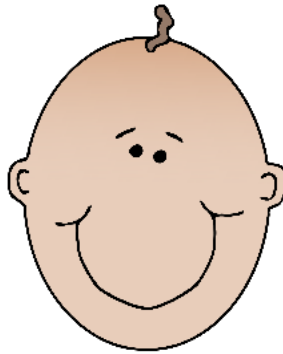




A Guide to Maternity/Paternity/Family Leave At Santa Rosa Junior College



Please note: this guide is for employees who will be on leave due to the birth or adoption/foster of a child. While we make every attempt to align this packet with current California State and Federal Leave Laws, it is important to remember these laws are ever changing. Information within this packet is subject to change without notice.

Maternity, Paternity and Bonding Leave at Santa Rosa Junior College

Congratulations on your upcoming new arrival! Santa Rosa Junior College has several options for your pending Maternity/Paternity Leave. We know these leaves can be confusing during this time. This guide is intended to help you through this process and give you information. We are excited for your new person to arrive and want to make this journey as easy as possible for you to understand.

Pregnancy Disability Leave (PDL) refers to the period of disability due to pregnancy, childbirth, or a related condition.

Maternity/Paternity Leave refers to the time a parent-to-be takes off in order to have and/or care for a new or arriving child. This may include foster or adopted children.

Your medical provider will determine the Maternity Leave period for new mothers, for “disabilities” related to birth. This may include time before, through time after delivery, as set by your provider.

Parental/Family Leave covers Paternity Leave for new fathers and Bonding Leave for foster/adopted children and can be up to 12-weeks of leave.

For more information, please read this guide.

Please also review the [AFA Contract, Article 18 Leaves](#) for Faculty, Associate Faculty and Educational Administrators.

Please read the [SEIU Classified Contract, Article 12 Leaves of Absence](#) for Classified Professionals, Classified Administrators and Confidential employees.

Per [SRJC Management Team Handbook](#): “ Educational Administrators shall follow the leave provisions in the AFA/District collective bargaining agreement and Classified Administrators, Classified Supervisors, and Confidential employees shall follow the leave provisions in the SEIU/District Local 1021 collective bargaining agreement.”

Maternity/Paternity Leave Laws Defined

Family Medical Leave Act (FMLA)

For disability due to pregnancy/pregnancy related condition, birth, bonding/care of newborn, adoption/foster care placement and bonding of child.

Qualifier: 12 months of service and 1,250 hours worked in the prior year

- Up to 12 work weeks of leave
- Unpaid leave, accrued time is used to stay in paid status
- Benefits covered by District

Pregnancy Disability Leave (PDL)

For disability due to pregnancy, childbirth, or a related condition.

Qualifier: 12 months of service and 1,250 hours worked in the prior year

- Up to four months of leave.
- Unpaid leave, accrued time is used to stay in paid status
- Benefits covered by District
- Runs concurrently with FMLA

California Family Rights Act (CFRA)

For bonding/care of newborn, adoption/foster care placement and bonding of child

Qualifier: 12 months of service and 1,250 hours worked in the prior year

- Up to 12 work weeks of leave
- Unpaid leave, accrued time is used to stay in paid status
- Benefits covered by District
- Runs concurrently with Parental and PN Leave (see below)

Parental Leave/Baby Bonding (PL)

For birth of employee's child, adoption/placement of foster child

Qualifier: 12 months of service

- Up to 12 works weeks of leave in the 12-month period following birth
- Parental Leave is a fully paid leave using accrued sick leave
- May use vacation and/or CTO/PTO (Classified only)
- If sick leave is not available, PL Difference Pay is applied for the hours not covered, at no more than 50% of regular pay
- Benefits covered by District
- Runs concurrently with CFRA

Types of Maternity/Paternity Leaves Defined

Personal Necessity (PN)/Parental Leave (California Ed Code)

For birth, adoption, baby bonding

- PN Leave must be taken within the first year of birth or adoption
- Up to 30 days of leave in a school year, less any PN days already used
- Fully paid leave using accrued sick leave
- Must have sick leave available to cover the PN hours used
- Benefits covered by District
- May run concurrently with FMLA and/or CFRA

Child Rearing Leave (Classified Professionals/SEIU Contract, Article 12.13)

- A unit member who is the natural or adoptive parent of a child may request an unpaid leave of absence for rearing their child.

Unpaid Leave (Faculty/AFA Contract, Article 18.06)

- The District may grant a faculty member an Unpaid Leave to supplement a Parental Leave

Salary and Benefits during Maternity Leave

Faculty/Associate Faculty/Educational Administrators ([AFA Contract, Article 18: Leaves](#))

We will utilize all available accrued leaves (sick leave, Variable/Exchange Time). If your available leaves are exhausted, we will automatically apply Supplemental Sick Leave to the remainder of your absence. Under Supplemental Sick Leave, we will deduct the salary paid to a substitute to replace you, from your salary. If a substitute is not provided, we will deduct step 1 of your salary range for any class time missed.

Parental Leave (PL)/CFRA will utilize all available sick leave. If your available sick leave is exhausted, PL Difference Pay will automatically be applied to the remainder of your absence. Under PL Difference Pay, we will deduct the salary paid to a substitute hired to replace you from your salary, at no more than 50% of your salary. If a substitute is not provided, we will deduct Step 1 of your salary class for any class time missed, at no more than 50% of your salary.

Faculty may have the option of using Banked Load towards a Maternity/Paternity Leave.

Your district benefit contribution will continue as long as you are in a paid status.

Classified Professionals/Classified Administrators/Confidential Employees ([SEIU Article 12: Leaves of Absence](#))

We will utilize all available accrued leaves (sick leave, vacation, CTO, etc.). If your available leaves are exhausted, Substitute Difference Pay will automatically be applied to the remainder of your absence. Under Difference Pay, the salary paid to a substitute to replace you will be deducted from your salary for all hours worked.

Parental Leave (PL)/CFRA will utilize sick leave. If sick leave is exhausted, PL Difference Pay will automatically be applied to the remainder of your absence. Under PL Difference Pay, the salary paid to a substitute to replace you will be deducted from your salary, at no more than 50% of your salary. You have the option of using your available vacation and/or Compensatory Time Off (CTO)/Paid Time Off (PTO) towards a Maternity/Paternity Leave.

Your district benefit contribution will continue as long as you are in a paid status.

Leave Notice and Instructions

At least 60-90 days before your due date:

- Submit a Leave Request through [Human Resources web page](#). You may also upload your medical verification that supports your need for an extended leave, if necessary and available.
- If not already submitted with your Leave Request, provide a Certification of Health Care Provider for Pregnancy Disability Leave (see page 15), or verification from your medical provider that contains the same information, prior to going on leave.
- Let your department know the projected dates of your leave. If needed, they can work to secure a substitute for your absence.
- Write a Letter of Intent to take Maternity Leave with approximate dates listed and submit to your supervisor, with a copy to Linda Jay, Human resources. (See sample letters on page 11-14.)

Upon birth of child:

- Notify Human Resources of the delivery date
- Submit medical verification of your Maternity Leave time as directed by your medical provider.
- If you have benefits with the district, contact the Human Resources Benefits Specialist to have the baby added to your health and dental plans.

When you are ready to return to work:

- Submit a medical release from your provider (if not already submitted with prior verifications) to Human Resources. This is required if you are returning to work after your disability time off. If you are returning after taking CFRA/Baby Bonding following your FMLA/disability, you will not need an additional release to return at that time.

Paternity Leave Instructions

- Submit a Leave Request through [Human Resources web page](#).
- Write a Letter of Intent to take Paternity Leave, with approximate dates listed and submit to your supervisor, with a copy to Linda Jay, Human Resources (see sample letters on page 14.)

Frequently Asked Questions

- I just found out I am pregnant. What do I do?
 - ✓ Let your department know, as soon as possible.
 - ✓ Submit a Leave Request through [Human Resources](#) Leave and Accommodation Request page, with your Certification of Health Care Provider (see page 14) or medical verification from your provider, if available.
- How long can I keep working?
 - ✓ You can work as long as your medical provider authorizes. Once your doctor takes you off work, you may no longer work on site or at home, due to liability issues for the district.
- I am not due until next month, but my doctor has placed me off work. What do I do?
 - ✓ If your leave dates have changed, please submit updated medical verification to Human Resources with the new information listed.
- My baby was born! Now what?
 - ✓ Enjoy your new bundle of joy! 😊
 - ✓ Notify Human Resources of the delivery date.
 - ✓ If you have benefits with the district, contact the Human Resources Benefits Specialist to have the baby added to your health and dental plans, within the first 30 days of the baby's birth.
- How long will my Maternity Leave be?
 - ✓ Because every pregnancy is different, your doctor will determine the length of your time off work to recover from birth. A routine maternity leave is typically 6-weeks or 8-weeks following a cesarean section. You and your doctor may determine that you need additional time before or after the delivery of your baby. This is a medical decision directed by your medical provider.
- When can I return to work?
 - ✓ You may return to work as soon as your doctor releases you.
- What if I want to stay out a bit longer after the doctor releases me from Maternity leave?
 - ✓ You may request to remain off work to bond with your baby. "Bonding Leave" is covered under CFRA/Parental Leave, allowing for an additional 12-weeks of leave to bond with a newborn or child placed for adoption/foster care. This leave must be taken within one year of the baby's birth date.
- Is it possible to be out even longer?
 - ✓ Yes. You may request an Unpaid/Child Rearing Leave. This is an unpaid leave and you may be responsible for the continuation of any benefit payments during that time.
- My spouse/partner also works for SRJC. Are we each entitled to 12 weeks of "Bonding Leave"?
 - ✓ Yes, under FMLA and CFRA, each unit member is entitled to 12 weeks of leave.
- How will my time off be covered while on Maternity Leave?
 - ✓ We exhaust all available sick leave first. If you are a Classified Professional or Administrator, all available vacation and/or CTO/PTO will be utilized towards your leave.
- Do I still accrue sick leave and vacation while on leave?
 - ✓ Yes, your sick leave and vacation accruals will continue while you are in a paid status and will be applied towards your leave.

Frequently Asked Questions

- My accrued time will not cover my leave. How will I remain covered then?
 - ✓ Once sick leave has been exhausted, you may be eligible for Supplemental Sick Leave (Certificated/Academic Administrators), Substitute Difference Pay (Classified/Management), or Parental Leave Difference Pay (under Parental Leave) for the remainder of your leave. Vacation, CTO and/or PTO may also be used to stay in a fully paid status.
- My baby is very sick. They will be in the NICU for a month. I don't have enough accrued time to cover. Do I have any options?
 - ✓ Yes. If you, or your baby, has a verifiable "Long-Term, Life-Threatening" medical issue, you may be eligible for Catastrophic Leave. This would allow the use of donated sick leave toward your leave.
- Do holidays or non-work days count against my time off?
 - ✓ No. We do not charge your leave for non-work days, semester breaks or holidays. For purposes of FMLA and CFRA, if an employee takes a week of leave under FMLA or CFRA and a holiday occurs during the week, the holiday counts towards FMLA/CFRA.
- What happens to my benefits while I am on leave?
 - ✓ Benefit coverage will continue while you are out on a paid leave. If you take an extended unpaid leave, you may be responsible for the continuation of any benefit payments.
- Do I qualify for State Disability (SDI)/Paid Family Leave (PFL)?
 - ✓ SRJC does not pay into State Disability Insurance. You may qualify from another employer. Please check directly with EDD for your status.
- I have not worked for the district for a full year and/or I am not eligible for FMLA/CFRA. Am I eligible for Maternity Leave? Am I eligible for Parental Leave?
 - ✓ You are eligible for Maternity Leave as directed by your medical provider.
 - ✓ You may take a Personal Necessity Leave for up to 30 days (less any PN days used); if you have the sick leave to cover the time off (sick leave is limited within the first six (6) months of employment.)
 - ✓ You are not eligible for Parental Leave.
 - ✓ You may use any available vacation once you are past your first six months of employment
- Whom can I talk to about my salary while I am on leave?
 - ✓ The [Payroll Department](#) will be able to help you with salary information.
- Do you provide [lactation rooms](#)?
 - ✓ You may work directly with your department for a lactation room or they are located at:
 - Santa Rosa Campus: Student Health Services – Bertolini Building, 3rd Floor, Room 323.
 - Petaluma Campus: Richard Call Building, Room 611
 - Shone Farm: R.L. Thomas, Room 181
 - Roseland: Heritage Hall, Room 112
 - Public Safety Training Center: Building 100, Room 118.
- I am still confused, who can answer my other questions?
 - ✓ Please contact [Linda Jay](#), HR Specialist

Pregnancy Timeline Examples

In this example, mom has a due date of December 1. Her doctor placed her on a Pregnancy Disability Leave (PDL) on November 15th. The baby is born on December 31st and mom is released from disability status on February 15th. Mom chooses to use CFRA Baby Bonding Leave after her FMLA/PDL. She also requested an Unpaid Child Rearing Leave through the end of the school year.

Certificated Employee - Pregnancy - FMLA and CFRA/Baby Bonding Eligible

November 15	February 15	February 16	May 16	May 17	May 28
FMLA (12 weeks) Maternity Leave		CFRA/Parental Leave (12 weeks)		Unpaid Child Rearing	
Pregnancy Disability Leave					
During PDL and FMLA, the employee may use available sick leave or be under Supplemental Sick Leave		During CFRA/Parental, employee may use available sick leave or will be under PL Difference Pay (if eligible)		Employee is in unpaid status and may be responsible for full cost of benefits	

Certificated Employee - Pregnancy - Not CFRA/FMLA eligible

November 15	February 15	February 16	May 16	May 17	May 28
Maternity/Pregnancy Disability Leave		Parental Leave (12 weeks)		Unpaid Child Rearing	
During PDL the employee may use available sick leave or be under Supplemental Sick Leave		During Parental, employee may use available sick leave or will be under PL Difference Pay (if eligible)		Employee is in unpaid status and may be responsible for full cost of benefits	

In this example, mom has a due date of December 1. Her doctor placed her on Pregnancy Disability Leave (PDL) on November 15th. The baby is born on December 31st and mom is released from disability status on February 15th. Mom chooses to use her CFRA Baby Bonding Leave after her FMLA/PDL.

Classified Employee - Pregnancy - FMLA and CFRA/Baby Bonding Eligible

November 15	February 15	February 16	May 16
FMLA (12 weeks) Maternity Leave		CFRA/Parental Leave (12 weeks)	
Pregnancy Disability Leave			
During PDL and FMLA, the employee may use available sick leave, vacation, CTO, PTO, or be under Sub Difference Pay		During CFRA/Parental, employee may use available sick leave or will be under PL Difference Pay (if eligible)	

Classified Employee - Pregnancy - CFRA/Baby Bonding Eligible - not FMLA eligible

November 15	February 15	February 16	May 16
Maternity/Pregnancy Disability Leave		CFRA/Parental Leave (12 weeks)	
During PDL, the employee may use available sick leave, vacation, CTO, PTO, or be under Sub Difference Pay		During CFRA/Parental, employee may use available sick leave or will be under PL Difference Pay (if eligible)	

CERTIFICATION OF HEALTH CARE PROVIDER

for Pregnancy Disability Leave, Transfer and/or Reasonable Accommodation



Employee Name: _____

Please certify that, because of this patient's pregnancy, childbirth, or a related medical condition (including, but not limited to, recovery from pregnancy, childbirth, loss or end of pregnancy, or post-partum depression), this patient needs (check all appropriate category boxes):

TIME OFF FOR MEDICAL APPOINTMENTS

When: _____ Duration: _____

DISABILITY LEAVE (Because of a patient's pregnancy, childbirth or a related medical condition, patient cannot perform one or more of the essential functions of patient's job or cannot perform any of these functions without undue risk to self, to successful completion of the pregnancy, or to other persons)

Beginning (Estimate): _____ Ending (Estimate): _____

INTERMITTENT LEAVE

Specify the intermittent leave schedule: _____

Beginning (Estimate): _____ Ending (Estimate): _____

REDUCED WORK SCHEDULE

Specify the reduced work schedule: _____

Beginning (Estimate): _____ Ending (Estimate): _____

TRANSFER/BE ASSIGNED TO A LESS STRENUOUS OR HAZARDOUS POSITION OR DUTIES

Specify the medically advisable position/duties: _____

Beginning (Estimate): _____ Ending (Estimate): _____

REASONABLE ACCOMMODATION(S)

Specify (can include, but is not limited to, modifying lifting requirements, providing more frequent breaks, or providing a stool or chair): _____

Beginning (Estimate): _____ Ending (Estimate): _____

Printed Name of Health Care Provider: _____	

MEDICAL HEALTH CARE SPECIALTY	LICENSE NUMBER
_____	_____
SIGNATURE OF HEALTH CARE PROVIDER	DATE
_____	_____

Authority Cited: Government Code sections 12935(a) and 12945
Reference: Government Code sections 12940 and 12943; FMLA, 29 U.S.C. § 2601, et seq.; FMLA regulations, 29 C.F.R. § 825

CRD-E11P-ENG / September 2022

FAMILY CARE AND MEDICAL LEAVE



FACT SHEET

The Fair Employment and Housing Act (FEHA), enforced by the Department of Fair Employment and Housing (DFEH), contains family care and medical leave provisions for California employees.

These leave provisions are known as the California Family Rights Act (CFRA). All employers must provide information about CFRA to their employees and post this information in a conspicuous place where employees tend to gather. A poster that meets this requirement is available on DFEH's "Posters, Brochures and Fact Sheets" webpage (www.dfeh.ca.gov/posters/).

LEAVE REQUIREMENTS

- To be eligible for CFRA leave, an employee must have more than 12 months of service at an employer of five or more full- or part-time employees, and have worked at least 1,250 hours for that employer in the 12-month period before the leave begins.
- An eligible employee may take job-protected leave to bond with a new child¹ by birth, adoption, or foster care placement, within one year of the child's birth, adoption, or foster placement.
- An eligible employee may take job-protected leave to care for a child, spouse, domestic partner, parent², grandparent, grandchild, or sibling with a serious health condition. CFRA leave may also be taken for the employee's own serious health condition.
- An eligible employee may take job-protected leave

1 "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of an employee or the employee's domestic partner, or a person to whom the employee stands in loco parentis.

2 "Parent" includes a biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child.

for a qualifying exigency related to the covered active duty or call to covered active duty of a spouse, domestic partner, child, or parent in the Armed Forces of the United States.

- Employees may take leave of up to 12 work weeks in a 12-month period, proportional to an employee's normal work schedule. The leave does not need to be taken in one continuous period of time.

EMPLOYEE'S OBLIGATIONS

- An employer may require an employee to provide 30 days' advance notice of the need for CFRA leave. When this is not possible due to the unexpected nature of the qualifying event, notice should be given as soon as practicable. Notice can be written or verbal and should include the timing and the anticipated duration of the leave, but an employer may not require disclosure of an underlying diagnosis. An employer must respond to a leave request as soon as possible and no later than 5 business days.
- The employer may require written certification from the health-care provider of the individual with a serious health condition stating the reasons for the leave and the probable duration of the condition. However, the health-care provider may not disclose the underlying diagnosis without the consent of the patient.

SALARY AND BENEFITS DURING CFRA LEAVE

- Employers are not required to pay employees during a CFRA leave, but some employers do. In addition, an employee will be paid for any accrued paid time off they elect or are required to use. An employer may require an employee who is taking leave to care for a seriously ill family member or to bond with a new child to use accrued vacation time or other accumulated paid leave other than sick time, unless the employee

FAMILY CARE AND MEDICAL LEAVE

DFEH



FACT SHEET

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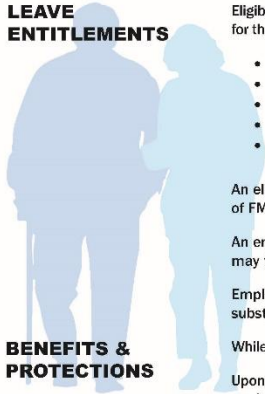
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- Employers are not required to pay employees during a CFRA leave, but some employers do. In addition, an employee will be paid for any accrued paid time off they elect or are required to use. An employer may require an employee who is taking leave to care for a seriously ill family member or to bond with a new child to use accrued vacation time or other accumulated paid leave other than sick time, unless the employee

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS



Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

*Special "hours of service" requirements apply to airline flight crew employees.

BENEFITS & PROTECTIONS

ELIGIBILITY REQUIREMENTS

REQUESTING LEAVE

EMPLOYER RESPONSIBILITIES

ENFORCEMENT

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.





For additional information or to file a complaint:

1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd

U.S. Department of Labor | Wage and Hour Division



WHD
WAGE AND HOUR DIVISION



Free on-demand care for your parenthood journey

SISC is providing PPO members with free access to Maven virtual care for pregnancy and postpartum support. Use Maven for 24/7 access to doctors, specialists, coaches, and trustworthy content tailored to your experience.



Free 6-month diaper subscription for SISC PPO members who:

- Enroll during their first or second trimester
- Have an intro call with a Care Advocate
- Have two appointments with Maven providers during pregnancy
- Complete the exit survey when their baby is born

What is Maven?

Maven offers 24/7 virtual access to one-on-one maternity and postpartum support. Eligible SISC PPO members are matched with a Care Advocate who connects them to trustworthy maternity and postpartum content.

How do I use Maven?

Download and log into the Maven Clinic app to access maternity and postpartum doctors, specialists, coaches, mental health experts, and so much more.

Support at every stage of your journey

Pregnancy

- ✓ Midwives, OB-GYNs, Doulas
- ✓ Birth Planning
- ✓ Prenatal Nutritionists
- ✓ Mental Health Specialists
- ✓ Loss Support

Postpartum

- ✓ Infant Care Advice
- ✓ Pediatricians
- ✓ Lactation Counseling
- ✓ Infant Sleep Coach

Return to work

- ✓ Emotional Support
- ✓ Back-to-Work Support
- ✓ Career Coaching



To activate your membership:
Download the Maven Clinic app
Visit mavenclinic.com/join/SISC
Scan the QR code

Enrollment is confidential and will not be shared with your employer.



New members get a Maven Welcome Box when they enroll!

LEAVE FROM WORK AFTER A REPRODUCTIVE LOSS



Civil Rights
Department
STATE OF CALIFORNIA

FACT SHEET

The Fair Employment and Housing Act (FEHA), enforced by the Civil Rights Department (CRD), protects the right of most California employees to take up to five days of leave from work after a reproductive loss. This fact sheet discusses who is eligible to take reproductive loss leave, when they can take it, how much leave is available to them, and whether they can get paid while they are out. It also covers protections against retaliation related to reproductive loss leave and what an employee can do if their employer does not follow the law. For more information, see [Government Code section 12945.6](#).

DEFINITIONS

A reproductive loss event is any of the following:

- Miscarriage
- Stillbirth
- Failed adoption – for example, if a mother or legal guardian breaches an adoption agreement or if an adoption is not finalized for another reason
- Failed surrogacy – for example, if a surrogate breaches or dissolves a surrogacy agreement, or if an embryo transfer fails
- Unsuccessful assisted reproduction – for example, a failed intrauterine insemination or embryo transfer

ELIGIBILITY

- Employees who work for public employers of any size – or private employers with five or more employees – and have worked for the employer for at least 30 days before taking leave are eligible.
- An employee can take leave following their own reproductive loss event or that of another person – such as a spouse or

partner – if the employee would have been the parent of the child born or adopted.

- It is against the law for an employer to interfere with or deny an employee's right to take leave after a reproductive loss if they meet the above criteria.

TIMING AND DURATION OF LEAVE

The law requires employers to provide eligible employees with a minimum of five days of leave for a reproductive loss event. Employees can, but do not have to, take their leave days consecutively. This means they can choose to take all five days at once or break up the days over a longer period, as long as their leave is completed within three months of the reproductive loss event.

If an employer has an existing leave policy that applies to reproductive loss events, the employee must take reproductive loss leave under that policy. An employer's policy can provide for more leave than the legally required minimum. If a reproductive loss event occurs over more than five days, the law treats it as one event. If an employee experiences more than one reproductive loss event in a year, they are entitled to no more than 20 days of reproductive loss leave in that one-year period unless an individual employer's leave policy provides for more time.

Reproductive loss leave is separate from, and in addition to, other types of leave to which employees are entitled. Examples include, leave to care for one's own serious health condition or that of certain family members available under the California Family Rights Act (CFRA) and Family and Medical Leave Act (FMLA), or leave for disabilities related to [pregnancy or childbirth](#) available under FEHA. If an employee is on

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REPRODUCTIVE LOSS LEAVE



Civil Rights
Department
STATE OF CALIFORNIA

FACT SHEET

another type of leave during the reproductive loss event, they can take reproductive loss leave within three months of finishing the other form of leave.

PAY DURING REPRODUCTIVE LOSS LEAVE

Some employers have paid leave policies that cover reproductive losses. Employers that do not have an applicable paid leave policy must let employees use any available vacation time, sick days, personal days, or PTO to cover their reproductive loss leave so they can get paid. Otherwise, reproductive loss leave may be unpaid.

RIGHT TO CONFIDENTIALITY

In general, employers are required to keep confidential any information an employee provides when exercising their right to reproductive loss leave. Employers are, however, allowed to disclose this information when required by law or to internal personnel or legal counsel when necessary. The law does not require an employee to submit documentation in support of their leave request.

UNLAWFUL RETALIATION

It is against the law for an employer to retaliate against an employee who exercises their right to reproductive loss leave. This means an employer cannot fire, demote, fine, suspend, discipline, or otherwise discriminate against someone for requesting or taking reproductive loss leave.

In addition, an employer cannot retaliate against an employee for testifying about their own – or someone else's – reproductive loss leave during a legal proceeding involving this right.

FILING A COMPLAINT

If an employee thinks their employer violated their right to reproductive loss leave, or retaliated against them in relation to this type of leave, they have three years to file a complaint with CRD. CRD will issue a right-to-sue so the employee can pursue their case in civil court. They cannot file an employment discrimination lawsuit in court without receiving a right-to-sue from CRD. CRD may also investigate the complaint.

If, after an investigation, CRD finds reasonable cause that the employer broke the law, it may require the parties to go to mediation in order to try reach a settlement and, if the complaint can't be settled, CRD may file a lawsuit on behalf of the employee. Possible remedies include:

- Forcing the employer to change its policies or practices
- Getting the worker hired or re-hired
- Requiring the employer to undergo training
- Damages (money) for emotional distress

An employee can file a complaint in one of three ways:

- Online by creating an account and using our interactive [California Civil Rights System \(CCRS\)](#)
- By mail using a printable [intake form](#)
- By calling our communication center at 800.884.1684 (Toll Free), 800.700.2320 (TTY), or California's Relay Service at 711

CRD can provide reasonable accommodations for people with disabilities during the complaint process.

For translations of this guidance, visit: calcivilrights.ca.gov/posters/employment

This guidance is for informational purposes only, does not establish substantive policy or rights, and does not constitute legal advice.

CRD-E18P-ENG / January 2024



About Paid Family Leave

Paid Family Leave program was created for those moments that matter. Benefits are available to care for a seriously ill family member, to bond with a new child, or to participate in a qualifying military event.

Facts About Paid Family Leave

- Provides up to eight weeks of partial-wage-replacement benefits. Leave doesn't have to be taken all at once.
- Provides approximately 70 to 90 percent of your weekly salary.
- Funded through your State Disability Insurance tax withholding, noted as "CASDI" on paystubs, or a qualifying voluntary plan paid into in the past 5 to 18 months.
- To bond with a new child, leave can be taken anytime within the first 12 months of a child entering your family.
- Citizenship and immigration status do not affect eligibility.

What if My Claim Is Denied?

- If your claim is denied, you have the right to:
- Know the reason for denial.
 - Appeal decisions about your eligibility for benefits. Visit Appeals (edd.ca.gov/em/Disability/Appeals) for information.
- All claim information is confidential except for purposes allowed by law.



Paid Family Leave

Be there for the moments that matter.

English	1-877-238-4373
Spanish	1-877-379-3819
Cantonese	1-866-692-5595
Vietnamese	1-866-692-5596
Armenian	1-866-627-1567
Punjabi	1-866-627-1568
Tagalog	1-866-627-1569
TTY	1-800-445-1312

Visit a [Paid Family Leave or State Disability Insurance Office](#) (edd.ca.gov/em/Disability/Contact_SDI) near you to obtain claim forms, receive information, or speak to a representative.

For more information, visit: edd.ca.gov/PaidFamilyLeave

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Requests for services, aids, and/or alternate formats need to be made by calling 1-866-490-8879 (voice). TTY users, please call the California Relay Service at 711.



PAID FAMILY LEAVE



Helping Californians be present for the moments that matter.





Do I Qualify for Paid Family Leave?

To qualify for Paid Family Leave benefits, you must:

- Take time off from work to care for a seriously ill family member, to bond with a new child or to participate in a qualifying military event.
- Be covered by State Disability Insurance or a voluntary plan in lieu of State Disability Insurance.
- Have earned at least \$300 in the past 5 to 18 months.
- Submit your claim no later than 41 days after you begin your family leave. Do not file before your first day of leave.

How Are Benefit Amounts Calculated?

Benefits are 70 to 90 percent of your highest quarterly earnings 5 to 18 months before your claim begins.

Estimate your benefits at [Disability Insurance and Paid Family Leave Calculator](http://edd.ca.gov/PFL_Calculator) (edd.ca.gov/PFL_Calculator).

How Do I Apply for Benefits?

You can apply for Paid Family Leave benefits at myedd.edd.ca.gov.

To file by mail, you must complete and submit a [Claim for Paid Family Leave \(PFL\) Benefits \(DE 2501F\)](#) form. Learn more at [File a Paid Family Leave Claim by Mail](#) (edd.ca.gov/en/disability/How_to_File_a_PFL_Claim_by_Mail).

Caregiving Claims

Provide medical certification for your seriously ill family member who requires your care. This certification needs to be from their licensed health professional. You must also provide information about the family member you are caring for and their signature.

Bonding Claims

Provide documents that show your relationship to your child. This can be a copy of your child's birth certificate, adoptive placement agreement, or foster care placement record.

If you are currently receiving pregnancy-related Disability Insurance benefits, it is not necessary to request a Paid Family Leave claim form. The form to file for bonding will be sent through your [myEDD](#) account or by mail when your pregnancy-related disability claim ends.

Military Assist Claims

Military assist claims require two types of supporting documents. This can be proof of covered active duty or call to covered active duty and documentation of the qualifying event.

Voluntary Plans

If you are covered by a voluntary plan, contact your employer for information about your coverage and instructions on how to apply for benefits.

Does Paid Family Leave Provide Job Protection?

Paid Family Leave does not provide job protection. Job protection may be provided if you qualify under other laws:

- [Federal Family and Medical Leave Act \(dol.gov/agencies/whd/fmla\)](http://dol.gov/agencies/whd/fmla).
- [California Family Rights Act, Civil Rights Department \(californiafamilyrights.ca.gov\)](http://californiafamilyrightsact.civilrights.ca.gov).

Notify your employer of your plan to take leave and the reason for taking leave according to your company's policy.