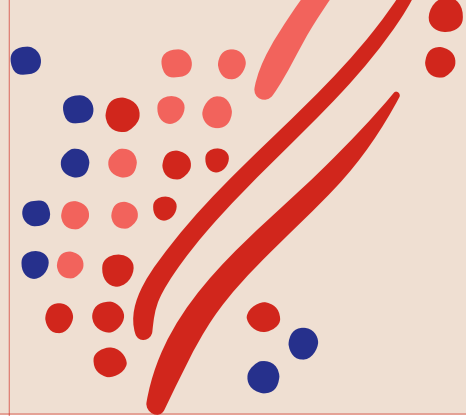


California: PDL vs CFRA vs FMLA



Below is a comparison of some of the major provisions of California's Pregnancy Disability Leave, the California Family Rights Act, and the federal Family and Medical Leave Act. Employees may be entitled to additional protections under federal, state, and local laws.

	Pregnancy Disability Leave (PDL)	CA Family Rights Act (CFRA)	Family and Medical Leave Act (FMLA)
Who is a covered employer?	Employers with 5 or more employees	Employers with 5 or more employees	Employers with 50 or more employees
Who is an eligible employee?	Employee who: <ul style="list-style-type: none">Is disabled by pregnancy, childbirth, or related medical conditions	Employee who: <ul style="list-style-type: none">Worked for employer for more than 12 months.Has at least 1,250 hours of service during previous 12-month period	Employee who: <ul style="list-style-type: none">Worked for employer for at least 12 months.Has at least 1,250 hours of service during previous 12-month period.Works at a location where the employer has 50 or more employees within 75 miles
How much leave may eligible employees take?	Up to four months	Up to 12 weeks	Up to 12 weeks
May eligible employees take leave intermittently or do they have to take it all at once?	Employees may take the leave all at once or intermittently	Employees may take the leave all at once or intermittently	If the leave is for the birth, adoption, or foster placement of a child, employees need their employer's approval to use the leave intermittently. In other situations, employees may take the leave all at once or intermittently



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	Pregnancy Disability Leave (PDL)	CA Family Rights Act (CFRA)	Family and Medical Leave Act (FMLA)
Are eligible employees entitled to leave for pregnancy?	Yes, if employee has a pregnancy disability, including a need for additional or more frequent breaks, time for prenatal or postnatal medical appointments, doctor-ordered bed rest, "severe morning sickness," gestational diabetes, pregnancy-induced hypertension, preeclampsia, recovery from childbirth or loss or end of pregnancy, and/or postpartum depression	No	Yes, for prenatal care, incapacity related to pregnancy, or for her own serious health condition following the birth of the child
Are eligible employees entitled to leave to bond with a child after birth, adoption, or foster placement?	No	Yes	Yes
Are eligible employees entitled to leave for their own serious health condition?	No	Yes	Yes
Are eligible employees entitled to leave to care for a family member with a serious health condition?	No	Yes	Yes
What is the definition of a family member?	N/A	<p>The eligible employee's:</p> <ul style="list-style-type: none"> • Child of any age • Spouse • Domestic partner** • Child of domestic partner • Parent/parent-in-law • Grandparent • Grandchild • Sibling 	<p>The eligible employee's:</p> <ul style="list-style-type: none"> • Child under 18 or incapable of self-care • Spouse • Parent

	Pregnancy Disability Leave (PDL)	CA Family Rights Act (CFRA)	Family and Medical Leave Act (FMLA)
Are eligible employees entitled to leave for a qualifying exigency related to the covered active duty or call to covered active duty of their spouse, child, or parent in the Armed Forces?	No	Yes (also covers the domestic partner of the employee)	Yes
Are eligible employees entitled to up to 26 weeks of leave to care for a seriously injured or ill covered military service member, when the employee is the spouse, son, daughter, parent, or next of kin?	No	No	Yes
How much leave are spouses who work for the same employer entitled to?	N/A	Each spouse is entitled to 12 weeks of CFRA leave.	Spouses who are employed by the same covered employer may be limited to a combined total of 12 weeks of FMLA leave if the leave is taken to care for the employee's parent with a serious health condition or for the birth or placement of a child. For other types of FMLA leave, each spouse is entitled to 12 weeks.

Notes:

**** Domestic Partnership:** In California, a domestic partnership exists when both persons file a Declaration of Domestic Partnership with the Secretary of State.

Leave Stacking: Eligible employees of employers with 50 or more employees may potentially be entitled to 24 weeks of leave in a 12-month period.

Example: An employee takes 12 weeks of leave to care for a sibling under CFRA, and then a separate 12 weeks to cover their own illness under FMLA within the same 12-month period. This is because the first 12 weeks cannot be counted toward the employee's FMLA entitlement since the FMLA doesn't cover employees' siblings.

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