



## PAID FAMILY LEAVE (PFL) INSURANCE PROGRAM

### About the Paid Family Leave Insurance Program

The Paid Family Leave insurance program, also known as Family Temporary Disability Insurance program, is administered by the State Disability Insurance (SDI) program.

For employees covered by State Disability Insurance, Paid Family Leave (PFL) insurance provides up to eight weeks of benefits for individuals who must take time off to: (1) care for a seriously ill family member (defined as child, grandparent, grandchild, sibling, spouse, registered domestic partner, parent, or parent-in-law), or (2) to bond with a new minor child (either by birth, adoption, or foster care placement), or (3) for a qualifying exigency related to the active duty or call to active duty of the individual's spouse, registered domestic partner, child, or parent in the Armed Forces of the United States.

### What is the difference between Paid Family Leave insurance and employee leave laws?

FMLA and CFRA are federal and state leave laws, respectively, that allow an employee to take up to 12 workweeks of unpaid leave from his or her job in a 12-month period to care for themselves or family members who are ill, or children who are unable to take care of themselves. Paid Family Leave insurance does not change either law in any way and is completely separate from them. **Paid Family Leave merely provides up to eight (8) weeks of paid wage replacement benefits to an employee who suffers a wage loss when taking time off work to care for others, to bond with a new child, or for a qualifying military exigency.**

### Eligibility

#### Who is covered by Paid Family Leave?

Employees covered by State Disability Insurance (SDI) are also covered by Paid Family Leave insurance. If a Voluntary Plan Insurer provides your company's disability insurance coverage in lieu of State Disability Insurance (SDI), then it must also provide Paid Family Leave insurance coverage.

#### Are employees of small businesses covered by Paid Family Leave insurance?

Yes, if employees pay into State Disability Insurance (SDI), they are covered by Paid Family Leave insurance, regardless of the number of employees in the business.

#### May employees receive Paid Family Leave insurance benefits if they work part time?

If you work part time and still suffer a wage loss due to your family care leave, you may receive benefits provided you are otherwise eligible. Paid Family Leave insurance is a wage loss protection program, which means that individuals may be eligible for a portion of the Paid Family Leave insurance benefit if they are suffering a loss of wages and meet the other Paid Family Leave eligibility requirements.

**Does an employee have to work a minimum number of hours or days before becoming eligible for Paid Family Leave insurance benefits?**

No. Eligibility for Paid Family Leave insurance benefits is based on the earnings shown in your base period and not a specific number of days or months worked. Wages earned approximately 5 to 17 months before the beginning of your Paid Family Leave insurance claim are included in the base period.

**What constitutes a serious health condition for the purposes of Paid Family Leave?**

A serious health condition means an illness, injury, impairment, or physical or mental condition of a patient that involves inpatient care in a hospital, hospice, or residential medical care facility. This includes any period of incapacity (e.g., inability to work, attend school, or perform other regular daily activities) or any subsequent treatment in connection with such inpatient care; or continuing treatment by a physician or practitioner. Unless complications arise, cosmetic treatments, the common cold, influenza, earaches, upset stomach, minor ulcers, and headaches other than migraine, are examples of conditions that do not meet the definition of a serious health condition for purposes of Paid Family Leave.

**When must I submit a claim to bond with a new minor child in order to receive eight weeks of benefits?**

Eligibility for up to eight (8) weeks of benefits to bond with a new minor child expires at the end of the 12-month period that begins on the minor child's date of birth, adoption, or foster care placement. Therefore, you must complete your bonding prior to the 12-month period ending date and submit your claim timely.

**Do I need to take all of my Paid Family Leave insurance benefits at one time?**

No. The law does not establish a minimum number of hours or days or weeks that an employee must take Paid Family Leave insurance benefits. It only establishes the maximum leave time of eight (8) paid weeks within a 12-month period.

**May an employee receive other benefits while also receiving Paid Family Leave insurance?**

An employee may not receive Paid Family Leave insurance benefits if they are receiving or will receive State Disability Insurance, Unemployment Compensation Insurance, or Workers' Compensation benefits for the same period. Other benefits, such as employer paid benefits for baby bonding, may also affect payment of Paid Family Leave benefits.

**Can Paid Family Leave Benefits be integrated with unused sick leave?**

Yes.

**How is the Paid Family Leave insurance benefit affected when an employee receives sick leave benefits and Paid Family Leave at the same time?**

Consistent with the Disability Insurance (DI) program, sick leave wages are treated as wages. Paid Family Leave insurance benefits will be reduced by the amount of sick leave wages received, and may render the employee ineligible for benefits depending on the amount of sick leave wages received and the employee's weekly benefit amount.

If you integrate (coordinate) the sick leave (pay the employee sick leave wages in an amount which is the difference between the Paid Family Leave insurance benefit and the employee's full wage), the sick leave benefits received by the employee will not affect the Paid Family Leave Benefit.

**Is an employee required by law to use their vacation leave when collecting Paid Family Leave insurance benefits?**

No. As of January 1, 2025, employers may not require an employee to use accrued vacation leave prior to using PFL. The law used to allow employers the discretion to require an employee to take up to two weeks of vacation prior to using PFL, *but this rule no longer applies*.

**Is an employee required to take leave under the federal FMLA and CFRA at the same time they are receiving Paid Family Leave insurance benefits?**

Yes, if a company is subject to the provisions of FMLA and CFRA and the purpose for the leave is covered under both FMLA and CFRA.

**Is a Paid Family Leave claimant's job protected?**

The Paid Family Leave program does not protect anyone's job. It simply provides partial wage replacement when an employee cannot work due to the need to care for a seriously ill covered family member, or to bond with a new child. An employee may have his or her job protected under other laws, such as the FMLA or the CFRA.

**Source: EDD ([http://www.edd.ca.gov/Disability/FAQ\\_PFL\\_Eligibility.htm](http://www.edd.ca.gov/Disability/FAQ_PFL_Eligibility.htm))**