

NEWFRONT

Leave Comparison Chart

2024 California | EB Compliance

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).

Note: The Parent Leave Act for employers with 20 or more employees (PLA) was repealed effective December 31, 2020.

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

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

- 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)
- Qualifying exigency and military care giver leave

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 company provided short term disability, or may use PTO, sick or vacation days



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

Reason for Leave

- 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, parent-in-law and designated person
- Employee's own serious health condition excluding pregnancy
- Qualifying exigency related to covered active duty of spouse, domestic partner, child or parent

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



FAST FACTS | California State Disability Insurance (SDI)

Employers

Employers with 1 or more employee

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 \$1,620 per week. (unchanged in 2024)

[CA EDD Website](#)



FAST FACTS | California Paid Family Leave

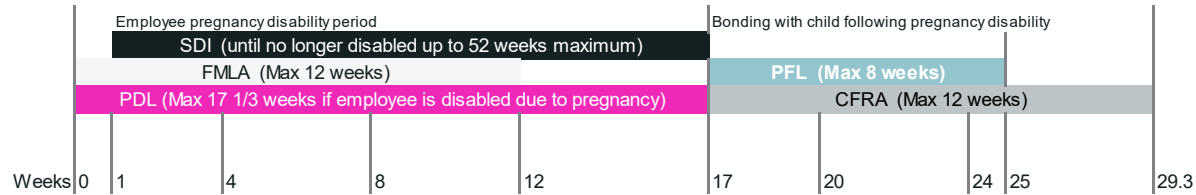
Employers	Employers with 1 or more employee
Duration of Leave	Up to 8 weeks paid family leave
Reason for Leave	Bond with a new child; care for a seriously ill family member (child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partners)
Eligibility	Have earned 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 \$1,620 per week (unchanged in 2024).

[CA EDD Website](#)



LEAVES COMPARISON CHART CALIFORNIA

Birthing Maternity: New Child Leave in California Job Protection



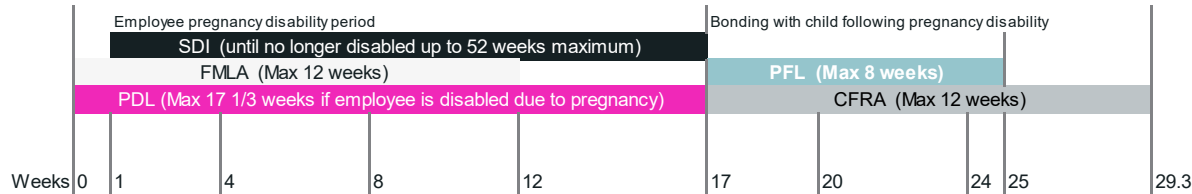
Three Primary job Protection Laws

- **Pregnancy Disability Leave (PDL)**
 - Family and Medical Leave Act (FMLA)
 - 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 CALIFORNIA

Birthing Maternity: New Child Leave in California Job Protection



Three Primary job Protection Laws

- Pregnancy Disability Leave (PDL)
- Family and Medical Leave Act (FMLA)
- 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

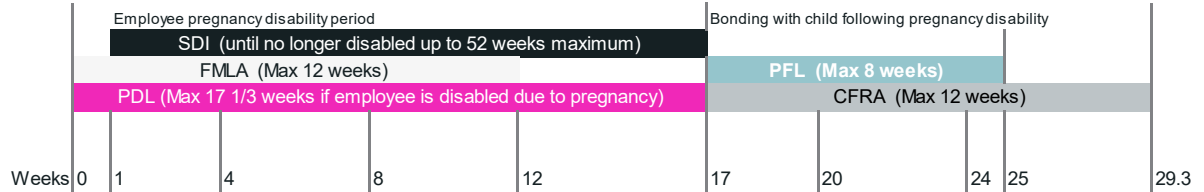
- Employees will have job-protected leave available for the full 10- or 12-week PDL period (including before birth) plus 12 weeks CFRA new child bonding.
- **Total Standard Delivery Job-Protected Leave:** 5½ months of PDL & FMLA/CFRA job-protected leave (disability and baby bonding)
- **Total C-Section Delivery Job-Protected Leave:** 6 months of PDL & FMLA/CFRA job-protected leave (disability and baby bonding)



LEAVES COMPARISON CHART CALIFORNIA

Birthing Maternity: New Child Leave in California

Partial Wage Replacement



Two Primary Wage Replacement Laws

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

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

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.
- 2023 maximum benefit amount is capped at \$1,620. The taxable wage limit is eliminated effective January 1, 2024.

Baby Bonding

PFL paid at same rate as SDI for up to 8 weeks of baby bonding (typically 60% or 70% depending on income). 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 (2 1/2 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 \$2,700 per week in 2024 (60% from PFL and 40% from the employer).



LEAVES COMPARISON CHART CALIFORNIA

Paternity and Non-Birthing Maternity Job Protection Partial Wage Replacement

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

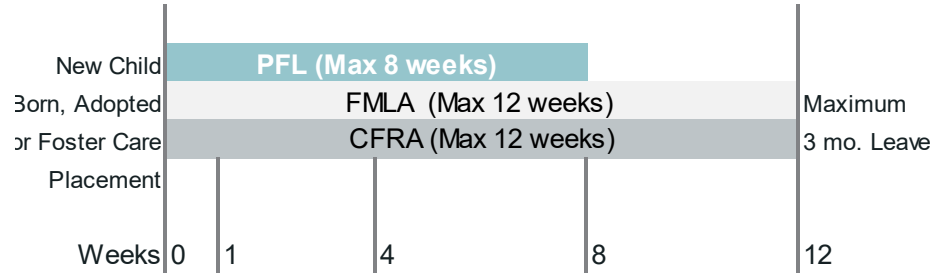
Paid Family Leave (PFL) Partial Wage Replacement

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.

- 2024 maximum benefit amount is capped at \$1,620

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 salary while on PFL capped at \$2,700 per week in 2024 (60% from PFL and 40% from the employer).



LEAVES COMPARISON CHART CALIFORNIA

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.

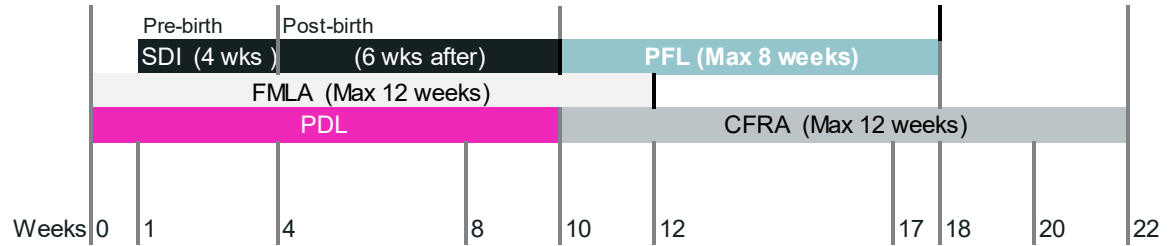
San Francisco Paid Parental Leave (PPL)

- 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 **\$2,700 for 2024** (60% from PFL and 40% from the employer). For more information see our [San Francisco PPLO Guide](#).



LEAVES COMPARISON CHART CALIFORNIA

Example 1: Pregnancy with Standard Delivery



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, 6 weeks after birth (10 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 **\$1,620** per week
- **California Paid Family Leave (PFL):** Paid at the same rate as SDI and provides 8 weeks paid leave.

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.

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 **\$2,700** per week in **2024** (60% from PFL and 40% from the employer).



LEAVES COMPARISON CHART CALIFORNIA

Example 2: Pregnancy with Standard Delivery No FMLA/CFRA

Job Protection

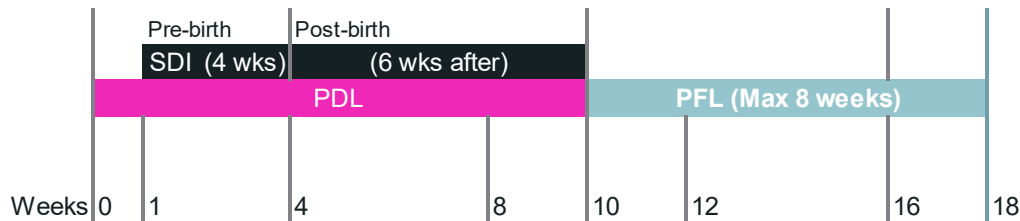
Pregnancy Disability Leave (PDL): Generally 4 weeks prior to birth, 6 weeks after birth (10 weeks total)

Two Primary Partial Wage Replacement Laws

- **California State Disability Insurance (SDI):** Provides 60% (or 70% depending on income) of employee's earnings, capped at **\$1,620** per week in 2024
- **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 **\$2,700** per week in **2024** (60% from PFL and 40% from the employer). For more information see our [San Francisco PPLO Guide](#).



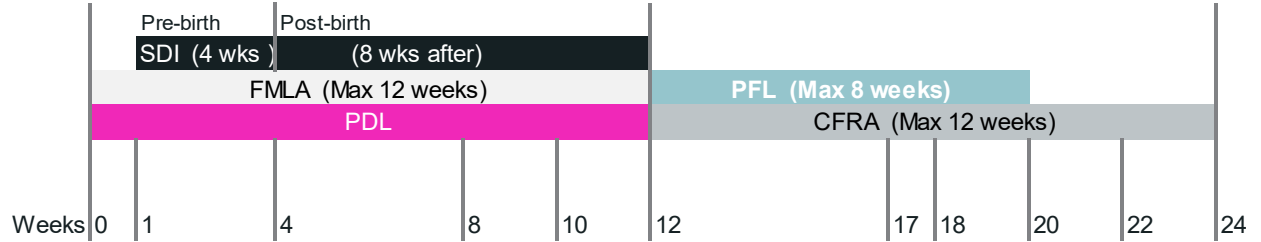
Jane is a California based employee of XYZ Corp. and has been employed there for six months. She has requested pregnancy leave and has asked how much time she will be able to take off from work and what pay she will receive

- 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.

LEAVES COMPARISON CHART CALIFORNIA

Example 3: Pregnancy with C-Section Delivery



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 **\$1,620 in 2024** per week
- **California Paid Family Leave (PFL):** Paid at the same rate as SDI and provides 8 weeks

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.

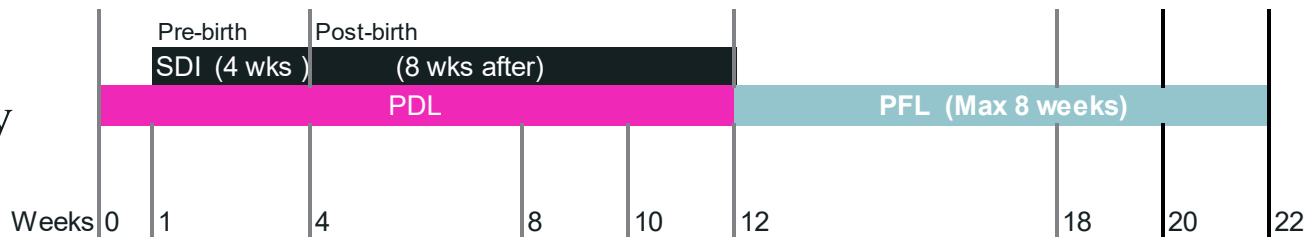
- Estelle will be eligible for the following federal and state job-protected leaves: **FMLA, PDL and CFRA**
- Estelle will be eligible for the following state wage replacement benefits: **SDI and PFL**

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 protected leave thereafter.

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 **\$2,700 per week in 2024** (60% from PFL and 40% from the employer). For more information see our [San Francisco PPLO Guide](#).

LEAVES COMPARISON CHART CALIFORNIA

Example 4: Pregnancy with C-Section Delivery No FMLA/CFRA



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

- **California State Disability Insurance (SDI):**
Provides 60% (or 70% depending on income) of employee's earnings, capped at **\$1,620 in 2024** per week
- **California Paid Family Leave (PFL):**
Paid at the same rate as SDI for maximum 8 weeks

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**

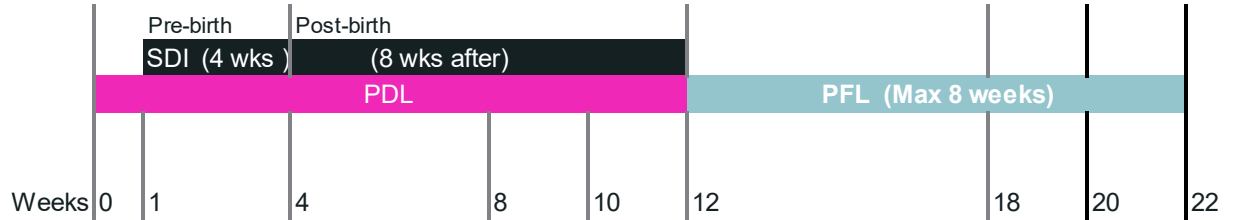
Generally, an employee on pregnancy disability is eligible for up to four weeks disability prior to delivery and eight weeks following for cesarean delivery. In this case, Rachel is not eligible for job protected baby bonding leave after the disability period.

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 **\$2,700 per week in 2024** (60% from PFL and 40% from the employer). For more information see our [San Francisco PPLG Guide](#).



LEAVES COMPARISON CHART CALIFORNIA

Example 5: Pregnancy with Standard Delivery Small Employer



Two Primary Job Protection Laws

- **Pregnancy Disability Leave (PDL):**
Generally 4 weeks prior to birth, 6 weeks after birth (10 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 **\$1,620** per week in 2024
- **California Paid Family Leave (PFL):**
Paid at the same rate as SDI and provides 8 weeks paid leave

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.

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 **\$2,700** per week in **2024** (60% from PFL and 40% from the employer). For more information see our [San Francisco PPLO Guide](#).

LEAVES COMPARISON CHART CALIFORNIA

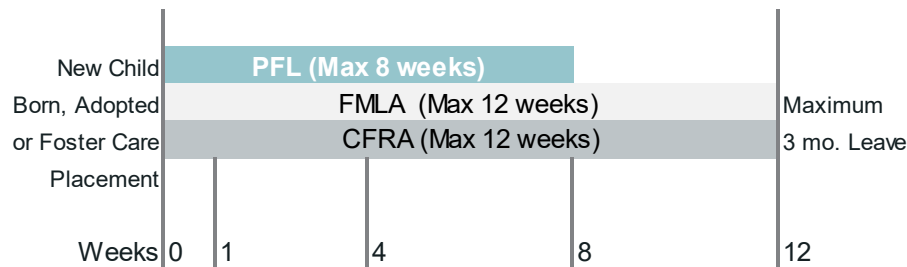
Example 6: Paternity Leave, Non-Birthing Maternity, & Employee's Dependent has a Medical Condition

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 Paid Family Leave (PFL):** Provides 60% (or 70% depending on income) of employee's earnings, capped at **\$1,620** per week in 2024 for a maximum of 8 weeks paid leave.



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**

SF PPLO Note: If George or Susan work in San Francisco and meet the requirements under PPL, they will receive up to 100% of their salary while on PFL capped at \$2,700 per week in 2024 (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 [San Francisco PPLO Guide](#).

LEAVES COMPARISON CHART CALIFORNIA

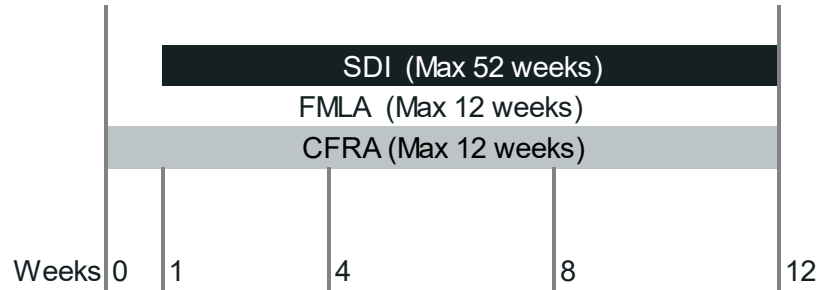
Example 7: Employee's Own Medical Condition

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 **\$1,620** per week in 2024



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

ADA Note: Although Harry'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](#).

Thank you



License #0H55918 Newfront Disclaimer: The information provided is of a general nature and an educational resource. It is not intended to provide advice or address the situation of any particular individual or entity.

Any recipient shall be responsible for the use to which it puts this document. Newfront shall have no liability for the information provided. While care has been taken to produce this document, Newfront does not warrant, represent or guarantee the completeness, accuracy, adequacy or fitness with respect to the information contained in this document. The information provided does not reflect new circumstances or additional regulatory and legal changes. The issues addressed may have legal or financial implications, and we recommend you speak to your legal and financial advisors before acting on any of the information provided.