Workers who participate in the State Disability Insurance (SDI) Program are entitled to a maximum of six weeks of partial pay each year while taking time off from work to bond with a newborn baby, newly adopted or foster child, or to care for a seriously ill parent, child, spouse or registered domestic partner.

1. Who is eligible for Paid Family Leave benefits?
   Full and part-time employees who pay into the SDI program can receive Paid Family Leave (PFL) benefits, regardless of the size of their employer.

2. Does an employee have to work a minimum number of hours or days before becoming eligible for Paid Family Leave benefits?
   No. Eligibility for PFL benefits is determined by your earnings in the base period, not on the number of days or months worked. Wages earned approximately 5 to 17 months prior to the beginning of your PFL insurance claim are included in your base period.

3. Is an employee eligible if he or she is not a U.S. citizen?
   You are eligible to receive PFL benefits if you pay into the SDI program. You do not have to be a U.S. citizen.

4. Is there a waiting period for Paid Family Leave benefits?
   Both SDI and PFL require a seven-day, non-payable waiting period.

5. If I am caring for the same person within the same 12-month period, but there is a break in my care, is another seven-day waiting period required?
   No.

6. Is the seven-day waiting period for Paid Family Leave seven consecutive days?
   No. The required seven-day waiting period does not need to be taken seven days in a row. For example, if one day of care were provided per week, the seven-day waiting period would be satisfied over a seven-week period. Benefits are payable once the seven days have been satisfied and all other eligibility criteria are met.

7. Do I need to take all of my Paid Family Leave at one time?
   No. The law does not establish a minimum number of hours, days or weeks that an employee must take leave in order to receive PFL benefits. It only establishes the maximum benefit time of six weeks within a 12-month period.

8. Am I required by law to use my vacation leave before receiving Paid Family Leave benefits?
   An employer may require an employee to take two weeks of earned, but unused vacation leave. Vacation leave may include paid time off. One week of the vacation leave will be used to satisfy the seven-day waiting period. However, employers are not relieved of any collective bargaining duties they may have with respect to vacation leave.

9. If I have not accumulated two weeks of vacation leave, can my employer require that I use my earned, but unused sick leave?
   No. The PFL law does not authorize employers to require the use of sick leave in lieu of vacation.

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www.paidfamilyleave.org
Asian Law Caucus ✦ California Women’s Law Center ✦ Equal Rights Advocates
Labor Project for Working Families ✦ The Legal Aid Society-Employment Law Center
10. How are Paid Family Leave benefits affected when an employee receives paid sick leave and Paid Family Leave benefits at the same time?
Consistent with the SDI program, paid sick leave is treated as wages. PFL benefits may be reduced by the amount of paid sick leave taken since the employee may not receive more than 100 percent of his or her full wages when PFL benefits and paid sick leave are combined. However, if an employer integrates the paid sick leave (in other words, pays sick leave in an amount which is the difference between the PFL benefit and the full wage), the paid sick leave taken by the employee will not affect the PFL benefit.

11. How is my weekly benefit amount for Paid Family Leave determined?
Your weekly benefit amount is based on the calendar quarter with the highest earnings in your base period. The base period covers 12 months and is divided into four consecutive quarters of three months each. The wages you were paid approximately 5 to 17 months before your claim begins are included in the base period. You must have at least $300 in wages in the base period, and they must be subject to the SDI tax. Your base period does not include wages paid at the time your claim begins.

If you received SDI pregnancy disability benefits and then file a claim for PFL benefits to bond with your new child, your weekly benefit amount will be the same as your SDI weekly benefit amount. This is true even if your bonding claim does not immediately follow your SDI pregnancy claim.

12. Will my Paid Family Leave benefits equal my full pay? If not, how much will I receive?
Your weekly benefit amount will be approximately 55 percent of your earnings up to the maximum weekly benefit amount. The maximum benefit will increase automatically each year, commensurate with increases in the state’s average weekly wage.

For PFL insurance claims beginning January 1, 2005 through December 31, 2005, weekly benefits will range from $50 to $840. To qualify for the minimum benefits of $50 per week, an individual must have earned at least $75 in the calendar quarter. To qualify for the maximum benefit amount of $840 per week, an individual must earn at least $19,830.92 in a calendar quarter during the base period.

13. How long can I receive Paid Family Leave benefits?
You may collect up to six weeks of PFL benefits during a 12-month period.

14. May a person collect other benefits while collecting Paid Family Leave benefits?
A worker may not receive PFL benefits if he or she is also eligible for or already receiving State Disability Insurance, Unemployment Insurance, or Workers’ Compensation benefits.

Questions?
Asian Law Caucus 415-896-1701
California Women’s Law Center 213-637-9900
Equal Rights Advocates 800-839-4372
The Legal Aid Society–Employment Law Center 800-880-8047
Outside California 415-593-0033

This fact sheet is intended to provide accurate, general information about Paid Family Leave. Because laws and legal procedures are subject to frequent change and differing interpretations, the Paid Family Leave Collaborative cannot ensure that the information in this fact sheet is current, nor be responsible for any use to which it is put. People who have legal questions should consult an attorney or the appropriate administrative agency. Do not rely on this information without consulting an attorney or the appropriate agency about your rights.

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