

The background image shows a person's hands holding a pen over a document. In the background, a laptop screen displays a bar chart with several bars of varying heights. The entire scene is overlaid with a semi-transparent pink filter.

Leaves Comparison Chart **California 2020**

Leaves Comparison Chart

Federal and California Mandated Leaves

The following summary outlines the key provisions and coordination of the federal Family and Medical Leave Act, FMLA, and the California leave laws – California Family Rights Act (CFRA), Pregnancy Disability Leave (PDL) and the new Parent Leave Act for employers with 20 or more employees (PLA).

Fast Facts – FMLA and CFRA

Employers	Employers with 50 or more employees within a 75 mile radius
Duration of Leave	Up to 12 weeks during a 12 month period, or up to 26 weeks to care for an injured service member
Reason for Leave	<ul style="list-style-type: none"> • Birth and care of a newborn child • Placement of an adopted or foster child with the employee • To care for an immediate family member* with a serious health condition • Employee's own serious health condition (including incapacity due to pregnancy**)
Eligibility	Employed at least 12 months and at least 1,250 hours over the past 12 months
Benefits	Under the same conditions as when active
Job Protection	Employee must be restored to original or equivalent job with equivalent pay, benefits and other terms and conditions of employment
Compensation	Unpaid – employee may be eligible for SDI, PFL or may use PTO, sick or vacation days

*CFRA includes registered domestic partners

** CFRA does not include disability due to pregnancy

For more complete information on health benefits while on leave, check out our [webinar](#).

Leaves Comparison Chart

Fast Facts – California Parent Leave Act

Employers	Employers with 20 or more employees within a 75 mile radius
Duration of Leave	Up to 12 weeks during a 12 month period
Reason for Leave	Bond with a new child within one year of the child's birth, adoption, or foster care placement
Eligibility	Employed at least 12 months and at least 1,250 hours over the past 12 months
Benefits	Under the same conditions as when active
Job Protection	Employee must be restored to original or equivalent job with equivalent pay, benefits and other terms and conditions of employment
Compensation	Unpaid – employee may be eligible for SDI, PFL or may use PTO, sick or vacation days

Fast Facts – California Pregnancy Disability Leave

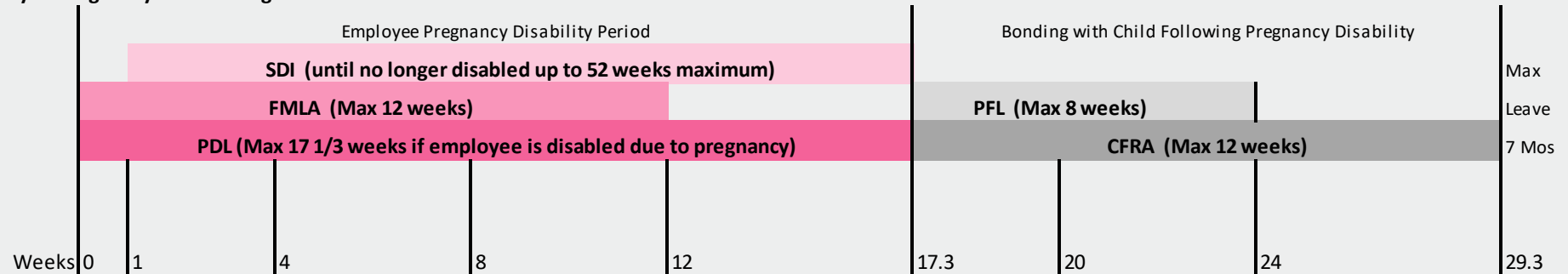
Employers	Employers with 5 or more employees
Duration of Leave	Up to 17 1/3 weeks per pregnancy
Reason for Leave	Disabled by pregnancy
Eligibility	Female employees disabled by pregnancy
Benefits	Under the same conditions as when active
Job Protection	Employee must be restored to original or equivalent job with equivalent pay, benefits and other terms and conditions of employment
Compensation	Unpaid – employee may be eligible for SDI, or may use PTO, sick or vacation days

Leaves Comparison Chart

Birth Mother: New Child Leave in CA

Job Protection

Employee Pregnancy and Bonding with Child



Three Primary Job Protection Laws

1. **Pregnancy Disability Leave (PDL)**
2. **Family and Medical Leave Act (FMLA)**
3. **California Family Rights Act (CFRA)**

Before Delivery: PDL is generally available four weeks before the due date

Standard Delivery: PDL is generally available for up to **six weeks after childbirth**

- Typical total before/after PDL period of 10 weeks (2½ months)

C-Section Delivery: PDL is generally available for up to **eight weeks after childbirth**

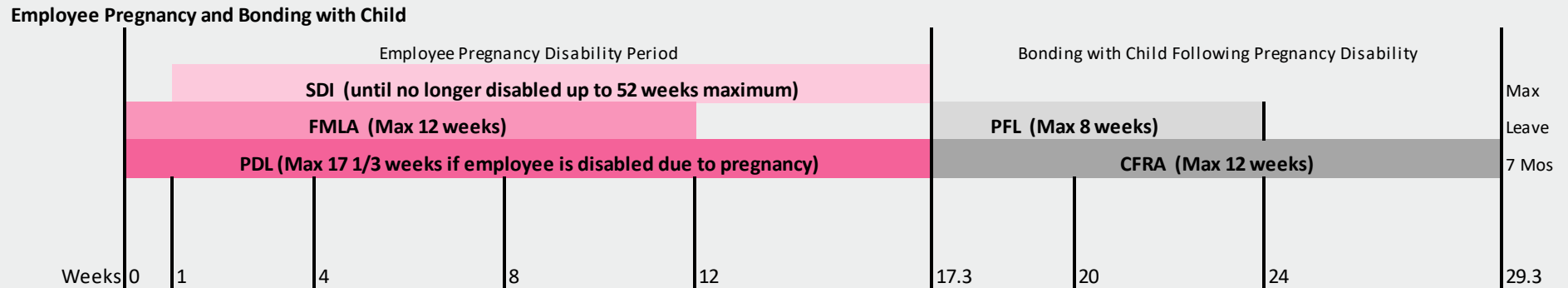
- Typical total before/after PDL period of 12 weeks (3 months)

Extended Disability: PDL is available for up to **four months total** (17 1/3 weeks) where the birth mother is determined disabled by a physician for a longer period before/after delivery.

Leaves Comparison Chart

Birth Mother: New Child Leave in CA

Job Protection



Three Primary Job Protection Laws

1. Pregnancy Disability Leave (PDL)
2. Family and Medical Leave Act (FMLA)
3. California Family Rights Act (CFRA)

Baby Bonding: FMLA and CFRA both provide up to 12 weeks of new child bonding

PDL/CFRA Not-Concurrent: CFRA does not run concurrently with PDL (FMLA does)

- Means employee has another full 12 weeks of CFRA job protection for baby bonding available after PDL period

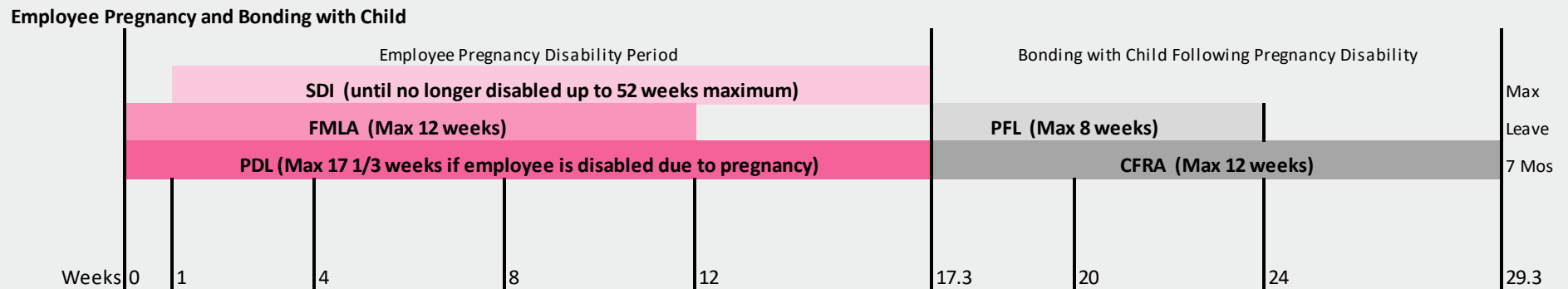
Most Common Result: Employees will have job-protected leave available for the full 10- or 12-week PDL period (including before birth) plus 12 weeks CFRA new child bonding

- **Total Standard Delivery Job-Protected Leave:** 5½ months of PDL & FMLA/CFRA job-protected leave (disability and baby bonding)
- **Total C-Section Delivery Job-Protected Leave:** 6 months of PDL & FMLA/CFRA job-protected leave (disability and baby bonding)

Leaves Comparison Chart

Birth Mother: New Child Leave in CA

Partial Wage Replacement



Two Primary Partial Wage Replacement Laws

1. California State Disability Insurance (SDI)
2. California Paid Family Leave (PFL)

Disability Period: California SDI provides 60% of employee's earnings (or 70% depending on income) calculated over a 12-month base period (roughly 5 to 8 months before the disability claim begins)

- Generally pays up to 4 weeks prior to delivery, but will begin as soon as the birthing mother is certified as disabled.
- 2020 maximum benefit amount is capped at \$1,300 based on a taxable wage limit of \$122,909

Baby Bonding Period: PFL paid at same rate as SDI for up to 8 weeks of baby bonding (typically 60% or 70% depending on income up to wage limit) for claims beginning on or after July 1, 2020. Claims beginning prior to July 1 will be eligible for up to 6 weeks of baby bonding.

- No waiting period in transition from SDI to PFL

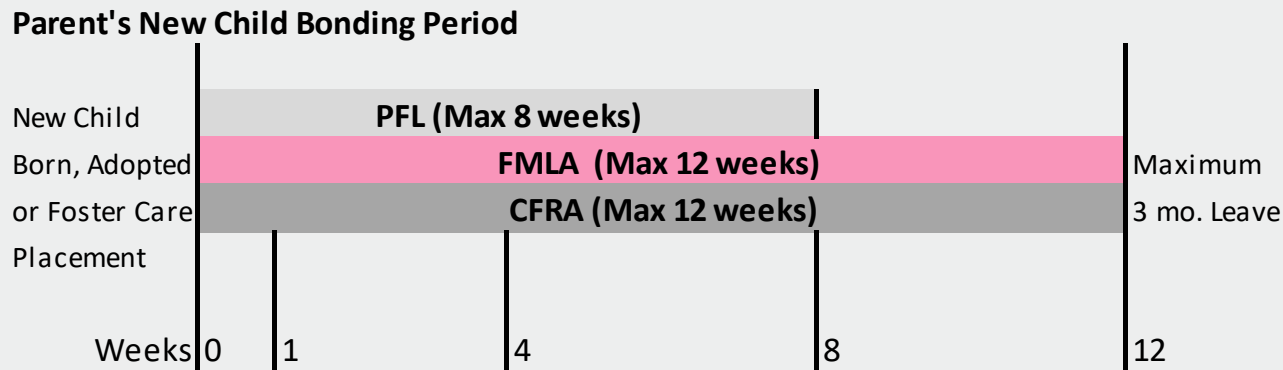
Most Common Result:

- **Total Standard Delivery Partial Wage Replacement:** Up to 4 months of SDI and PFL (2½ months SDI, 1½ months PFL)
- **Total C-Section Delivery Partial Wage Replacement:** Up to 4 ½ months of SDI and PFL (3 months SDI, 1½ months PFL)

SF PPLO Note: If the employee works in San Francisco and meets the requirements under PFL, the employee will receive up to 100% of her salary while on PFL capped at \$2,167 per week in 2020 (60% from PFL and 40% from the employer). SF PPLO increases to 8 weeks for claims beginning on or after July 1, 2020. Claims beginning prior to July 1, 2020 will be eligible for 6 weeks PPLO.

Leaves Comparison Chart

Paternity and Non-Birthing Maternity



Paternity and Non-Birthing Maternity:

- **FMLA and CFRA Job Protection:** Employee will have up to 12 weeks (3 months) of job protection for new child bonding through concurrent FMLA/CFRA rights
- **Paid Family Leave (PFL) Partial Wage Replacement:** Provides 60% of employee's earnings (or 70% depending on income) calculated over a 12 month base period (roughly 5 to 18 months before the PFL claim begins) for up to eight weeks of new child bonding for leaves beginning on or after July 1, 2020. Claims beginning prior to July 1, 2020 will be paid for a maximum of 6 weeks.
- 2020 maximum benefit amount is capped at \$1,300 based on a taxable wage limit of \$122,909

Most Common Result:

- **Paternity Leave Job Protection:** New fathers can take protected bonding leave for up to 12 weeks (3 months)
- **Non-Birthing Maternity Leave (Adoption, Foster Care, Surrogacy):** Same as paternity leave (because no pregnancy disability)
- **Partial Wage Replacement:** Non-birthing parents of a new child are eligible for up to 8 weeks for new child bonding (two thirds of the period in which they enjoy job protection) for claims beginning on or after July 1, 2020. Claims beginning prior to July 1 are eligible for 6 weeks of Paid Family Leave.

SF PPLO Note: If the employee works in San Francisco and meets the requirements under PFL, the employee will receive up to 100% of his or her salary while on PFL capped at \$2,167 per week in 2020 (60% from PFL and 40% from the employer). SF PPLO also increases to 8 weeks for claims beginning on or after July 1, 2020.

Leaves Comparison Chart

CFRA Coordination with FMLA

Leave taken by an employee under CFRA runs concurrently with FMLA, **except** where leave is taken under FMLA for disability due to pregnancy, childbirth or related medical conditions. **Leave for pregnancy or pregnancy-related disability counts only toward the employee's FMLA leave entitlement (as well as toward PDL, as discussed below) and not toward the leave rights granted under CFRA.** This is because CFRA specifically excludes leave taken for disability due to pregnancy, childbirth, or related medical conditions as a serious health condition of the employee. As a result, an employee who exhausts FMLA (and PDL) for a pregnancy-related disability is still entitled to leave under CFRA in order to bond with the newborn child.

PDL Coordination with FMLA and CFRA

The FMLA treats any period of incapacity due to pregnancy or for prenatal care as a serious health condition which entitles the employee to leave. As a result, **leave taken for pregnancy-related disability will count toward both the employee's FMLA and PDL entitlements** (so the leave periods will run concurrently).

However, because CFRA does not include leave taken for disability due to pregnancy, childbirth or related medical conditions as a serious health condition of the employee, **PDL does not run concurrently with leave under CFRA.** As a result, an eligible employee who is certified to take the full 17 1/3 weeks of PDL (concurrently with the 12 weeks of FMLA) and then 12 weeks of CFRA for baby bonding, will have a combined total of 7 months of leave.

San Francisco Paid Parental Leave

Employees who work at least 8 hours per week in San Francisco, and work at least 40% of their weekly hours in San Francisco are eligible to receive up to 100% of their weekly wages during the CA PFL new child bonding period capped at \$2,167 for 2020 (60% from PFL and 40% from the employer). For more information see our [webinar](#).

Leaves Comparison Chart

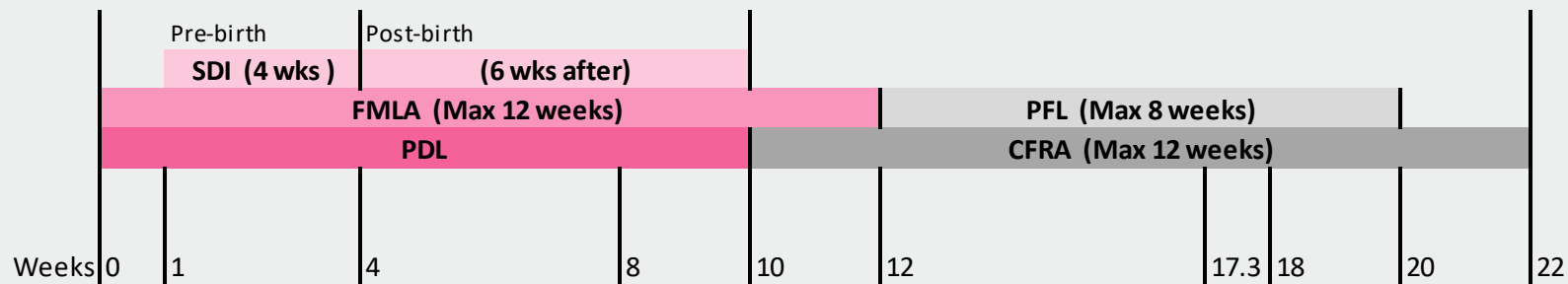
Example 1 – Pregnancy with Standard Delivery

Sally is a California based employee of XYZ Corp. and has been employed there for over a year. She has requested pregnancy leave and has asked how much time she will be able to take off from work and what pay she will receive. XYZ employs over 50 employees within a 75-mile radius.

Sally will be eligible for the following federal and state job-protected leaves: **FMLA, PDL and CFRA.**

Sally will be eligible for the following state wage replacement benefits: **SDI and PFL.**

Generally, an employee on pregnancy disability is eligible for up to four weeks disability prior to delivery and six weeks following for a standard delivery (8 weeks for cesarean). She will be eligible for 12 weeks of baby bonding protection thereafter.



Three Primary Job Protection Laws

1. **Family and Medical Leave Act (FMLA):** Up to 12 weeks (runs concurrently with PDL)
2. **Pregnancy Disability Leave (PDL):** Generally 4 weeks prior to birth, 6 weeks after birth (10 weeks total)
3. **California Family Rights Act (CFRA):** Up to 12 weeks (does not run concurrently with PDL)

Two Primary Partial Wage Replacement Laws

1. **California State Disability Insurance (SDI):** Provides 60% (or 70% depending on income) of employee's earnings, capped at \$1,300 per week (based on a taxable wage limit of \$122,909)
2. **California Paid Family Leave (PFL):** Paid at the same rate as SDI. For claims beginning on or after July 1, 2020, provides 8 weeks paid leave. Claims beginning prior to July 1, 2020 eligible for a maximum of 6 weeks paid leave

SF PPLO Note: If the employee works in San Francisco and meets the requirements under PPL, the employee will receive up to 100% of her salary while on PFL capped at \$2,167 per week in 2020 (60% from PFL and 40% from the employer). SF PPLO increases to 8 weeks for claims beginning on or after July 1, 2020. Claims beginning prior to July 1, 2020 will be eligible for 6 weeks PPLO.

Leaves Comparison Chart

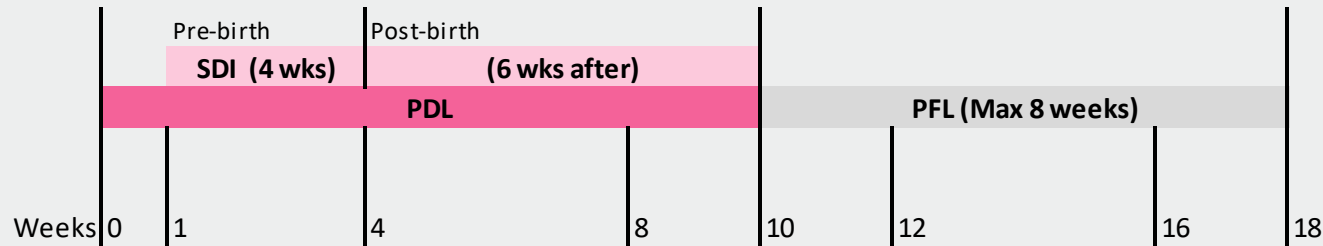
Example 2 – Pregnancy with Standard Delivery – No FMLA/CFRA

Jane is a California based employee of XYZ Corp. and has been employed there for six months. She has requested pregnancy leave and has asked how much time she will be able to take off from work and what pay she will receive.

Jane will be eligible for the following federal and state job-protected leaves: **PDL**.

Jane will be eligible for the following state wage replacement benefits: **SDI and PFL**.

Generally, an employee on pregnancy disability is eligible for up to four weeks disability prior to delivery and six weeks following for a standard delivery (8 weeks for cesarean). In this case, Jane is not eligible for baby bonding job protection after the disability period.



Job Protection

Pregnancy Disability Leave (PDL): Generally 4 weeks prior to birth, 6 weeks after birth (10 weeks total)

Two Primary Partial Wage Replacement Laws

- 1. California State Disability Insurance (SDI):** Provides 60% (or 70% depending on income) of employee's earnings, capped at \$1,300 per week based on a taxable wage limit of \$122,909.
- 2. California Paid Family Leave (PFL):** Paid at the same rate as SDI. Leaves beginning on or after July 1, 2020, paid for maximum 8 weeks. Leaves beginning before July 1, 2020 are eligible for a maximum of 6 weeks of paid leave.

SF PPLO Note: If the employee works in San Francisco and meets the requirements under PPL, the employee will receive up to 100% of her salary while on PFL capped at \$2,167 per week in 2020 (60% from PFL and 40% from the employer). SF PPLO increases to 8 weeks for leaves beginning on or after July 1, 2020. Leaves beginning prior to July 1, 2020 are eligible for a maximum of 6 weeks paid leave.

Leaves Comparison Chart

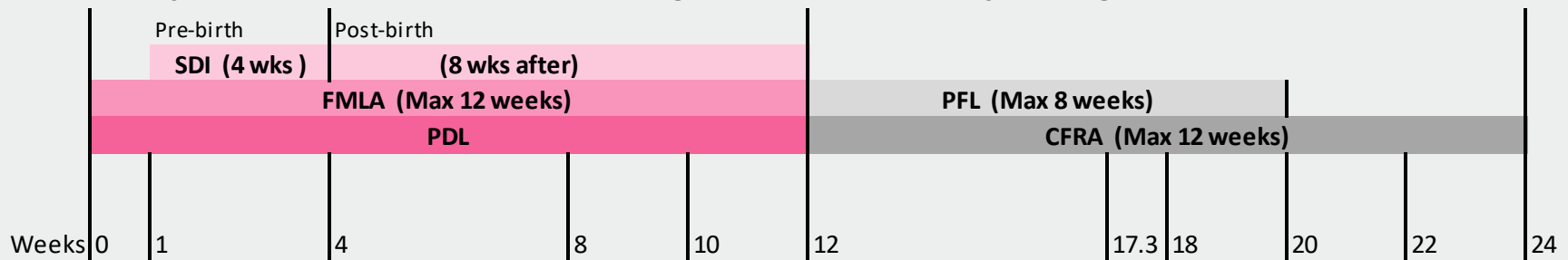
Example 3 – Pregnancy with Cesarean Delivery

Estelle is a California based employee of XYZ Corp. and has been employed there for over a year. She has requested pregnancy leave and has asked how much time she will be able to take off from work and what pay she will receive. XYZ employs over 50 employees within a 75-mile radius.

Estelle will be eligible for the following federal and state job-protected leaves: **FMLA, PDL and CFRA.**

Estelle will be eligible for the following state wage replacement benefits: **SDI and PFL.**

Generally, an employee on pregnancy disability is eligible for up to four weeks disability prior to delivery and eight weeks following for a cesarean delivery (6 weeks for standard). She will be eligible for 12 weeks of baby bonding protection thereafter.



Three Primary Job Protection Laws

1. **Family and Medical Leave Act (FMLA):** Up to 12 weeks (runs concurrently with PDL)
2. **Pregnancy Disability Leave (PDL):** Generally 4 weeks prior to birth, 8 weeks after birth (12 weeks total)
3. **California Family Rights Act (CFRA):** Up to 12 weeks (does not run concurrently with PDL)

Two Primary Partial Wage Replacement Laws

1. **California State Disability Insurance (SDI):** Provides 60% (or 70% depending on income) of employee's earnings, capped at \$1,300 per week (based on a taxable wage limit of \$122,909)
2. **California Paid Family Leave (PFL):** Paid at the same rate as SDI. For claims beginning on or after July 1, 2020, the maximum PFL is 8 weeks. Claims beginning prior to July 1, 2020 are paid for a maximum of 6 weeks

SF PPLO Note: If the employee works in San Francisco and meets the requirements under PPL, the employee will receive up to 100% of her salary while on PFL capped at \$2,167 per week in 2020 (60% from PFL and 40% from the employer). SF PPLO will also increase to 8 weeks for claims beginning on or after July 1, 2020. Claims beginning prior to July 1, 2020 are paid for a maximum of 6 weeks.

Leaves Comparison Chart

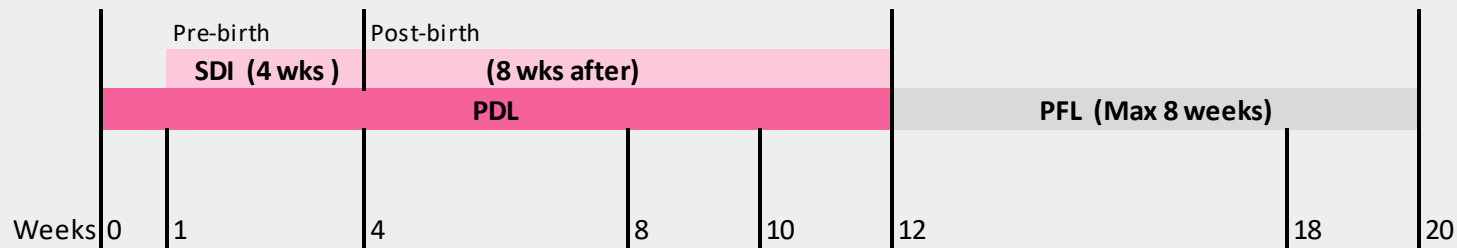
Example 4 – Pregnancy with Cesarean Delivery – No FMLA/CFRA

Rachel is a California based employee of XYZ Corp. and has been employed there for six months. She has requested pregnancy leave and has asked how much time she will be able to take off from work and what pay she will receive.

Rachel will be eligible for the following federal and state leaves: **PDL**.

Rachel will be eligible for the following state wage replacement benefits: **SDI and PFL**.

Generally, an employee on pregnancy disability is eligible for up to four weeks disability prior to delivery and eight weeks following for cesarean delivery. In this case, Rachel is not eligible for baby bonding job protection after the disability period.



Job Protection

Pregnancy Disability Leave (PDL): Generally 4 weeks prior to birth, 8 weeks after birth (12 weeks total)

Two Primary Partial Wage Replacement Laws

- 1. California State Disability Insurance (SDI):** Provides 60% (or 70% depending on income) of employee's earnings, capped at \$1,300 per week based on a taxable wage limit of \$122,909
- 2. California Paid Family Leave (PFL):** Paid at the same rate as SDI; claims beginning on or after July 1, 2020 are paid for a maximum of 8 weeks; claims beginning prior to July 1, 2020 are paid for 6 weeks.

SF PPLO Note: If the employee works in San Francisco and meets the requirements under PPL, the employee will receive up to 100% of her salary while on PFL capped at \$2,167 per week in 2020 (60% from PFL and 40% from the employer). SF PPLO increases to 8 weeks for claims beginning on or after July 1, 2020. Claims beginning prior to July 1, 2020 are paid for a maximum of 6 weeks.

Leaves Comparison Chart

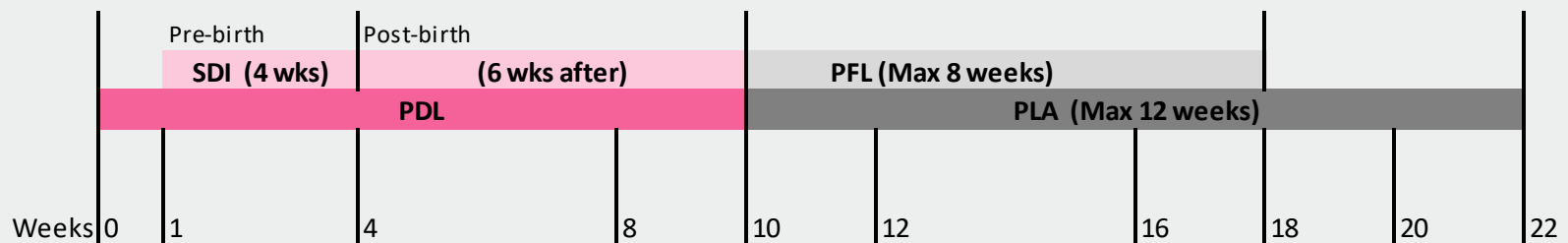
Example 5 – Pregnancy with Standard Delivery – Small Employer

Mary is a California based employee of ABC Corp. and has been employed there for over three years. She has requested leave for her pregnancy and has asked how much time she will be able to take off from work. ABC has 35 employees (more than 20 within 75-mile radius).

Mary will be eligible for the following federal and state leaves: **PDL and PLA.**

Mary will be eligible for the following state wage replacement benefits: **SDI and PFL.**

Generally, an employee on pregnancy disability is eligible for up to four weeks disability prior to delivery and six weeks following for a standard delivery (8 weeks for cesarean). She will be eligible for 12 weeks of baby bonding protection thereafter.



Two Primary Job Protection Laws

1. **Pregnancy Disability Leave (PDL):** Generally 4 weeks prior to birth, 6 weeks after birth (10 weeks total)
2. **California Parent Leave Act (PLA):** Up to 12 weeks (does not run concurrently with PDL)

Two Primary Partial Wage Replacement Laws

1. **California State Disability Insurance (SDI):** Provides 60% (or 70% depending on income) of employee's earnings, capped at \$1,300 per week (based on a taxable wage limit of \$122,909)
2. **California Paid Family Leave (PFL):** Paid at the same rate as SDI; claims beginning on or after 7/1/2020 paid for a maximum of 8 weeks; claims beginning prior to July 1, 2020 are paid for a maximum of 6 weeks.

SF PPLO Note: If the employee works in San Francisco and meets the requirements under PPL, the employee will receive up to 100% of her salary while on PFL capped at \$2,167 per week in 2020 (60% from PFL and 40% from the employer). SF PPLO increases to 8 weeks for claims beginning on or after July 1, 2020. Claims beginning prior to July 1, 2020 paid for a maximum of 6 weeks PPLO.

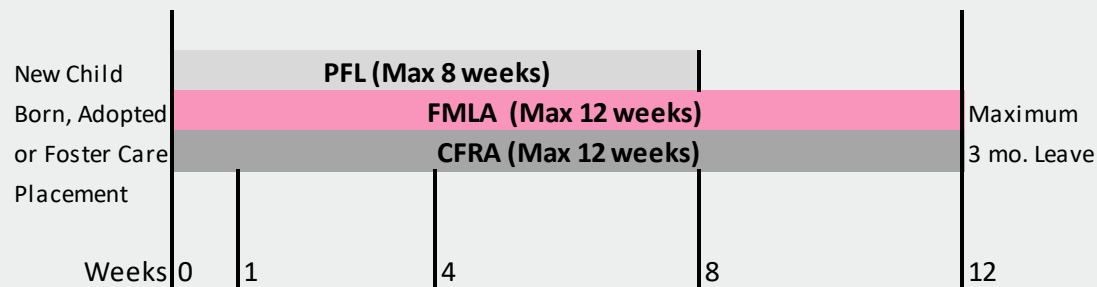
Leaves Comparison Chart

Example 6 - Paternity Leave, Non-birthing Maternity, & Employee's Dependent has a Medical Condition

Amy, George and Susan are California based employees of XYZ Corp. and have been employed there for over one year. Amy's spouse has a medical condition, George's wife just had a baby, and Susan has just adopted a baby. All three employees have requested leave and have asked how much time they will be able to take off from work and what pay they will receive. XYZ employs over 50 employees in a 75-mile radius.

Amy, George and Susan will be eligible for the following federal and state leaves: **FMLA and CFRA**.

They will also be eligible for the following state wage replacement benefits: **PFL**.



Two Primary Job Protection Laws

1. **Family and Medical Leave Act (FMLA):** Up to 12 weeks (runs concurrently with CFRA)
2. **California Family Rights Act (CFRA):** Up to 12 weeks (runs concurrently with FMLA)

Partial Wage Replacement

California Paid Family Leave (PFL): Provides 60% (or 70% depending on income) of employee's earnings, capped at \$1,300 per week (based on a taxable wage limit of \$122,909); claims beginning on or after July 1, 2020, are eligible for a maximum of 8 weeks paid leave. Claims beginning prior to July 1, 2020 are eligible for a maximum of 6 weeks paid leave

SF PPLO Note: If George or Susan works in San Francisco and meets the requirements under PPL, they will receive up to 100% of their salary while on PFL capped at \$2,167 per week in 2020 (60% from PFL and 40% from the employer). Amy is not eligible for SF PPLO because she is not on parental leave. SF PPLO increases to 8 weeks for claims beginning on or after July 1, 2020. Claims beginning prior to July 1 are eligible for 6 weeks PPLO.

Leaves Comparison Chart

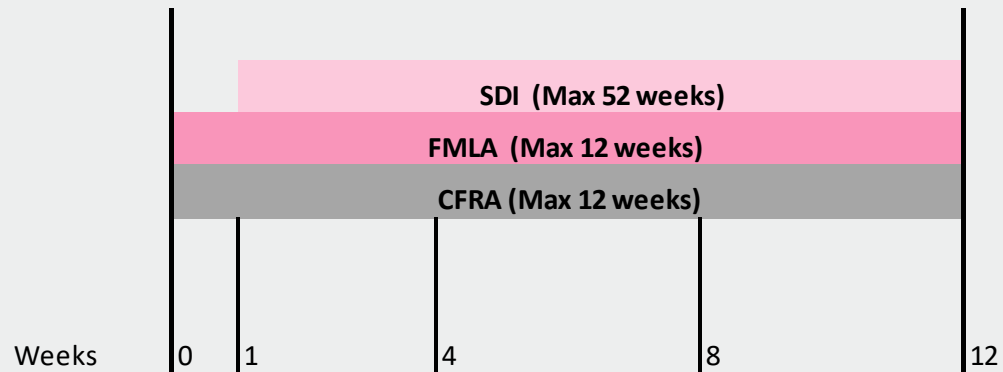
Example 7 – Employee’s own medical condition

Harry is a California based employee of XYZ Corp. and has been employed there for over one year. He has requested disability leave and has asked how much time he will be able to take off from work and what pay he will receive. XYZ employs over 50 employees in a 75-mile radius.

Harry will be eligible for the following federal and state leaves: **FMLA and CFRA**.

Harry will be eligible for the following state wage replacement benefits: **SDI**.

All employee requests for medical disability leave must be certified by a physician.



Two Primary Job Protection Laws

1. **Family and Medical Leave Act (FMLA):** Up to 12 weeks (runs concurrently with CFRA)
2. **California Family Rights Act (CFRA):** Up to 12 weeks (runs concurrently with FMLA)

Partial Wage Replacement

California State Disability Insurance (SDI): Provides 60% (or 70% depending on income) of employee’s earnings, capped at \$1,300 per week (based on a taxable wage limit of \$122,909)

ADA Note: Although George’s FMLA/CFRA job-protected leave ends after 12 weeks, XYZ may still be prohibited from terminating his employment under the Americans with Disabilities Act (ADA). It can take over a year to determine whether XYZ is able to make an appropriate reasonable accommodation for a disabled employee (or if that would create an undue hardship). However, ADA does not come with any requirement to continue health coverage (unlike FMLA, CFRA, PDL, or another state equivalent).