

**Welcome to**

California Paid Family Leave: What is it?  
How can you use it?

**The Webinar Will start at 12 p.m.**



# California Paid Family Leave:

*What is it?*

*How can you  
use it?*

# Presenters

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Jenya Cassidy  
**Director**

she/her



Charlette Flanders  
**Education Manager**

she/her



# About Us

The California Work & Family Coalition is an alliance of organizations united in the belief that all people should have the time and resources to care for themselves and each other.



# About Us

Through organizing, advocacy and education, we are fighting for a world where all workers and family members have access to paid leave to bond with new children and care for our families.

# Training Goals

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Learn the basics of California Paid Family Leave law, eligibility and application requirements.



Understand existing and new legal protections for caregivers, pregnant workers, and new parents.



Learn how to use Paid Leave Checklist and resource materials to help people access the benefit.

# Meeting Agenda

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- Paid Family Leave
- Job Protection
- Paid Sick and Safe Days
- Paid Leave Checklist  
Scenarios and Case Study

- Positive Impacts and Barriers
- Ways to get involved
- Q&A



# Paid Family Leave (PFL) Wage Replacement

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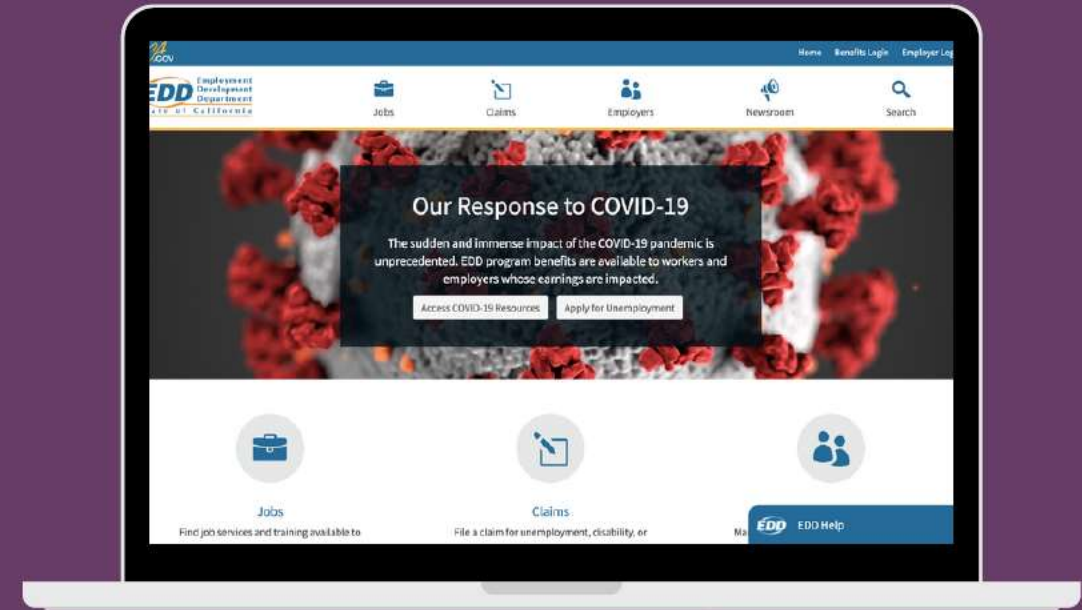
Provides partial wage replacement for California workers who need to take time off to bond with a new child or care for a seriously ill family member.





# How to Apply for Paid Family Leave

Apply on the Employment Development Department (EDD) Website: [edd.ca.gov](https://edd.ca.gov).



[edd.ca.gov](https://edd.ca.gov)

# Eligibility Requirements for Paid Family Leave

- Paying into **State Disability Insurance (SDI)**.
- Have a new child or need to care for a seriously ill family member.
- Earned at least \$300 from which SDI deductions were withheld during the base period.

Pay stub for period: 12/16/2015 - 12/31/2015

Buffer Inc  
44 Tehama Street  
San Francisco, CA 94105

ADVICE OF DEPOSIT

Date: 12/31/2015

Mary C Jantsch  
San Francisco, CA 94133

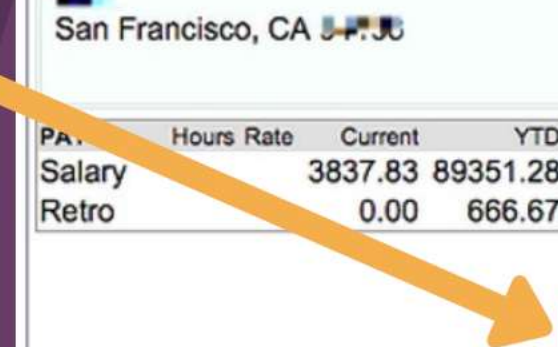
Net Pay: \$ 2581.27

PA	Hours	Rate	Current	YTD	TAXES WITHHELD	Current	YTD
Salary			3837.83	89351.28	Federal Income Tax	676.91	15731.96
Retro			0.00	666.67	Social Security	237.94	5581.11
					Medicare	55.65	1305.26
					CA Income Tax	251.52	5822.68
					CA State Disability Ins	34.54	810.16

**SUMMARY**

	Current	YTD
Total Pay	3837.83	90017.95
Deductions	0.00	0.00
Taxes	1256.56	29251.17

Net This Check: \$2,581.27  
Acct#....8134: \$2,581.27



Citizenship and immigration status  
**do not affect** eligibility of Paid  
Family Leave benefits.

# What is State Disability Insurance (SDI)

- State Disability Insurance (SDI) is a state fund that the majority of CA workers pay into and draw upon when they can't work due to temporary disability (including a pregnancy related condition) or use Paid Family Leave.
- Funds your wage replacement during leave.



# Eligibility Requirements to Use State Disability Insurance (SDI)

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1

Unable to do regular or customary work

3

Wage loss

2

In Labor Market

4

Earned at least \$300 from which SDI deductions were withheld during the base period

# Paid Family Leave for Caregiving

- Provides partial wage replacement to take time off to care for a seriously ill family member (defined as children, spouses, domestic partners, parents, grandparents, grandchildren, parent-in-law, and siblings).
- 60% or 70% of normal weekly wages, up to \$1,300 per week (2020), up to 8 weeks (as of July 1, 2020).
- Leave can be taken all at once or in parts.
- Apply through the EDD website within 49 days (or later with good cause).



# Paid Family Leave for Caregiving Application

- Application will require a Medical Certification, Care Recipient's Authorization for Disclosure of Personal Health Information, and Statement of Care Recipient.
- Certification from a physician or medical practitioner to verify the person you are caring for has a serious illness.
- You can care for a family member in another state or country (care does not have to occur in California).



# Paid Family Leave **for Bonding**

- Provides partial pay for parents while they are on leave from work to bond and care for a newborn, adopted, or foster child within the first year after birth or placement.
- 60% or 70% of normal weekly wages, up to \$1,300 per week (2020), up to 8 weeks (as of July 1, 2020).
- Leave can be taken all at once or in parts.
- Apply through the EDD website within 49 days (or later with good cause).





# Paid Family Leave for Bonding Application

- Application will require proof of relationship for birth parents, non-birth parents, foster, and adoptive parents.
- If the birth parent used Pregnancy Disability Leave (PDL) they do not have to provide further proof of relationship.
- If a parent did not take Pregnancy Disability Leave, they will have to provide proof of relationship, i.e. birth certificate.



Paid Family Leave is a **wage replacement program only**, it does not require your employer to give you your job back when you return from leave.

# What is Job Protection?

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- Your employer must guarantee your job or a comparable job when you return from leave; maintain your benefits during leave, and retaliation against workers for using or attempting to use leave is also prohibited.
- Your employer is only required to protect your job if you are covered by separate state and federal laws.



# Job Protection **Laws**

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Family Medical Leave Act (FMLA)



California Family Rights Act (CFRA)



New Parent Leave Act (NPLA)\*



Pregnancy Disability Leave (PDL)

# Qualifying Reason for FMLA, CFRA, and NPLA

## Family Medical Leave Act (FMLA)

You are taking time off to bond with a newborn, recently adopted child or a foster child; to care for a seriously ill child, parent, spouse; to care for your own serious health condition; or in specific situations related to the military deployment of your child, parent or spouse

## California Family Rights Act (CFRA)

You are taking time off to bond with a new born, recently adopted child or a foster child, or **to care for a seriously ill child, parent, spouse, or registered domestic partner\***

**\*As of January 1, 2021:**

You are taking time off to care for a seriously ill family member (defined as **children, spouses, domestic partners, parents, grandparents, grandchildren, parent-in-law, and siblings**).

## New Parent Leave Act (NPLA)\*

You are taking time off to bond with and care for a newborn, recently adopted child or a foster child placed in your home in the past year

# Eligibility Requirements for FMLA, CFRA, and NPLA as of 2020

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1

1 year on the job.

2

1,250 hours worked in the prior year (about 25 hours/week).

3

50+ employees for one's own serious illness or caregiving leave.\*

4

20+ employees for new parents.\*

**\*As of January 1, 2021, the New Parent Leave Act (NPLA) will no longer be in effect because the California Family Rights Act (CFRA) will be expanded (SB 1383).**

**\*As of January 1, 2021, all employees who work for an employer with 5 or more employees and meet the other requirements of CFRA (1 year on the job and 1,250 hours worked in the past year) will qualify for job protection!**



# Eligibility Requirements for FMLA and CFRA as of 2021

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1

1 year on  
the job.

2

1,250 hours  
worked in the  
prior year  
(about 25  
hours/week).

3

5+ employees  
for one's own  
serious illness ,  
new parents or  
caregiving leave.

# Your Rights Under FMLA, CFRA, and NPLA

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## Leave Length

12 weeks per year (all at once or intermittently)

## Job Protection

Restored to same or equivalent job

## Benefits

Continuation of health benefits

## Anti-Discrimination

Protection from discrimination and retaliation

# Pregnancy Disability Leave (PDL)

- Up to 4 months unpaid, job-protected leave while disabled by pregnancy, childbirth, or a related condition.
- Applies to all employers with 5+ employees.
- Can be used for prenatal care.
- Can be used intermittently.
- Continuation of health benefits.
- For an uncomplicated pregnancy, PDL is typically 4 weeks prior to estimated due date and 6 or 8 weeks after birth.



# Expanding Job Protection through SB 1383

- Extends job protection to workers in businesses with 5 or more employees.
- Extends job protection to more family members, so that all family members you can take care of using Paid Family Leave for Caregiving, are now covered by job protection laws (defined as children, spouses, domestic partners, parents, grandparents, grandchildren, parent-in-law, and siblings).
- Expanding the definition of family by recognizing the value of more diverse, multi-generational family relationships.
- **Effective on January 1, 2021.**



# If you don't qualify for job protection...

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- You can still use Paid Family Leave as long as you pay into State Disability Insurance (SDI).
- You can ask your employer if you can take leave from your job
- Unfortunately your employer is NOT legally obligated to accommodate your request for leave

# Multiple Steps to Ensure Your Rights

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Talk to your doctor and/or medical provider.



Talk to your employer.

EDD

Talk to the Employment Development Department.



Document your communication. Get everything in writing so that there is a record.

# Sample Letter to request leave from Legal Aid at Work

## SAMPLE REQUEST FOR PREGNANCY AND BONDING LEAVE

### MEMORANDUM

TO: (1) \_\_\_\_\_  
FROM: (2) \_\_\_\_\_  
RE: Request for Leave of Absence  
DATE: (3) \_\_\_\_\_

This letter is to notify you of my need for leave under the Pregnancy Disability Leave Act (PDL). If you are not the appropriate person to receive this notice, please notify me immediately, and forward this letter on to the person who handles pregnancy-related leaves of absences.

I need a leave of absence because I am, or will be, disabled by a pregnancy, childbirth, or a related medical condition. I anticipate I will need a leave of absence for my pregnancy-related disability from (4) \_\_\_\_\_ to \_\_\_\_\_. Under the Pregnancy Disability Leave Act, I am entitled to job-protected leave while I am disabled by pregnancy or childbirth and to thereafter return to my same job. Cal. Gov. Code § 12945.

[\*\*\*If you plan to take additional bonding leave after you recover from childbirth, indicate that here (see note in margin for information on eligibility): After I recover from childbirth, I plan to take [X] additional weeks to bond with my child. Under the California Family Rights Act or New Parent Leave Act, I am entitled to 12 more weeks of job-protected bonding leave, after I recover from childbirth. Cal. Gov. Code §§ 12945.2, 12945.6.]

Please let me know immediately and in writing if you require a certification from my doctor documenting my need for pregnancy disability leave, or anything further from me. I appreciate your assistance with this matter.

Thank you.

(1) Name of Human Resources director, supervisor, program director, or another manager

(2) Your name

(3) Today's date

(4) Fill in these blanks with the start and end date of your leave of absence. If you have notice of the day in advance, you should notify your employer at least 30 days before your leave. If you require leave suddenly, you should notify your employer as quickly as possible.

\*\*\*After you recover from childbirth-related disability, you may be eligible for 12 more weeks of job-protected bonding leave if: 1) you have worked 1250 hours within the last year; 2) your employer has 20+ employees within 75 miles of where you work; and 3) you have worked for your employer for at least one year.

# Paid Sick and Safe Days



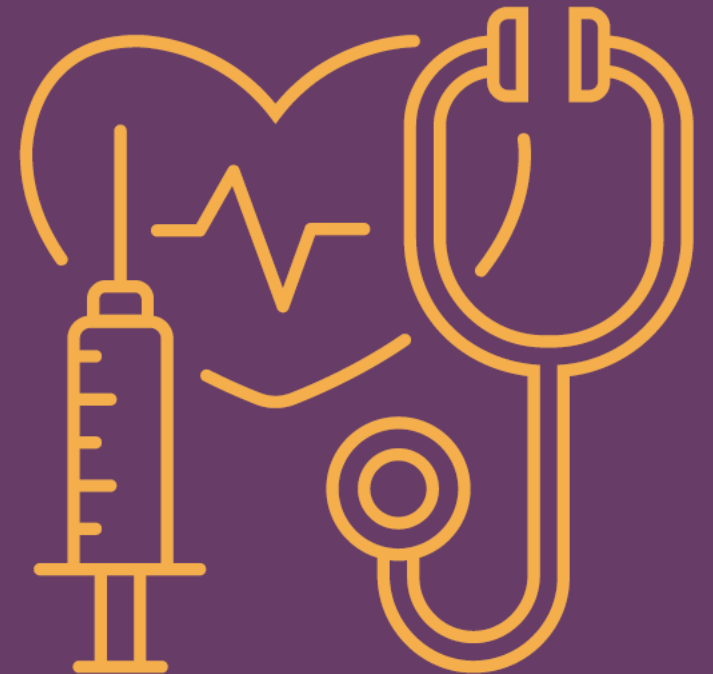
# What are Paid Sick and Safe Days?

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All California workers working 30 or more days within a year must be given up to a minimum of 3 paid sick days. It's the law.

Paid sick and safe days can be used for your own illness or to care for a family member—including the diagnosis, care, and treatment of an existing health condition or preventative care, like annual check ups.

They can also be used to seek care or services related to domestic violence, sexual assault, or stalking



# More about Paid Sick and Safe Days

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- 100% of your regular rate of pay.
- Carries job protection. **Eligibility requirements: employed for at least 90 days, worked in California for 30 days, and accrued amount of time for leave.**
- Employers cannot deny requests for paid sick days.
- An employer does not have to know why you are using your paid sick days.
- You should notify your employer as soon as you can when you know that you need to use your paid sick days.
- With an unanticipated illness or medical emergency, it is ok to notify your employer as soon as is practical.

# More about Paid Sick and Safe Days

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- Your employer cannot require you to find a co-worker to cover your absence as a condition of using paid sick and safe days.
- Your employer cannot require documentation, such as a doctor's note, as a condition of using paid sick and safe days, unless you take three or more days in a row.
- You can decide how much paid sick and safe days time to use (for example, a half-day of work), but your employer can require you to use at least two hours at a time.

# Practice Scenarios

# Scenario: Claire

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Claire's spouse was just diagnosed with cancer. He will need chemotherapy treatments every week for 6 weeks. Claire wants to take time off from work to care for her spouse for 6 weeks while he receives chemotherapy. She has worked for her employer for 14 months, works 40 hours a week, and works for a large employer with 100 employees. She looked at her pay stub and she pays into CA SDI.

Does Claire qualify for Paid Family Leave for caregiving?

Will Claire qualify for job protection?



# Scenario: **Yes!**

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Yes, Claire qualifies for Paid Family Leave for caregiving because she pays into the SDI fund. She can take up to 8 weeks of Paid Family Leave for caregiving to care for her spouse and receive 60% or 70% of her pay.

Yes, Claire qualifies for 12 weeks of job protection under FMLA/CFRA. She will be caring for her spouse, who has a serious medical condition, she works for an employer with 50+ employees, she has worked at her job for more than 1 year, and she has worked more than 1,250 hours in the past year.



# Qualifying Reason for FMLA, CFRA, and NPLA

## Family Medical Leave Act (FMLA)

You are taking time off to bond with a newborn, recently adopted child or a foster child; to care for a seriously ill child, parent, spouse; to care for your own serious health condition; or in specific situations related to the military deployment of your child, parent or spouse

## California Family Rights Act (CFRA)

You are taking time off to bond with a new born, recently adopted child or a foster child, or to care for a seriously ill child, **parent, spouse, or registered domestic partner\***

**\*As of January 1, 2021:**

You are taking time off to care for a seriously ill family member (defined as **children, spouses, domestic partners, parents, grandparents, grandchildren, parent-in-law, and siblings**).

## New Parent Leave Act (NPL)

You are taking time off to bond with and care for a newborn, recently adopted child or a foster child placed in your home in the past year

# Eligibility Requirements for FMLA, CFRA, and NPLA

---

1

1 year on the job.

2

1,250 hours worked in the prior year (about 25 hours/week).

3

50+ employees for one's own serious illness or caregiving leave.\*

4

20+ employees for new parents.\*



# Caregiver ELIGIBLE for FMLA/CFRA



= Wage Replacement



= Job Protection

8 Weeks



Paid Family Leave



FMLA/CFRA

12 weeks of job-protected time off and health insurance

**PAID LEAVE CHECKLIST**  
(Paid Family Leave and paid sick days)

1) Why are you using the time off? (check one of the below)

- Bond with a child born within the past 12 months
- Bond with a child adopted within the past 12 months
- Bond with a foster child placed in your home in the past 12 months
- Care for a seriously ill child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner
- Take care of your own or a family member's health for three or fewer days
- Seek medical care, psychological counseling, direct services or participate in safety planning related to your own domestic violence, sexual assault, or stalking

2) What city do you work in?

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3) How long have you worked there?

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4) How many hours did you work at this workplace in the past 12 months?

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5) How many employees does your company have in a 75-mile radius?

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# Scenario 1: Mateo

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Mateo's father is sick with a stomach bug and needs Mateo to take care of him while he recovers.

Let's use the paid leave checklist to determine what Mateo's rights are to stay home from work to take care of his father.



# Why are you using the time off? (Check one of the below)

- Bond with a child born within the past 12 months.
- Bond with a child adopted within the past 12 months.
- Bond with a foster child placed in your home in the past 12 months.
- Care for a seriously ill child, parent, parent-in-law, grandparent, grandchild, sibling spouse, or registered domestic partner.
- Take care of your own or a family member's health for three or fewer days.
- Seek medical care, psychological counseling, direct services, or participate in safety planning related to your own domestic violence, sexual assault or stalking situation.

What city do you work in?

Los Angeles

How long have you worked there?

3 years

How many hours did you work at this workplace in the past 12 months?

works full time - approximately 40 hours a week

How many employees does your company have in a 75 mile-radius?

about 3 co-workers

# Scenario 1: Mateo

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Based on Mateo's situation and responses to the paid leave checklist, do you think it makes the most sense for Mateo to use paid sick and safe days or Paid Family Leave to care for his father?



# Scenario 1: Answer

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Based on Mateo's situation, it makes the most sense to use his paid sick and safe days. His father has a stomach bug, which is likely to be a short term illness.

**Note:** Mateo works in Los Angeles, so he would qualify for additional paid sick days under the Los Angeles ordinance. Please see the resources for more information.



# Paid Leave Checklist Case Study

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Mark's mother has to undergo a major surgery. Mark needs to take time off to take his mother to doctor's appointments and help support her as she figures out her medical care plan. He would need about a month off to travel to Chicago, where his mother lives, to care for her.

He works in San Diego, has been at his job for 5 years, works full time, and has about 30 co-workers.





## Question - Put in the Chat

**What is the first step to know if Mark is eligible for Paid Family Leave?**

Ask Mark if he has been paying into **CA SDI**. If he does not know, ask Mark to check his **pay stub**.

Mark looked at his  
paycheck, and  
he does pay into SDI.

Pay stub for period: 12/16/2015 - 12/31/2015

Buffer Inc  
44 Tehama Street  
San Francisco, CA 94105

ADVICE OF DEPOSIT

Date: 12/31/2015

Mary C Jantsch  
San Francisco, CA

Net Pay: \$ 2581.27

PAY	Hours	Rate	Current	YTD
Salary			3837.83	89351.28
Retro			0.00	666.67

TAXES WITHHELD	Current	YTD
Federal Income Tax	676.91	15731.96
Social Security	237.94	5581.11
Medicare	55.65	1305.26
CA Income Tax	251.52	5822.68



CA State Disability Ins	34.54	810.16
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SUMMARY	Current	YTD
Total Pay	3837.83	90017.95
Deductions	0.00	0.00
Taxes	1256.56	29251.17

Net This Check: \$2,581.27  
Acct#....8134: \$2,581.27

Next, let's use the **Paid Leave Checklist** to see if Mark is eligible for job protection.

# Why are you using the time off? (Check one of the below)

- Bond with a child born within the past 12 months.
- Bond with a child adopted within the past 12 months.
- Bond with a foster child placed in your home in the past 12 months.
- Care for a seriously ill child, parent, parent-in-law, grandparent, grandchild, sibling spouse, or registered domestic partner.
- Take care of your own or a family member's health for three or fewer days.
- Seek medical care, psychological counseling, direct services, or participate in safety planning related to your own domestic violence, sexual assault or stalking situation.

What city do you work in?

San Diego

How long have you worked there?

5 years

How many hours did you work at this workplace in the past 12 months?

works full time - approximately 40 hours a week

How many employees does your company have in a 75 mile-radius?

about 30 co-workers

# Paid Leave Checklist Case Study Answer

Mark qualifies for Paid Family Leave for caregiving because he pays into the SDI fund. He can take up to 8 weeks of paid family leave to care for his mother and can receive 60% or 70% of his pay.

Until December 31, 2020, Mark does not meet the eligibility requirements for job protection because he only works with 30 co-workers.

As of January 1, 2021, Mark meets the qualifications for job protection under FMLA/CFRA because he is planning to use the leave to care for a seriously ill family member, he has worked for his employer for 5 years, he has worked more than the 1,250 hours required to qualify, and he has more than 5 coworkers.

Lets talk about Mark's options.



# Qualifying Reason for FMLA, CFRA, and NPLA

## Family Medical Leave Act (FMLA)

You are taking time off to bond with a newborn, recently adopted child or a foster child; to care for a seriously ill child, parent, spouse; to care for your own serious health condition; or in specific situations related to the military deployment of your child, parent or spouse

## California Family Rights Act (CFRA)

You are taking time off to bond with a new born, recently adopted child or a foster child, or to care for a **seriously ill child, parent, spouse, or registered domestic partner\***

**\*As of January 1, 2021:**

You are taking time off to care for a seriously ill family member (defined as **children, spouses, domestic partners, parents, grandparents, grandchildren, parent-in-law, and siblings**).

## New Parent Leave Act (NPLA)

You are taking time off to bond with and care for a newborn, recently adopted child or a foster child placed in your home in the past year



# Eligibility Requirements for FMLA, CFRA, and NPLA as of 2020

---

1

1 year on the job.

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1,250 hours worked in the prior year (about 25 hours/week).

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# Eligibility Requirements for FMLA and CFRA as of 2021

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# Caregiver ELIGIBLE for FMLA/CFRA/NPLA



= Wage Replacement



= Job Protection



8 Weeks

Paid Family Leave



FMLA/CFRA/NPLA

12 weeks of job-protected time off and health insurance

# Positive Impacts

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Improved health outcomes for new parents and children.

Allows people caring for a family member to remain in the workforce.

Paid Family Leave and Paid Sick Days promote the economic independence that is a preventive factor against interpersonal violence.

Paid Family Leave helps to close the pay gap between men and women.



# Barriers to Using Paid Leave



- Lack of awareness
- Low take up among new immigrants and monolingual Spanish speakers
- Application process is difficult to navigate
- Wage replacement is not enough for low-wage workers
- Limited definition of “family”
- Lack of job protection
- Difficult for independent contractors to access benefits
- Most public employees not included

# The Role of Educators and Advocates

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- You don't have to be an expert to help people.
- PFL Educators can make a difference in communities with low awareness of Paid Family Leave and can help people overcome barriers.
- You can support others in using paid leave, and you can empower others to become educators, advocates and leaders.
- Working together, we can help expand paid leave laws!



Questions?

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# Links to National and State Resources

## National

[Family Values at Work](#)

## California

[California Work and Family Coalition](#)

[Legal Aid at Work](#)

[Employment Development Department](#)

[California Paid Family Leave](#)

[Association of Caregiver Resource Centers](#)



# Thank you!



CALIFORNIA  
Work & Family  
COALITION

## Connect with us!



[workfamilyca.org](http://workfamilyca.org)



[@workfamilyca](https://www.instagram.com/workfamilyca)

# About Family Caregiver Alliance

**Family Caregiver Alliance** offers education, services, research, and advocacy based on the real needs of caregivers. Founded in the late 1970s, FCA is the first community-based nonprofit organization in the United States to address the needs of families and friends providing long-term care for loved ones at home.

**National Center on Caregiving (NCC)** was established by FCA to advance the development of high-quality, cost effective programs and policies for caregivers in every state. NCC sponsors the Family Care Navigator, a state-by-state resource locator designed to help caregivers find support services in their communities.

**Bay Area Caregiver Resource Center** — operated by FCA for the six-county San Francisco Bay Area — provides support to family caregivers. FCA's staff of family consultants through education programs and direct support offer effective tools to manage the complex and demanding tasks of caregiving.

**Be sure to visit FCA on social media:**



[facebook.com/FamilyCaregiverAlliance](https://facebook.com/FamilyCaregiverAlliance)



[twitter.com/CaregiverAlly](https://twitter.com/CaregiverAlly)



[linkedin.com/company/family-caregiver-alliance](https://linkedin.com/company/family-caregiver-alliance)



[youtube.com/CAREGIVERdotORG](https://youtube.com/CAREGIVERdotORG)

## What are Caregiver Resource Centers?

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The Caregiver Resource Centers are a network of 11 centers throughout California which serve over 18,000 family caregivers annually.

Each CRC is a service point of entry for caregiving families. Combined, the CRCs serve every county in California.

The CRCs provide: Assessments, Short-Term Counseling, Support Groups, Legal & Financial Consultation, Education, and Respite Care

## How do I connect with one?

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There is support for family caregivers in every part of California.

Find the CRC that serves your County [here!](#)



## What is CareNav?

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CareNav is a simple, user-friendly tool designed to help families navigate the complexities of the caregiving journey, with useful, caregiver-recommended resources and support.

Whether you're planning ahead, facing an immediate caregiving challenge, or somewhere in between, you are not alone.

To start receiving support today, go to [caregivercalifornia.org/find-your-local-center](https://caregivercalifornia.org/find-your-local-center), find your CRC, and click on CareNav.

# CareNav

**CareNav**, is a simple, user-friendly tool designed to help families navigate the complexities of the caregiving journey, with personalized resources and support.

- Quick start via our online Care Review
- Expert resources selected for your unique situation
- One convenient, organized, always-accessible dashboard.
- Easy access to webinars, videos, and other educational opportunities.
- Secure messaging with a resource specialist in your area
- Free, secure, and private



To start receiving support today, go to [caregivercalifornia.org/find-your-local-center](https://caregivercalifornia.org/find-your-local-center), find your Caregiver Resource Center, and click on CareNav.

