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Comparative Chart of California's Leave and Wage Replacement Laws

Workplace Flexibility 2010, Georgetown University Law Center

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Comparative Chart of California's Leave and Wage Replacement Laws

The following document is a chart tracking the major provisions of the California Family Rights Act (the state's near identical equivalent to the Family and Medical Leave Act), California State Disability Insurance, and California Family Temporary Disability Insurance (otherwise known as the California Paid Family Leave Program). The chart compares the job-protected right to take leave provided by the California Family Rights Act (and the FMLA) to the wage replacement programs established in the disability insurance statutes.

The chart is organized into three columns: the California Family Rights Act (CFRA) and the FMLA, State Disability Insurance (SDI), and Family Temporary Disability Insurance (FTDI). The first column is the CFRA, enacted in 1991 and amended to conform to the FMLA in 1993, which provides private employees in the state of California with the right to take job-protected medical and family care leave. Leave under the CFRA, as with the FMLA, is unpaid. Because the CFRA is substantively identical to the FMLA in all ways but a few, and the chart will note where the statutes differ, the chart combines the CFRA and the FMLA in a single column.

The chart then lays out the major provisions of SDI and FTDI, which work together as the disability insurance program. SDI, which provides disability benefits to workers who are sick or injured, has been in place since 1946. FTDI is the paid family leave program enacted in 2002 and builds upon the State Disability Insurance structure (citations in columns 2 & 3 all refer to the California Unemployment Insurance Code, in which both SDI and FTDI are codified). SDI and FTDI do not provide a job-protected right to take leave, but rather provide partial wage replacement to employees who are unable to work due to disability or due to the need to care for a family member.

As set forth in the table of contents, the chart addresses four questions. First, what are the eligibility requirements for each statute? Second, what benefits and rights are available to covered Californians under each statute? Third, what are the key administrative procedures and requirements under each statute? Finally, what are the key interactions among the various statutes in play?

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EMPLOYER COVERAGE

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance	California Family Temporary Disability Insurance
<p>Employers with at least 50 employees within a 75-mile radius of the claimant work-site are covered by the FMLA/CFRA. Cal Gov Code §12945.2 (b) 29 U.S.C. §2611(2)(B)(ii)</p> <p>LEAVE FOR PREGNANCY, CHILDBIRTH AND RELATED MEDICAL CONDITIONS</p> <p>Leave for these reasons are covered by the Pregnancy Disability Statute Cal Gov Code §12945</p> <p>Pregnancy Disability Leave applies to any employer covered by Title VII of the Civil Rights Act of 1964, which covers any employer with 15 or more employees.</p> <p>Cal Gov Code §12945(e) 42 U.S.C. §2000(e)(b)</p>	<p>Any individual who is paid wages in employment may file a valid claim if other eligibility requirements are met §2609*</p> <p>“Employment” is defined as “service performed by an employee for wages or under any contract of hire, written or oral, express or implied,” except that not all service performed for a public entity is covered §601 & §2606</p> <p>Service performed for a public entity is only considered employment under SDI if it is:</p> <ul style="list-style-type: none"> * service performed for a public hospital established, maintained and operated pursuant to Division 23 of the Health and Safety Code * service performed for a public housing administration * service performed by a state employee * service covered by an elective coverage agreement <p>§2606(a)(1)-(4)</p>	<p>Any individual who is paid wages in employment may file a valid claim if other eligibility requirements are met §3302(j)</p> <p>“Employment” has the same definition for purposes of both FTDI and SDI §2606</p>

* Except where otherwise noted all citations in the columns for SDI and FTDI refer to the California Unemployment Insurance Code, Cal Unemp Ins §§2601, *et seq.*

EMPLOYER COVERAGE (CONTINUED)

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance	California Family Temporary Disability Insurance
	<p>Certain types of employment are expressly excluded from this definition * Example: Domestic service provided in a private home is covered only if employed by an employer who paid \$1000 or more to individuals employed in domestic service in any calendar quarter of the current or preceding calendar year [§629(a)] <i>see 601 et seq.</i></p>	

EMPLOYEE ELIGIBILITY: WORK REQUIREMENTS

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance	California Family Temporary Disability Insurance										
<p>CFRA/FMLA cover employees who have worked for current employer for at least 12 months (need not be consecutive) and have worked at least 1250 hours in the previous 12 months Cal Gov Code §12945.2(a) 29 U.S.C. §2611(2)(A)</p> <p>PREGNANCY DISABILITY LEAVE:</p> <p>No requirements regarding continuous service with employer or previous hours worked <i>See</i> Cal Gov Code §12945</p>	<p>An employee cannot establish a valid claim unless he or she has been paid at least \$300 in wages during his or her “disability base period” §2652</p> <p>“Disability Base Period” means the following:</p> <table border="1" data-bbox="772 643 1325 899"> <thead> <tr> <th data-bbox="772 643 1047 769">If claim is for period beginning</th> <th data-bbox="1047 643 1325 769">Disability Base Period is the 12 months ending on</th> </tr> </thead> <tbody> <tr> <td data-bbox="772 769 1047 802">Jan, Feb, March</td> <td data-bbox="1047 769 1325 802">Preceding Sept 30</td> </tr> <tr> <td data-bbox="772 802 1047 834">Apr, May, June</td> <td data-bbox="1047 802 1325 834">Preceding Dec 31</td> </tr> <tr> <td data-bbox="772 834 1047 867">Jul, Aug, Sept</td> <td data-bbox="1047 834 1325 867">Preceding Mar 31</td> </tr> <tr> <td data-bbox="772 867 1047 899">Oct, Nov, Dec</td> <td data-bbox="1047 867 1325 899">Preceding June 30</td> </tr> </tbody> </table> <p>§2610</p>	If claim is for period beginning	Disability Base Period is the 12 months ending on	Jan, Feb, March	Preceding Sept 30	Apr, May, June	Preceding Dec 31	Jul, Aug, Sept	Preceding Mar 31	Oct, Nov, Dec	Preceding June 30	<p>In order to be valid, a claim for FTDI benefits must meet the wage-earning requirements of §2652, as for SDI §3302(j)</p> <p>“Disability Base Period” is defined as for SDI</p>
If claim is for period beginning	Disability Base Period is the 12 months ending on											
Jan, Feb, March	Preceding Sept 30											
Apr, May, June	Preceding Dec 31											
Jul, Aug, Sept	Preceding Mar 31											
Oct, Nov, Dec	Preceding June 30											

EMPLOYEE ELIGIBILITY: WORK REQUIREMENTS (CONTINUED)

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance	California Family Temporary Disability Insurance
	<p>DETERMINATION OF DISABILITY BASE PERIOD WHEN EMPLOYEE HAS BEEN UNEMPLOYED PREVIOUS TO DISABILITY INSURANCE CLAIM</p> <p>Disability Base Period with respect to an individual having an unexpired benefit year for unemployment shall be:</p> <ul style="list-style-type: none"> * the same as the disability base period in §2610 if the individual has sufficient qualifying wages in that disability base period, <i>or</i> * the same as the base period used to determined the unemployment benefit year if the individual does not have sufficient qualifying wages in that disability base period <p>§2611</p> <p>An unemployment “Benefit year” is defined as the 52-week period following the first day of the week with respect to which an individual initially files for unemployment, or the 52-week period following the first day of the first week for which successive unemployment claims are made</p> <p>§1276</p>	

EMPLOYEE ELIGIBILITY: WORK REQUIREMENTS (CONTINUED)

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance	California Family Temporary Disability Insurance										
	<p>Base Period to establish an unemployment benefit year is defined such that:</p> <table border="1" data-bbox="772 521 1325 748"> <thead> <tr> <th data-bbox="772 521 1047 618">If unemployment year begins</th> <th data-bbox="1047 521 1325 618">Base Period is the 12 months ending on</th> </tr> </thead> <tbody> <tr> <td data-bbox="772 618 1047 651">Jan, Feb, March</td> <td data-bbox="1047 618 1325 651">Preceding Sept 30</td> </tr> <tr> <td data-bbox="772 651 1047 683">Apr, May, June</td> <td data-bbox="1047 651 1325 683">Preceding Dec 31</td> </tr> <tr> <td data-bbox="772 683 1047 716">Jul, Aug, Sept</td> <td data-bbox="1047 683 1325 716">Preceding Mar 31</td> </tr> <tr> <td data-bbox="772 716 1047 748">Oct, Nov, Dec</td> <td data-bbox="1047 716 1325 748">Preceding June 30</td> </tr> </tbody> </table> <p>§1275</p> <p>If an individual cannot establish a valid claim because of unemployment during the normal disability base period:</p> <p>* any quarter of the base period where the individual was unemployed and actively seeking work for 60 or more days shall be substituted by the immediately preceding quarter for determination of base period</p> <p>§2612</p>	If unemployment year begins	Base Period is the 12 months ending on	Jan, Feb, March	Preceding Sept 30	Apr, May, June	Preceding Dec 31	Jul, Aug, Sept	Preceding Mar 31	Oct, Nov, Dec	Preceding June 30	
If unemployment year begins	Base Period is the 12 months ending on											
Jan, Feb, March	Preceding Sept 30											
Apr, May, June	Preceding Dec 31											
Jul, Aug, Sept	Preceding Mar 31											
Oct, Nov, Dec	Preceding June 30											

EMPLOYEE ELIGIBILITY: BASIC DISABILITY BENEFIT REQUIREMENTS

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance	California Family Temporary Disability Insurance
<p>No disability benefit requirement</p>	<p>A disabled individual is eligible for SDI benefits for any day during which he or she is unemployed due to a disability if:</p> <ul style="list-style-type: none"> * a claim has been filed as required by regulation * a waiting period has been fulfilled * medical certification has been filed to support medical eligibility as required by §2708 and §2709 (see pages 35-37 of this chart) <p>§2627</p>	<p>An individual is eligible for FTDI benefits for any day during which he or she is unable to perform his or her regular or customary work because he or she is bonding with a minor child during the first year after birth or placement through adoption or foster care or is caring for a seriously ill child, parent, spouse, or domestic partner if:</p> <ul style="list-style-type: none"> * a claim has been filed as required by regulations * a waiting period has been fulfilled * medical certification has been filed to support medical eligibility that warrants the care of the employee as required by §2708 & §2709 (see pages 35-37 of this chart) <p>§3303, 2708</p> <p>An individual is not eligible for FTDI benefits with respect to any day in which another family member, as defined in §3302, “is ready, willing and able and available for the same period of time in a day that the individual is providing the required care.”</p> <p>§3303.1(a)(4)</p>

EMPLOYEE ELIGIBILITY: BASIC DISABILITY BENEFIT REQUIREMENTS (CONTINUED)

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance	California Family Temporary Disability Insurance
	<p>WAITING PERIOD</p> <ul style="list-style-type: none"> * Employee is unemployed and disabled for 7 consecutive days * No disability benefits are payable for work missed during the waiting period <p>§2627(b)</p> <p>The “disability benefit period” is the continuous period of unemployment and disability that commences upon the first day for which an individual files a valid claim.</p> <p>Two consecutive periods of disability due to the same or related cause or condition that are separated by 14 days or fewer are considered the same disability benefit period</p> <p>§2608</p>	<p>WAITING PERIOD</p> <ul style="list-style-type: none"> * Employee is unable to perform his or her regular or customary work for 7 days (need not be consecutive) * No family temporary disability benefits are payable for work missed during the waiting period <p>§3303(b)</p> <p>The “disability benefit period” is the period of unemployment beginning with the first day for which an individual establishes a valid claim. Periods of leave to provide care for the same recipient within a 12-month period or for pregnancy disability and leave for bonding associated with the birth of a child are considered the same disability benefit period.</p> <p>§3302.1(a), (b) & (c)</p>

EMPLOYEE ELIGIBILITY: REASONS FOR MEDICAL LEAVE

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance	California Family Temporary Disability Insurance
<p>A covered employee is entitled to leave because of a serious health condition that makes the employee unable to perform his or her job functions Cal Gov Code §12945.2(a), (c)(3)(C)</p> <p>“Serious Health Condition” means:</p> <p>An illness, injury, impairment or physical or mental condition that involves either</p> <ul style="list-style-type: none"> * Inpatient care in a hospital, hospice, or residential facility <i>or</i> * continuing treatment or supervision by a healthcare provider [CFRA] * continuing treatment by a healthcare provider [FMLA] <p>Cal Gov Code §12945.2(c)(8) 29 U.S.C. §2612(a)(1)(D) & §2611(11)</p> <p>Pregnancy, childbirth, and related medical conditions are not covered by Cal Gov Code §12945.2, but instead by Cal Gov Code §12945 (see below)</p>	<p>For purposes of disability insurance, an individual is deemed disabled on any day in which, because of a mental or physical condition, s/he is unable to perform his or her regular or customary work §2626(a)</p> <p>“Disability” includes:</p> <ul style="list-style-type: none"> * illness or injury, whether physical or mental, including any illness or injury resulting from pregnancy, childbirth, or related medical condition * inability to work because of a written order from a state or local health officer to an individual infected with, or suspected of being infected with, a communicable disease * acute alcoholism being medically treated or resident status in an alcoholic recovery home * acute drug-induced illness being medically treated or resident status in a drug-free residential facility. <p>§2626(b)</p>	<p>FTDI does not provide benefits for an employee’s own serious health condition.</p>

EMPLOYEE ELIGIBILITY: REASONS FOR MEDICAL LEAVE (CONTINUED)

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance	California Family Temporary Disability Insurance
<p>PREGNANCY DISABILITY LEAVE</p> <p>A female employee affected by pregnancy, childbirth or related conditions is entitled to:</p> <p>* use disability, sick, or other accrued leave that the employer provides to other temporarily disabled employees who are similar in their ability or inability to work. No employer shall be required to provide a female employee disability leave for a normal pregnancy, childbirth, or related medical condition for more than 6 weeks <i>and</i></p> <p>* take leave on account of pregnancy for a reasonable period of time not to exceed 4 months * Reasonable period is the time during which a woman is disabled on account of to pregnancy, childbirth, or related medical conditions Cal Gov Code §12945(b)</p>		

EMPLOYEE ELIGIBILITY: REASONS FOR FAMILY CARE LEAVE

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance	California Family Temporary Disability Insurance
<p>LEAVE TO CARE FOR A PARENT, SPOUSE, OR CHILD WHO HAS A SERIOUS HEALTH CONDITION</p> <p>A covered employee is entitled to leave because of the serious health condition of a child or to care for a parent or spouse who has a serious health condition Cal Gov Code §12945.2(a), (c)(3) 29 U.S.C. §2612(a)(1)(C)</p> <p>Under CFRA/FMLA certification requirements an employer may require that an employee’s request to take family care leave be supported by a healthcare provider certification that:</p> <ul style="list-style-type: none"> * the serious health condition warrants the participation of a family member to provide care during a period of the treatment or supervision of the individual requiring care [CFRA] * the eligible employee is needed to care for the son, daughter, spouse, or parent [FMLA] <p>Cal Gov Code §12945.2(j)(1) 29 U.S.C. §2613(b)</p>		<p>LEAVE TO CARE FOR A PARENT, SPOUSE, DOMESTIC PARTNER OR CHILD WHO HAS A SERIOUS HEALTH CONDITION</p> <p>An individual is eligible for FTDI benefits on any day in which s/he is unable to perform his/her regular or customary work because he/she is caring for a seriously ill parent, spouse, domestic partner, or child §3301(a)</p> <p>Although the eligibility provisions of FTDI refers to a seriously ill parent, spouse, domestic partner or child that statute elsewhere defines “family care leave” as “leave to care for a child, parent, spouse, or domestic partner who has a serious health condition” §3302(e)(2)</p> <p>“Serious Health Condition” is defined under FTDI as under the CFRA §3302(h)</p>

EMPLOYEE ELIGIBILITY: REASONS FOR FAMILY CARE LEAVE (CONTINUED)

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance	California Family Temporary Disability Insurance
<p>CFRA/FMLA define “parent” and “child” as follows :</p> <ul style="list-style-type: none"> * “Parent” means a biological, adoptive, foster or stepparent, a legal guardian or other person who stood <i>in loco parentis</i> to the employee when the employee was a child * “Child” means a biological, adopted or foster child or step-child, legal ward or child of a person standing <i>in loco parentis</i>. A “child” must be under the age of 18 or an adult dependent child. <p>Cal Gov Code §12945.2(c)(7), (1) 29 U.S.C. § 2611(7) & (12)</p> <p>The CFRA does not define “spouse.” For purposes of the FMLA a spouse is “a husband or wife, as the case may be” 29 U.S.C. §2611(g)(13)</p> <p>“Serious Health Condition” for purposes of family care leave has the same definition as for personal medical leave Cal Gov Code §12945.2(c)(3)(C) & (8) 29 U.S.C. §2612(a)(1)(D) & §2611(11)</p>		<p>An employee may receive family temporary disability benefits only if individual has provided medical certification that the family member’s serious health condition warrants the care of the employee. An individual is not eligible for FTDI benefits with respect to any day in which another family member, as defined in §3302, “is ready, willing and able and available for the same period of time in a day that the individual is providing the required care.” §3303, 2708, 3303.1(a)(4)</p> <p>FTDI covers care provided for the same care recipients as CFRA with the following exception:</p> <ul style="list-style-type: none"> * FTDI covers the serious health condition of a domestic partner * FTDI includes the son or daughter of a domestic partner in the definition of child §3301(a)(1) & §3302(c) <p>“Spouse” means a partner to a lawful marriage §3302(i)</p>

EMPLOYEE ELIGIBILITY: REASONS FOR FAMILY CARE LEAVE (CONTINUED)

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance	California Family Temporary Disability Insurance
		<p>“Domestic Partners”* are two adults who have chosen to share one another’s lives in an intimate and committed relationship of mutual caring established when:</p> <ul style="list-style-type: none"> * Both persons have a common residence * Neither person is married or a member of another domestic partnership, unless such partnership has been terminated * The two persons are not related by blood in a way that would prevent them from being married in the state * Both persons are at least 18 years of age * Both persons are members of the same sex <i>or</i> one or both persons meet eligibility criteria under Title II of Social Security Act for old-age insurance benefits or Title XVI of Social Security Act for aged individuals. Members of the opposite sex may not constitute a domestic partnership unless one or both are over the age of 62. * Both persons are capable of consenting to the domestic partnership <p>Cal Fam Code §297(a) & (b)</p>

* The domestic partner statute has been amended, effective 1/1/05. The chart reflects these amendments, which primarily eliminated the provision requiring both members of a domestic partnership to be jointly responsible for each other’s basic living requirements incurred during the domestic partnership (Cal Fam Code §297(a)(2), effective until 1/1/05).

EMPLOYEE ELIGIBILITY: REASONS FOR PARENTAL LEAVE*

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance	California Family Temporary Disability Insurance
<p>LEAVE BECAUSE OF THE BIRTH, ADOPTION, OR PLACEMENT THROUGH FOSTERCARE OF A CHILD</p> <p>Under the CFRA, an eligible employee may take leave for reason of the birth of a child of the employee, the placement of a child with an employee in connection with the adoption or foster care of the child by the employee. Cal Gov Code §12945.2(c)(3)(A)</p> <p>Under the FMLA, an eligible employee may take leave because of the birth of a son or daughter of the employee and in order to care for such son or daughter, <i>or</i> Because of the placement of a son or daughter with the employee for adoption or foster care 29 U.S.C. §2612(a)(1)(A), (B)</p> <p>Under the FMLA, but not the CFRA, leave must be taken, and concluded, during the first 12 months after the birth, adoption, or placement through foster care of the child 29 U.S.C. §2612(a)(2)</p>		<p>LEAVE TO BOND WITH A CHILD IN CONNECTION WITH THE BIRTH, ADOPTION, OR PLACEMENT THROUGH FOSTERCARE OF SUCH CHILD</p> <p>An employee may receive benefits for any day in which s/he is unable to perform his/her regular or customary work because s/he is bonding with a minor child during the first year after the birth or placement of child in connection with adoption or foster care.</p> <p>As it is defined for all FTDI benefits, the term “child” is defined to include the son or daughter of a domestic partner §3302(c)</p> <p>To receive benefits for parental leave, the individual must provide certification under §2708(c)</p>

* “Parental leave” is not a California statutory term. However, it is used here to distinguish between leave taken in connection with the birth or placement through adoption or foster care of a minor child and leave taken to provide care for a family member with a serious health condition. Statutorily, both are termed “family care leave.”

RIGHTS AND BENEFITS: JOB PROTECTION AND UNPAID LEAVE

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance Program	California Family Temporary Disability Insurance
<p>Establishes a right to take job-protected leave Cal Gov Code §12945.2(a) 29 U.S.C. §2612(a)</p> <p>Under the CFRA, an employee must be guaranteed employment upon the termination of leave in the same or comparable position Cal Gove Code §12945.2(a)</p> <p>“Comparable position” means one that has the same or similar duties and pay that can be performed at the same or similar geographic location as the position held prior to the leave Cal Gov Code §12945.2(c)(4)</p> <p>Under the FMLA, an employee must be guaranteed employment on return from leave in the same or equivalent position 29 U.S.C. §2614(a)(1)</p> <p>“Equivalent position” means one with equivalent employment benefits, pay, and other terms and conditions of employment 29 U.S.C. §2614(a)(1)(B)</p>	<p>Does not provide the right to take job-protected leave</p> <p><i>See</i> §2601</p>	<p>Does not provide the right to take job-protected leave</p> <p><i>See</i> §3300</p>

RIGHTS AND BENEFITS: JOB PROTECTION AND UNPAID LEAVE (CONTINUED)

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance Program	California Family Temporary Disability Insurance
<p>Notwithstanding these provisions, an employer may refuse to reinstate an employee upon returning to work if:</p> <ul style="list-style-type: none"> * Employee is a salaried employee who is among the highest paid 10% of employer’s employees within a 75-mile radius of the employee’s worksite; * The refusal is necessary to prevent substantial and grievous economic injury to the operations of the employer; <i>and</i> * under the CFRA, the employer notifies the employee of the intent to refuse to reinstate at the time the employer determines that the refusal is necessary * under the FMLA, the employer notifies the employee of the intent to refuse to reinstate at the time the employer determines that such injury would occur <p>Cal Gov Code 12945.2(r) 29 U.S.C. §2614(b)</p>		

RIGHTS AND BENEFITS: JOB PROTECTION AND UNPAID LEAVE (CONTINUED)

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance Program	California Family Temporary Disability Insurance
<p>Employees taking leave under the CFRA or the FMLA are entitled to continuation of coverage under a group health plan during leave (of maximum 12 weeks within 12 months) at the level and under the conditions of coverage that would have been provided if employee had not taken leave</p> <p>* Employer may recover premium paid for the maintenance of coverage during leave if the employee fails to return to work for reasons other than the continuation, recurrence, or onset of the serious health condition for which the employee was entitled to take leave, or other circumstances beyond the employee’s control.</p> <p>Employees are entitled to other employee health or benefit plans (not covered by the above requirement) to the same extent and under the same conditions as apply to an unpaid leave taken for any other purpose Cal Gov Code §12945.2(f) 29 U.S.C. §2614(c)</p> <p>Individuals taking leave retain their employee status, meaning that leave taken under the CFRA may not constitute a break in service for purposes of longevity, seniority, or employee benefits Cal Gov Code §12945.2(g)</p>		

RIGHTS AND BENEFITS: JOB PROTECTION AND UNPAID LEAVE (CONTINUED)

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance Program	California Family Temporary Disability Insurance
<p>The FMLA does not contain an explicit provision covering whether leave may constitute a break in service. However, the FMLA appears to provide this protection through the requirement of an employee’s reinstatement to an equivalent position having the same terms and conditions of employment on return from leave 29 U.S.C. §2614(a)(1)(B)</p> <p>PREGNANCY DISABILITY LEAVE</p> <p>Employer must provide reasonable accommodations to employees with pregnancy related conditions and must not discriminate with regard to transfers, promotions, compensation or other terms, conditions or privileges of employment due to an employee’s pregnancy or related medical condition</p> <p>An employer will not be in violation of this Act where actions are “based upon a bona fide occupational qualification”</p> <p>Cal Gov Code §12945</p>		

RIGHTS AND BENEFITS:

WAGE REPLACEMENT DURING LEAVE AND THE AVAILABILITY OF PAID LEAVE

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance Program	California Family Temporary Disability Insurance
<p>Leave may be unpaid. Cal Gov Code §12945.2(d) & (e) 29 U.S.C. §2612(c)</p> <p>Employee may elect, or employer may require employee, to substitute any accrued or otherwise negotiated time off, paid or unpaid. If employee takes leave for his/her own serious health condition, employee or employer may substitute accrued sick leave. However, employee may not substitute accrued sick leave for leave in connection with a new child or to care for a family member with a serious health condition unless mutually agreed to be employee and employer.</p> <p>Under the FMLA, the substitution of paid leave provided by an employer is not limited to leave taken for an employee’s own serious health condition, however nothing in this title shall require an employer to provide paid sick leave or paid medical leave in any situation in which such employer would not normally provide any such paid leave Cal Gov Code §12945.2(d) & (e) 29 U.S.C. §2612(d)</p>	<p>SDI provides partial wage replacement benefits for any day in which an individual is disabled and is unemployed due to the disability</p> <p>Employee is eligible to receive 1/7th of his or her “weekly benefit amount” for each full day of unemployment §2627</p> <p>An individual’s “weekly benefit amount” is approximately 55% of the individual’s weekly salary * See Appendix B for table on weekly benefit amounts and page 45 of this chart for details on computation of weekly and total benefit amounts §2655</p>	<p>FTDI provides partial wage replacement benefits for any day in which an individual is unable to perform his or her regular or customary work because he or she is bonding with a minor child during the first year after birth or placement through adoption or foster care or is caring for a seriously ill child, parent, spouse, or domestic partner</p> <p>Employee is eligible to receive 1/7th of his or her “weekly benefit amount” for each full day in which he or she is unable to perform his or her regular or customary work §3301(b)</p> <p>An individual’s “weekly benefit amount” is approximately 55% of the individual’s weekly salary * See Appendix B for table on weekly benefit amounts and page 45 of this chart for details on computation of weekly and total benefit amounts §2655</p>

RIGHTS AND BENEFITS:

WAGE REPLACEMENT DURING LEAVE AND THE AVAILABILITY OF PAID LEAVE (CONTINUED)

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance Program	California Family Temporary Disability Insurance
<p><i>Under a 1999 California law an employer who provides sick leave for employees must allow an employee to use accrued sick leave to attend to an illness of a child, parent, spouse, or domestic partner of the employee.</i></p> <p><i>Employers must allow employees to use at least the amount of sick leave accrued during a 6-month period (at the employee’s current rate of entitlement)</i> Cal Lab Code §233(a)</p> <p><i>Under this statute, “sick leave” is defined as accrued increments of compensated leave provided to an employee by his/her employer as a benefit of employment for use by employee during absence for one or more of the following reasons:</i></p> <ul style="list-style-type: none"> <i>* Employee is physically or mentally unable to perform his/her duties due to employee’s illness, injury or a medical condition</i> <i>* Absence is for obtaining a professional diagnosis or for treatment of an employee’s medical condition</i> <i>* Absence is for other medical reasons of the employee such as pregnancy or obtaining a physical exam</i> <p><i>Cal Lab Code §233(b)(4)</i></p>		

DURATION OF BENEFITS AND OTHER LIMITATIONS

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance Program	California Family Temporary Disability Insurance
<p>Under the CFRA and the FMLA eligible employees may take up to 12 workweeks of leave in any 12-month period for family care and medical leave. Cal Gov Code §12945.2(a) 29 U.S.C. §2612(a)</p> <p>Under the CFRA, the 12-month period during which leave may be taken shall run concurrently with the 12-month period under the FMLA Cal Gov Code §12945.2(p)</p> <p>Under CFRA regulations, if leave is common to both the CFRA and the FMLA, an employer may choose among the several options contained in the FMLA regulations for determining the 12-month period. 2 CCR §7297.3</p> <p>Under FMLA regulations an employer may choose among several options for determining how to track the 12-month period :</p> <ul style="list-style-type: none"> * The calendar year * Any fixed 12-month year, such as the fiscal year, or a year from the employee’s anniversary * the 12-month period measured forward from the start of an employee's first FMLA leave * a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave <p>29 CFR §825.200(b)</p>	<p>SDI places no limit on the period of time in which benefits may be collected.</p> <p>Eligible employee may receive a total amount of disability benefits of no more than 52 times his or her “weekly benefit amount” during a single “disability benefit period” §2653</p> <p>“Disability benefit period” is the continuous period of unemployment and disability that commences upon the first day with respect to which the individual files a valid claim §2608</p> <p>* Two consecutive periods of disability due to the same or related cause or condition and separated by 14 days or fewer are considered the same disability benefit period §2608</p>	<p>Eligible employee may receive up to 6 weeks of family temporary disability benefits within a 12-month period §3301(a), (d)</p> <p>* The 12-month period is defined as the 365 consecutive days that begin with the first day the individual establishes a valid claim for family temporary disability benefits §3302(k)</p> <p>Eligible employee may receive a total amount of benefits of no more than 6 times his/her “weekly benefit amount” during a single “disability benefit period” §3301(c)</p> <p>“Disability benefit period” is the period of unemployment (need not be continuous) beginning with the first day an individual establishes a valid claim for family temporary disability benefits. §3302.1</p>

DURATION OF BENEFITS AND OTHER LIMITATIONS (CONTINUED)

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance Program	California Family Temporary Disability Insurance										
<p>Under the CFRA, any case in which both parents entitled to CFRA leave are employed by the same employer, the employer aggregate number of workweeks to which both may be entitled may be limited to 12 workweeks in a 12-month period if such leave is taken:</p> <p style="padding-left: 40px;">* in connection with the birth, adoption, or foster care of a child</p> <p>Under the FMLA, in any case in which a husband and wife entitled to FMLA leave are employed by the same employer the aggregate number of workweeks to which both may be entitled may be limited to 12 workweeks in a 12-month period if such leave is taken:</p> <p style="padding-left: 40px;">* because of the birth, adoption or placement through foster care of a child ; <i>or</i></p> <p style="padding-left: 40px;">* to care for a parent with a serious health condition</p> <p>Cal Gov Code §12945.2(q) 29 U.S.C. §2612(f)</p> <p><i>CFRA does not limit the aggregate leave of a husband and wife working for the same employer if leave is taken in order to care for a parent with a serious health condition.</i></p>	<p>In no case may benefits exceed the total wages actually paid to the individual during his or her “disability base period” §2653</p> <p>The “Disability Base Period” is defined such that:</p> <table border="1" data-bbox="772 613 1325 868"> <thead> <tr> <th>Claim for period beginning</th> <th>Disability Base Period is the 12 months ending on</th> </tr> </thead> <tbody> <tr> <td>Jan, Feb, March</td> <td>Preceding Sept 30</td> </tr> <tr> <td>Apr, May, June</td> <td>Preceding Dec 31</td> </tr> <tr> <td>Jul, Aug, Sept</td> <td>Preceding Mar 31</td> </tr> <tr> <td>Oct, Nov, Dec</td> <td>Preceding June 30</td> </tr> </tbody> </table> <p>§2610</p>	Claim for period beginning	Disability Base Period is the 12 months ending on	Jan, Feb, March	Preceding Sept 30	Apr, May, June	Preceding Dec 31	Jul, Aug, Sept	Preceding Mar 31	Oct, Nov, Dec	Preceding June 30	<p>In no case may benefits exceed the total wages actually paid to the individual during his or her “disability base period” §3301(c)</p> <p>“Disability Base Period” is defined as for SDI §2610</p> <p>As a condition of an employee’s initial receipt of FTDI benefits in any 12-month period an employer may require that an employee use up to two weeks of accrued and unused vacation leave before initial receipt of benefits</p> <p style="padding-left: 40px;">* If employer so requires, up to one week of the vacation leave shall be applied to the waiting period required under §3303(b) §3303.1(c)</p>
Claim for period beginning	Disability Base Period is the 12 months ending on											
Jan, Feb, March	Preceding Sept 30											
Apr, May, June	Preceding Dec 31											
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Oct, Nov, Dec	Preceding June 30											

DURATION OF BENEFITS AND OTHER LIMITATIONS (CONTINUED)

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance Program	California Family Temporary Disability Insurance
		<p>LIMITATION ON FAMILY TEMPORARY DISABILITY BENEFITS</p> <p>Individual is not eligible for family temporary disability benefits for any day on which another family member is ready, willing and able and available for the same period of time in a day that the individual is providing the required care. §3303.1(a)(4)</p> <p>As used in this provisions, “family member” means a child, parent, spouse or domestic partner as defined in the statute §3302(f)</p>

INTERMITTENT / REDUCED SCHEDULE LEAVE

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance Program	California Family Temporary Disability Insurance
<p>Under the CFRA, personal medical leave and leave to care for a family member with a serious health condition, with the exception of leave taken on account of pregnancy under §12945, may be taken in one or more periods. Cal Gov Code §12945.2(p)</p> <p>Under the FMLA, personal medical leave and leave to care for a family member with a serious health condition may be taken intermittently or on a reduced schedule basis when medically necessary. 29 U.S.C. §2612(b)</p> <p>FMLA leave taken to bond with a new child may be taken intermittently or on a reduced schedule basis only when the employee and employer agree to such a schedule. 29 U.S.C. §2612(b)</p>	<p>Intermittent leave is not explicitly permitted or prohibited by the statute. However, the statute can be read to permit intermittent or reduced-schedule leave based on the provision stating that two consecutive periods of disability may be combined into one “disability benefit period” if they are:</p> <ul style="list-style-type: none"> * caused by the same or related cause or condition, <i>and</i> * separated by 14 days or fewer <p>§ 2608</p>	<p>Intermittent leave is not explicitly permitted or prohibited by the statute. However, the statute can be read to permit intermittent or reduced schedule leave based on several provisions:</p> <ul style="list-style-type: none"> * Periods of family care leave within a 12-month period for the same care recipient shall be considered one “disability benefit period” §3302.1(b) * Periods of disability for pregnancy and periods of family care leave for bonding associated with the birth of that child shall be considered one “disability benefit period” §3302.1(c) * The statute requires a waiting period of 7-days, not 7 consecutive days as is required for SDI benefits under §2627 §3303(b) <p>In addition, regulations on FTDI issued by the Employee Development Department illustrate that the waiting period may be fulfilled by 7 non-consecutive days 22 CCR §3303(b)-1 (a)(1), Ex. 2</p>

INTERMITTENT / REDUCED SCHEDULE LEAVE (CONTINUED)

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance Program	California Family Temporary Disability Insurance
<p>Under the CFRA, leave may be taken in one or more periods. Implementation of that provision is governed by the FMLA regulations Cal Gov Code §12945.2(p) 2 CCR 7297.10</p> <p>Under the FMLA, in situations where intermittent or reduced schedule leave is foreseeable an employer may require employee to temporarily transfer to an available alternative position for which employee is qualified and that:</p> <ul style="list-style-type: none"> * has equivalent pay and benefits * better accommodates recurring periods of leave <p>29 U.S.C. §2612(b)(2)</p> <p>There is no maximum or minimum limit on the size of an increment of leave when an employee takes intermittent or reduced schedule leave, however an employer may limit increments to the shortest increment used by the employer’s payroll system to track absences, provided it is one hour or less 29 CFR §825.203 (d)</p>		<p>However, because benefits are payable only for a full day in which an individual is unable to perform his or her regular or customary work, it appears that the minimum increment of family temporary disability leave for which an employee may receive FTDI benefits is one full day of work. §3303</p>

Notice Procedures

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance Program	California Family Temporary Disability Insurance
<p>NOTICE PROVIDED BY EMPLOYER TO EMPLOYEE</p> <p>Employer must post a written notice explaining the Act’s provisions and providing information on procedures for filing complaints of violations 2 CCR §7297.9(a) 29 U.S.C. §2619(a) 29 C.F.R. §825.300</p> <p>Under the FMLA, employer must provide written guidance in its employee handbook (or separately if no handbook exists) regarding an employee’s rights and obligations. * Employer also must provide written, individualized notice to an employee of his or her specific rights and responsibilities under the law when the employee requests leave 29 C.F.R. §825.301</p> <p>Under the CFRA, The employer shall respond to the leave request as soon as practicable and in any event no later than ten calendar days after receiving the request. The employer shall attempt to respond to the leave request before the date the leave is due to begin 2 CCR §7297.4(a)(6)</p>	<p>NOTICE PROVIDED BY EMPLOYER TO EMPLOYEE</p> <p>The Employment Development Department shall develop a program of education on disability insurance rights and benefits and shall provide to each employer of covered employees a notice informing employees of their disability rights and benefits due to sickness, injury or pregnancy, or the employee’s need to provide care for any sick or injured family member, or the employee’s need to bond with a minor child within the first year after the child’s birth or placement through adoption or foster care §2613(a), (c)</p> <p>Every employer shall give notice to every new employee hired on or after 1/1/04 and to each employee leaving work on or after 7/1/04 due to pregnancy, non-occupational sickness or injury, to provide care for any sick or injured family member, or to bond with a minor child during the first year following birth, adoption, or placement through foster care §2613(c)</p> <p>Additionally, the Employment Development Department shall provide notice of the filing of a first claim for disability benefits for employee’s “disability benefit period” to the claimant’s last preceding employer §2707</p>	<p>The same notice provisions apply for both State Disability Insurance and Family Temporary Disability Insurance <i>See</i> §2613</p> <p>The Employment Development Department does not provide notice to an employer of the filing of a claim for family temporary disability benefits.</p>

NOTICE PROCEDURES (CONTINUED)

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance Program	California Family Temporary Disability Insurance
<p>Under the FMLA employer must advise an employee requesting leave whether s/he is eligible (e.g. – meets the 1250 hours and year requirement) as soon as practicable after eligibility is determined (i.e. – 2 business days absent extenuating circumstances) before leave begins. If employee does not give notice for leave more than 2 days before taking leave, employee is deemed eligible unless employer advises employee s/he is not eligible within 2 business days of receiving employee’s notice. 29 C.F.R. §825.110(d)</p> <p>Under the CFRA, it is the employer's responsibility to designate leave, paid or unpaid, as CFRA or CFRA/FMLA qualifying, based on information provided by the employee or the employee's spokesperson, and to give notice of the designation to the employee 2 CCR §7297.4(A)(1)(A)</p> <p>Under the FMLA, an employer must notify employee when paid leave is being designated as FMLA leave. This notice must be given within 2 business days absent extenuating circumstances 29 C.F.R. §825.208</p>		

NOTICE PROCEDURES (CONTINUED)

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance Program	California Family Temporary Disability Insurance
<p>NOTICE PROVIDED BY EMPLOYEE TO EMPLOYER</p> <p>When the need for leave is foreseeable based on expected birth adoption, or foster placement, or planned medical treatment:</p> <ul style="list-style-type: none"> * an employee must provide his/her employer with at least 30 days advance notice * if 30 days is not practicable for reasons such as a change in circumstances, a medical emergency, or uncertainty regarding approaching when that leave will be required to begin an employee must give notice as soon as practicable * Employee must provide at least verbal notice sufficient to make employer aware of need for FMLA-qualifying leave and anticipated timing and duration of leave * Employee need not expressly assert rights under the FMLA or even mention the FMLA <p>2 CCR §7297.4(a) 29 CFR §825.302(a)</p>	<p>NOTICE PROVIDED BY EMPLOYEE TO EMPLOYER</p> <p>The materials developed by the Employment Development Department shall instruct employees to provide notification of the need for leave in a manner consistent with company policy §2613(c)</p>	

NOTICE PROCEDURES (CONTINUED)

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance Program	California Family Temporary Disability Insurance
<p>Under the FMLA, when the appropriate timing of the need for leave is not foreseeable an employee should give notice to the employer of the need for FMLA leave as soon as practicable under the facts and circumstances of the particular case.</p> <ul style="list-style-type: none"> * an employee will give notice to the employer within no more than one or two working days of learning of the need for leave, except in extraordinary circumstances where such notice is not feasible * employee should provide notice to the employer either in person or by telephone, fax machine, or other electronic means * notice may be given by the employee's spokesperson (i.e. – spouse, adult family member or other responsible party) if the employee is unable to do so personally * employee need not expressly assert rights under the FMLA or even mention the FMLA, but may only state that leave is needed <p>29 CFR §825.303</p> <p>The CFRA contains no explicit regulations concerning notice requirements when the need for leave is unforeseeable. However, CFRA incorporates by reference the FMLA regulations 2 CCR §7297.10</p>		

CERTIFICATION PROCEDURES

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance Program	California Family Temporary Disability Insurance
<p>CERTIFICATION FOR PERSONAL MEDICAL LEAVE</p> <p>Employer may require that an employee provide medical certification for leave taken for the employee’s own serious health condition</p> <p>Such certification will be sufficient if it includes the following :</p> <ul style="list-style-type: none"> * date on which serious health condition commenced * probable duration of condition <i>and</i> * a statement that due to the serious health condition an employee is unable to perform the functions of his or her position <p>Under the FMLA, the appropriate medical facts, within the knowledge of the health care provider, regarding the condition Cal Gov Code §12945.2(k)(1) 29 U.S.C. §2613</p>	<p>CERTIFICATION FOR PERSONAL MEDICAL LEAVE</p> <p>An eligible employee must provide medical certification by a treating physician or practitioner to establish a valid claim for disability benefits. Claimant shall establish medical eligibility for each uninterrupted period of disability, except that where employee is eligible to receive disability benefits reduced by temporary worker’s compensation for any day, no medical certification is required for that day. §2627(c), 2708(a)(1), 2708.1(a)</p> <p>The medical certification must establish the employee’s pregnancy, sickness or illness §2708(a)(1)</p> <p>The medical certification for disability benefits must include:</p> <ul style="list-style-type: none"> * a diagnosis and diagnostic code or, where no diagnosis has been obtained, a detailed statement of symptoms and secondary diagnosis * a statement of medical facts, within the physician’s/practitioner’s knowledge, indicating the physician’s or practitioner’s conclusion as to the claimant’s disability * a statement of the physician’s or practitioner’s opinion as to the expected duration of condition §2708(a) 	

CERTIFICATION PROCEDURES (CONTINUED)

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance Program	California Family Temporary Disability Insurance
<p>MEDICAL CERTIFICATION FOR FAMILY CARE LEAVE</p> <p>Under the CFRA and the FMLA, employer may require medical certification for leave taken to care for a family member with a serious health condition</p> <p>Such certification will be sufficient if it includes the following:</p> <ul style="list-style-type: none"> * date on which serious health condition commenced * probable duration of condition * estimate of amount of time the healthcare provider believes the employee needs to care for the individual receiving care * a statement that the employee's participation in providing care is necessary [FMLA] * <i>a statement that the serious health condition warrants the participation of a family member to provide care during a period of treatment or supervision of individual receiving care [CFRA]</i> <p>29 U.S.C. §2613(b) Cal Gov §12945.2(j)(1)</p>	<p>For subsequent periods of uninterrupted disability after the period covered by the initial certificate or any preceding continued claim, a claimant shall file a continued claim for those benefits supported by the certificate of a treating physician or practitioner. §2708(a)(1)</p>	<p>MEDICAL CERTIFICATION FOR FAMILY CARE LEAVE</p> <p>An eligible individual may receive family temporary disability benefits if s/he has filed a medical certification as required by §§2708-09 §3303(c)</p> <p>For leave to care for a family member with a serious health condition the employee must support a first claim with a medical certification by a treating physician or practitioner that establishes the medical eligibility of, and shall be within the physician's/practitioner's knowledge and based on a physical examination and documented medical history of, the serious health condition of the family member that warrants the care of the employee §2708(b)</p>

CERTIFICATION PROCEDURES (CONTINUED)

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance Program	California Family Temporary Disability Insurance
		<p>The Employment Development Department shall develop the certificate and it shall contain all of the following:</p> <ul style="list-style-type: none"> * a diagnosis and diagnostic code or, where no diagnosis has yet been obtained, a detailed statement of symptoms * date on which serious health condition commenced, if known * the probable duration of condition * estimate of amount of time that the physician or practitioner believes the employee is needed to care for child, parent, spouse, or domestic partner * a statement that the condition warrants the participation of the employee to provide care, <ul style="list-style-type: none"> * “Warrants the participation of the employee” includes, but is not limited to providing psychological comfort, arranging 3rd party care, or directly providing or participating in primary care <p>§2708(b)</p> <p>The Employment Development Department shall develop a separate and distinct certification form for an employee taking leave to bond with a minor child within the first year of the child’s birth or placement in connection with adoption or foster care</p> <p>§2708(c)</p>

COMPUTATION OF BENEFITS

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance Program	California Family Temporary Disability Insurance
Not applicable	<p>An individual’s “Weekly Benefit Amount” shall be the amount appearing in column B in the table set forth in 2655 of the statute (see page 45 of this chart) on the line of which in column A of the table there appears the wage bracket containing the amount of wages paid to the individual for employment by employers during the highest earning quarter of his or her “disability base period,” as defined by §2610 §2655(a)</p> <p>For periods of disability beginning on or after 1/1/00, if wages paid to an employee during the highest-earning quarter of his or her disability period exceed \$1749.20 then the weekly benefit amount is equal to * 55% of wages paid during the highest-earning quarter of his or her “disability base period” divided by 13 §2655(d)</p> <p>Benefits may not exceed the maximum workers’ compensation temporary disability indemnity weekly benefit amount §2655(d)</p>	Same method of computation as for State Disability Insurance

Administrative Deadlines

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance Program	California Family Temporary Disability Insurance
	<p>The department shall issue the initial payment for unemployment compensation disability benefits to a monetarily eligible claimant who is otherwise determined eligible by the department under applicable law and regulation within 14 days of receipt of his or her properly completed first disability claim</p> <p>§2701.5</p>	<p>An individual shall file a claim for family temporary disability insurance benefits not later than the 41st consecutive day following the first compensable day with respect to which the claim is made for benefits, which time shall be extended by the department upon a showing of good cause. If a first claim is not complete, the claim form shall be returned to the claimant for completion and it shall be completed and returned not later than the 10th consecutive day after the date it was mailed by the department to the claimant, except that such time shall be extended by the department upon a showing of good cause</p> <p>§3301(e)</p>

Interaction with Unemployment Compensation and other Disability Benefit Laws

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance Program	California Family Temporary Disability Insurance
Not applicable	<p>An individual is not eligible for disability benefits with respect to any period for which s/he has received, or is entitled to receive, unemployment compensation benefits §2628</p> <p>An individual is not eligible for disability benefits for any day for which s/he has received, or is entitled to receive, “other benefits” in the form of cash payments.</p> <p>“Other benefits” are defines as: * Temporary disability indemnity under workers’ compensation law * Temporary disability payments under any employer’s liability law * Permanent disability benefits for the same illness or injury under a worker’s compensation law. §2629(a), (b)</p> <p>If these “other benefits” are less than what the individual would otherwise receive in disability benefits for that day, then that individual shall be entitled to receive the disability benefits reduced by the amount of “other benefits” §2629(c)</p>	<p>An individual is not eligible for FTDI benefits for any day for which s/he has received, or is entitled to receive, unemployment compensation benefits</p> <p>An individual is not eligible for FTDI benefits for any day for which s/he has received, or is entitled to receive, “other benefits” in the form of cash payments, defined as for SDI</p> <p>An individual is not eligible for FTDI benefits for any day for which s/he has received, or is entitled to receive, state disability insurance benefits. §3303.1(a)(1), (2) & (3)</p>

Concurrent Leave

California Family Rights Act / Family and Medical Leave Act	California State Disability Insurance Program	California Family Temporary Disability Insurance
<p>The 12-month period during which CFRA leave may be taken runs concurrently with the 12-month period in which FMLA leave may be taken and shall commence the date that FMLA leave commences Cal Gov Code §12945.2(p)</p> <p>Leave taken under the CFRA shall run concurrently with leave taken under the FMLA except for any leave taken under the FMLA for disability on account of pregnancy, childbirth, or related medical conditions. Cal Gov Code §12945.2(s)</p>	<p>No requirement</p>	<p>An individual who is entitled to leave under the CFRA & the FMLA must take family temporary disability leave concurrent with leave taken under the CFRA and the FMLA. §3303.1(b)</p>