<https://www.dfeh.ca.gov/resources/frequently-asked-questions/employment-faqs/pregnancy-disability-leave-faqs/pdl-cfra-fmla-guide/>

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PDL, CFRA, NPLA, and FMLA Requirements and Obligations

|  | **Pregnancy Disability Leave (PDL)** | **Bonding Leave (CFRA or NPLA)** | **Family & Medical Leave Act (FMLA)** |
| --- | --- | --- | --- |
| I am eligible if: | I have a pregnancy disability, and my employer has at least 5 employees.(*Cal. Code Regs., tit. 2, §§ 11035(h) & 11037).* | (For CFRA) I have worked for my employer for 1+ year, I have 1250 hours of service in the past year, and 50+ employees work within an 75 mile radius. (*Cal. Code Regs., tit. 2, § 11087(e)).* (For NPLA) I have worked for my employer for 1+ year, I have 1250 hours of service in the past year, and 20+ employees work within an 75 mile radius. (*SB 63).* | I have worked for my employer for 1+ year, I have 1250+ hours of service in the past year, and 50+ employees work within 75 mile radius. (*29 U.S.C.A. § 2611(2) & 29 C.F.R. § 825.110).* |
| How much leave do I get? | 4 months, based on hours worked per week (see chart above). (*Cal. Code Regs., tit. 2, § 11042).* | 12 weeks within one year of the child’s birth, adoption, or start of foster care. This leave will run after PDL and may run after FMLA. (*Cal. Code Regs., tit. 2, § 11087(h) & Gov. Code, § 12945.2(p) & (s)) and (SB 63).* | 12 weeks within one year of the child’s birth adoption, or start of foster care OR because of a serious pregnancy-related medical condition. This leave will run at the same time as PDL. (*29 U.S.C.A. § 2612; 29 C.F.R. § 825.701; Gov. Code, § 12945.2(p) & (s)).* |
| Should I notify my employer when I’m going to take leave? | Yes. Give your employer as much notice as possible. (*Cal. Code Regs., tit. 2, § 11050(a)-(b)*). | Yes. (*Cal. Code Regs., tit. 2, § 11091*). | Yes. Give your employer 30 days’ notice if possible. (*29 U.S.C.A. 2612(e)(1)*). |
| Am I required to take leave all at once? | No. You may take your leave all at once or intermittently. (*Cal. Code Regs., tit. 2, § 11042(a)*). | No. You may take bonding leave in separate 2-week blocks, so long as it is within 1 year of birth. (*Cal. Code Regs., tit. 2, § 11090*). | Maybe. You are entitled to intermittent leave if you or your child has a serious health condition related to the pregnancy. Otherwise, you need the approval of your employer to take intermittent leave. (*29 U.S.C.A. § 2612(b); 29 C.F.R. § 825.202(c)*). |
| Will I lose my job while on leave? | No. You will be reinstated to your same or comparable job notwithstanding layoffs, etc. (*Gov. Code, § 12945; Cal. Code Regs.. tit. 2, § 11043).* | No. You will be reinstated to your same or comparable job notwithstanding layoffs, etc. (*Cal. Code Regs., tit. 2, § 11089) and (SB 63).* | No. You will be reinstated to your same or comparable job notwithstanding layoffs, etc. (*29 U.S.C.A. § 2614(a); 29 C.F.R. §§ 825.214 & 825.216).* |
| Will I be paid on leave? | Maybe. If your employer pays employees on temporary disability, if you use vacation time/paid time off, or if you pay into SDI. (*Cal. Code Regs., tit. 2, § 11044(a)).* | Maybe. If you use paid vacation time, paid leave, or paid time off, you will be paid. Or if you use Paid Family Leave. Otherwise, bonding leave is unpaid. (*Cal. Code Regs., tit. 2, § 11092(b)) and (SB 63).* | Maybe. If you use accrued paid leave during FMLA leave, you will be paid. Otherwise, FMLA leave is unpaid. (*29 C.F.R. § 825.207).* |
| Am I required to use sick/vacation time? | You may be required to use sick time. You are not required to use vacation time or paid time off. (*Cal. Code Regs., tit. 2, § 11044(b)*). | You may elect to use, or your employer may require you to use: vacation time, sick leave, or paid time off. (*Cal. Code Regs., tit. 2, § 11092(b)*). | You may elect to use, or your employer may require you to use: vacation time, sick leave, or paid time off. (*29 C.F.R. § 825.207*). |
| Will my employer continue to pay for my health coverage? | Yes. Your employer must pay for the continuation of your group health benefits for all 4 months of PDL if your employer normally pays for those benefits. (*Cal. Code Regs., tit. 2, § 11044(c)).* | Yes. Your employer must pay for the continuation of your group health benefits if your employer normally pays for those benefits. (*Cal. Code Regs., tit. 2, § 11092(c)) and (SB 63).* | Yes. Your employer must pay for the continuation of your group health benefits if your employer normally pays for those benefits. (*29 U.S.C.A. § 2614(c); 29 C.F.R. § 825.209).* |
| Will I lose seniority or benefits? | No. You may accrue seniority or benefits if your employer allows accrual for other disability leave. (*Cal. Code Regs., tit. 2, § 11044(d)-(e)*). | No. You may accrue seniority or benefits if your employer allows accrual for other forms of leave. (*Cal. Code Regs., tit. 2, § 11092(e)*). | No. You may accrue seniority or benefits if your employer allows accrual for other forms of leave. (*29 U.S.C.A. § 2614(a)(2); 29 C.F.R. § 825.209(h)*). |
| Do I need to provide a medical certification? | Maybe. Your employer may require medical certification. (*Cal. Code Regs., tit. 2, § 11050(c)*). | Maybe. Your employer may require medical certification of a serious health condition. (*Cal. Code Regs., tit. 2, § 11091(b)*). | Maybe. Your employer may require medical certification of a serious health condition. (*29 U.S.C.A. § 2614(a)(4); 29 C.F.R. § 825.306*). |
| Is my partner/spouse entitled to leave? | No. PDL only applies to the parent who has a disability related to the pregnancy. (*Cal. Code Regs., tit. 2, § 11035).* | Yes. Both parents are entitled to bonding leave, but if you both work for the same employer, your employer may allow 12 weeks leave total for both parents. (*Cal. Code Regs., tit. 2, § 11087) and (SB 63).* | Yes. (*29 U.S.C.A. § 2611; 29 C.F.R. § 825.110).* |