

CALIFORNIA PREGANCY LEAVES

FMLA/CFRA/PDL

FMLA (Family Medical Leave Act) Leave for pregnancy or birth: (29 C.F.R. Section 825.120)

CFRA (California Family Rights Act) Regulations: (Cal.Code Regs., tit.2, section 7297.0)

PDL (Pregnancy Disability Leave); under CFRA

Pregnancy Disability Leave (PDL)	Family and Medical Leave Act (FMLA)	California Family Rights Act (CFRA)
Applies to employers with five more employees	Applies to employers with 50 or more employees	Applies to employers with 50 or more employees
No time in service requirement	Worked 1,250 hours in prior 12month period	Worked 1,250 hours in prior 12 month period
Up to four months of leave for those disabled by pregnancy, childbirth or a related medical condition.	Up to 12 weeks of leave for the birth of a child. Includes leave before childbirth if unable to work due to pregnancy.	Up to 12 weeks of leave to bond with a new child. Does not begin until after childbirth.
Can be taken intermittently	Technically, cannot be taken intermittently.	Can be taken intermittently.
Runs concurrently with FMLA, but <u>not</u> with CFRA.	Runs concurrently with PDL or CFRA	Runs concurrently with FMLA, but <u>not</u> with PDL.

General rules for CFRA/FMLA (for pregnancy/childbirth):

A covered employer must grant an eligible employee up to a total of 12 workweeks of unpaid leave in a 12 month period for one or more of the following reasons:

- 1) For the birth of a son or daughter, and to care of the newborn child (to be taken within 12 months of the birth)
- 2) For the placement with the employee of a child for adoption or foster care, and to care for the newly placed child. (to be taken within 12 months of placement)
- 3) Both the mother and father are entitled to FMLA leave for the birth of their child.
- 4) Both the mother and father are entitled to FMLA leave to be with the healthy newborn child (bonding time) during the 12-month period beginning on the date of birth.
- 5) **A husband and wife who are eligible for FMLA leave and are employed by the same covered employer will be limited to a combined total of 12 weeks of leave during any 12-month period** if the leave is taken for birth of the employee’s son or daughter or to care for the child after birth (unless the child has a serious health condition).
- 6) The mother is entitled to FMLA leave for incapacity due to pregnancy, for prenatal care, or for her own serious health condition following the birth of the child. Circumstances may require that FMLA leave begin before the actual date of birth of a child.
- 7) The husband is entitled to FMLA leave if needed to care for his pregnant spouse who is incapacitated or if needed to care for her during her prenatal care, or if needed to care for the spouse following the birth of a child if the spouse has a serious medical condition.
- 8) Both the mother and father are entitled to FMLA leave if needed to care for a child with a serious health condition; if FMLA requirements are met.