



Department of Human Resources

Medical Leave Program

City and County of San Francisco

Equal Employment Opportunity Division



Babies, Bonding, and Benefits - Brown Bag Sessions
*Answering Employee Questions About Leaves,
Wage Replacement Options, and City Policies*

Welcome!

What will we cover today?

- **How is my job protected while I am on...**
 - Pregnancy leave
 - Child-bonding leave
- **How do I get paid while I am on...**
 - Pregnancy leave
 - Child-bonding leave
- **What happens when I return to work?**
 - Lactation Policy
 - Civil Service Rules
 - Family-Friendly Workplace Ordinance
- **And Other Who, How, and What ifs....**

- Job Protected Leave
- Wage Replacement Benefit

These are separate entitlements

What is a “*Protected Leave*?”

Job “protected leave” is an unpaid leave of absence. If you qualify, your job is “protected” and you have a right to return to your job or an equivalent job.

PROTECTED LEAVE IS AN ENTITLEMENT!!!

Is my job protected if I cannot work during my pregnancy?



YES!

*Pregnancy Disability Leave
(PDL)*

Pregnancy Disability Leave (PDL)

What Is It?

- Up to **17-1/3 weeks** of unpaid, job-protected leave per pregnancy if you are unable to perform your job without undue risk to yourself, others, or the pregnancy.
 - For example preeclampsia, hypertension, and bed rest
 - Also covers prenatal doctor appointments, fertility treatments, and morning sickness
 - Also covers childbirth and related medical conditions, such as post-partum depression
- Continuous or as-needed leave, or as a reduced work schedule (for example: 15 hours per week).
- Requires you provide advanced notice to your supervisor if possible.

Pregnancy Disability Leave (PDL)

Who Is Eligible?

- Employees unable to work due to pregnancy-related conditions

YOU ARE ELIGIBLE FOR PDL ON YOUR FIRST DAY OF WORK!

Helpful Tip

Your doctor or midwife will usually certify you for:

- 4 weeks of PDL before delivery; and
- 6 to 8 weeks of PDL after childbirth.

Is my job protected if I take time off to bond with my child?



*California Family Rights Act
(CFRA)*

California Family Rights Act (CFRA)

What Is It?

- **12 workweeks** of unpaid, job-protected leave for child-bonding.
 - Applies to childbirth, adoption and foster care placement.
 - Must be taken within the first 12 months of child's arrival.
- Continuous or as-needed leave, or as a reduced work schedule.
- If you take leave intermittently, then your department may require that you take child-bonding leave for at least two-weeks at a time, except for two occasions when you can take leave for shorter periods.

California Family Rights Act (CFRA)

Who Is Eligible?

- Employees who have:
 - worked for the City for at least 12 months (need not be continuous); **AND**
 - worked at least 1,250 hours during the last 12 months.
 - Eligibility for FMLA is the same.

Need More Time?

If you already used all of your CFRA leave in the past 12 months, or you want to take more than 12 weeks to bond with your new child, you may be able to take **Family Care Leave**.

- Not a job protected leave, it is an unpaid leave offered by the City.
- At the discretion of the appointing officer.
- Eligibility = Worked for the City for at least 1 year and PCS or PEX.



**KEEP
CALM
AND
ASK
QUESTIONS**

What is a “*Wage Replacement Benefit?*”

A “wage replacement benefit” is a benefit that replaces part or all of the wages you lose while on an unpaid leave.

These benefits are available to City employees: Paid Parental Leave (PPL) California’s State Disability Insurance (SDI) Program, and third party disability insurance like Colonial Life and Aflac.

***Employees who do not pay for SDI are not eligible for SDI or PFL**

Accrued Leave Pay

- Sick Pay
- Vacation Pay
- Floating Holidays
- Compensatory Time Off

Other Ways to Get Paid

	State Disability Insurance (SDI)	Paid Parental Leave (PPL Pay)	Paid Family Leave (PFL Pay)
Eligibility Criteria:	Pay into SDI fund	6 months of service & work minimum of 20 hours per week	Pay into SDI fund
Payable If:	Disabled by pregnancy or child-birth	Disabled by pregnancy or on child-bonding leave	On child-bonding leave
Duration of Pay:	Up to 52 weeks, after 1-week waiting period	12 weeks non-birth parent 16 weeks birth parent	6 weeks, no waiting period

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Quick and Easy

- **If you have worked for the City for at least one year, and you give birth, you will at least be entitled to:**
 - 4 weeks of job protected leave **before** childbirth;
 - 18 weeks of job protected leave **after** childbirth; and
 - 16 weeks of full base salary either before **or** after childbirth.
- **You may be entitled to:**
 - Additional job protected leave
 - Additional pay

Quick and Easy

- **If you have worked for the City for less than one year, or already used your 12 weeks of CFRA leave in the past 12 months:**
 - You will still be entitled to job protected leave during pregnancy and for 6 to 8 weeks after childbirth or for as long as disabled by childbirth.
 - You can use sick pay, or any other accrued leave pay and collect **SDI** and **PFL** pay, if eligible. You may also be eligible for **PPL** pay.
- **If you have worked for the City for at least one year, and you are a non-birth parent or guardian, you will be entitled to:**
 - 12 weeks of job protected leave to bond with your new child; and
 - 12 weeks of full base salary during that leave.

***Employees who do not pay for SDI are not eligible for SDI or PFL**

How can I get paid if I take leave while pregnant?



Wage Replacement Options while on PDL

- **Accrued Leave Pay:** During **PDL**, you **must** use your sick pay.* You **may** use your vacation pay, floating holidays, and comp time.
- If eligible, you may receive:
- **State Disability Insurance Benefits (SDI pay).**
- **Paid Parental Leave (PPL pay).**

*Exception for SFPD Peace Officers: If your **PDL** runs concurrently with FMLA, you may use CTO in lieu of SP if requested 72 hours in advance of leave.

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State Disability Insurance (SDI pay)

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State Disability Insurance (SDI pay)

What Is It?

California provides you with 55% of your weekly wages if you are **disabled by pregnancy and/or childbirth**.

- If you qualify for **PDL**, you will qualify for **SDI**.

Who Is Eligible?

- Employees who pay into **SDI** fund – most City employees.
 - *Check your paystub.*

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How can I get paid if I take child bonding leave?



Accrued Leave Pay

- You can use your accrued Sick Pay, Vacation Pay, Floating Holidays, and Compensatory Time Off to receive pay while bonding with a new child.
- *If you do not have any accruals or do not have enough to cover your bonding leave.....*

Paid Parental Leave (PPL Pay)

Paid Parental Leave (PPL Pay)

What Is It?

A wage replacement benefit, that ensures :

- you will receive your full base salary for 12 workweeks while bonding with a new child;
- or 16 workweeks if you are a birth parent. You can receive **PPL** pay either during your pregnancy disability leave (PDL) and/or during your child bonding leave (CFRA).
- **GENERAL RULE: THE CITY WILL NOT PAY YOU MORE THAN 12 or 16 WEEKS WHILE ON PDL OR CFRA BONDING LEAVE.**

Understanding PPL Pay

Paco is approved for 12 weeks of CFRA leave and 3 weeks of Family Care Leave to bond with his new child. He wants to use his 3 weeks of vacation pay **and** get 12 weeks of PPL pay, so he is paid for all 15 weeks of his leave. Can he?

NO

Remember, PPL pay only *supplements* your accrued leave pay to provide you with 12 or 16 weeks of paid leave.

Understanding PPL Pay

Nicole used up her 8 weeks of sick pay and vacation pay before she gave birth, when she was on PDL.

With no accrued pay left, how many weeks of PPL pay can Nicole receive after she gives birth?

8 WEEKS

Understanding PPL Pay

Morgan has worked for the City for a long time, and she saved 17 weeks of accrued leave pay.

Morgan takes 2 weeks off during pregnancy and 16 weeks off after giving birth. How much PPL pay will she receive?

NONE.

PPL never comes into play.....

Paid Parental Leave (PPL Pay)

- You can keep 40 hours of sick pay.
- PPL pay can be supplemented with **3rd party insurance, SDI or PFL pay, but remember** that you will not receive more than 100% of your base pay.
- **PPL** pay must be repaid if you voluntarily separate during your leave or within six months of returning to work.

Who Is Eligible?

All permanent, provisional, and exempt employees who:

- work at least 20 hours per week and completed 6 mos. of continuous service; **AND**
- “as needed” employees who have worked 1,040 hours in the 12 months prior to the leave and average at least a 20 hour workweek.

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Paid Family Leave (PFL Pay)

What Is It?

California provides 60% or 70% of weekly wages for up to 6 weeks for employees following the birth, adoption, or foster care placement of a child.

- As of January 1, 2018 the benefit increased to 70% if annual wages <\$108,000, 60% if annual wages >\$108,000.
- No one-week waiting period effective January 1, 2018.

Who Is Eligible?

Employees who pay into **SDI** fund.

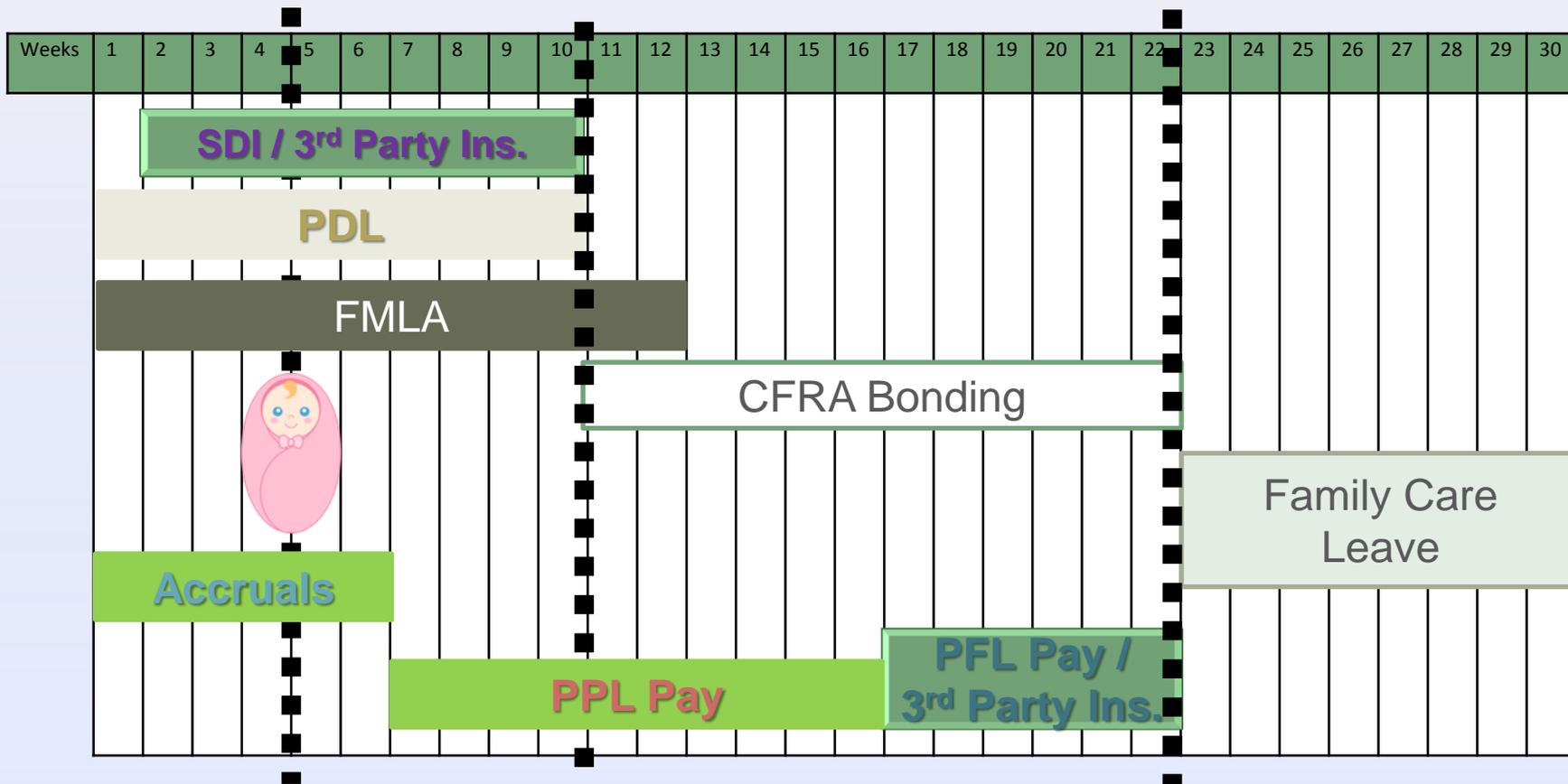
Additional Information

- Can be received continuously or as needed, but must use within 12 months of the child's arrival.

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“Normal” Pregnancy Leaves and Wage Replacements

Birth at 4 weeks



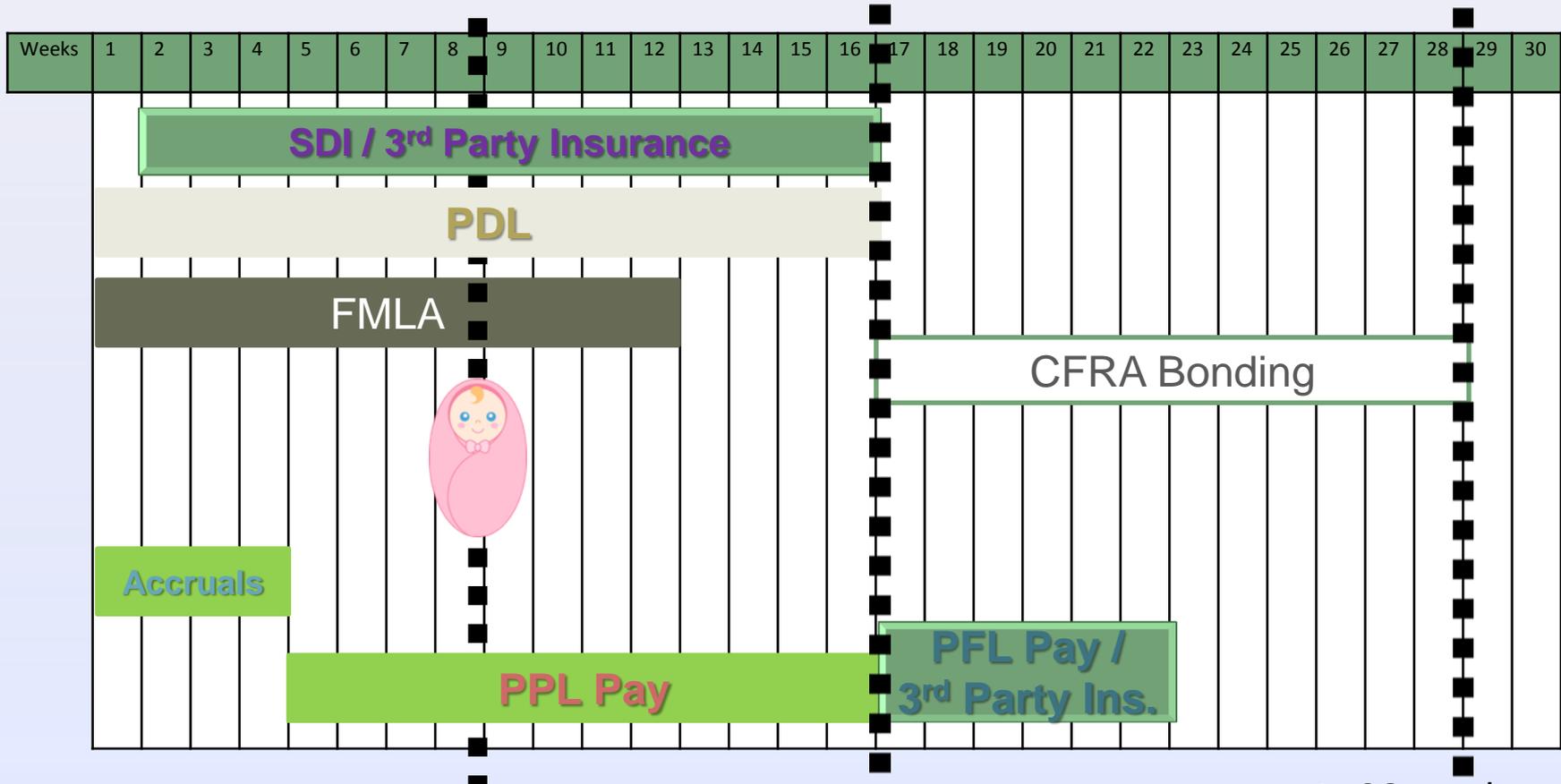
At 6 weeks post-delivery
EE is no longer disabled

At 18 weeks post-delivery
EE exhausted job protection

***Employees who do not pay for SDI are not eligible for SDI or PFL**

Difficult Pregnancy Leaves and Wage Replacements

Birth at 9 weeks



EE on bedrest for 8 weeks pre-delivery

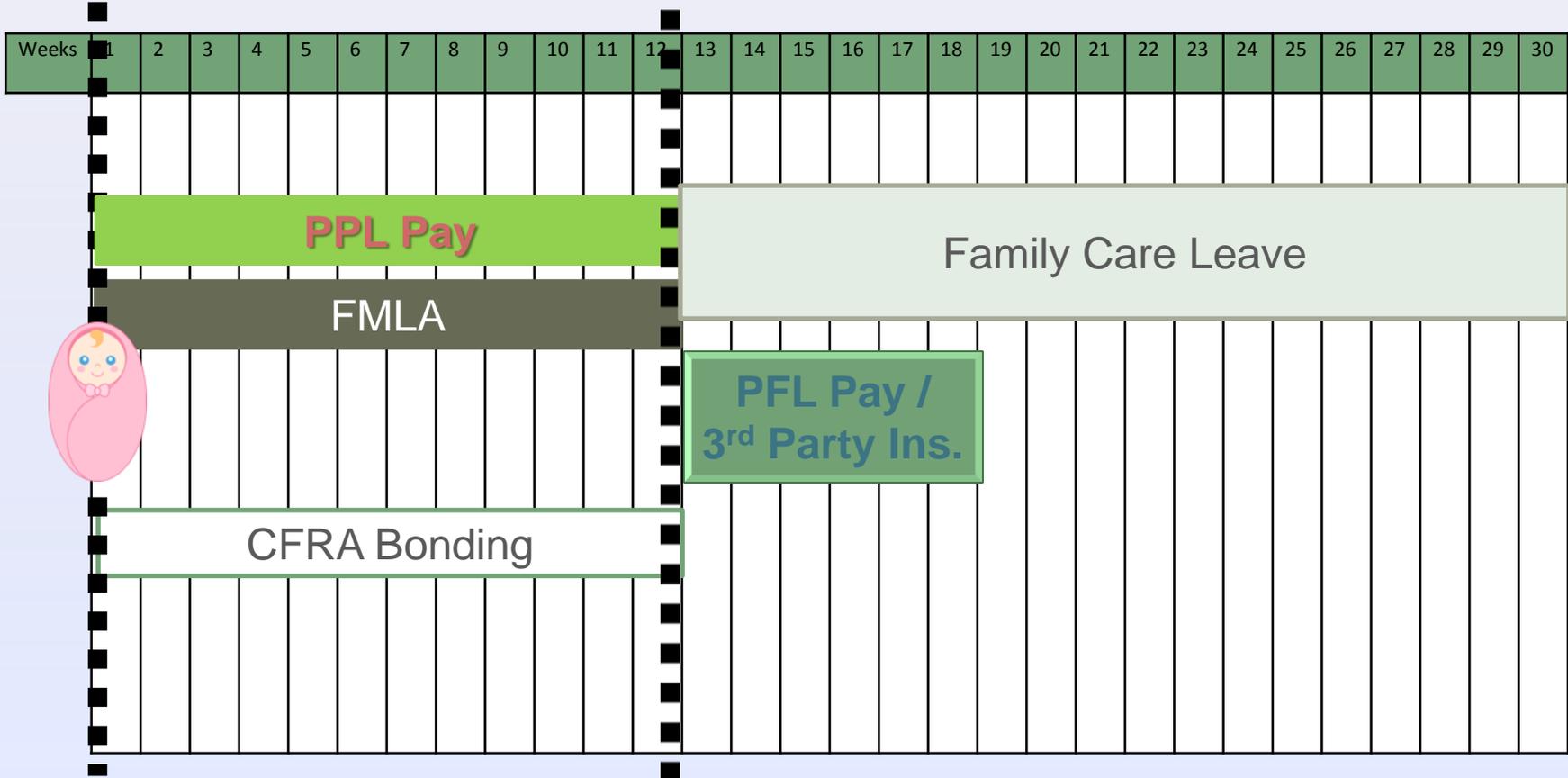
At 16 weeks EE is no longer disabled

At 28 weeks EE is out of job protections

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Non-Birth Parent Leaves and Wage Replacements at Play

Baby is
born



At 12 weeks EE is out
of job protections

***Employees who do not pay for SDI are not eligible for SDI or PFL**

What happens when I return to work?



Returning to Work

Lactation Policy

Civil Service Rules

- Allows you to use sick leave to care for a child, if you are a parent, legal guardian, or someone who provides care for a child (in loco parentis).

Family Friendly Workplace Ordinance

- Allows you to request a flexible or predictable working arrangement to assist with caregiving responsibilities.
 - Example: reduced scheduled, change work location

The Family-School Partnership Act

- Allows you to take up to 40 hours of unpaid leave each year to participate in child care/ school related activities or to address child care provider/ school emergencies.

Lactation Policy

- Departments must provide you with reasonable lactation breaks up to one year after your child's birth.
 - You are entitled to use regular paid breaks, meal periods and unpaid break time to express milk.
 - After the child's first year, Departments should continue to provide reasonable lactation breaks if feasible.
- Complete and return the "Request for Lactation Accommodation" form as soon as possible and no later than 10 business days before returning from child-bonding leave.
 - The form can be found on the DHR website under Resources > Forms and Documents.
- The Department Personnel Officer will discuss any impact on workload and/or work schedule with you and your manager.

Lactation Policy

- Departments must provide a space for lactation that is not a bathroom.
- Departments are encouraged, but not required to provide amenities, such as: a comfortable chair, a refrigerator, a sink.
- If more than one employee needs the space, Department must create a scheduling system to ensure all employees have access.
- If you work offsite or in the field: DHR's website lists designated lactation rooms in City buildings.

Health Services System (“HSS”) Info

Benefits

- You are responsible for paying your share of insurance premium costs to HSS during any period that you are not receiving pay from the City when on a leave of absence.
 - If you exhaust your **accrued leave pay** and **PPL** pay, and take unpaid child bonding leave, make sure to contact HSS.
- You may be eligible to receive a free breast-pump. Please ask your healthcare provider how to receive this benefit.
- Your insurance may cover additional teeth cleaning during pregnancy. Please consult with your dental care provider about this benefit.

Useful Links

DHR Website Main Website:

- <http://sfdhr.org/>

DHR Forms (Request for leave, PPL, FFWO, Lactation):

- <http://sfdhr.org/forms-and-documents>

SDI and PFL Information:

- http://www.edd.ca.gov/File_and_Manage_a_Claim.htm

HSS Pregnancy and Lactation Health Benefits

- http://myhss.org/well-being/downloads/2017_PregnancySupport_Flyer.pdf

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