Sources of Legally-Protected Leave

- Family and Medical Leave Act (FMLA)
- California Family Rights Act (CFRA)
- Pregnancy Disability Leave (PDL)
FMLA/CFRA Employee Eligibility

- Employee has worked for LLNS for at least 12 months
  - 12 months need not be consecutive
- Employee has worked at least 1,250 hours in preceding 12 months
  - 12 consecutive months preceding the start of the leave (not the date of the leave request)
- Employee works at a site where there are at least 50 employees within a 75-mile radius
Overview of FMLA/ CFRA Benefits

- Up to 12 weeks of **unpaid** leave for employee’s/relative’s serious health condition
- For non-pregnancy-related leaves, FMLA and CFRA are generally concurrent
- However, CFRA does NOT apply for time off due to disability related to childbirth, pregnancy, or “related medical conditions”
- Instead, CFRA provides time for “baby bonding” after the birth of the child—so eligible employees get both FMLA and CFRA
- Employer must continue employer contributions for health coverage
Pregnancy Disability Leave Requirements

- Available on first day of employment – no service requirements
- Employees are entitled to up to 4 months of unpaid leave for period of actual disability
- Pro-rata leave for part-time employees
- Requires employer to continue employer contributions for health benefits
Pregnancy Disability Leave

- Reflects the California view that normal pregnancies are not serious health conditions, unless complications result
- Provides additional leave for employees disabled by pregnancy, childbirth or related medical conditions (e.g., infertility)
- Leave entitlement is for each pregnancy
- Temporary transfers available if medically advisable or reasonable
Pregnant Employees in California

FMLA – the first 12 weeks (if qualified)

1st, PDL – Up to 4 months of leave unless employee is no longer “disabled” due to pregnancy/childbirth

Then, CFRA – Up to 12 weeks (if qualified) of unpaid leave for “baby bonding” after birth

CFRA leave commences at the conclusion of PDL leave
Putting It All Together: Pregnant Employees in California

- FMLA
- PDL
- CFRA Baby Bonding
Relevant LLNS Guidance

- PPM Section G – Benefits (https://pppm-int.llnl.gov/)
  - VIII.4 Pregnancy Disability Leave
  - VIII.3 Family and Medical Leave
  - VIII.2 Personal Leave without Pay

- SHRM Benefits Homepage
  https://benefits.llnl.gov
  - Leave Management
    - Leave of Absence
      - Managing Leaves of Absence
  - LLNS Disability Benefits Checklist
  - LLNS Leave of Absence Benefits Checklist
Coordination of Payments

- Finance/payroll coordinates payments to employee taking into account:
  - Waiting periods
  - Third party payments
  - Employee leave banks*

* Based on leave election selection by employee
Wage Replacement

- Provided by the State:
  - CA State Disability Insurance (SDI)
  - State “Paid Family Leave” (PFL)
    - Wage replacement insurance
    - Funded by payroll tax contributions
    - Administered by the Employment Development Department (EDD)
    - Not a source of additional protected leave
Wage Replacement

Provided by LLNS

- Paid Sick Leave
- Paid Vacation Leave
- Supplemental Disability
California State Disability

The State Disability Insurance (SDI) program provides temporary benefit payments to workers for non work-related disabilities.

- SDI is a mandatory tax from employees’ wages
- 7 day waiting period before benefits are paid
- Benefits paid up to 12 months
- Pays 55% to weekly maximum (based on earnings)
  - 2016 maximum is $1,129
  - Pregnancy benefit paid up to 4 weeks pre delivery date and 6 or 8 weeks post delivery

Operations & Business – SHRM
Paid Family Leave (PFL)

Program provides temporary benefit payments to workers for “baby bonding” after birth

- Benefits paid up to 6 weeks
- Pays 55% to weekly maximum (based on earnings)
  - 2016 maximum is $1,129
- Can be taken up to one year from date of birth
- May be taken consecutively, intermittently or while working part-time
Supplemental Disability

- **Short Term (First 12 months)**
  - Coordinates with State Disability
  - Pays up to 70% of monthly salary (maximum $15,000/per month)
  - Must select a waiting period of 7, 30, 90, or 180 days
  - Pregnancy benefit paid up to 2 weeks pre delivery date and 6 or 8 weeks post delivery

- **Long Term (beyond 12 months)**
  - Pays up to 50% of monthly salary (maximum $15,000/per month)
  - May be offset by money from other sources up to 70% of monthly salary (e.g., Social Security and LLNS Disability Income)
For More Information

LLNL BENEFITS OFFICE
x 2-9955
Building 543, Room 1216
http://www.benefits-int.llnl.gov
QUESTIONS?