

Overview of California's Paid Family Leave Program

2022



DE 2530 Rev. 5 (1-22) (INTERNET)



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Executive Summary

Paid Family Leave (PFL) programs continue to be part of state and national policy discussions. As a result, this document was designed to provide policy makers, program administrators, and stakeholders with an overview about this successful program. PFL provides approximately 14.4 million (down from 18.8 million in 2019 due to the COVID-19 pandemic) California workers with benefits to care for a seriously ill family member, bond with a new child, or participate in a qualifying event resulting from a family member's military deployment to a foreign country.

The overview discusses the program's financing structure, eligibility requirements, demographic and program statistics, state operations, and legislative history. It also provides the history of PFL, including how it was designed to be a component of California's State Disability Insurance (SDI) program. Since 1946, SDI has provided benefits to workers experiencing a non-work related illness, injury, pregnancy, or disability.

As interest in creating statewide and federal PFL programs continues to increase, we hope this information illustrates how an effective program can flourish in the United States.



State Operations

Employment Development Department's Organizational Structure

As one of the largest state departments, the Employment Development Department (EDD) has employees located at hundreds of service locations throughout the State who provide services to millions of Californians each year.

Our Department is responsible for administering the Unemployment Insurance (UI), SDI, payroll tax collection, and job training/workforce programs.

For more information, visit <u>About the EDD</u> (edd.ca.gov/About_EDD/About_EDD.htm).

Disability Insurance Branch

Within the Department, the Disability Insurance Branch (DIB) is responsible for the administration of the SDI program. The DIB is comprised of two divisions: Central Office Division and Field Office Division.

Central Office Operations

The Central Office Division provides administrative support to the DIB executive staff and field operations. The staff develops, oversees, and coordinates the following:

- Program related telecommunications, software, and hardware.
- Administrative duties, personnel, and facility services.
- Customer guidance and problem resolution.
- Program quality and integrity.
- Procedures, forms, and training manuals.
- External website content and publications.
- SDI Online and Voluntary Plan.
- Communication efforts with internal and external stakeholders.

Central Office is comprised of five areas, each area with multiple sections and units:

- Administrative: Personnel and Hiring Services Section and Budget, Facilities and Business Process Improvement Section.
- Technology: Technology Support Section and Technology and Business Integration Section.
- Compliance: Compliance, Integrity, and Assurance Section and Policy and Procedures Section.
- Voluntary Plan and Reporting: Voluntary Plan Section and Program Research and Reporting Section.
- Communications: Customer Relations and Organizational Change Section and Outreach Development Section.



Field Operations

The Field Operations Division includes Customer Service Centers, Claims Management Offices, the PFL office, and Training and Management Staff Development.

PFL has one claims management office for oversight and administration of the program. The office is comprised of the following sections:

- Customer Service Center: Answers telephone inquiries from individuals filing for benefits, employers, and the medical community.
- **Determinations:** Program representatives process new, continued, and reestablished claims, employer forms, and miscellaneous information, and set up and process overpayments if a customer is paid incorrectly.
- **Specialty:** This includes the following units:
 - ◆ Appeals: Processes all appeals, determines eligibility, and transmits to the California Unemployment Insurance Office of Appeals for a hearing.
 - Workers' Compensation: Investigates claims when a customer is filing for PFL benefits and receiving workers' compensation benefits simultaneously.
 - ♦ Voluntary Plan: Processes and refers claims that may be covered by a voluntary plan.
 - Training: PFL internal training oversees four months of training covering claims processing, types of claims (transitional bonding from pregnancy disability, regular bonding, care, and military assist claims), and Virtual Call Center procedures. Training also includes a general overview of overpayments, appeals, workers' compensation, and program integrity.
- Office Support: Process incoming and outgoing mail and other various administrative duties such as attendance, copying, and customer service.

Access to Services – SDI Online, Call Centers, In-Person

SDI Online:

In fall 2012, the EDD implemented SDI Online, an electronic claim filing system for:

- Claimants: To file a PFL claim and review previously submitted claims.
- Licensed health professionals and their authorized representatives: To file a medical certification for PFL care claims and review previously submitted medical certifications.
- Voluntary Plan employers and Third Party Administrators: To report Voluntary Plan claims and respond to Voluntary Plan referrals.

SDI Online reduces claim processing time, provides online confirmation of submitted forms, decreases costs in paper and postage, and includes security safeguards to detect and manage fraud and abuse.

Call Centers:

The EDD's Customer Service Centers answer phone inquiries from individuals filing for benefits, employers, and medical providers. There are 13 published toll-free numbers that route callers to the EDD network to use self-service options through the Interactive Voice Response or to speak with representatives through the Virtual Contact Center system. There are a total of nine PFL numbers, with direct numbers in seven languages. However, the EDD can provide service for most other languages as needed. For more information, visit <u>SDI toll-free numbers</u> (edd.ca.gov/Disability/Contact_SDI.htm).

In-Person:

Customers can visit one of the 17 SDI offices throughout California to submit or pick up a claim form, to address individual claim questions, or provide additional documentation for their claim. For more information, visit Office locations (edd.ca.gov/office_locator/).

Overview of California's Paid Family Leave Program

Chapter One: History of the State Disability Insurance Program

While this document was created to provide policy makers, program administrators, and stakeholders with an overview of California's Paid Family Leave (PFL) program, it is important to recognize that PFL was established as a component of an existing benefit program known as State Disability Insurance (SDI). This chapter briefly discusses the creation of SDI before providing an overview of PFL.

In the early 1940s, Governor Earl Warren wanted to create a health insurance and disability insurance system to help fill the gap between workers' compensation and Unemployment Insurance (UI). While there was resistance to "state operated health insurance" at the time, a disability insurance program that provided a partial and temporary wage replacement to workers experiencing a non-work related injury or illness was more acceptable.

In 1946, California enacted the SDI program. Although it was reported that the concept for disability insurance originated in California, the State of Rhode Island was actually the first state in the nation to create a disability insurance program in 1942. Other disability insurance programs have been established in New Jersey in 1948; New York in 1949; Puerto Rico in 1968; and Hawaii in 1969.

"When you first become a new parent you shouldn't have to worry about money.
Thanks to PFL, I didn't!"
Andy C.
Sacramento, California

Unlike UI, which is based on a federal-state partnership, California's SDI is operated solely on state law with no

involvement by the federal government. While UI is financed by payroll taxes paid by employers, SDI is financed by covered workers through payroll deductions. These payroll deductions, also referred to as "SDI contributions," are deposited into a dedicated fund that is used to pay benefits to eligible workers and finance the program's operating costs. California's EDD is the state agency responsible for administering SDI.

The SDI program's financing structure will be discussed in greater detail in the following chapter.

Enacting America's First Paid Family Leave Program

In 2002, Senate Bill 1661 was signed into law by Governor Gray Davis, creating the first PFL program in the nation. California's PFL leverages the financing structure of SDI to provide up to eight weeks of benefits to covered workers who need time off work to care for a seriously ill family member, to bond with a new child, or to participate in a qualifying military event.

Although the legislation was enacted in 2002, PFL benefits officially became available to covered workers on July 1, 2004. To cover the initial costs to provide these new benefits, workers provided additional contributions into the SDI Fund in calendar years 2004 and 2005.

As a result of this newly enacted legislation, SDI offers two types of benefits, Disability Insurance and PFL. Both benefits are financed by workers and paid from the SDI Fund.

Chapter Two: State Disability Insurance Program Financing Structure

Background Information

The State Disability Insurance (SDI) program's financing structure uses a statutory formula that sets an annual contribution rate which is applied to covered workers' wages to determine how much the workers would pay into the SDI Fund. For example, if the contribution rate was set at 0.5 percent and a worker earned \$25,000 in annual income which was subject to SDI deductions, then the worker would contribute \$125 annually (\$25,000 x 0.005) to the SDI Fund.

In calendar years 1985 and 1986, California's SDI Fund experienced deficits. While the existing formula for setting the contribution rate was intended to maintain a year-end fund balance between 25 and 50 percent of the prior year's disbursements (e.g., benefit and administrative costs), it was unable to do so with the existing contribution rates (0.6 and 0.9 percent respectively) in those years. As a result of experiencing two consecutive years of deficits, the existing statutory formula for calculating the contribution rate was adopted on January 1, 1987.

In 1992, the SDI program experienced another deficit which prompted us to study and identify the exact cause of the deficit. The study found the contribution rate was working, but the maximum state mandated contribution rate was not robust enough to adequately address an increase in benefits, an economic downturn, or a potential increase in duration of benefits being paid. As a result, legislation was enacted (Senate Bill 4) that increased the maximum rate from 1.2 to 1.25 percent beginning in 1993, and to 1.3 percent beginning in 1994.

When Senate Bill 1661 was enacted authorizing the first Paid Family Leave program in the nation, the maximum contribution rate was again increased to 1.5 percent. Since that time, the SDI Fund has remained solvent, even when California experienced the Great Recession and the COVID-19 pandemic where a record number of workers lost their jobs and were no longer contributing to the SDI program. The Department closely monitors the fund solvency during state or national disasters, pandemics, and recessions to ensure eligible Californian's continue to receive benefit payments.

The following sections discuss the different components that make up the SDI program's financing structure in greater detail. These components include the:

- Contribution rate formula and its statutory requirements
- Taxable wage ceiling formula
- Adequacy rate

Contribution Rate Formula and Statutory Requirements

The existing statutory formula and limitation are cited in section 984 of the California Unemployment Insurance Code (CUIC). The formula is based on several fund conditions that occurred over the previous 12-month period beginning October 1 and ending September 30. The formula as stated in section 984(a)(2) of the CUIC are as follows:

1.45 x Disbursements from the Fund – Fund Balance State Plan Taxable Wages The 1.45 variable is a key factor for ensuring the SDI Fund retains a year-end reserve in the range of 25 to 50 percent of the prior year's disbursements. The term disbursements includes benefits paid to eligible workers, administrative costs to operate the program, and any other minor charges to the Fund. State plan taxable wages includes all wages that were subject to SDI contributions or deductions.

Because the different variables in the financing formula consider increases and decreases in the disbursements and changes in the Fund balance, they help set an appropriate contribution rate to cover the program's costs without accumulating excess funds. For example, if there are significant increases in disbursements from the prior year resulting in a much lower Fund balance, those two fund conditions would likely result in a higher contribution rate. Conversely, if the disbursements decrease causing the Fund balance to increase, then the contribution rate would likely decrease when compared to the prior year's rate.

Other key provisions that discuss statutory requirements includes the following:

- The contribution rate shall be rounded to the nearest one-tenth of one percent pursuant to section 984(a)(2) of the CUIC.
- The contribution rate shall not exceed 1.5 percent or be less than 0.1 percent pursuant to section 984(a)(3) of the CUIC.
- The contribution rate shall not decrease from the rate in the previous year by more than two-tenths of one percent pursuant to section 984(a)(3) of the CUIC.
- The Director may increase or decrease the rate by 0.1 percent if he or she determines the adjustment is necessary for the payment of benefits or to prevent the accumulation of excess funds pursuant to section 984(d) of the CUIC.

Taxable Wage Ceiling Formula

As with the contribution rate, the maximum amount of wages subject to the contribution rate is adjusted annually by a statutory formula. This component of the financing structure is referred to as the taxable wage ceiling. Section 985 of the CUIC sets the taxable wage ceiling using the following statutory formula:

(4 x the Maximum Weekly Benefit Amount x 13) / 0.55

Whenever there is an increase in the maximum weekly benefit amount, it automatically triggers an increase to the taxable wage ceiling. This trigger allows the SDI program to generate additional revenue to pay for the higher maximum weekly benefit amount. Furthermore, the maximum weekly benefit amount also increases annually by an equal percent increase in the state average weekly wage. This allows the maximum weekly benefit amount to keep pace with increases in wages.

In summary, as the state average weekly wage increases it will automatically cause an increase in the SDI program's maximum weekly benefit amount, which then triggers an increase in the program's taxable wage ceiling. Both the contribution rate and taxable wage ceiling work in tandem to generate revenue to operate the SDI program. The formulas and triggers serve as means to automatically adjust the financing structure to keep pace with increased benefits, Fund balance changes, etc.



For the current calendar year's contribution rate, taxable wage ceiling, and the maximum a worker would contribute, visit <u>Current Benefit Rates</u> (edd.ca.gov/about_edd/quick_statistics.htm).

Adequacy Rate

Many insurance programs use different methods to measure solvency and ensure there is sufficient revenue to meet their obligations to pay claims. The method used by the SDI program is called the "Adequacy Rate." Simply stated, a SDI Fund balance that equals 25 to 50 percent of the prior 12-months of disbursements is considered adequate for the Fund to remain solvent through different economic conditions and fluctuations in revenue and benefit volume.

If the Adequacy Rate falls below 25 percent during a typical year, it would raise concerns that the Fund could become insolvent. Conversely, if the Adequacy Rate was above 50 percent there are concerns that the Fund has accumulated excessive reserves paid by covered workers. It is in these situations that the Director could use their authority to increase the contribution rate by 0.1 percent so additional revenue is generated to bring the Adequacy Rate above 25 percent, or decrease the contribution rate by 0.1 percent to bring the Adequacy Rate at or below 50 percent and reduce costs for covered workers.

FINANCING DATA

Calendar Year	Contribution Rate	Taxable Wage Ceiling	Total Contributions	Other Income ^B	Year-End Fund Balance	Adequacy Rate
2004 ^A	1.18%	\$68,829	\$4,706,300,000	\$70,600,000	\$1,770,200,000	49%
2005	1.08%	\$79,418	\$4,792,300,000	\$116,800,000	\$2,796,200,000	72%
2006	0.80%	\$79,418	\$3,759,600,000	\$182,500,000	\$2,678,000,000	66%
2007	0.60%	\$83,389	\$3,034,200,000	\$178,500,000	\$1,570,600,000	36%
2008	0.80%	\$86,698	\$3,947,700,000	\$121,200,000	\$894,300,000	19%
2009	1.10%	\$90,669	\$5,158,800,000	\$74,300,000	\$1,075,900,000	21%
2010	1.10%	\$93,316	\$5,500,500,000	\$66,000,000	\$1,540,900,000	30%
2011	1.20%	\$93,316	\$5,772,500,000	\$86,600,000	\$1,967,300,000	44%
2012	1.0%	\$95,585	\$5,278,400,000	\$50,200,000	\$1,886,800,000	49%
2013	1.0%	\$100,880	\$5,524,100,000	\$41,600,000	\$2,240,300,000	55%
2014	1.0%	\$101,636	\$5,816,300,000	\$53,100,000	\$2,575,300,000	58%
2015	0.9%	\$104,378	\$5,576,700,000	\$63,300,000	\$2,557,000,000	56%
2016	0.9%	\$106,742	\$5,925,200,000	\$64,900,000	\$2,839,700,000	52%
2017	0.9%	\$110,902	\$6,181,100,000	\$82,700,000	\$2,864,300,000	49%
2018	1.0%	\$114,967	\$7,344,912,000	\$113,821,000	\$3,112,375,000	43%
2019	1.0%	\$122,909	\$7,878,784,000	\$129,471,000	\$3,294,082,000	41%
2020	1.0%	\$122,909	\$7,596,281,741	\$112,702,946	\$2,113,053,692	24%

California Employment Development Department

Note: Total contributions, other income, and year-end fund balance are rounded to the nearest \$100,000. Fund balances do not include DI fund forecasts (which exclude UI loan payments).

A. Employees' contributions to the Disability Fund increased on January 1, 2004 to cover the costs for Paid Family Leave benefits. However, benefits were not available until July 1, 2004.

B. Other income includes interest earned on the fund balance, interest from Unemployment Insurance loans of 2011 and 2012, assessments on voluntary plans, and uncollected benefits from individuals that filed a claim.

Chapter Three: Eligibility Requirements

Monetary Requirements

Paid Family Leave (PFL) benefits are payable to a customer who is attached to the labor market prior to their family leave period, has a loss of wages as a result of the family leave, and has sufficient prior earnings in a 12-month period called the "base period" (5 to 18 months before the claim begins). To be attached to the labor market they must be employed, looking/registered for work, or have an active Unemployment Insurance (UI) claim in payment status within 90 calendar days from their last day of work. A customer who is not attached to the labor market is not eligible for PFL benefits.

Length or tenure of employment with an employer does not affect eligibility. If a customer works part-time or intermittently prior to their PFL claim and they are unable to perform their regular work

"Paid Family Leave provided the peace of mind when it provided benefits to me, so I can focus on my family." Russ D. Cameron Park, California and have a loss of wages due to their family leave, they are still eligible to receive PFL benefits. Additionally, the employee must have earned at least \$300 from which State Disability Insurance (SDI) deductions were withheld during their base period.

If an employee did not contribute to SDI via payroll deductions from their current or past employer(s) in the 5 to 18 months prior to their claim start date, they will not be eligible for benefits. Benefits can only be paid if the employee contributed to SDI and is otherwise eligible.

However, if a customer is misclassified by their employer (e.g., independent contractor), we will investigate the misclassification issue and the employee may submit supporting documentation to the Department (e.g., paystubs, Wage and Tax Statement, or W-2 form).

Qualifying Conditions – Care, Bonding, and Military Assist Claims

Customers are eligible for up to 8 weeks of PFL benefits within a 12-month period. The eight weeks of benefits can be paid consecutively or may be split up while the customer is working part-time or intermittently as a result of their family leave.

Caregiving: Available to customers to care for a seriously ill child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner.

PFL defines "seriously ill" as an illness, injury, impairment, or physical or mental condition that requires:

- At-home care or in-patient care in a hospital, hospice, or residential medical facility.
- Continuing treatment by a licensed health professional.

Bonding: Available to parents welcoming a new child into the family through birth, adoption, or foster care placement within the past 12 months. Foster and adopted children must be under the age of 18.

A "parent" is defined as an individual, spouse, or registered domestic partner who will be serving as a parent for the child.

Military Assist: Available to customers to participate in a qualifying event resulting from a spouse, registered domestic partner, parent, or child's military deployment to a foreign country.

A "qualifying event" may include making financial arrangements, child or parental care arrangements, attending a military sponsored event, or assisting a military family member during rest and recuperation leave.

Claim Filing Requirements

Care Claims: The customer must complete the <u>Claim for Paid Family Leave (PFL) Benefits</u> (<u>DE 2501F</u>) (edd.ca.gov/pdf_pub_ctr/de2501f-sample.pdf) which includes the care recipient's authorization. The care recipient's treating licensed health professional must also certify on the claim form that the care recipient requires care and the length of time care is required. However, we may require the customer to submit a written verification of relationship if there is reason to question the validity of the relationship.

Bonding Claims: The customer must complete the <u>Claim for Paid Family Leave (PFL) Benefits</u> (DE 2501F) (edd.ca.gov/pdf_pub_ctr/de2501f-sample.pdf) and provide a proof of relationship document when they file. This document may be a birth certificate, declaration of paternity, foster care placement record, adoptive placement agreement, independent adoption placement agreement, or other documentation that shows evidence of the relationship. California Code of Regulations, Title 22, section 2708(c)-1 specifies the requirements for supporting documents. Note: New moms transitioning from a Disability Insurance (DI) pregnancy claim to a PFL bonding claim receive the <u>Claim for Paid Family Leave (PFL) Benefits - New Mother (DE 2501FP)</u> (edd.ca.gov/pdf_pub_ctr/de2501fp.pdf) after their final DI payment and do not have to provide proof of relationship documentation.

Military Assist Claims: The customer must complete the <u>Claim for Paid Family Leave (PFL) Benefits</u> (DE 2501F) (edd.ca.gov/pdf_pub_ctr/de2501f-sample.pdf) which includes the Military Assist Certification and provide supporting military documentation. This document may be covered active duty orders, a letter of impending call or order to covered duty, or documentation of military leave signed by the approving authority for the military member's rest and recuperation. Supporting documentation for the qualifying event is also required. California Unemployment Insurance Code (CUIC), section 3307 (b) (1) specifies the requirements for the supporting documents.

To learn how to file a claim, view the following how-to videos:

- How to file a Paid Family Leave Claim using SDI Online (YouTube)
- How to file a Paid Family Leave Claim by Mail (YouTube)
- How to file a Disability Insurance Claim using SDI Online(YouTube)
- How to transfer from Disability Insurance to Paid Family Leave (YouTube)

These how-to videos are also available in Spanish.

Claim Processing

Section 2701.5 of the CUIC requires the EDD to pay initial claims within 14 days from receiving a properly completed claim if the customer is deemed eligible.

A customer generally receives a *Notice of Computation* (DE 429DF) within a couple days of receipt of a properly completed claim. The DE 429DF informs the customer that we have received their PFL claim and their potential weekly benefit amount. Receipt of this notice does not confirm eligibility and the EDD may need additional information before making a determination of eligibility.

Care Claims: The care recipient's treating licensed health professional must certify that the care recipient requires care. Our Department interfaces with the Department of Consumer Affairs to verify the licenses of health professionals who are providing medical certification on PFL care claims. If a health professional's license cannot be verified, the customer's eligibility is affected.

Benefit Information

PFL provides benefits that are approximately 60 percent of an employee's salary for higher income earners and 70 percent for lower income earners. The weekly benefit amount is based on a seven-day calculation, therefore, benefits are payable on weekends.

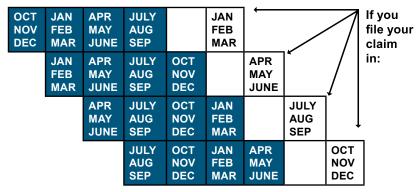
We will send an *Electronic Benefit Payment (EBP) Notification* (DE 2500E) when payment is issued. Benefit payments are deposited on an EDD Debit CardSM issued by Bank of America unless the customer requests to be paid by check. Once the debit card is received, all authorized benefit payments are deposited to the card account. To reach Bank of America regarding the debit cards, visit the Bank of America EDD Debit CardSM website, or call 1-866-692-9374 (voice) or 1-866-656-5913 (TTY).

Customers who use all eight weeks of benefits consecutively will receive payments every two weeks for the duration of their claim. Customers returning to work before using all eight weeks are paid through the day prior to their return to work date. If the customer is working intermittently, they should report the intermittent work on their claim form.

Weekly Benefit Amounts and Calculations

Our Department calculates a customer's weekly benefit amount from wages earned within their base period. The customer's base period includes wages reported by their employer(s) that were subject to SDI withholding and earned approximately 5 to 18 months before their claim begins. The customer's base period is a 12-month period of time (or 4 consecutive quarters of 3 months each) and is determined by the start date of their claim. The base period does not include wages paid at the time their claim begins.

The following information may be used to determine the base period for a claim:



Refer to the chart above. The shaded area represents the base period. The non-shaded area represents the month the claim is filed. For example, when a customer files a claim in January, February, or March, the base period is the 12 months ending September 30. Therefore, a claim beginning February 14 has a base period that starts October 1 and ends September 30.

The quarter with the highest earnings in the base period is used to calculate the weekly benefit amount. Once the quarter with the highest earnings is determined, that amount is divided by 13 (number of weeks in a quarter) and multiplied by 0.60 or 0.70 (wage replacement rate) and rounded

up to the nearest dollar. Customers can use the <u>Disability Insurance and Paid Family Leave Calculator</u> (edd.ca.gov/Disability/PFL_Calculator.htm) for a weekly benefit amount estimate. The formula used to determine the wage replacement rate is based on the state average quarterly wage. For the current year's formula to determine the wage replacement rate visit, <u>Calculating Paid Family Leave Benefit Payments Amounts</u> (edd.ca.gov/Disability/Calculating_PFL_Benefit_Payment_Amounts.htm).

Conflicting Wages

Certain types of income, if received at the same time as PFL benefits, could be in conflict. The following income should always be reported to the EDD:

- Sick leave pay
- Paid time off
- Employer required vacation or annual leave
- Military pay
- Residuals
- Holiday pay
- Self-employment income
- Commissions
- Bonuses
- Insurance settlements
- Workers' compensation benefits
- Wages, including modified duty or part-time earnings

If conflicting wages are received by the customer, their benefit amount may be decreased depending on the amount and type of wages being received. If conflicting wages are received but not reported, and the customer receives more than 100 percent of their regular pay, an overpayment, penalties, and a false statement disgualification may result.

Ineligibility

A PFL customer would be deemed ineligible for benefits if the customer:

- Is receiving DI, UI, or workers' compensation benefits.
- Is not working or looking for work at the time they begin their family leave.
- Does not have a loss of wages.
- Is in custody due to conviction of a crime.
- Does not have at least \$300 of wages in their base period.
- Does not contribute to the SDI Fund.
- Does not have a qualifying caregiving, bonding, or military event.

Appeals Process

If a customer does not agree with all or part of a denial of benefits or the *Notice of Computation* (DE 429DF) they have the right to file an appeal or contest their benefit amount to an administrative law judge. The appeal does not need to be formal, but it must be in writing. The appeal must be submitted within 30 days of the mailing date on their enclosed notice. We will review and process the appeal. If the determination is reversed after the review, the customer is paid if otherwise eligible. If the determination is not reversed, the appeal is forwarded to the Office of Appeals for a hearing before an administrative law judge.

Chapter Four: MetricsPAID FAMILY LEAVE PROGRAM STATISTICS

Calendar Year	Total First Claims Filed	Total Benefits Authorized	Average Weekly Benefits Paid	Maximum Weekly Benefit Amount (Offered by the EDD for PFL)		
2004 (July to December)	75,776	\$162,915,720	\$415	\$728		
2005	156,249	\$343,731,507	\$431	\$840		
2006	166,174	\$374,729,374	\$444	\$840		
2007	183,344	\$427,006,273	\$459	\$882		
2008	200,102	\$482,701,743	\$474	\$917		
2009	187,916	\$469,339,424	\$491	\$959		
2010	200,921	\$506,428,264	\$499	\$987		
2011	205,833	\$519,587,715	\$502	\$987		
2012	214,091	\$554,221,807	\$517	\$1,011		
2013	217,259	\$582,048,866	\$537	\$1,067		
2014	238,576	\$652,528,964	\$546	\$1,075		
2015	237,862	\$670,947,796	\$560	\$1,104		
2016	256,839	\$752,844,672	\$581	\$1,129		
2017	259,751	\$797,315,859	\$609	\$1,173		
2018	284,218	\$971,574,173	\$670	\$1,216		
2019	297,447	\$1,049,420,684	\$702	\$1,300		
2020	288,777	\$1,263,352,713	\$742	\$1,357		
Grand Total	3,671,135	\$10,580,695,554	NA	NA		

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CLAIMANT DEMOGRAPHICS – PFL TOTAL FIRST CLAIMS FILED

Calendar Year	Bonding Claims				Care Claims				Military Assist Claims				Total PFL Claims Filed			
	Female	Male	Un- known*	Total	Female	Male	Un- known*	Total	Female	Male	Un- known*	Total	Female	Male	Un- known*	Total
2004	56,279	10,178	54	66,511	6,460	2,788	17	9,265	0	0	0	0	62,739	12,966	71	75,776
2005	112,155	24,810	110	137,075	13,325	5,799	50	19,174	0	0	0	0	125,480	30,609	160	156,249
2006	118,112	28,223	124	146,459	13,663	6,020	32	19,715	0	0	0	0	131,775	34,243	156	166,174
2007	127,754	33,804	146	161,704	14,994	6,613	33	21,640	0	0	0	0	142,748	40,417	179	183,344
2008	137,566	39,833	176	177,575	15,454	7,038	35	22,527	0	0	0	0	153,020	46,871	211	200,102
2009	129,024	38,775	149	167,948	13,708	6,220	40	19,968	0	0	0	0	142,732	44,995	189	187,916
2010	130,564	46,541	220	177,325	16,292	7,248	56	23,596	0	0	0	0	146,856	53,789	276	200,921
2011	130,862	49,660	236	180,758	17,162	7,856	57	25,075	0	0	0	0	148,024	57,516	293	205,833
2012	132,781	54,533	269	187,583	18,026	8,433	49	26,508	0	0	0	0	150,807	62,966	318	214,091
2013	133,584	57,516	257	191,357	17,627	8,232	43	25,902	0	0	0	0	151,211	65,748	300	217,259
2014	143,668	66,144	268	210,080	19,377	9,090	29	28,496	0	0	0	0	163,045	75,234	297	238,576
2015	142,538	66,945	293	209,776	19,100	8,950	36	28,086	0	0	0	0	161,638	75,895	329	237,862
2016	148,189	75,772	306	224,267	21,922	10,606	44	32,572	0	0	0	0	170,111	86,378	350	256,839
2017	146,933	80,769	281	227,983	21,606	10,111	51	31,768	0	0	0	0	168,539	90,880	332	259,751
2018	150,913	93,775	345	245,033	26,455	12,671	59	39,185	0	0	0	0	177,368	106,446	404	284,218
2019	155,192	100,367	347	255,906	27,905	13,555	81	41,541	0	0	0	0	183,097	113,922	428	297,447
2020	145,777	103,373	299	249,449	26,127	13,155	43	39,325	3	0	0	3*	171,907	116,528	342	288,777

^{*&}quot;Unknown" denotes that the claimant did not respond.

* Data includes Military Assist claims that were filed in 2021 with a claim effective date of 2020. These claims were disqualified and not paid.

Military Assist did not implement until January 1, 2021.

Chapter Five: Employers and Licensed Health Professionals Roles and Responsibilities

Employers

Employers are required to provide new hires or employees who may need to file for Paid Family Leave (PFL) benefits with the <u>Paid Family Leave (DE 2511)</u> (edd.ca.gov/pdf_pub_ctr/de2511.pdf) brochure, and display the <u>Notice to Employees (DE 1857A)</u> (edd.ca.gov/pdf_pub_ctr/de1857a.pdf) in an area accessible to employees.

After a claim is filed, employers receive the *Notice of Paid Family Leave Claim Filed* (DE 2503F) to complete and return to the EDD. The law requires that employers respond within two business days of receiving the notice. The form provides employers with the employee's name, Social Security number, reported last day of work, and the claim start date.

It is the responsibility of employers to determine their own policy concerning how their employees notify them of their family leave.

Licensed Health Professionals

Licensed health professionals must determine whether their patient's physical or mental health condition requires physical care or emotional support from a family member and how long that care is required.

The health professional or their authorized representative must complete Part D – Physician/Practitioner's Certificate of the <u>Claim for Paid Family Leave (PFL) Benefits (DE 2501F)</u> (edd.ca.gov/pdf_pub_ctr/de2501f-sample.pdf) for

"PFL was an amazing opportunity to help my wife and I transition into becoming new parents. The bonding time it allowed me to have with my newborn son was priceless."

Nephi L. Nephi, Utah

care claims only (bonding and military assist claims do not require medical certification). The medical certificate must include their patient's diagnosis and corresponding International Classification of Diseases code, the estimated date their patient no longer requires care, estimated duration (including number of hours per day) their patient will need care provided by a family member, and their medical license number.

If the health professional provided a recovery date for their patient that was less than eight weeks and their patient requires additional care/support from their family member, they must complete a *Paid Family Leave (PFL) Supplemental Claim Certification* (DE 2525XFA).

Chapter Six: Paid Family Leave Legislative History

The following bills are the legislation pertinent to the path to California's Paid Family Leave (PFL) from the inception of the program in 2002 to current status:

Senate Bill 1661

Senate Bill (SB) 1661 (Chapter 901, Statutes of 2002), signed by Governor Davis on September 25, 2002. The legislation provided up to six weeks of wage replacement benefits to workers who take time off of work to care for a seriously ill child, spouse, parent, or domestic partner, or to bond with a new child. The law took effect July 1, 2004.

Senate Bill 727

SB 727 (Chapter 797, Statutes of 2003), signed by Governor Davis on October 10, 2003. SB 727 made clarifying and technical changes to PFL which included defining "disability benefits" to include PFL benefits, differentiating between receipt of vacation pay for purposes of Disability Insurance (DI) and PFL, and specifying that PFL customers must provide a medical certificate for the care recipient even if receiving workers' compensation. These changes took effect on January 1, 2004, for claims starting on or after July 1, 2004.

Assembly Bill 2188

Assembly Bill (AB) 2188 (Chapter 378, Statues of 2010), signed into law by Governor Schwarzenegger on September 25, 2010. The legislation took effect immediately on urgency status, and clarified conditions in which a Nurse Practitioner may certify to State Disability Insurance (SDI) benefits in collaboration with a physician or surgeon. It also removed the requirement to pay DI benefits by check to allow for electronic benefit payments.

Assembly Bill 2778

AB 2778 (Chapter 399, Statues of 2010), signed into law by Governor Schwarzenegger on September 25, 2010. The legislation authorized third party administrators to administer voluntary plans on behalf of clients (must be majority small employers).

Senate Bill 770

SB 770 (Chapter 350, Statutes of 2013), signed by Governor Brown on September 24, 2013. SB 770 expanded California's PFL benefits to workers who take time off work to care for a seriously ill parent-in-law, grandparent, grandchild, or sibling. The new law took effect July 1, 2014.

Senate Bill 852

SB 852 (Chapter 25, Statutes of 2014), signed by Governor Brown on June 20, 2014, appropriated federal funds received by the state and deposited in the State Treasury. The Legislature approved a three year plan to fund outreach activities for the Department's PFL program. This included \$1 million in state fiscal year 2014-15, \$2.5 million in state fiscal year 2015-16, and \$3 million in state fiscal year 2016-17.

Senate Bill 1083

SB 1083 (Chapter 438, Statues of 2014), signed into law by Governor Brown on September 18, 2014. SB 1083 took effect January 1, 2017, and authorized physician assistants to certify SDI claims under the supervision of a physician or surgeon.

Senate Bill 667

SB 667 (Chapter 357, Statutes of 2015), signed into law by Governor Brown on September 28, 2015, and took effect on July 1, 2016. The legislation redefined a single disability benefit period. Two consecutive disability periods separated by no more than 60 days for the same or similar disability/injury will be determined to be a single disability period. It also asserted the waiting period requirement will not apply to claimants who have previously met the waiting period requirement on their initial claim and file a subsequent claim within 60 days of the initial benefit period.

Assembly Bill 908

AB 908 (Chapter 5, Statutes of 2016), signed into law by Governor Brown on April 11, 2016, and took effect on January 1, 2018. AB 908 increased the DI and PFL wage replacement rate from approximately 55 percent to approximately 60 to 70 percent (depending on income) of past earnings. It also eliminated the 7-day, non-payable waiting period for PFL which decreased the length of time to file a timely claim from 49 to 41 days. AB 908's sunset date was extended to January 1, 2023, as a result of AB 138.

Assembly Bill 2886

AB 2886 (Chapter 276, Statutes of 2016), signed into law by Governor Brown on September 9, 2016, and took effect on March 1, 2018, extended the claimant appeal submission deadline from 20 days to 30 days from the mailing or personal service of the determination.

Senate Bill 83

SB 83 (Chapter 24, Statutes of 2019), signed into law by Governor Newsom on June 27, 2019, and took effect on July 1, 2020. This legislation extended PFL from six weeks to eight weeks of wage replacement benefits to workers who take time off work to care for a seriously ill family member or to bond with a new child.

Senate Bill 1123

SB 1123 (Chapter 849, Statutes of 2018), signed into law by Governor Brown on September 27, 2018, and took effect on January 1, 2021. This legislation expanded the scope of the PFL program to include eligibility for employees who take time off work due to a "qualifying military event" arising out of the overseas military deployment of the employee's family member.

Assembly Bill 138

AB 138 (Chapter 78, Statutes of 2021), signed into law by Governor Newsom on July 16, 2021. The following sections impacted the PFL program and were effective immediately, unless otherwise stipulated.

- Section 6: Requires the EDD to print all standard information employee pamphlets concerning SDI programs in English and the seven primary languages.
- Section 12: Extends the sunset date of the current DI and PFL wage replacement rate (60 or 70 percent) as a result of AB 908 from January 1, 2022, to January 1, 2023.
- Section 13: Requires the EDD, by January 1, 2024, to provide a person entitled to DI and PFL benefits the option to receive payments by direct deposit, in addition to other payment methods including debit cards and checks.

Chapter Seven: Current Outreach and the "Moments Matter" Campaign

To educate the general public about State Disability Insurance (SDI), including Paid Family Leave (PFL), we created the Outreach Development Section within the Disability Insurance Branch.

Current Outreach

The Outreach Development Section is comprised of two Outreach Units, the Education and Outreach Unit (EOU) and the Paid Family Leave Outreach Unit (PFLOU). Both units work together to provide in-person presentations and webinars to internal and external stakeholders, including the military community, California workers, employers, and licensed health professionals to educate and increase awareness about the PFL and DI programs and the electronic claim filing system, SDI Online. The EOU updates and maintains the SDI external website, publications, tutorials, presentations, and videos. The EOU also responds to inquiries received from external entities, organizations, and agencies. The PFLOU develops and implements outreach strategies to educate California workers, employers, licensed health professionals, and the military community about the PFL program. They also create and maintain partnerships with stakeholders throughout California and target audiences such as social workers, palliative care, adoption, women's health, and human resources. The EDD Public Affairs Branch oversees digital marketing efforts targeting PFL customers through social media platforms, such as Facebook, Twitter, LinkedIn, Instagram, and YouTube.

To schedule a webinar, visit the <u>Outreach Events Calendar</u> (edd.ca.gov/Disability/Events_Calendar. htm).

"Moments Matter" Campaign 2014/2015 to 2016/2017

Beginning July 2014, the legislature approved a total of \$6.5 million over a span of three years to increase PFL awareness and inform Californians about the availability of benefits. The funding was provided over the following years:

• State Fiscal Year (SFY) 2014-15: \$1 million

• SFY 2015-16: \$2.5 million

• SFY 2016-17: \$3 million

CALIFORNIA PAID FAMILY LEAVE

moments matter.



In September 2016, we entered into a contract with Mercury LLC and its subcontractor Misfit to implement a statewide media outreach campaign titled "Moments Matter."

For this campaign the EDD and Mercury/Misfit:

- Developed and released digital and print advertisements, publications, ethnic focused creative assets to reach the diverse, multicultural population of California, and partnerships with the employer and medical provider communities.
- Launched the <u>PFL microsite</u> (californiapaidfamilyleave.com) and the <u>Disability Insurance and Paid Family Leave Calculator</u> (edd.ca.gov/Disability/PFL_Calculator.htm).
- Recorded and aired English and Spanish radio ads promoting bonding, caregiving, and the changes with AB 908.
- Developed partnerships with media outlets including Univision, California Black Media, and the What to Expect website.
- Participated in PFL media briefings, television and radio interviews, outreach events, and conferences targeting human resource professionals, medical providers, and adoptive/foster care organizations and parents.
- Created videos promoting the PFL program. To view a few of these videos, visit the <u>PFL microsite</u> (californiapaidfamilyleave.com) and select State Disability Insurance Tutorials and Videos under Additional Resources.

Moments Matter Campaign 2021/2022

In 2019, the Legislature approved a total of \$8 million for another outreach campaign to continue promoting the PFL program and to amplify PFL awareness strategies throughout the state that started with the 2014 "Moments Matter" campaign. The new outreach campaign (SFYs 2020/2022) will deploy similar paid strategies that proved effective for the first campaign with a special focus on Military Assist benefits.

In June 2021, the EDD entered into a contract with Misfit and its subcontractors Edelman and Media Solutions to implement a continuation of the "Moments Matter" campaign.

For this campaign the EDD, Misfit, Edelman, and Media Solutions will:

- Develop and implement a cost-effective paid media plan that includes: Ethnic-cultural media; Paid Media Strategy (Social Media, Paid Social, and Search Engine Marketing); Television (TV); Radio; Publications.
- Develop culturally and linguistically appropriate collateral materials, which includes concept, design, evaluation, and recommendation on the best use of printed and digital marketing collateral while ensuring the messaging is clear and targets current and prospective customers.
- Develop culturally-relevant marketing tailored to designated target audiences identified in the 2015 EDD PFL market research report.
- Implement comprehensive Social Media Promotions and Search Engine Marketing plans with the goal of increasing PFL awareness and encouraging PFL usage.
- Increase and strengthen partnerships with ethnic media, community and local health entities,

employers, community-based organizations, social workers, advocacy groups, and local agencies and departments servicing similar target populations.

Paid Family Leave Advocates

We partner with a coalition of PFL advocacy groups to promote the PFL program. The EDD and PFL advocates meet quarterly to collaborate and discuss PFL outreach goals. Participants include representatives from the EDD, legislative staff, researchers, community-based organizations, and statewide groups, including but not limited to, employer, labor, caregiver, health care, elderly, and legal services organizations. The advocates serve as a resource for ideas and assistance to the Department for the continuous improvement of the program. PFL advocates collaborate statewide and in their local communities to provide information and educate the general public about the program and legislation that impacts PFL benefits. A list of the advocacy groups can be found under our Paid Family Leave Program Resources in Chapter Nine.

Chapter Eight: Program Integrity – Fraud Prevention and Detection Efforts

We use a number of tools to prevent and detect fraud. Our claim filing system alerts staff of potential fraud while data mining, analysis of demographic data, and quality control reviews detect fraud. Staff, employers, licensed health professionals, customers, and the public are requested to report suspected fraud by phone, fax, or email. For more information, visit <u>Help Fight Fraud</u> (edd.ca.gov/about_edd/fraud.htm).

As a deterrence tool, the EDD may proceed with criminal prosecution and assess a monetary penalty or a loss of future benefits to anyone who commits fraud. The Disability Insurance Branch's Program Integrity Unit works closely with our Investigation Division. They conduct both internal and external criminal investigations to determine if fraud or embezzlement against our benefit programs has been committed for the Disability Insurance, Tax, and Unemployment Insurance branches.

For more information on fraud prevention and detection efforts, visit <u>Recent Fraud Convictions</u> (edd.ca.gov/About_EDD/EDD_Actively_Prosecutes_Fraud.htm) and <u>Annual Fraud Reports</u> (edd.ca.gov/Payroll_Taxes/annual_fraud_reports.htm).

Chapter Nine: Paid Family Leave Program Resources

The following sections contain links to additional PFL information.

Frequently Asked Questions and Answers

For more information, visit <u>State Disability Insurance FAQs</u> (edd.ca.gov/Disability/FAQs.htm).

Fact Sheets, Brochures, and Publications

For a full list of publications, visit <u>State Disability Insurance Forms and Publications</u> (edd.ca.gov/disability/Forms_and_Publications.htm). For ordering instructions, visit <u>Online Forms and Publications</u> (edd.ca.gov/Forms).



- Paid Family Leave Brochure (DE 2511)
 Also available in Armenian, Cantonese, Mandarin, Punjabi, Spanish, Tagalog, and Vietnamese.
- Paid Family Leave Flyer (DE 8519)
 Also available in Armenian, Cantonese, Mandarin, Punjabi, Spanish, Tagalog, and Vietnamese.
- Paid Family Leave Booklet (DE 8520)
- Paid Family Leave Fact Sheet (DE 8714CF)
 Also available in Spanish.
- Guide for Completing a Claim Form for Paid Family Leave (PFL) Benefits (DE 2475)
 Also available in **Armenian, Cantonese, Mandarin, Punjabi, Spanish, Tagalog,** and **Vietnamese.**
- Important Information for Paid Family Leave Claimants (DE 2515PF)
- Claim for Paid Family Leave (PFL) Benefits (Sample Form) (DE 2501F) Also available in **Spanish.**
- Notice to Employees (DE 1857A)
 Also available in Armenian, Cantonese, Mandarin, Punjabi, Spanish, Tagalog, and Vietnamese.
- Appeal Fact Sheet (DE 1001)
- Disability Insurance and Paid Family Leave Weekly Benefit Amounts (DE 2588)
- State Disability Insurance Program Fact Sheet (DE 8714C)
 Also available in Armenian, Cantonese, Mandarin, Punjabi, Spanish, Tagalog, and Vietnamese.
- *SDI Online Tips for Claimants* (DE 8515) Also available in **Spanish.**
- SDI Online Tips for Physicians and Practitioners (DE 8516)
- SDI Online Tips for Employers (DE 8518)
- State Disability Insurance Webinars (DE 8527) Also available in **Spanish.**
- State Disability Insurance Paid Family Leave Military Assist Webinar (DE 8528)

- State Disability Insurance Claimant Webinar (DE 8525) Also available in **Spanish.**
- State Disability Insurance Employer Webinar (DE 8526) Also available in **Spanish.**
- State Disability Insurance Physician/Practitioner Webinar (DE 8529) Also available in **Spanish.**

Significant Web Pages

- <u>Employment Development Department</u> (edd.ca.gov)
- About Paid Family Leave (edd.ca.gov/disability/paid-family-leave/)
- How to File a Paid Family Leave Claim in SDI Online (edd.ca.gov/disability/How_to_File_a_PFL_Claim_in_SDI_Online.htm)
- How to File a Paid Family Leave Claim by Mail (edd.ca.gov/disability/How_to_File_a_PFL_Claim_by_Mail.htm)
- <u>State Disability Insurance Online Informational Tutorials and Videos</u> (edd.ca.gov/disability/SDI_Online_Tutorials.htm)
- <u>Paid Family Leave Community Partner Toolkit</u> (edd.ca.gov/disability/pfl-community-partner-toolkit.htm)
- <u>The EDD Debit Card</u>SM (edd.ca.gov/About_EDD/The_EDD_Debit_Card.htm)
- Quick Statistics Overview (edd.ca.gov/About_EDD/Quick_Statistics_Overview.htm)
- Quick Statistics
 (edd.ca.gov/About_EDD/Quick_Statistics.htm)
- <u>Paid Family Leave Impact Study (PDF)</u>
 (edd.ca.gov/disability/pdf/PFL_Economic_and_Social_Impact_Study.pdf)
- <u>Paid Family Leave Market Research (2015) (PDF)</u>
 (edd.ca.gov/disability/pdf/Paid_Family_Leave_Market_Research_Report_2015.pdf)
- <u>State of California Unemployment Insurance Appeals Board</u> (cuiab.ca.gov)
- <u>California Legislative Information</u> (leginfo.legislature.ca.gov)

Paid Family Leave Program Advocates

The Disability Insurance Branch partners with the following Paid Family Leave advocate organizations:

AARP California
 (states.aarp.org/region/california)
 1-888-687-2277

• ACLU of Southern California

(aclusocal.org) 1-213-977-9500

Assembly Appropriations Committee

(apro.assembly.ca.gov) 1-916-319-2081

• Assembly Budget Committee

(abgt.assembly.ca.gov) 1-916-319-2099

Assembly Committee on Labor and Employment

(albr.assembly.ca.gov) 1-916-319-2091

Breastfeed LA

(BreastfeedLA.org) 1-323-210-8505 info@breastfeedLA.org

• California Black Health Network

(cablackhealthnetwork.org)

1-916-333-0613

California Budget & Policy Center

(calbudgetcenter.org) 1-916-444-0500

• California Employment Lawyers Association

(cela.org)

1-818-703-0587

• California Hospital Association

(calhospital.org)

1-916-443-7401

• California Labor Federation

(calaborfed.org)

1-916-444-3676 (Sacramento)

1-510-663-4000 (Oakland)

info@calaborfed.org

California Legislative Women's Caucus

(womenscaucus.legislature.ca.gov)

<u>California Partnership to End Domestic Violence</u>

(cpedv.org)

1-916-444-7163

• California Rural Legal Assistance, Inc.

(crla.org)

1-800-337-0690

• California Small Business Majority

(smallbusinessmajority.org)

1-415-887-9829 (San Francisco)

1-323-990-5512 (Los Angeles)

1-279-999-9876 (Sacramento)

• California WIC Program

(calwic.org)

1-916-572-0700

• California Work and Family Coalition

(workfamilyca.org)

1-510-473-2216

info@workfamily.ca.org

• Center for Economic and Policy Research

(cepr.net)

1-202-293-5380

info@cepr.net

• Center for WorkLife Law

(worklifelaw.org)

1-415-565-4640

• Child Care Law Center

(childcarelaw.org)

1-415-558-8005

• First5 California

(ccfc.ca.gov)

1-916-263-1050

• Gap, Inc.

(gapinc.com/en-us)

1-415-427-5874

• Human Impact Partners

(humanimpact.org)

1-510-452-9442

Legal Aid at Work

(legalaidatwork.org)

1-415-864-8848

• Los Angeles Care Giver Resource Center

(fcsc.usc.edu)

1-855-872-6060

• Los Angeles LGBT Center

(lalgbtcenter.org)

1-323-993-7400

Parent Voices

(parentvoices.org) 1-415-882-0234 <u>Mary@ParentVoices.org</u> <u>Jennifer@ParentVoices.org</u>

Salud Para La Gente

(splg.org) 1-831-728-0222

San Mateo County Health

(smchealth.org) 1-650-573-2501

• SEIU Local 99

(seiu99.org) 1-213-487-7211

• Senator Maria Elena Durazo

(sd24.senate.ca.gov) 1-916-651-4024

• Small Business Majority

(smallbusinessmajority.org) 1-279-999-9876 (Sacramento)

1-559-777-2533 (Fresno)

1-415-887-9829 (San Francisco)

1-323-990-5512 (Los Angeles)

UCFW Western States Council

(ufcwwest.org)

1-213-487-7070 (Los Angeles)

1-415-861-7840 (San Francisco)

1-619-298-7772 (San Diego)

Watsonville Law Center

(watsonvillelawcenter.org)

1-831-722-2845

• Western Center on Law and Poverty

(wclp.org)

1-213-487-7211 (Los Angeles)

1-916-442-0753 (Sacramento)

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.