

## FMLA/CFRA/PDL Comparison Chart – California Employees

	PDL	CFRA	FMLA
Which employers are covered?	Employer has at least 5 employees.	Employer has at least 5 employees.	Employer has at least 50 employees.
Who is eligible for leave?	Employees with a pregnancy-related disability. No prior service requirement.	Employees who: <ul style="list-style-type: none"> <li>Have worked for the employer for at least 12 months; and</li> <li>Completed at least 1,250 hours of service during the previous 12 months.</li> </ul>	Employees who: <ul style="list-style-type: none"> <li>Have worked for the employer for at least 12 months;</li> <li>Completed at least 1,250 hours of service during the previous 12 months; and</li> <li>Work at a site with at least 50 employees within a 75-mile radius.</li> </ul>
How much leave?	Up to 4 months (17 weeks and 3 days or 88 working days), based on hours worked per week, as determined by a medical professional.	Up to 12 weeks	Up to 12 weeks; up to 26 weeks for military caregiver leave only
What are the reasons for the leave?	Pregnancy-related disability, including but not limited to: <ul style="list-style-type: none"> <li>Severe morning sickness</li> <li>Prenatal/postnatal care</li> <li>Bed rest</li> <li>Gestational diabetes</li> <li>Pregnancy-induced hypertension</li> <li>Preeclampsia</li> <li>Childbirth</li> <li>Postpartum depression</li> <li>Loss or end of pregnancy</li> <li>Recovery from childbirth/loss or end of pregnancy</li> </ul>	CFRA may be used for: <ol style="list-style-type: none"> <li>birth or placement of a child for adoption or foster care (i.e., baby bonding)</li> <li>to care for an immediate family member, defined as a spouse, registered domestic partner, child, child of a registered domestic partner, grandchild, sibling, parent, parent-in-law, grandparent, or designated person with a serious health condition,</li> <li>if the employee is unable to work because of their own serious health condition, or</li> <li>for any qualifying exigency because the employee is the</li> </ol>	FMLA may be used for: <ol style="list-style-type: none"> <li>birth or placement of a child for adoption or foster care (i.e., baby bonding)</li> <li>to care for an immediate family member, defined as spouse, child or parent, with a serious health condition</li> <li>if the employee is unable to work because of their own serious health condition (including pregnancy)</li> <li>for any qualifying exigency because the employee is the spouse, son, daughter, or parent of an individual on active military duty (or has been notified of an impending call or order to active duty) in the Armed</li> </ol>

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		spouse, son, daughter, or parent of an individual on active military duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.	Forces in support of a contingency operation 5. <b>when the employee is the spouse, son, daughter, parent, or next of kin of a covered service member and caring for service member with a serious illness or injury (military caregiver leave)</b>
<b>Does the leave run concurrently with other leaves?</b>	Yes, with FMLA only, when related to the employee's own serious health condition.	Yes, with FMLA only, when leave is for: <ul style="list-style-type: none"> <li>• birth or placement of a child for adoption or foster care</li> <li>• to care for an immediate family member including spouse, child or parent, with a serious health condition</li> <li>• if the employee is unable to work because of their own serious health condition</li> <li>• for any qualifying exigency because the employee is the spouse, son, daughter, or parent of an individual on active military duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation</li> </ul>	Yes, with PDL only, when related to the employee's pregnancy-related disability.  Yes, with CFRA only, when leave is for: <ul style="list-style-type: none"> <li>• birth or placement of a child for adoption or foster care</li> <li>• to care for an immediate family member including spouse, child or parent, with a serious health condition</li> <li>• if the employee is unable to work because of their own serious health condition</li> <li>• for any qualifying exigency because the employee is the spouse, son, daughter, or parent of an individual on active military duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation</li> </ul>

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Employee notification requirements?	Yes. Required to give as much notice as possible.	Yes.	Yes. <b>Required to give at least 30 days' notice, if possible.</b>
Required to take leave all at once?	No. You may take your leave all at once or intermittently.	No. You may take your leave all at once or intermittently. You may take baby bonding leave in separate 2-week blocks, so long as it is within 1 year of birth, adoption, or foster care placement.	<b>Maybe.</b> You are entitled to intermittent leave if you or your child has a serious health condition related to pregnancy. Otherwise, you need the approval of your employer to take intermittent leave.
Can employee lose job while on leave?	No. Employee will be reinstated to virtually identical position notwithstanding layoffs, etc.	No. Employee will be reinstated to same or comparable job notwithstanding layoffs, etc.	No. Employee will be reinstated to same or comparable job notwithstanding layoffs, etc.
Reinstatement exception for “key” employees?	No.	<b>No.</b>	<b>Yes.</b>
Is employee compensated while on leave?	Maybe. If employer pays employees on temporary disability, if employee uses vacation time/paid time off, or if employee pays into SDI.	Maybe. If employee uses vacation time or paid time off. Or if employee uses Paid Family Leave or State Disability Insurance wage replacement through the state. Otherwise, the leave is unpaid.	Maybe. If employee uses vacation time or paid time off. Or if employee uses Paid Family Leave or State Disability Insurance wage replacement through the state. Otherwise, the leave is unpaid.
Required to use sick/vacation time?	Employee may be required to use sick time (except for California or local <i>mandatory</i> paid sick leave), unless they are receiving disability payments, such as SDI.  Employee cannot be required to use vacation time or paid time off.	Employee may be required to use sick time (except for California or local <i>mandatory</i> paid sick leave) when the leave is for their own serious health condition, unless they are receiving disability payments, such as SDI.  Employee may be required to use vacation time or paid time off, unless they are receiving PFL or SDI.	Employee may be required to use: vacation time, paid time off, or sick leave (except for California or local <i>mandatory</i> paid sick leave).  If FMLA runs concurrently with PDL or CFRA, employers must apply the most restrictive protections applicable to those leaves.

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Choose to use sick/vacation time?	Employee may choose to use accrued time off in accordance with your policies.  Employees cannot earn more money while on leave than if they are working. If employees are receiving wage replacement benefits such as SDI, the employer must coordinate any accrued time off payments with the wage replacement benefit.	Employee may choose to use accrued time off in accordance with your policies.  Employees cannot earn more money while on leave than if they are working. If employees are receiving wage replacement benefits such as SDI or PFL, the employer must coordinate any accrued time off payments with the wage replacement benefit.	Employee may choose to use accrued time off in accordance with your policies.  Employees cannot earn more money while on leave than if they are working. If employees are receiving wage replacement benefits such as SDI or PFL, the employer must coordinate any accrued time off payments with the wage replacement benefit.
Continue healthcare coverage?	Yes. Employer must pay for the continuation of group health benefits if employer normally pays for any portion of those benefits.	Yes. Employer must pay for the continuation of group health benefits if employer normally pays for any portion of those benefits.	Yes. Employer must pay for the continuation of group health benefits if employer normally pays any portion of those benefits.
Lose seniority benefits?	No. Employee may accrue seniority or benefits if employer allows accrual for other disability leave.	No. Employee may accrue seniority or benefits if employer allows accrual for other forms of leave.	No. Employee may accrue seniority or benefits if employer allows accrual for other forms of leave.
Medical certification required?	Employer may require medical certification.	Employer may require medical certification for employee taking leave for own serious health condition or to care for a family member. Cannot require it for baby bonding time.	Employer may require medical certification for employee taking leave for own serious health condition or to care for a family member. Cannot require it for baby bonding time.
Is my partner entitled to leave?	No.	Yes, for baby bonding. <b>Each parent</b> is entitled up to 12 weeks, even if they work for the same employer.	Yes, for baby bonding. If spouses work for the same employer, they are entitled <b>up to 12 weeks combined</b> .