

PAID FAMILY LEAVE (PFL)

In 2002, legislation (Senate Bill 1661) extended disability compensation to individuals who take time off work to care for a seriously ill child, spouse, parent, domestic partner, or to bond with a new minor child.

This program, known as Paid Family Leave (PFL), is being administered by the State Employment Development Department's (EDD) Disability Insurance Branch.

Employee contributions (withholdings) for PFL began **January 1, 2004**; and EDD began processing PFL claims on July 1, 2004.

Coverage and Benefits

PFL is a component of the State Disability Insurance (SDI) program and, thus, those workers covered by SDI are also covered for this benefit. Similarly, workers who are covered by a Voluntary Plan for SDI are required to be covered for PFL through their Voluntary Plan.

Weekly benefits range from \$50 to \$840 for claims beginning on or after January 1, 2005. The maximum claim benefit is six times the weekly benefit amount. No more than six weeks of PFL benefits may be paid within any 12-month period.

State Government Employees

State government employees may be eligible for PFL if they are covered by State Disability Insurance through a negotiated agreement between the State of California and a recognized employee organization.

Eligibility Requirements

- An employee may file a claim for PFL benefits for the following reasons:
 - To care for a seriously ill child, spouse, parent, or domestic partner;
 - To bond with a new child; or
 - To bond with a minor child in connection with the adoption or foster care placement of that child.

- A medical certificate is required when a PFL claim is filed to provide care for a seriously ill family member. The certificate must include a diagnosis and International Classification of Diseases code; the commencing date of the disability; the probable duration; the estimated time care is needed; and state that the serious health condition warrants the participation of the employee to provide care. This includes "providing psychological comfort" and arranging "third party care." An estimate of the amount of time necessary to provide care is also required.
- For bonding, PFL is limited to the first year after the birth, adoption, or foster care placement of a child. A separate certification must be completed for leave associated with the birth, adoption, or foster care placement of a child.
- There is a seven-day waiting period before benefits are paid. In addition, the employer may require the employee to use up to two weeks vacation leave prior to receiving benefits. The first week of vacation will be applied to the waiting period.
- Individuals cannot receive PFL benefits while receiving SDI, Unemployment Insurance, or Workers' Compensation benefits.
- An individual is not eligible for PFL benefits for any day that another family member is able and available for the same period of time that the individual is providing the required care.
- An individual who is entitled to leave under the federal Family Medical Leave Act and the California Family Rights Act must take Paid Family Leave concurrent with leave taken under those acts. (For information on the California Family Rights Act, see the State Department of Fair Employment and Housing's Web site at www.dfeh.ca.gov.)

Claim Form and Informational Brochure

The Claim for Paid Family Leave Benefits, DE 2501F, and the Paid Family Leave informational brochure, DE 2511, may be obtained by calling 1-877-BE-THERE or via the Internet at www.edd.ca.gov. Employers must provide the DE 2511 to any employee leaving work to provide care for a sick or injured family member or to bond with a new child.

Funding

The Paid Family Leave program is funded through worker contributions. To cover the initial cost of benefits, the SDI contribution rate increased by .08 percent in 2004 and will do so again in 2005. Thereafter, the SDI rate calculation will be based on funding needs for both benefit programs. The SDI taxable wage limit for 2005 is \$79,418. Any earnings over this amount are not subject to PFL or SDI withholdings.

Taxability

Paid Family Leave benefits are subject to federal income taxes and will be reported to the Internal Revenue Service. Each person receiving PFL benefits will receive a 1099G form to include with his/her federal income tax return. PFL benefits are NOT subject to California income taxes.

For More Information

For additional information on the program, please visit our Internet site at www.edd.ca.gov or contact EDD at:

- English 1-877-BE-THERE
- Spanish 1-877-379-3819
- TTY (non-voice) 1-800-563-2441