

# Paid Family Leave Frequently Asked Questions

<http://www.edd.ca.gov/direp/pflfaq1.asp>

More complete questions and answers at [losolivos-obgyn.com](http://losolivos-obgyn.com)

## **What is Paid Family Leave?**

Paid Family Leave is unemployment compensation disability insurance paid to workers who suffer a wage loss when they take time off work to care for a seriously ill family member or bond with a new child.

## **How long may a person receive Paid Family Leave insurance benefits?**

Workers may receive up to six (6) weeks of benefits that may be paid over a 12-month period. Employees covered by State Disability Insurance (SDI) will also be covered by Paid Family Leave insurance. If a Voluntary Plan Insurer provides your company's disability insurance coverage, then it must also provide Paid Family Leave insurance coverage.

## **What is the relationship of Paid Family Leave Insurance to State Disability Insurance?**

Paid Family Leave Insurance is a component of the State Disability Insurance (SDI) program. The SDI benefit portion compensates workers who suffer a wage loss when they can't work because of their own illness or injury. The Paid Family Leave benefit compensates workers who suffer a wage loss due to the need to provide care for a seriously ill family member or to bond with a new child.

## **Are payroll deductions mandatory? Who pays?**

Yes, beginning January 1, 2004, employers are required to deduct the Paid Family Leave contributions from the wages of employees who are covered by the SDI program. The Paid Family Leave insurance program is fully funded by employees' contributions, similar to the SDI program.

## **When does the Paid Family Leave insurance program begin?**

Benefits will be payable for Paid Family Leave insurance claims commencing on or after July 1, 2004.

## **I am scheduled to have my baby at the end of March 2004, and plan to take six weeks of maternity leave from my job. Will I be able to take an additional six weeks of Paid Family Leave to bond with my baby after July 1, 2004, when Paid Family Leave benefits begin?**

Yes. You can file a claim for Paid Family Leave insurance benefits to bond with your baby on or after July 1, 2004, provided the period you are claiming is within one year of the birth of your baby. Up to six weeks of benefits may be payable if you are otherwise eligible.

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

The FMLA and CFRA are federal and state leave laws, respectively, that allow workers to take up to 12 work weeks of unpaid leave from their jobs 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. It merely provides up to six (6) weeks of paid benefits to workers who suffer a wage loss when they take time off work to care for others. For more information about FMLA, visit the Department of Labor's Web site at <http://www.dol.gov/elaws/esa/fmla/faq.asp>. For more information about CFRA contact the California Department of Fair Employment and Housing at 1-800-884-1684 or visit them on the Web at <http://www.dfeh.ca.gov/>.

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

Yes, if your company is subject to the provisions of FMLA and CFRA. For additional information about the CFRA, visit the State Department of Fair Employment and Housing's Web site at <http://www.dfeh.ca.gov/>.

**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 a person cannot work due to the need to care for a child, parent, spouse, or registered domestic partner, or to bond with a new child. Some persons may have their job protected under other laws, such as the FMLA or the CFRA.

**How do I submit a claim for Paid Family Leave insurance benefits?**

Women who are receiving State Disability Insurance benefits for their pregnancy and delivery “disability” will automatically receive a special claim form for Paid Family Leave benefits for bonding with their new child. If you do not receive the special claim form, or you want one for the baby’s father, you may request one by calling (877) 238-4273. The Claim For Paid Family Leave Benefits (DE2501F) will not be made available online. When benefits are requested due to a need to provide care for a seriously ill family member, a medical certificate that supports the claim of a serious health condition warranting care is required. The DE 2501F contains a medical certificate that must be completed in the instance noted above. Benefits to bond with a new minor child are limited to the first year after birth, adoption, or foster care placement of a child and a medical certificate is not required.