



Leave Comparison Chart

2021 California



EB Compliance

January 2021

Federal Mandated Leaves

The following summaries outline 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). The Parent Leave Act for employers with 20 or more employees (PLA) was repealed effective December 31, 2020.

Fast Facts – FMLA	
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

For more complete information on health benefits while on leave, check out our [Health Benefits While on Leave Guide](#).

State Mandated Leaves

Fast Facts – California Family Rights Act (CFRA)

Employers	Employers with 5 or more employees statewide
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; including child of a domestic partner ▪ Placement of an adopted or foster child with the employee ▪ To care for an immediate family member with a serious health condition including grandparents, grandchildren, siblings and children of a domestic partner ▪ Employee’s own serious health condition excluding 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

Note: SB 1383 greatly expanded CFRA’s footprint well beyond that of FMLA. With the expansion of CFRA, the New Parent Leave Act was repealed as redundant effective January 1, 2021

State Mandated Leaves

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

Fast Facts – California State Disability Insurance (SDI)

Employers	Employers with 1 or more employees
Duration of Leave	Up to 52 weeks per disability
Reason for Leave	Unable to work due to a non-work-related illness, injury or pregnancy.
Eligibility	Have earned at least \$300 from which SDI deductions were withheld during the base period
Benefits	No required continuation of benefits; but may be required under FMLA or CFRA which may run concurrently
Job Protection	No job protection; but may be required under FMLA or CFRA which may run concurrently
Compensation	60% - 70% (depending on income) of wages earned up to a maximum of \$1,357 per week.

State Mandated Leaves

Fast Facts – California Paid Family Leave

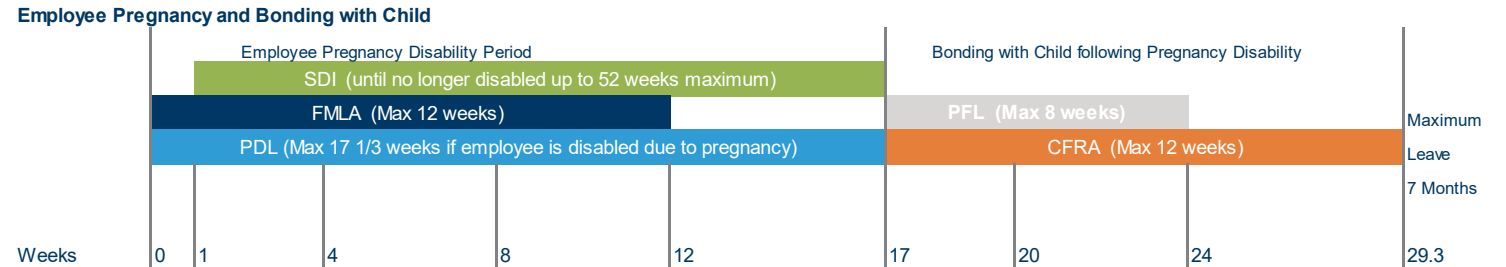
Employers	Employers with 1 or more employees
Duration of Leave	Up to 8 weeks paid family leave
Reason for Leave	Bond with a new child; care for a seriously ill family member (child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partners)
Eligibility	Have earned at least \$300 from which SDI deductions were withheld during the base period
Benefits	No required continuation of benefits; but may be required under FMLA or CFRA which may run concurrently
Job Protection	No job protection; but may be required under FMLA or CFRA which may run concurrently
Compensation	60% - 70% (depending on income) of wages earned up to a maximum of \$1,357 per week.

Birthing 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)**



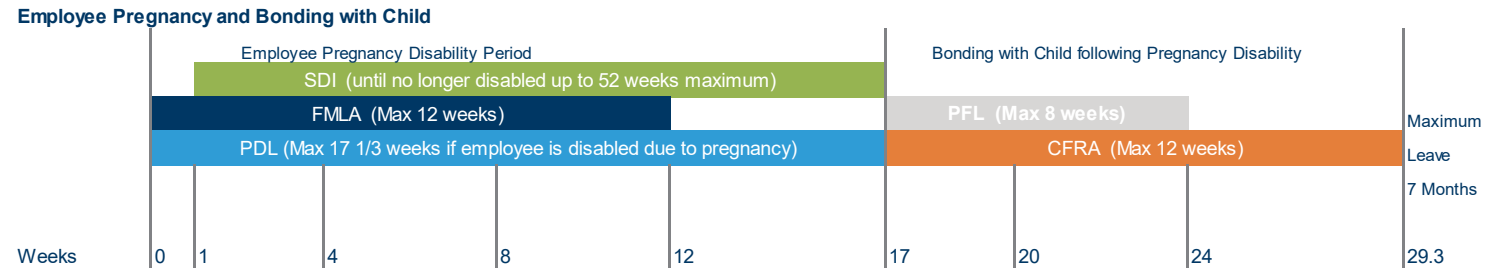
- **Before Delivery:** PDL is generally available four weeks before the due date
- **Standard Delivery:** PDL is generally available for up to **six weeks after childbirth**. Typical total before/after PDL period of 10 weeks (2½ months)
- **C-Section Delivery:** PDL is generally available for up to **eight 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.

Birthing 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.

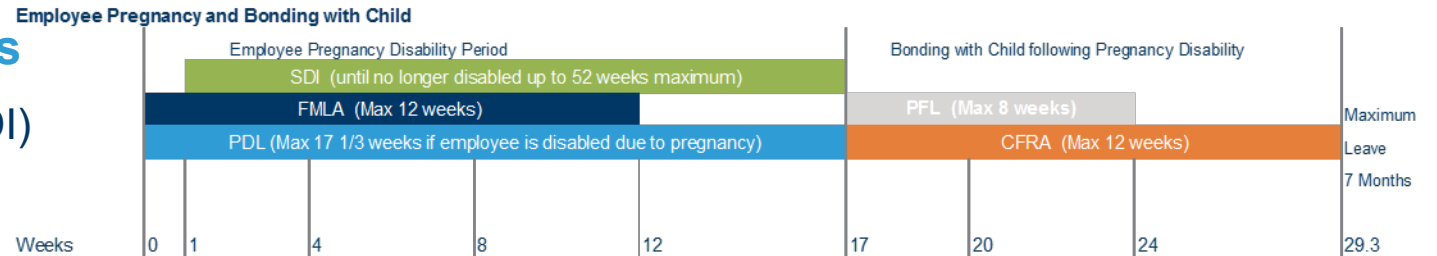
- **Total Standard Delivery Job-Protected Leave:** 5½ months of PDL & FMLA/CFRA job-protected leave (disability and baby bonding)
- **Total C-Section Delivery Job-Protected Leave:** 6 months of PDL & FMLA/CFRA job-protected leave (disability and baby bonding)

Birthing Mother: New Child Leave in CA

Partial Wage Replacement

Two Primary Wage Replacement Laws

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



Disability

California SDI 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 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.
- 2021 maximum benefit amount is capped at \$1,357 based on a taxable wage limit of \$128,298

Baby Bonding

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 \$128,298). No waiting period in transition from SDI to PFL.

Most Common Result

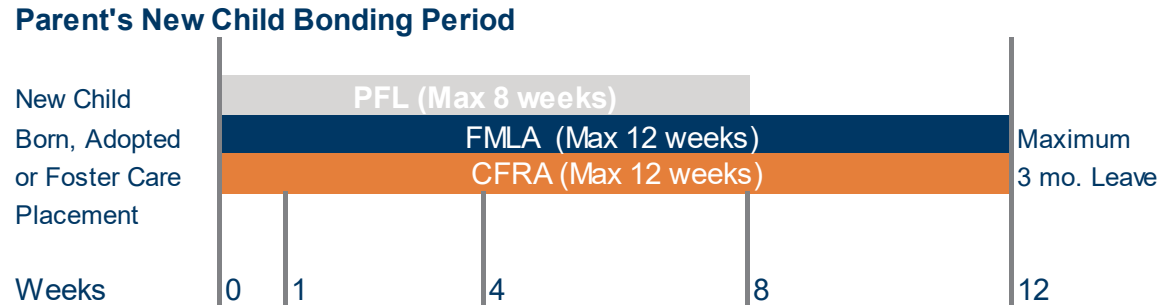
- Total Standard Delivery Partial Wage Replacement - **Up to 4 1/2 months of SDI and PFL (2½ months SDI, 2 months PFL)**
- Total C-Section Delivery Partial Wage Replacement - **Up to 5 months of SDI and PFL (3 months SDI, 2 months PFL)**

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 \$2,262 per week in 2021 (60% from PFL and 40% from the employer).

For more information on health benefits while on leave, check out our [Health Benefits While On Leave Guide](#).

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.

- 2021 maximum benefit amount is capped at \$1,357 based on a taxable wage limit of \$128,298

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)

SF PPLO Note

If the employee works in San Francisco and meets the requirements under PPL, the employee will receive up to 100% of his or her salary while on PFL capped at \$2,262 per week in 2021 (60% from PFL and 40% from the employer).

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 **\$2,262 for 2021** (60% from PFL and 40% from the employer).

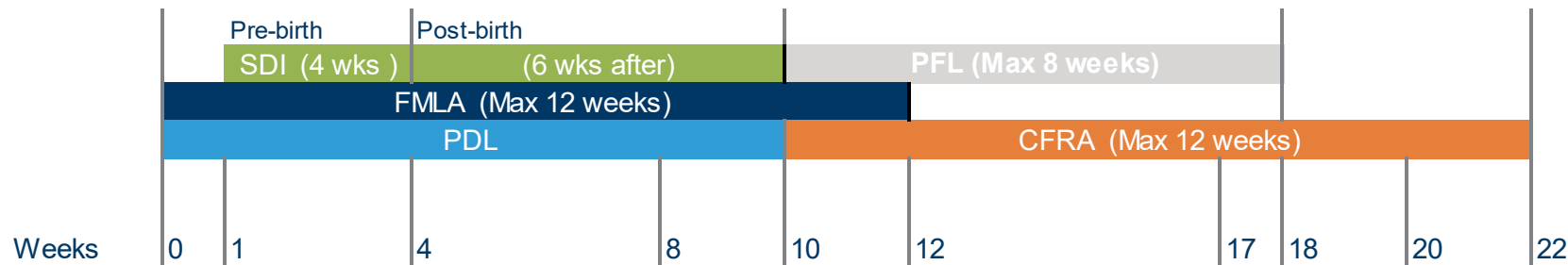
For more information see our [Health Benefits While On Leave Guide](#).

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 **\$1,357** per week (based on a taxable wage limit of **\$128,298**)
- 2 California Paid Family Leave (PFL):** Paid at the same rate as SDI and provides 8 weeks paid leave.

SF PPLO Note

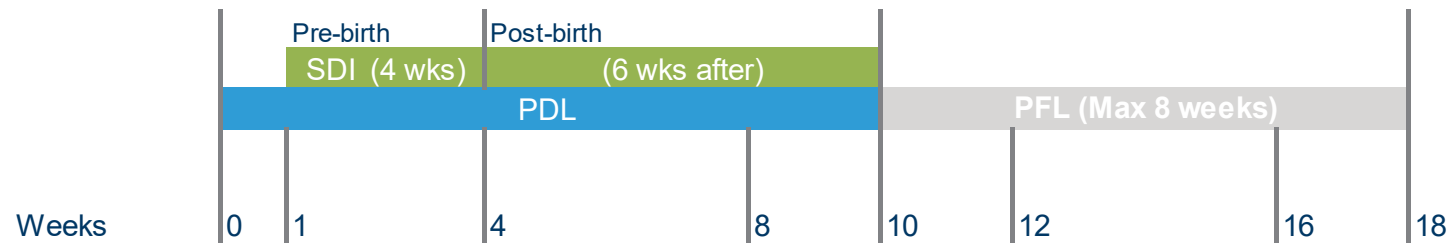
If the employee works in San Francisco and meets the requirements under PPL, the employee will receive up to 100% of her salary while on PFL capped at **\$2,262** per week in **2021** (60% from PFL and 40% from the employer).

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 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

- California State Disability Insurance (SDI):** Provides 60% (or 70% depending on income) of employee’s earnings, capped at **\$1,357** per week (based on a taxable wage limit of **\$128,298**)
- California Paid Family Leave (PFL):** Paid at the same rate as SDI for maximum 8 weeks

SF PPLO Note

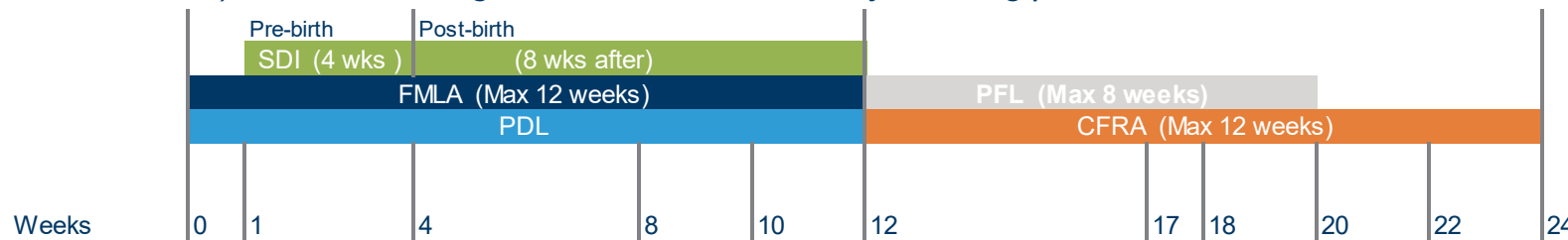
If the employee works in San Francisco and meets the requirements under PPL, the employee will receive up to 100% of her salary while on PFL capped at **\$2,262** per week in **2021** (60% from PFL and 40% from the employer). For more information see our [Health Benefits While On Leave guide](#).

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

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

Two Primary Partial Wage Replacement Laws

- California State Disability Insurance (SDI):** Provides 60% (or 70% depending on income) of employee's earnings, capped at **\$1,357** per week (based on a taxable wage limit of **\$128,298**)
- California Paid Family Leave (PFL):** Paid at the same rate as SDI and provides 8 weeks

SF PPLO Note

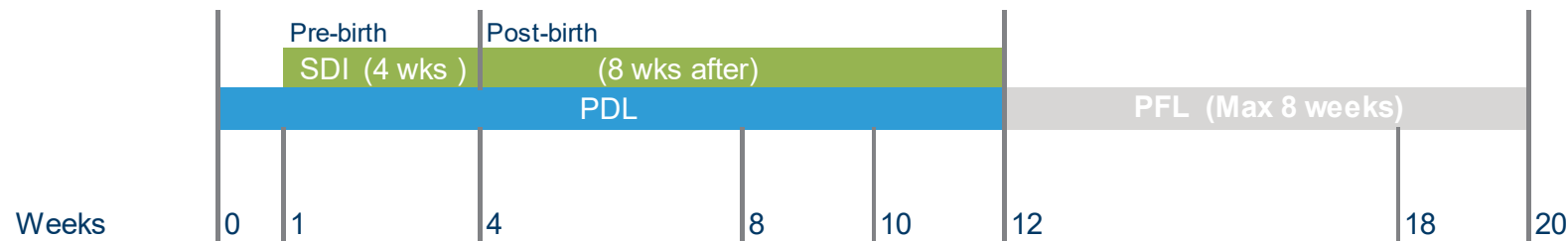
If the employee works in San Francisco and meets the requirements under PPL, the employee will receive up to 100% of her salary while on PFL capped at **\$2,262** per week in **2021** (60% from PFL and 40% from the employer). For more information see our [Health Benefits While On Leave guide](#).

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 state job-protected 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

- 1 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 **\$1,357** per week (based on a taxable wage limit of **\$128,298**)
- 2 California Paid Family Leave (PFL):** Paid at the same rate as SDI for maximum 8 weeks

SF PPLO Note

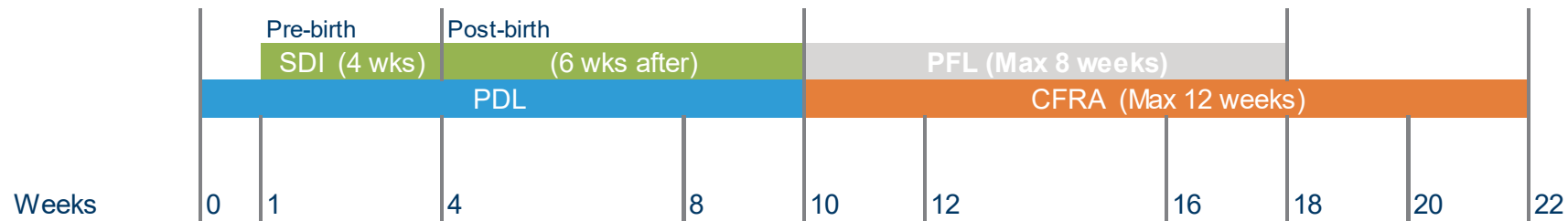
If the employee works in San Francisco and meets the requirements under PPL, the employee will receive up to 100% of her salary while on PFL capped at **\$2,262** per week in **2021** (60% from PFL and 40% from the employer). For more information see our [Health Benefits While On Leave guide](#).

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 10 employees

- Mary will be eligible for the following job-protected state leaves: **PDL and CFRA**
- 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 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 **\$1,357** per week (based on a taxable wage limit of **\$128,298**)
- 2 California Paid Family Leave (PFL):** Paid at the same rate as SDI and provides 8 weeks paid leave

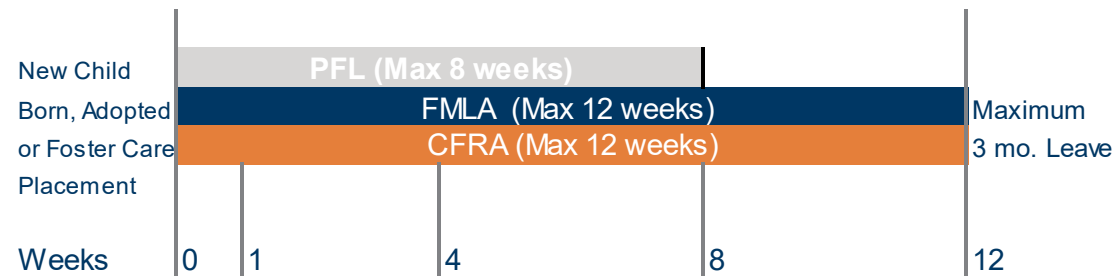
SF PPLO Note

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 **\$2,262** per week in **2021** (60% from PFL and 40% from the employer). For more information see our [Health Benefits While On Leave guide](#).

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

- 1 California Paid Family Leave (PFL):** Provides 60% (or 70% depending on income) of employee’s earnings, capped at **\$1,357** per week (based on a taxable wage limit of **\$128,298**) for a maximum of 8 weeks paid leave.

SF PPLO Note

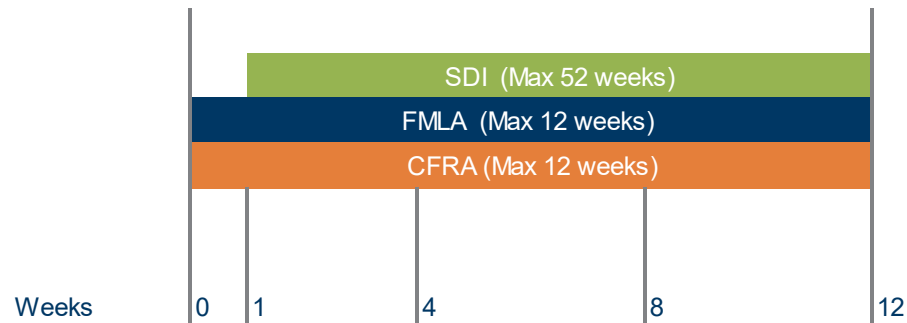
If George or Susan works in San Francisco and meets the requirements under PPL, they will receive up to 100% of their salary while on PFL capped at \$2,262 per week in 2021 (60% from PFL and 40% from the employer). Amy is not eligible for SF PPLO because she is not on new child bonding leave. For more information see our [Health Benefits While On Leave guide](#).

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

- Family and Medical Leave Act (FMLA):** Up to 12 weeks (runs concurrently with CFRA)
- 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 **\$1,357** per week (based on a taxable wage limit of **\$128,298**)

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). Additional information available in [Terminating Health Benefits for Employees on Disability Leave](#).