Leaves Comparison Chart – Federal and California Mandated Leaves

The following summary outlines the key provisions and coordination of the federal leave law FMLA and California leave laws – California Family Rights Act (CFRA) and Pregnancy Disability Leave (PFL). It also includes state wage replacement benefits – State Disability Insurance (SDI) and Paid Family Leave (PFL).

Where state laws do exist on family and medical leave, it should be noted that covered employers must comply with state family and medical leave laws that provide more protections than the federal Family and Medical Leave Act (FMLA).

CA SDI will pay benefits for up to 52 weeks of disability as certified by the employee’s physician.
Weeks 0 7 days 4 8 12

**Employ ee's Medical Disability Period**

**Employee's own medical disability**
- SDI
- FMLA - Max 12 weeks
- CFRA - Max 12 weeks

Maximum 3 mo. leave

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Weeks 0 7 days 4 6 8 12

**Employee's Child Medical Disability Period**

**Employee's child medical disability**
- PFL
- FMLA - Max 12 weeks
- CFRA - Max 12 weeks

Maximum 3 mo. leave
Federal FMLA and CFRA – Fast Facts

Employers - Employers with 50 or more employees
Durations of Leave - Up to 12 weeks (during a 12-month period) up to 26 weeks to care for an injured service-member
Reason for Leave - Birth and care of a newborn child or placement of an adopted or foster child with an employee, To care for an immediate family member* with a serious health condition, or 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 same conditions as when active
Compensation - Unpaid – employee may be eligible for SDI or PFL

*CFRA includes registered domestic partners
**CFRA does not include disability due to pregnancy

California Pregnancy Disability Leave – Fast Facts

Employers - Employers with 5 or more employees
Durations of Leave - Up to 4 months per pregnancy – 4 months is 17 1/3 weeks
Reason for Leave - Disabled by pregnancy
Eligibility - Female employees disabled by pregnancy
Benefits - Under same conditions as when active
Compensation - Unpaid – employee may be eligible for SDI

CFRA Coordination with FMLA Leave

Leave taken by an employee under CFRA runs concurrently with FMLA leave, 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) leave 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 4 months 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.
Employer Notification of Leave Coordination

Please note that in order for FMLA and CFRA leave, or FMLA and PDL leave to run concurrently (at the same time), the employer must notify the employee, within the required time period, that the CFRA or PDL is also designated as FMLA leave and will count against the employee’s annual FMLA leave entitlement.

Example 1. Pregnancy

Sally is an employee of XYZ Corporation. She has been employed at XYZ Corp., for over three years. She has recently requested leave for her pregnancy and has asked how much time she will be able to take off from work. XYZ Corp., employs over 50 employees.

Sally will be eligible for the following federal and state leaves - FMLA, PDL and CFRA. Sally may be eligible for the following state wage replacement benefits – SDI and PFL.

Generally, an employee on pregnancy disability will be disabled for six to eight weeks following delivery. During the disability period, Sally will be on FMLA and PDL concurrently, while receiving SDI payments from the state. Once the pregnancy disability period has ended, Sally will be eligible to take CFRA for up to 12 weeks (any remaining FMLA leave will be taken concurrently with CFRA), and receive up to 6 weeks of wage replacement under PFL. The maximum amount of federal and state leave available to an employee would be up to seven months.

Benefits Continuation and Job Reinstatement

Employers subject to FMLA, CFRA and PDL are required to maintain group health insurance coverage for an employee on the same terms as if the employee continued to work. Upon return from leave, an employee generally must be restored to the employee’s original position or an equivalent position identical to the original in terms of pay, benefits, and other terms and conditions.
Example 2. Pregnancy

Sally is an employee of XYZ Corporation. She has been employed at XYZ Corp., for six months. She has recently requested leave for her pregnancy and has asked how much time she will be able to take off from work. XYZ Corp., employs over 50 employees.

Sally will be eligible for the following federal and state leaves - PDL.
Sally may be eligible for the following state wage replacement benefits – SDI and PFL.

Generally, an employee on pregnancy disability will be disabled for six to eight weeks following delivery. During the disability period, Sally will be on PDL, while receiving SDI payments from the state. Once the pregnancy disability period has ended, Sally will not be eligible for any additional leave. If XYZ, Corp., approves additional leave to Sally, she may be eligible to receive up to 6 weeks of wage replacement under PFL. The maximum amount of state leave available to an employee in this situation would be up to four months.

Benefits Continuation and Job Reinstatement

Employers subject to PDL are required to maintain group health insurance coverage for an employee on the same terms as if the employee continued to work. Upon return from leave, an employee generally must be restored to the employee’s original position or an equivalent position identical to the original in terms of pay, benefits, and other terms and conditions.
Example 3. Employee’s own medical condition

Harry is an employee of XYZ Corporation. He has been employed at XYZ Corp., for over two years. He has recently requested leave for medical disability and has asked how much time he will be able to take off from work. XYZ Corp., employs over 50 employees.

Harry will be eligible for the following federal and state leaves – FMLA and CFRA. Harry may be eligible for the following state wage replacement benefits – SDI.

All employee requests for medical disability leave must be certified by a physician. During the disability period, Harry will be on FMLA and CFRA concurrently, while receiving SDI payments from the state. The maximum amount of federal and state leave available to an employee would be up to 12 weeks (3 months).

Benefits Continuation and Job Reinstatement

Employers subject to FMLA and CFRA are required to maintain group health insurance coverage for an employee on the same terms as if the employee continued to work. Upon return from leave, an employee generally must be restored to the employee’s original position or an equivalent position identical to the original in terms of pay, benefits, and other terms and conditions.
Example 4. Employee’s spouse or child has a medical condition

Amy is an employee of XYZ Corporation. She has been employed at XYZ Corp., for over two years. She has recently requested leave due to her child’s medical disability and has asked how much time she will be able to take off from work. XYZ Corp., employs over 50 employees.

Amy will be eligible for the following federal and state leaves – FMLA and CFRA. Amy may be eligible for the following state wage replacement benefits – PFL.

All employee requests for medical disability leave of a spouse or dependent must be certified by a physician. During the disability period, Amy will be on FMLA and CFRA concurrently, while receiving PFL payments from the state. The maximum amount of federal and state leave available to an employee would be up to 12 weeks (3 months).

Benefits Continuation and Job Reinstatement

Employers subject to FMLA and CFRA are required to maintain group health insurance coverage for an employee on the same terms as if the employee continued to work. Upon return from leave, an employee generally must be restored to the employee’s original position or an equivalent position identical to the original in terms of pay, benefits, and other terms and conditions.