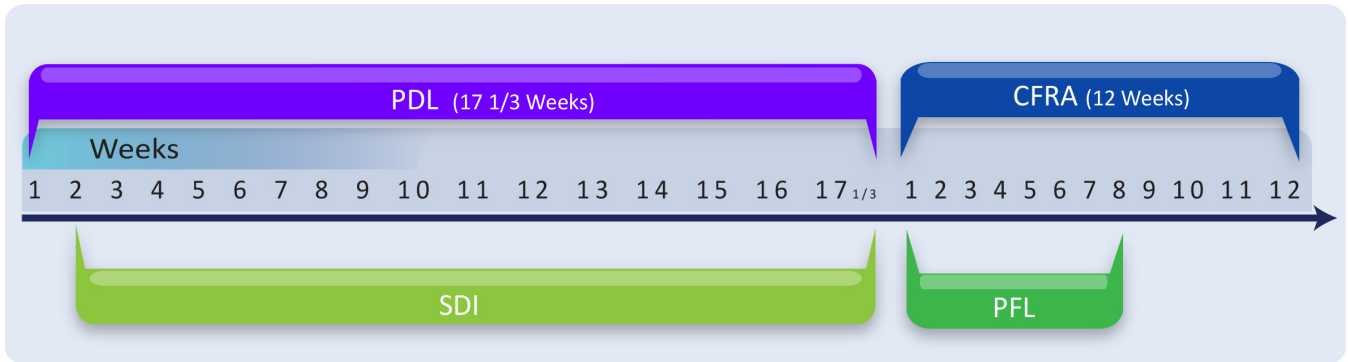
An employee may also be eligible for up to 52 weeks of State Disability Insurance (SDI) if the absence is for the employee's own non-work-related serious health condition, even though the amount of time they are off from work/on leave with job protection is normally limited to the 12 weeks of CFRA.

If the employee's serious health condition is work related, then the employee may apply for workers' compensation benefits through the employer's workers' compensation insurance carrier. **As a reminder, workers' compensation does not provide for a job-protected leave of absence.** You will place an employee on CFRA leave, if eligible, and if not, you will explore whether leave is a reasonable accommodation under the circumstances.

Keep in mind that employees cannot receive multiple wage replacement benefits 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 or workers' compensation benefits.

Leave Interaction (FMLA/CFRA/PDL)

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.

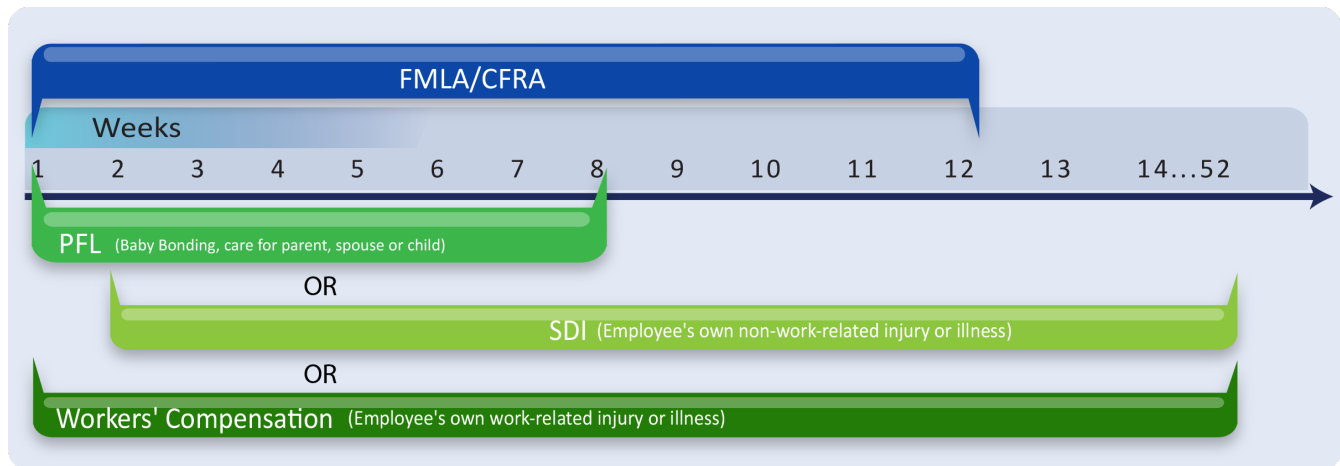
Employees may be eligible for up to 52 weeks of State Disability Insurance (SDI) while on PDL. Employees may also be eligible for Paid Family Leave (PFL) benefits for a maximum of eight weeks while on the CFRA. SDI and PFL are wage replacement benefits; they are not a protected leave of absence.

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/PDL)

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 registered domestic partners, parents-in-law, siblings, grandparents, grandchildren or someone else with a blood or family-like relationship with the employee ("designated person") with a serious health condition. 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.

The CFRA and FMLA are 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. If the leave is to take care of a family member or to bond with a child, an employee may be eligible for Paid Family Leave (PFL) benefits for a maximum of eight weeks while on CFRA leave. PFL is only a wage replacement benefit; it is not a protected leave of absence.

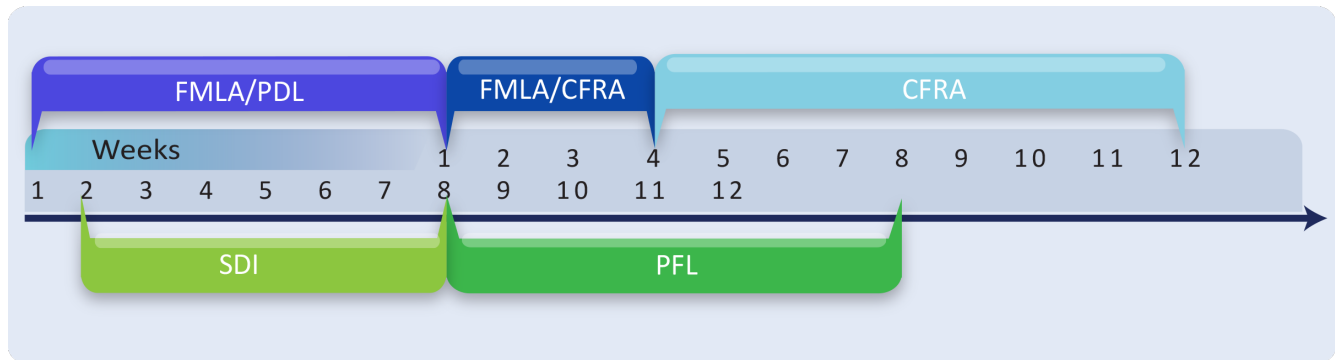
An employee may also be eligible for up to 52 weeks of State Disability Insurance (SDI) if the absence is for the employee's own non-work-related serious health condition, even though the amount of time they are off from work/on leave with job protection is normally limited to the 12 weeks of CFRA.

If the employee's serious health condition is work related, then the employee may apply for workers' compensation benefits through your workers' compensation insurance carrier. **As a reminder, workers' compensation does not provide for a job-protected leave of absence.** You will place an employee on CFRA leave, if eligible, and if not, you will explore whether leave is a reasonable accommodation under the circumstances.

Keep in mind that employees cannot receive multiple wage replacement benefits 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 or workers' compensation benefits.

Leave Interaction (FMLA/CFRA/PDL)

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.

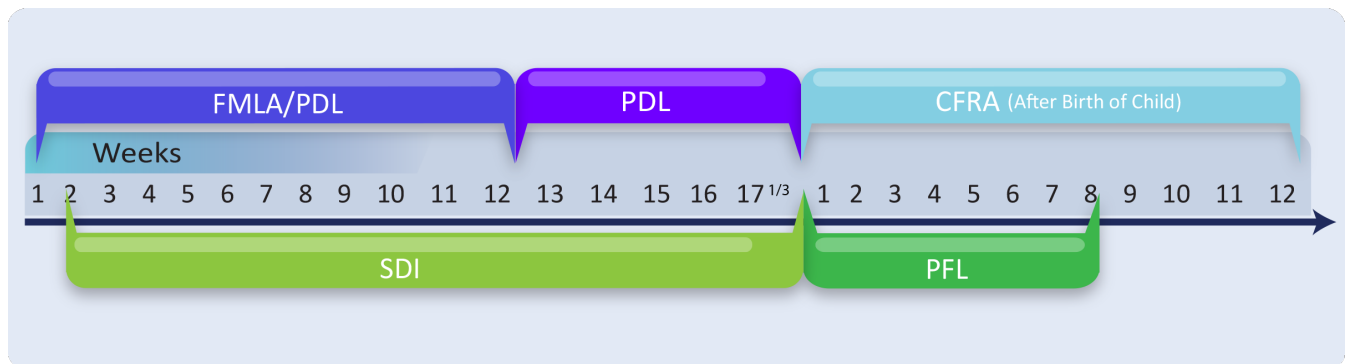
Additionally, PDL and FMLA cover absences for prenatal care and serious conditions such as severe morning sickness. An employee may also be eligible for up to 52 weeks of State Disability Insurance (SDI) when the employee is disabled, and for up to eight weeks of Paid Family Leave (PFL) benefits during the CFRA leave for child 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 child 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 child bonding. While there is typically a seven-day waiting period for SDI benefits, there is no corresponding waiting period for PFL benefits.

Leave Interaction (FMLA/CFRA/PDL)

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 child bonding after the employee is no longer disabled by pregnancy.

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.

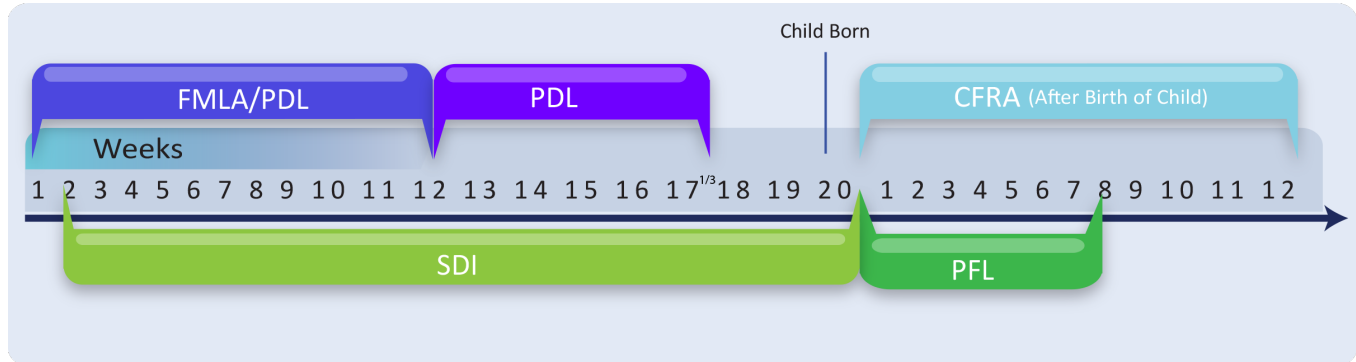
Additionally, PDL and FMLA cover absences for prenatal care and serious conditions such as severe morning sickness. An employee may be eligible for up to 52 weeks of State Disability Insurance (SDI) when the employee is disabled, and for up to eight weeks of Paid Family Leave (PFL) benefits during the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

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 child 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 child bonding.

This chart reflects the leave available when an employee uses all their PDL/FMLA before the birth of the child. An employee may remain disabled at the end of PDL and request additional time off. In this situation, you must engage in the interactive, reasonable accommodation process under California's Fair Employment and Housing Act (FEHA) and the Americans with Disabilities Act (ADA), which may result in providing additional leave as a reasonable accommodation. The employee may take CFRA leave for child bonding at any time after the child is born. The child 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.