



# start well

## My Job and My New Baby



A Public Entity

Inland Empire Health Plan

2021

Starting on **January 1, 2021**, Governor Newsom passed a bill to amend the following:

- **California Family Rights Act** - the state's job-protected family and medical law will now cover all employers with 5 or more employees (down from 50 employees).
- **Paid Family Leave** - include grandparents and grandchildren, siblings, parents-in-law, and adult children.

Now more Californians will be able to take leave to care for themselves or a family member with a serious health condition or to bond with a new child.

# Congratulations!

## Your Family Is Growing

If you work, you may be thinking about how to protect your job and find time to bond with your new baby.

This booklet outlines the rights of new parents who live in California. You have many choices for protecting your job and pay when you are pregnant and after having your baby. Talk to your employer and your Provider to make a plan for a leave from work.

### Start by getting the facts:

- ♥ Read “Protecting My Job” to find out how to apply for a leave from your job.
- ♥ Check the boxes next to the choices that apply to you.
- ♥ Go to ***www.legalaidatwork.org*** and click on the “Work & Family” picture to:
  - Learn about your rights, or
  - Find a letter template you can use to request a leave from your employer

Ask for leave directly from your employer. Make sure you give at least 30 days' notice.



# Protecting My Job



Certain types of leave protect your job before and after your new baby arrives.

Use checklists in this section to see if you might qualify:

## Before My Baby Arrives

### Pregnancy Disability Leave (PDL) Law

I may get **up to 4 months** of job-protected leave when I am unable to work because of my pregnancy or recovery from childbirth if I can check all the boxes below:

- My Doctor says I am disabled by my pregnancy or a related condition
- My employer is covered by the PDL law
- My employer has 5+ employees

Typical leave under PDL: **4 weeks** before birth and **6 – 8 weeks** after birth.



**Request from employer** ←

Note: Pregnancy Disability Leave that I do not use while I am unable to work because of my pregnancy or recovering from childbirth cannot be used later on to bond with my baby once I am well.

## After My Baby Arrives

### Pregnancy Disability Leave (PDL) Law

I may get **up to 4 months** total job-protected leave to bond with my baby and recover from childbirth if I can check all the boxes below. This applies to a newborn, a newly adopted child or a foster child in the first year.

- My Doctor says I am disabled by childbirth or a related condition.
- My employer has 5+ employees

Typical leave under PDL: **4 weeks** before birth and **6 – 8 weeks** after birth.

### Family Medical Leave Act (FMLA)

### California Family Rights Act (CFRA)

### New Parent Leave (NPL) Act

I may get **up to 12 weeks** total job-protected leave to bond with my baby after I have recovered from childbirth, if I can check all the boxes below. This applies to a newborn, a newly adopted child or a foster child in the first year.

- I worked for at least one year for my employer
- I worked for at least 1,250 hours in the last year for my employer
- My employer has at least 5 employees within 75 miles

You may qualify for disability or other payments, while you are not working, before or after your baby is born.

Use checklists in this section to see if you might qualify:

## I Am Employed or Worked Recently

### State Disability Insurance (SDI)

I may get SDI payments up to 60% or 70% of weekly wages if I can check all the boxes below:

- I cannot work or I must work less because of my pregnancy
- My doctor will certify that I cannot do my job because of my pregnancy
- I paid into SDI from my paycheck (check your paycheck for “CA SDI”)
- I earned wages within the last 4-17 months

Standard payments: I will generally qualify for SDI **4 weeks before birth** and **6-8 weeks after birth**. This can be longer with a Doctor’s note.

Apply at [www.EDD.ca.gov](http://www.EDD.ca.gov)

## I Am Employed or Worked Recently

### Paid Family Leave (PFL)

I may get PFL payments up to 70% of weekly wages for **up to 8 weeks**, if I can check all the boxes below:

- I am not working, because I am bonding with my new baby, or newly adopted or fostered child with proof.
- I paid into SDI from my paycheck (check your paycheck for “CA SDI”)
- I earned wages within the last 4-17 months

Standard payments: After the SDI payments are used up, I will receive up to 8 weeks of PFL automatically.

Apply at [www.EDD.ca.gov](http://www.EDD.ca.gov)

Continued...

Use checklists in this section to see if you might qualify:

## I am Self-Employed

### Disability Insurance Elective Coverage (DIEC) Program

I may get DIEC Program payments if I can check the first box and one of the last two boxes:

- I bought and paid into a DIEC program for at least one quarter in the past year
- I worked for one year and made \$4,600 or more **OR**
- I worked for less than a year and made an average of \$1,150 per quarter

If I am self-employed, I can choose to be a part of the Disability Insurance Elective Coverage Program. Contact the EDD to learn more.

Standard payments: After a one-week waiting period, the payments are for **up to 39 weeks**. This depends on my wages and only while I am disabled and when I am bonding with my baby.

↓  
Apply at [www.EDD.ca.gov](http://www.EDD.ca.gov)

## I Am Unemployed

### Unemployment Insurance Program

I may qualify for state Unemployment Insurance benefits if I can check all the boxes below:

- I lost my job through no fault of my own (examples: laid off, being fired, or quitting for good cause)
- I am still able to work
- I am actively looking for a job
- I meet the lowest income requirements

Please note: Work authorization status is required.

Standard payments: Up to \$450 per week for **up to 26 weeks**. This depends on my wages.

↓  
Apply at [www.EDD.ca.gov](http://www.EDD.ca.gov)

Your partner may be able to take leave and be paid while bonding with the child.

Use checklists in this section to see if they might qualify:

## Leave from Work

**Family Medical Leave Act (FMLA)**

**California Family Rights Act (CFRA)**

**New Parent Leave (NPL) Act**

I may get **12 weeks** job-protected leave to bond with my baby, if I can check all the boxes below. This applies to a newborn, a newly adopted child or a foster child in the first year.

- I worked for at least one year for my employer
- I worked for at least 1,250 hours in the last year for my employer
- My employer has at least 5 employees within 75 miles

↓  
**Request from employer**

## Pay While I'm on Leave

### **Paid Family Leave (PFL)**

I may get PFL payments up to 70% of weekly wages for **up to 8 weeks** if I can check all the boxes below:

- I am not working, because I am bonding with my new baby, or newly adopted or fostered child.
- I paid into SDI from my paycheck (check your paycheck for "CA SDI")
- I earned wages within the last 4-17 months

↓  
**Apply at [www.EDD.ca.gov](http://www.EDD.ca.gov)**

## Breastfeeding and Working

**Lactation Accommodations Law:** Once I return to work, I have the right to pump milk. My employer must give me the time that I need and a private place that is not a bathroom.

**Fair Employment and Housing Act:** If you need changes at work because of your pregnancy, talk to your Doctor and turn in a note to request them.

## NOW THAT I'M PREGNANT, THIS IS WHAT I NEED TO DO:

- ♥ Talk to my employer to request a job-protected leave
- ♥ Ask my Doctor to sign forms needed to request leave from my job and apply for SDI at [www.edd.ca.gov](http://www.edd.ca.gov)
- ♥ Review the checklists in this booklet
- ♥ Gather facts at [www.legalaidatwork.org/wf](http://www.legalaidatwork.org/wf)



### §a UNEMPLOYMENT INSURANCE PROGRAM:

If unemployed, I may get payments up to 26 weeks.

### §a DIEC PAYMENTS:

If self-employed, I may get payments up to 39 weeks.

I'm Pregnant!

START

4 Weeks Before Birth



My Baby Arrives!

14 Weeks After Birth

6 Weeks After Birth

18 Weeks After Birth

BACK TO WORK

FMLA/CFRA/NPL

PFL

PDL  
SDI

**§a FMLA/CFRA/NPL:**  
If I qualify, I may take 12 weeks of job-protected leave to bond with my new baby after I have recovered from birth.

**§a PFL:**  
I may apply for Paid Family Leave after my SDI payments end.\* PFL payments can last up to 8 weeks to bond with my baby, up to age 1.

**§a PDL:**  
I may start job-protected unpaid leave 4 weeks before my baby's birth with a Doctor's note. It will generally last until 6-8 weeks after delivery.

**§a SDI:**  
I may get SDI payments for 4 weeks before my baby's birth and up to 6 - 8 weeks after.

\*The State automatically sends an application to apply for PFL.

# Notes

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

The information contained herein is provided for educational and informational purposes only and should not be construed as legal advice. The information is not guaranteed to be correct, complete or current. IEHP makes no warranty, expressed or implied, about the accuracy or reliability of the information at this website or at any other website to which it is linked.

Recipients of content from this pamphlet should not act or refrain from acting on the basis of any information included in the site without seeking appropriate legal advice on the particular facts and circumstances at issue from an attorney licensed in the recipient's state. IEHP expressly disclaims all liability with respect to actions taken or not taken by the recipient based on any or all of the information or other contents of this site.

Nothing herein is intended to create an attorney-client relationship and shall not be construed as legal advice. IEHP does not endorse, and is not responsible for, any third-party content that may be accessed through this Web site.

---

IEHP complies with applicable Federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability, or sex. ATTENTION: If you speak a language other than English, language assistance services, free of charge, are available to you. Call 1-800-440-4347 (TTY: 1-800-718-4347). IEHP cumple con las leyes federales de derechos civiles aplicables y no discrimina por motivos de raza, color, nacionalidad, edad, discapacidad o sexo. ATENCIÓN: si habla español, tiene a su disposición servicios gratuitos de asistencia lingüística. Llame al 1-800-440-4347 (TTY: 1-800-718-4347). IEHP 遵守適用的聯邦民權法律規定，不因種族、膚色、民族血統、年齡、殘障或性別而歧視任何人。 注意：如果您使用繁體中文，您可以免費獲得語言援助服務。請致電 1-800-440-4347 (TTY: 1-800-718-4347)。





A Public Entity

Inland Empire Health Plan

1-800-440-IEHP (4347)

1-800-718-4347 TTY

[www.iehp.org](http://www.iehp.org)

©2021 Inland Empire Health Plan. All Rights Reserved.

HE-20-1203749