

# Pregnancy Disability and Bonding Leave

Belisa Miller, Jennifer Keilman & Candice Martinez  
Leave Management Specialists

Lawrence Livermore National Laboratory

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# Agenda

- Family and Medical Leave Act (FMLA)/California Family Rights Act (CFRA) Eligibility
- FMLA/CFRA - Pregnant Employees in California
- Putting It All Together
- Wage Replacement
- California State Disability
- LLNS Supplemental Disability (employee paid)
- State Paid Family Leave
- LLNS Parental Leave
- Roles and Responsibilities
- LLNS Guidelines



# FMLA/CFRA

- Family and Medical Leave Act - Federal Law
- California Family Rights Act - California Law
- The Family and Medical Leave Act and the California Family Rights Act ("FMLA/CFRA") provide eligible employees the opportunity to take unpaid, job-protected leave for certain specified reasons



# FMLA/CFRA Eligibility

- Employee has worked for LLNS for at least 12 months
- 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)
  - 1,250 hours does not include sick leave or vacation
- 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 in a calendar year for employee's/relative's serious health condition
- For non-pregnancy-related leaves, FMLA and CFRA are generally concurrent
- CFRA provides time for “baby bonding” after the birth of a child, placement/adoption
- Employer must continue employer contributions for health coverage



# FMLA/CFRA Qualifying Leave Reasons

- Employee's own "serious health condition"
- Care for an immediate family member with a "serious health condition"
- Birth, adoption or foster care placement of a child, and to bond with the child



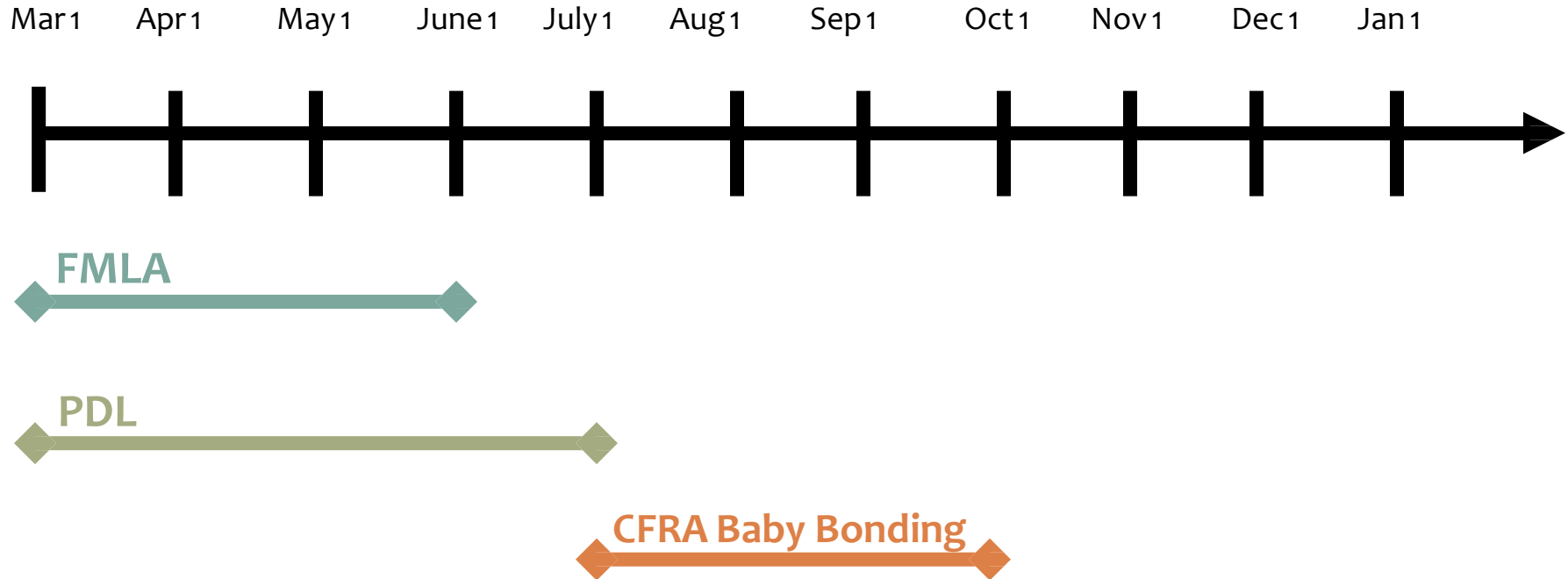
# FMLA/CFRA - Pregnant Employees in California

- First – FMLA and PDL run concurrently
  - FMLA – the first 12 weeks (if qualified)
  - Pregnancy Disability Leave (PDL)
    - Up to 4 months of leave unless employee is no longer “disabled” due to pregnancy/childbirth
- Next
  - CFRA - commences at conclusion of PDL
    - Up to 12 weeks (if qualified) of unpaid leave for “baby bonding” after birth



# Putting It All Together

## Pregnant Employees in California





# Wage Replacement

- Provided by the State
  - CA State Disability Insurance (SDI)
  - CA State Paid Family Leave (PFL)
    - Funded by payroll tax contributions
    - Administered by the Employment Development Department (EDD)
  
- Available through LLNS
  - Employee Sick Leave
  - Family Sick Leave
  - Vacation Leave
  - Supplemental Disability, (Employee Paid Disability)
  - Paid Parental Leave
  - Sick Leave Advance
  - Vacation Leave Advance
  - Catastrophic Leave Donation Program



# California State Disability

- The State Disability Insurance (SDI) program provides temporary benefit payments to workers for non-work related disabilities including Pregnancy Disability
  - 7 day waiting period before benefits are paid
  - Pays approximately 60% to weekly maximum (based on earnings)
    - Maximum is \$1620 per week in 2023
  - Disability Benefit paid up to 12 months
  - Pregnancy disability claims can be filed up to 4 weeks before due date and continue 6 or 8 weeks post delivery
  - May be taken consecutively, intermittently or while working part-time
  - Benefit is non-taxable

# LLNS Supplemental Disability

- Work related and non-work-related illness or injury
- Pregnancy Disability
- Coordinates with State Disability
- Benefits are non-taxable
- May be taken consecutively, intermittently or while working part-time
- Does not include care for a family member or for bonding



# LLNS Supplemental Disability (cont.)

- Short-term (first 12 months)
  - 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 claim can be open up to 2 weeks before due date and continue for up to 6 or 8 weeks post delivery
  
- Long-term (beyond 12 months)
  - Pays up to 50% of monthly salary (maximum \$15,000/per month)



# State Paid Family Leave

- Program provides temporary benefit payments to workers for care of a family member and “baby bonding” after birth/placement or adoption
  - Benefits paid up to 8 weeks in a 12-month period,
  - Pays approximately 60% to 70% to weekly maximum (based on earnings)
    - 2023 maximum is \$1620 per week
    - No waiting period for PFL
  - May be taken consecutively, intermittently or while working part-time
  - Subject to federal taxes but not state taxes

# LLNS Parental Leave Policy

- Sick Leave and vacation for baby bonding
- New mothers
  - may take up to eighty (80) hours of accrued employee sick leave or vacation to bond with their child
- Other Parent or Adoptive Parent
  - may use up to eighty-eight (88) hours of accrued employee sick leave or vacation to bond with their child
    - 8 hours for the attendance of the birth
    - Only if the child is born during a work week
    - 80 hours as of the date of birth
  - Paid Parental Leave-PPL (Lab supplements state paid family leave to 80% of salary), for baby bonding if eligible for EDD
    - Can be supplemented with vacation leave to reach 100% of salary
    - Intermittent Paid Family Leave not eligible for PPL



# Roles & Responsibilities - Supervisor

- Supervisor
  - Before leave
    - Knowledge of employee's need to take leave due to illness, injury, care for a family member, or baby bonding
    - Advise the employee to contact the Benefits Department for leave and FMLA counseling
    - Stay in contact with the employee while they are on leave to check their status
  - After Leave
    - Assure the employee visits Health Services before returning to work area unless they are returning from bonding leave or care of a family member
    - Work with Health Services and the return-to-work coordinator to assess any needed work restrictions or accommodations



# Roles & Responsibilities - Employee

- Employee
  - Before Leave
    - Contact supervisor before leave if planned, or as soon as possible if unplanned injury or illness
    - Contact the Benefits Department for leave counseling and FMLA/CFRA
    - Read and understand the information provided regarding the leave
    - Stay in contact with supervisor and the Benefits Department while on leave
    - Return completed FMLA/CFRA paperwork
    - If leave is extended, provide the Benefits Department with doctor notes that indicate the extended return to work date





# Roles & Responsibilities – Employee (cont.)

- Employee
  - After Leave
    - Inform supervisor and the Benefits Department of the expected return to work date
    - Schedule return to work appointment with Health Services
    - Discuss any work restrictions and/or accommodations needed
    - Contact the Benefits Department on the return date so a return-to-work PAS can be processed
    - Provide the Benefits Department with a copy of the doctor's note releasing you to return to work
    - Contact Payroll the following day to request that the timecard for the week be generated



# Roles & Responsibilities – Leave Coordinator

- Leave Coordinator
  - Before Leave
    - Meet with the employee to discuss options
    - Discuss FMLA/CFRA and PDL protections and provide required forms
    - Finalize employee's leave options
      - Use of sick leave, family sick leave, vacation or leave without pay
      - CASDI
      - Employee Paid Disability
      - Paid Family Leave
      - Supplementing
    - Provide instruction on how to apply for wage replacement benefits
    - Process Leave PAS
    - Notify Payroll of employee's leave plan



# Roles & Responsibilities – Leave Coordinator

- Leave Coordinator
  - After Leave
    - When contacted by employee that they have returned to work
      - Confirm the employee went to Health Services
      - Obtain copy of doctor's note releasing the employee to work
      - Process a Return-to-Work PAS
      - Advise employee to contact Payroll the next day to generate timecard



# LLNS Guidelines

- HR Policies and Resources
  - [https://human-resources.llnl.gov/policies/Section 300 - Time Away From Work](https://human-resources.llnl.gov/policies/Section%20300-%20Time%20Away%20From%20Work)
- Benefits Homepage (<https://www.llnl.gov/join-our-team/benefits>)
  - Leave Management
- Your Guide to Time Away From Work, (Benefits website)
  - [Time Away From Work Guide 2023 FV4 \(1\).pdf](#)
  - [Maternity and Paid Parental Leave Guide 2023 FV4.pdf](#)
- L-Train
  - PS7028-W - Employee Extended Leave of Absence
  - PS7027-W - Leave of Absences: Guidelines for Managers



# For More Information

**LLNL Benefits Department**

**(925) 422-9955**

**Building 551W, Room 1200**

**Benefits email: [llnl-benefits @llnl.gov](mailto:llnl-benefits@llnl.gov)**

**Leave of absence email: [loa@llnl.gov](mailto:loa@llnl.gov)**



# QUESTIONS?



