

PREGNANCY LEAVES OF ABSENCE

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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

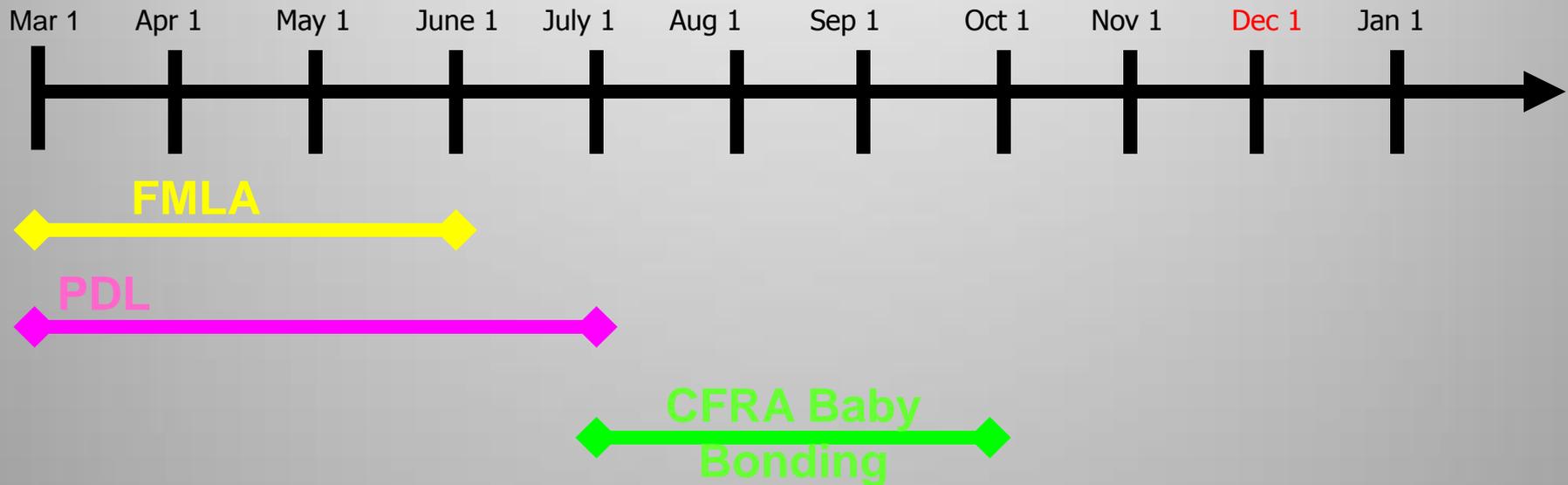
FMLA – the first 12 weeks (if qualified)

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



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

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)

Offered through



For More Information

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QUESTIONS?