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Employment Law Summary

California

California Pregnancy Disability and Child Bonding Leave Comparison Chart

The California Fair Employment and Housing Act provides leave for employees disabled by pregnancy, childbirth or a related medical condition. State law also requires leave under the California Family Rights Act (CFRA) to bond with a new child (via birth, adoption, or foster care placement). Employees also have leave rights under the federal Family and Medical Leave Act (FMLA) for a pregnancy-related disability or to bond with a new child. When both state and federal laws apply, the employee receives the benefit of the more protective law.

The chart below compares key features of these laws.

	Pregnancy Disability Leave (PDL)	California Family Rights Act (CFRA) Leave—Child Bonding	Federal Family & Medical Leave Act (FMLA)
I am eligible if:	I have a pregnancy-related disability and my employer has five or more employees. (Gov. Code, § 12945 & Cal. Code Regs., tit. 2, §§ 11035 & 11037)	I have a new child (via birth, adoption, or foster placement), I have worked for my employer for one or more years, I have 1,250 or more hours of service in the past year, and my employer has five or more employees. (Gov. Code, § 12945.2 & Cal. Code Regs., tit. 2, §§ 11087 & 11088)	I have a serious pregnancy-related health condition or a new child (via birth, adoption, or foster placement), I have worked for my employer for one or more years, I have 1,250 or more hours of service in the past year, and 50 or more employees work within 75-mile radius. (29 U.S.C. § 2611(2) & 29 C.F.R. § 825.110)
How much leave do I get?	Up to four months, based on hours worked per week and duration of disability. PDL will run at the same time as FMLA. (Cal. Code Regs., tit. 2, § 11042)	Up to 12 weeks within one year of the child’s birth, adoption, or start of foster care. CFRA leave will run after PDL. CFRA leave will run at the same time as FMLA. (Cal. Code Regs., tit. 2, § 11090)	Up to 12 weeks within one year of the child’s birth, adoption, or start of foster care, OR because of a serious pregnancy-related health condition. FMLA will run at the same time as PDL and/or CFRA

			leave. (29 U.S.C. § 2612; 29 C.F.R. § 825.701; Gov. Code, § 12945.2)
Should I notify my employer when I'm going to take leave?	Yes. Give your employer at least 30 days' notice if possible. (Cal. Code Regs., tit. 2, § 11050)	Yes. Give your employer at least 30 days' notice if possible (Cal. Code Regs., tit. 2, § 11091)	Yes. Give your employer 30 days' notice if possible. (29 U.S.C. 2612(e)(1)).
Am I required to take leave all at once?	No. You may take your leave all at once or intermittently. (Cal. Code Regs., tit. 2, § 11042)	No. You may take bonding leave in separate two-week blocks. On two occasions, you may take leave in smaller increments of time. (Cal. Code Regs., tit. 2, § 11090)	Maybe. You are entitled to intermittent leave if you have a serious pregnancy-related health condition and intermittent leave is medically necessary. Otherwise, you need the approval of your employer to take intermittent leave. (29 U.S.C § 2612(b); 29 C.F.R. § 825.202(c))
Will I lose my job while on leave?	No. You will be reinstated to your same or comparable job, except in limited circumstances unrelated to your leave (such as layoffs). (Cal. Code Regs., tit. 2, § 11043)	No. You will be reinstated to your same or comparable job, except in limited circumstances unrelated to your leave (such as layoffs). (Cal. Code Regs., tit. 2, § 11089)	No. You will be reinstated to your same or comparable job, except in limited circumstances unrelated to your leave (such as layoffs). (29 U.S.C. § 2614(a); 29 C.F.R. §§ 825.214 & 825.216)
Will I be paid on leave?	Maybe. You will be paid if your employer pays employees on temporary disability, if you use accrued paid time off (such as vacation time), or if you apply to the California Employment Development Department (EDD) for State Disability Insurance (SDI) and	Maybe. You will be paid if your employer pays employees on CFRA leave, if you use accrued paid time off (such as vacation time), or you apply to EDD for Paid Family Leave (PFL) and qualify. (Cal. Code Regs., tit. 2, § 11092)	You will be paid if your employer pays employees on FMLA, if you use accrued paid time off (such as vacation time), or if you apply to EDD for SDI or PFL and qualify.

	qualify. (Cal. Code Regs., tit. 2, § 11044)		
Am I required to use sick/vacation time?	Your employer may require you to use sick time unless you are receiving SDI from EDD. (Cal. Code Regs., tit. 2, § 11044)	Your employer may require you to use vacation time unless you are receiving PFL from EDD to bond with a new child. Your employer may not require you to use sick leave; however, you and your employer can mutually agree that you may use sick leave. (Cal. Code Regs., tit. 2, § 11092)	You may elect to use, or your employer may require you to use: vacation time, sick leave, or paid time off. (29 C.F.R. § 825.207)
Will my employer continue to pay for my health coverage?	Yes. Your employer must pay for the continuation of your group health benefits if your employer normally pays for those benefits. (Cal. Code Regs., tit. 2, § 11044)	Yes. Your employer must pay for the continuation of your group health benefits if your employer normally pays for those benefits. (Cal. Code Regs., tit. 2, § 11092)	Yes. Your employer must pay for the continuation of your group health benefits if your employer normally pays for those benefits. (29 U.S.C. § 2614(c); 29 C.F.R. § 825.209)
Will I lose seniority or benefits?	No. And, you may accrue seniority or benefits if your employer allows accrual for other disability leave. (Cal. Code Regs., tit. 2, § 11044)	No. And, you may accrue seniority or benefits if your employer allows accrual for other forms of leave. (Cal. Code Regs., tit. 2, § 11092)	No. And, you may accrue seniority or benefits if your employer allows accrual for other forms of leave. (29 U.S.C. § 2614(a)(2); 29 C.F.R. § 825.209(h))
Do I need to provide a medical certification?	Maybe. Your employer may require medical certification. (Cal. Code Regs., tit. 2, § 11050)	N/A	Maybe. Your employer may require medical certification of a pregnancy-related serious health condition. (29 U.S.C. § 2614(a)(4); 29 C.F.R. § 825.306)
Is my partner/the child's other	No. PDL only applies to the parent who has a disability related to the	Yes. Both parents (including fathers, adoptive/foster parents	Yes. (29 U.S.C. § 2611; 29 C.F.R. § 825.110)

parent entitled to leave?	pregnancy. (Cal. Code Regs., tit. 2, § 11035)	or same sex parents) are entitled to CFRA leave, even if both parents work for the same employer. (Cal. Code Regs., tit. 2, § 11087)	
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Source: California Civil Rights Department