

Larkin

Golden State, Gnarly Leave Laws: California Explained



Presenter



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Larkin is recognized by SHRM to offer Professional Development Credits (PDCs) for SHRM-CP or SHRM-SCP recertification activities. This program has been approved for 1.0 recertification credit by the HR Certification Institute.

Agenda

- Leave Basics
- FMLA Key Differences
- Income Replacement
- Case Studies
- Benchmarking Best Practices
- Q&A

01

Leave Basics





Poll Question

How many CA employees does your business have?

- A. Less than 5 employees
- B. 5 - 50 employees
- C. Over 50 employees

Answer in the chat

Leave Laws

Leave Law	Interaction with Other Laws (if employee is eligible)	Employer Eligibility	Employee Eligibility
Family and Medical Leave Act (FMLA)	Runs concurrently with applicable state leave and pay laws	50 or more employees (US) in a 75-mile radius	12 months of employment with current employer, 1,250 hours worked in the 12 months preceding the leave.
California Family Rights Act (CFRA)	<p>Leave Laws - CFRA runs concurrently with FMLA.</p> <p>Pay Laws - CFRA runs concurrently with CA PFL for family leave reasons. CFRA runs concurrently with CA SDI for medical reasons.</p>	5 employees (US)	Same as FMLA.
Pregnancy Disability Leave (PDL)	<p>Leave Laws - PDL runs concurrently with FMLA.</p> <p>Pay Laws - PDL runs concurrently with CA SDI.</p>	Same as CFRA	No requirements.

Leave Laws (Cont.)

Leave Law	Job Protection & Group Health Continuation	Leave Types/Durations (12 month period, unless otherwise stated)	Pay Benefit	Family Members (family care leave)
Family and Medical Leave Act (FMLA)	Yes	<p>12 weeks Medical (incl. pregnancy disability), family care, parental bonding (incl. foster/adoption), and military exigency leave</p> <p>26 weeks Military caregiver leave</p>	N/A	<p>Spouse, child (incl. step-child, adoptive, and foster child), parent (incl. step-parent, adoptive, and foster parent), in loco parentis.</p> <p>Military Caregiver: All of the above, additionally, next of kin</p>
California Family Rights Act (CFRA)	Yes	<p>12 weeks Medical, family care, parental, and military exigency leave. <i>Pregnancy disability is excluded.</i></p>	N/A	<p>Spouse, child, parent, parent-in-law, person in loco parentis, grandparent, grandchild, sibling, domestic partner, any individual related by blood or whose association with the employee is the equivalent of a family relationship</p>
Pregnancy Disability Leave (PDL)	Yes	<p>4 months (17.33 weeks) Pregnancy disability leave per pregnancy</p>	N/A	N/A



Knowledge Check

CFRA for Pregnancy Disability

NEED

A birthing parent is experiencing a complicated pregnancy requiring 23 weeks of disability leave. Can she use CFRA after PDL exhausts?

PROCESS

What does the employer's policy say?

RESULT

2 CCR § 11093(c)(1)

“Where an employee has utilized four months of pregnancy disability leave prior to the birth of the employee's child, and the employee's health care provider determines that a continuation of the leave is medically necessary, an employer may, but is not required to, allow an eligible employee to utilize CFRA leave prior to the birth of the employee's child.”

PDL Certification Requirements

For a **leave of absence**:

- A statement that the employee needs to take pregnancy disability leave because she is disabled by pregnancy, childbirth or a related medical condition;
- The date on which the employee became disabled because of pregnancy and the estimated duration

Employers **can't** ask the employee to provide additional information if it satisfies these requirements.

Employers **can** ask for recertification if additional time is requested and the time period originally estimated has expired.

If 30 days' advance notice for leave is given, employee shall provide back the certification before the leave begins.

If not possible, then at least 15 calendar days after the employer's request.

Medical release can be required only if:

- The employer has advised when the leave began, *and*
- Employer has a uniform policy that is applied to all employees returning after disability

CFRA Certification Requirements

For **medical leave**:

- The date, if known, on which the serious health condition commenced & the probable duration
- A statement that, due to the serious health condition, the employee is unable to work at all or is unable to perform any one or more of the essential functions of their position.

For **family care leave**:

- The date, if known, on which the serious health condition commenced & the probable duration
- An estimate of the amount of time the employee needs to care for the family member, and
- A statement that the serious health condition warrants the participation of the employee to provide care during a period of treatment or supervision of the family member

Employers **can't** ask the employee provide additional information (e.g. symptoms, diagnosis, etc.) **and can't** contact the doctor for any reason other than to authenticate the certification.

Employers can require the employee to provide certification within 15 calendar days of the employer's request, unless not practicable despite employee's good faith efforts.

Medical release can be required only if:

- Employer has a uniform policy that is applied to all employees returning after disability, *and*
- There is no collective bargaining agreement forbidding it

Knowledge Check

Eligibility for Remote Employees

NEED

A Nevada-based employee wants to take family care leave for her father-in-law. The employer is based in CA, but she has not performed any work in CA.

PROCESS

FMLA would not apply as a father-in-law is not a covered family member. CFRA would not apply either, as the employee has never physically worked in CA.

RESULT

The employee was offered a family care leave through the employer's company policy.



02

FMLA Key Differences



Key Differences

FMLA

CFRA

Employer Eligibility

50 or more employees in a 75-mile radius

5 or more employees, no worksite location requirement

Family Members

Child, spouse, and parent

Child (any age), spouse, registered domestic partner, child of a domestic partner, parent, parent-in-law, sibling, grandparent, grandchild, designated person

PTO Usage

Employees can be required to use vacation, sick, or PTO during unpaid leave. Employer consent required to supplement paid leave

Employees can be required to use vacation or PTO during unpaid family leave, but not sick pay. Employees can be required to use sick pay, vacation, or PTO during unpaid disability leave. Employer consent required to supplement paid leave (SDI or PFL)

Key Differences

FMLA

Incapacity

Continuous absence of more than three consecutive calendar days with continuing treatment

Continuing Treatment

In-person treatment within the first 7 days of first date of incapacity (can include telemedicine on certain occasions)

Recertification

Can require recertification every 6 months, even if original is not expired.

30+ days: Wait until the minimum duration expires

-30 days: Employee requests extension, circumstances have changed, employer receives info casting doubt on validity of certification

CFRA

Inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires

Treatment 2 or more times within 30 days, or at least 1 time if it results in a regimen of continuing treatment

Can require recertification only when original is expired, and not a permanent condition.

Key Differences

FMLA

Authentication and Clarification

Employers can seek **authentication and/or clarification** of certification after employee has opportunity to cure the certification

2nd and 3rd Opinions

Can require 2nd and 3rd opinion for employee/**family member** if have reason to doubt validity of certification

Combined leave for spouses of the same employer

Employees can be required to share total of 12 weeks of leave

Intermittent parental leave

Employer consent required

CFRA

Employers may not contact a health care provider for any reason **other than to authenticate** a medical certification

Can require 2nd and 3rd opinion for **employee if have “good faith, objective reason” to doubt validity** of certification

Employees are individually entitled to the full duration of leave

No employer consent required. Permitted in 2-week minimum increments, with the exception of 2 occasions of less than 2 weeks

Other CA Leave Laws to Know

- California Fair Employment and Housing Act
- Healthy Workplaces, Healthy Families Act
- Kin Care Leave
- Bereavement Leave
- Reproductive Loss Leave
- School Activities Leave
- School Disciplinary Proceedings Leave
- Organ or Bone Marrow Donation Leave
- Voting Leave
- Election Official Leave
- Jury Duty and Subpoena Leave
- Victims of Crime Leave
- Domestic Violence, Sexual Assault, and Stalking Leave
- Military Leave
- Family Military Leave
- Civil Air Patrol Leave
- Volunteer Emergency Responder Leave
- State of Emergency Leave

03

Income Replacement



Pay Laws

Pay Law	Interaction with Other Laws (if employee is eligible)	Law Type	Employer Eligibility	Employee Eligibility
State Disability Insurance (SDI)	<p>Leave Laws - SDI runs concurrently with PDL, CFRA, and federal FMLA.</p> <p>Pay Laws - N/A</p>	Pay only	1 employee (CA)	Must have earned \$300 during the base period with any CA employer(s) (approximately 5-18 months prior to disability).
State Paid Family Leave (PFL)	<p>Leave Laws - CA PFL runs concurrently with CFRA and federal FMLA.</p> <p>Pay Laws - CA PFL runs concurrently with SF PPLO (parental claims).</p>			
San Francisco Paid Parental Leave Ordinance (SF PPLO)	<p>Leave Laws - SF PPLO runs concurrently with CFRA and federal FMLA.</p> <p>Pay Laws - SF PPLO runs concurrently with CA PFL (parental claims).</p>	Pay only (Employer Paid)	20 employees (Global)	<p>SF employees (working 40% of their weekly hours in the City) & 180 days of employment with current employer.</p> <p>Employee must perform at least 8 hours of work/week in the city and be eligible for CA PFL benefits for bonding with a new child.</p>

Pay Laws

Pay Law	Pay Durations (per 12 month period)	Pay Benefit	Waiting Period	Family Members (family care leave)
State Disability Insurance (SDI)	52x the weekly benefit amount Medical and pregnancy disability reasons		1 week	N/A
State Paid Family Leave (PFL)	8x the weekly benefit amount Family care, parental, and military exigency reasons	70-90% of earnings (defined by the state) up to maximum benefit amount of \$1,765 per week (in 2026)	N/A	Spouse, child (incl. whom the employee stands in loco parentis), parent, parent-in-law, grandparent, grandchild, sibling, domestic partner Effective 07/01/28: Any individual related by blood or whose association with the employee is the equivalent of a family relationship
San Francisco Paid Parental Leave Ordinance (SF PPLO)	8 weeks Parental reasons	100% of pay, up to \$2,522 per week (in 2026). Reduced by CA PFL	N/A	N/A

Knowledge Check

Parental Leave & San Francisco Employees

NEED

An SF based employee is going on a parental leave. Their employer provides 12 weeks of leave of absence pay. Is the employer in compliance with SF PPLO?

PROCESS

SF PPLO eligible employees are entitled to up to 8 weeks of supplemental compensation for parental leave. The employer provides 12 weeks, providing the employee with 100% pay for the duration.

RESULT

If an employer's LOAP program provides at least 8 weeks or more, then the employer would be considered compliant with SF PPLO.



What About a VP?



Improved filing experience



Reduced employee cost, increased benefits, or both



Potential employer savings



No cost to the employer



SDI rate remains high at 1.3% with no taxable wage ceiling in place



Larkin white glove service

Common Employer Questions

01

When should I complete the 2503 form? Do I have to?

By law, employers must respond within 2 working days.

- For disability claims (DE 2503); online or via mail.
- For paid family (DE 2503F); via mail only.

03

My employee is travelling out of country, how does this change their claim?

Certification will need to be completed via paper forms. The EDD will verify the HCP's medical license and can take anywhere from 2 weeks to 3 months, and may request a copy of the plane tickets or itinerary to confirm dates.

02

Can employees still receive SDI/PFL if they quit or are terminated?

Yes, provided they file timely and have met the eligibility requirements. Benefit eligibility is based on wages within a base period, not on being currently employed.

04

Are employees still eligible if they don't live in or moved from California?

Employees may still qualify for SDI/PFL if they were working in CA and have earnings in their base period (at least \$300 within the 5-18 months prior to claim start date).

SDI/PFL Pitfalls



Most benefit payments are issued within **2 weeks** upon the EDD receiving a sufficient and completed claim, but sometimes, it can take longer due to:

- The claimant information does not match what the DMV or Social Security Administration has on file
 - SSN is entered incorrectly, employee's identity can't be verified
- Certification was not submitted on time (or submitted, at all)
- Claim dates do not match certification dates
- Applications not completed correctly (incorrect or left unanswered)
- EDD needs to verify the license of the out-of-state or overseas medical provider
- Paper claims getting lost in the mail or not reaching the EDD
- Not responding to EDD's requests for verification
 - Wage verification, last day worked, additional wages paid during leave, workers' compensation, etc.

Other Types of Pay

Interactions with SDI/PFL



Concurrent PTO/Vacation Usage

- Can be used for 100% pay during the SDI waiting period.
- Can be used to supplement benefits to bring pay to 100%.
- Employees **must** report this pay when filing their claim.



STD

- STD typically reduces by other benefits an employee is entitled to, e.g., SDI.
- Employees **do not** need to report STD to the EDD when filing their claim.



Leave of Absence Pay

- LOAP must coordinate with SDI/PFL - e.g., cover the difference between the employee's full pay and the EDD benefit
- Employees **must** report LOAP as "integrated" pay when filing their claim.



Workers' Compensation

- WC pays first, and SDI pays the difference *if SDI is greater*.
- Employees **must** report WC benefits when filing their claim.

Recent CA Changes



Concurrent PTO/Vacation Usage

Employees can no longer be required to use up to 2 weeks accrued vacation before receiving PFL benefits through the state plan or a voluntary plan.



Expanded Definition of Family Members

CFRA added “designated person” effective 01/01/23, with PFL following suit effective 07/01/28.



Increased Benefits

Benefits boosted to 70% for high income earners and 90% for mid to low wage earners, previously only providing 60-70% of weekly wages.



myEDD Portal Enhancements

Online claim portal upgraded to now show claim status, additional labels for actions needed, and provides 24/7 chatbot access.

04

Case Studies





Poll Question

Does your company provide **leave of absence pay** to supplement SDI/PFL?

- A. Yes
- B. No
- C. I don't know

Answer in the chat

Medical Leave Example

Week	1	2	3	4	5	6	7	8	9	10	11	12
Protection	Leave Laws (Federal and State)											
	Family and Medical Leave Act (FMLA)											
	California Family Rights Act (CFRA)											
Income Replacement	Benefits through the EDD and STD											
	Waiting period	State Disability Insurance (CA SDI) 70-90% of earnings up to \$1,765 per week (in 2026) paid by EDD										
		Short Term Disability (STD) Top up CA SDI benefits - Amount of earnings determined by STD plan										

*This example assumes the employee has met the eligibility requirements for job protected leave under FMLA and CFRA, the employee has not taken qualifying leave in the prior 12-month period, the employee has met the eligibility requirements for CA SDI, and the STD plan has a waiting period.

Parental Leave Example

Week	1	2	3	4	5	6	7	8	9	10	11	12
Protection	Leave Laws (Federal and State)											
	Family and Medical Leave Act (FMLA)											
	California Family Rights Act (CFRA)											
Income Replacement	Benefits through the EDD and Supplemental Pay											
	Paid Family Leave (CA PFL) 70-90% of earnings up to \$1,765 per week (in 2026) paid by EDD											
	Parental Supplemental Leave Pay Top up CA PFL to 100% of earnings paid by employer											

*This example assumes the employee has met the eligibility requirements for job protected leave under FMLA and CFRA, the employee has not taken qualifying leave in the prior 12-month period, the employee has met the eligibility requirements for CA PFL, and the employer provides supplemental leave pay.

Pregnancy Leave Example #1

Week	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	
Protection	Leave Laws (Federal and State)																		
	Family and Medical Leave Act (FMLA)																		
	California Pregnancy Disability Leave (CA PDL)						California Family Rights Act (CFRA)												
Income Replacement	Benefits through the EDD, STD, and Supplemental Pay																		
	Pregnancy Supplemental Leave Pay 100% of earnings paid by employer	State Disability Insurance (CA SDI) 70-90% of earnings up to \$1,765 per week (in 2026) paid by EDD						Paid Family Leave (CA PFL) 70-90% of earnings up to \$1,765 per week (in 2026) paid by EDD											
		Short Term Disability (STD) Top up CA SDI benefits - Amount of earnings determined by STD plan																	
		Pregnancy Supplemental Leave Pay Top up CA SDI and STD benefits to 100% of earnings paid by employer						Parental Supplemental Leave Pay Top up CA PFL to 100% of earnings paid by employer											

*This example assumes the employee has met the eligibility requirements for job protected leave under FMLA and CFRA, the employee has not taken qualifying leave in the prior 12-month period, the employee has met the eligibility requirements for CA SDI and CA PFL, the employee is not eligible under SF PPLO, the employee's leave begins as of the date of baby's birth via vaginal delivery, the STD plan has a waiting period, and the employer provides supplemental leave pay.

Pregnancy Leave Example #2

A birthing parent is experiencing a complicated pregnancy requiring 23 weeks of disability leave.

Her employer allows eligible employees to utilize CFRA leave prior to the birth of the employee's child, if PDL exhausts.

Week	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
Protection	Leave Laws (Federal and State)																												
	Family and Medical Leave Act (FMLA)																												
	California Pregnancy Disability Leave (CA PDL)																		California Family Rights Act (CFRA)										
Income Replacement	Benefits through the EDD																												
	WP	State Disability Insurance (CA SDI) 70-90% of earnings up to \$1,765 per week (in 2026) paid by EDD																					Paid Family Leave (CA PFL) 70-90% of earnings up to \$1,765 per week (in 2026) paid by EDD						

*This example assumes the employee has met the eligibility requirements for job protected leave under FMLA and CFRA, the employee has not taken qualifying leave in the prior 12-month period, the employee has met the eligibility requirements for CA SDI and CA PFL, and the employee's leave begins prior to the date of baby's birth.

05

Benchmarking





Poll Question

Does your business currently use a
voluntary plan for CA SDI/PFL?

- A. Yes
- B. No
- C. Unsure

Answer in the chat

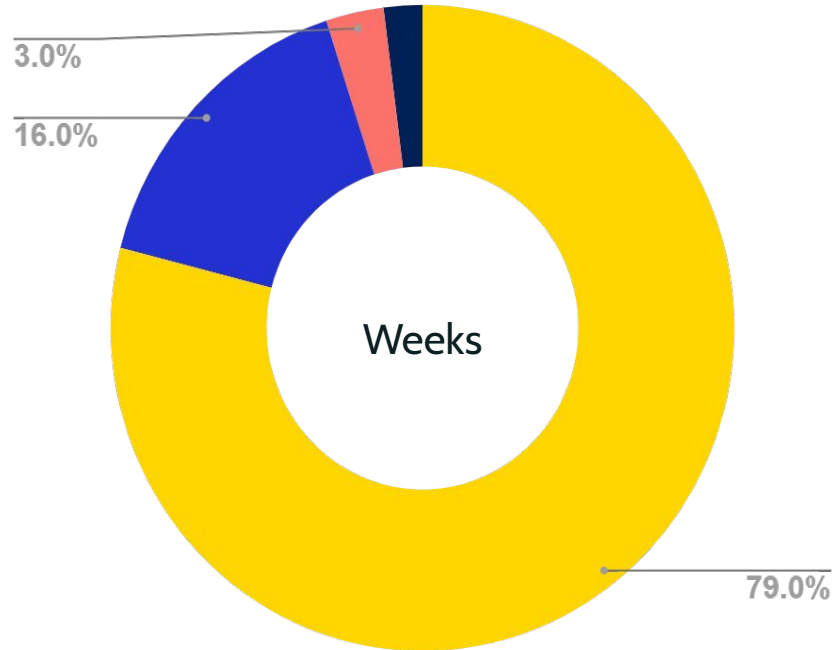
CA Medical Leave Durations



Leave Duration

Leave policy durations from clients with employees eligible under CA and federal laws

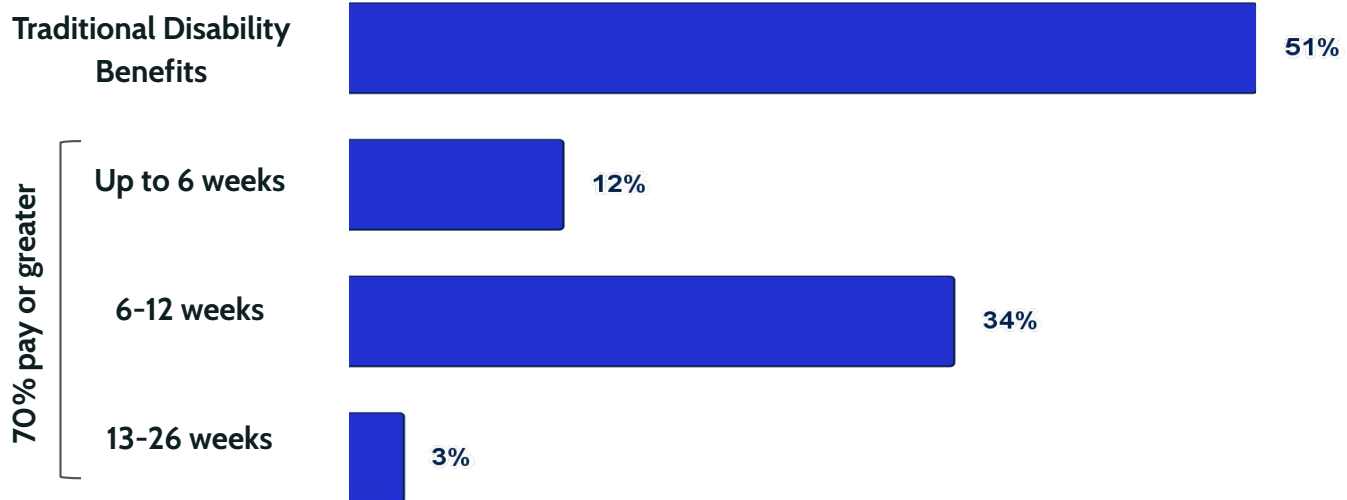
- 1-12
- 13-26
- 27-52
- No Maximum



CA Medical Salary Continuation



Salary continuation durations from clients with employees eligible under CA and federal laws



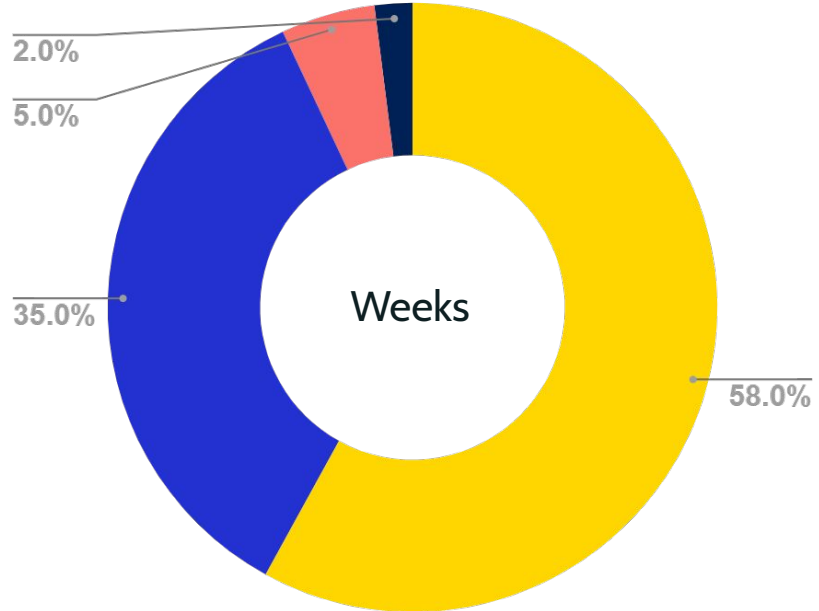
CA Pregnancy Leave Durations



Leave Duration

Leave policy durations from clients with employees eligible under CA and federal laws

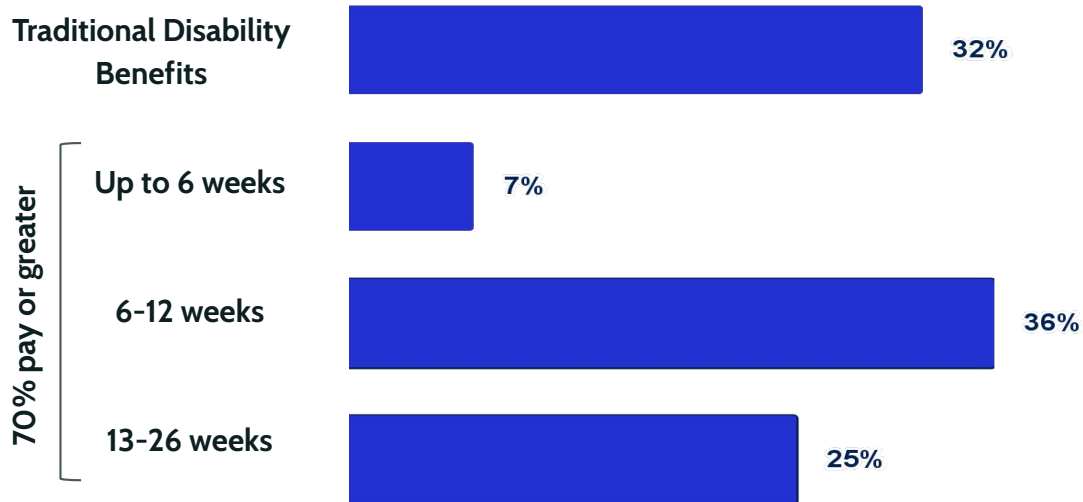
- 1-12
- 13-26
- 27-52
- No Maximum



CA Pregnancy Salary Continuation



Salary continuation durations from clients with employees eligible under CA and federal laws



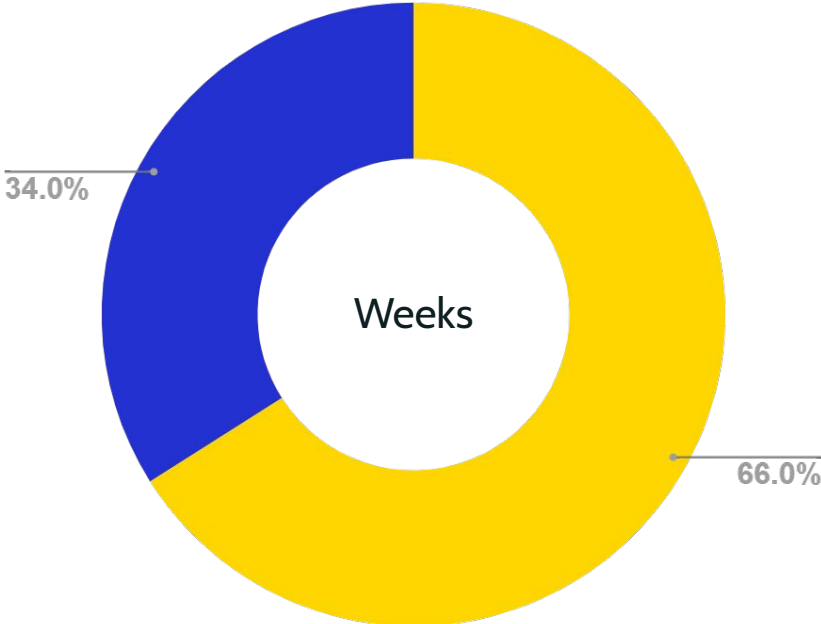
CA Parental Leave Durations



Leave Duration

Leave policy durations from clients with employees eligible under CA and federal laws

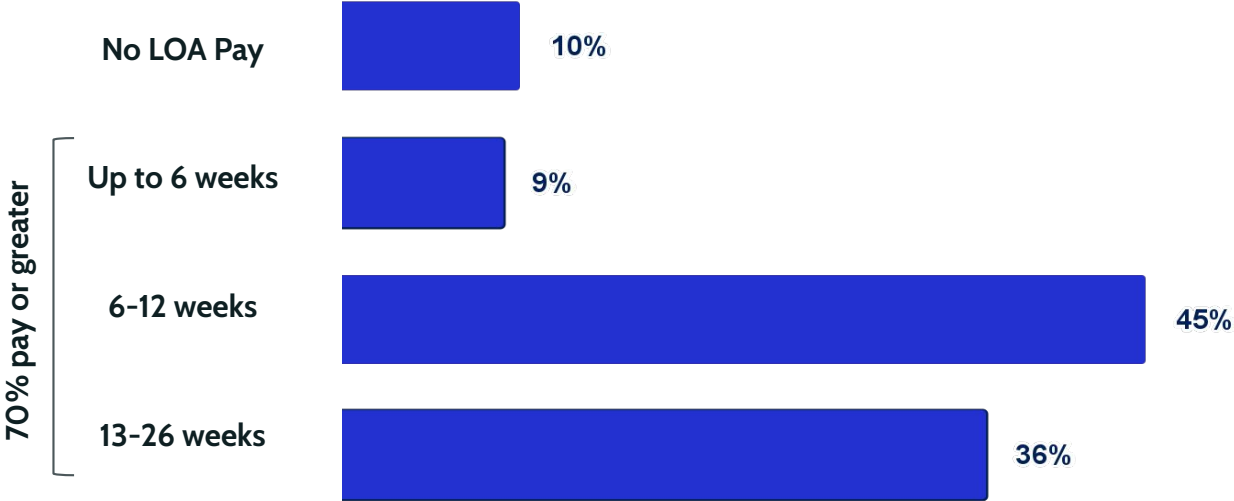
- 1-12
- 13-26



CA Parental Salary Continuation



Salary continuation durations from clients with employees eligible under CA and federal laws



CA Family Care Leave Durations

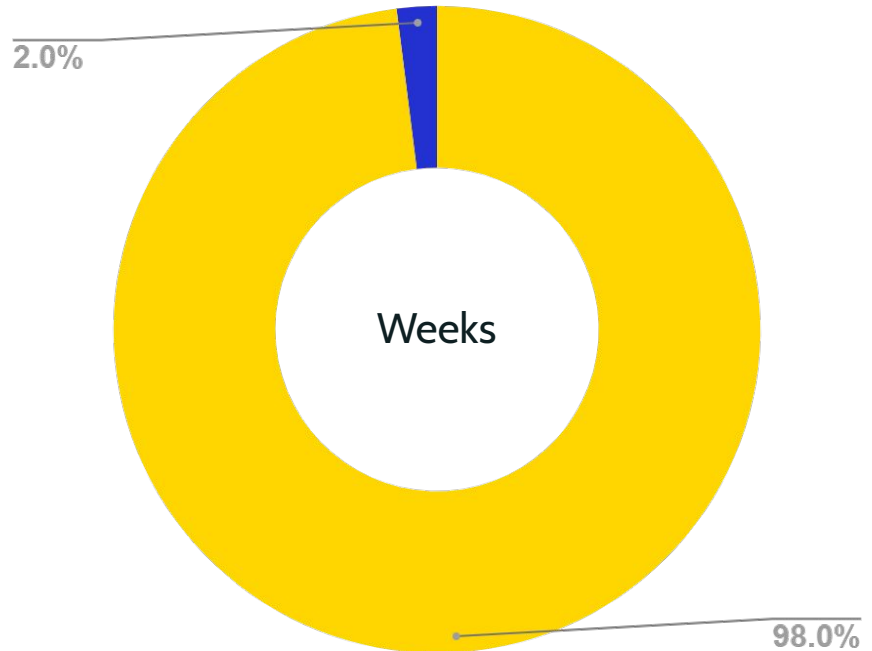


Leave Duration

Leave policy durations from clients with employees eligible under CA and federal laws

● 1-12

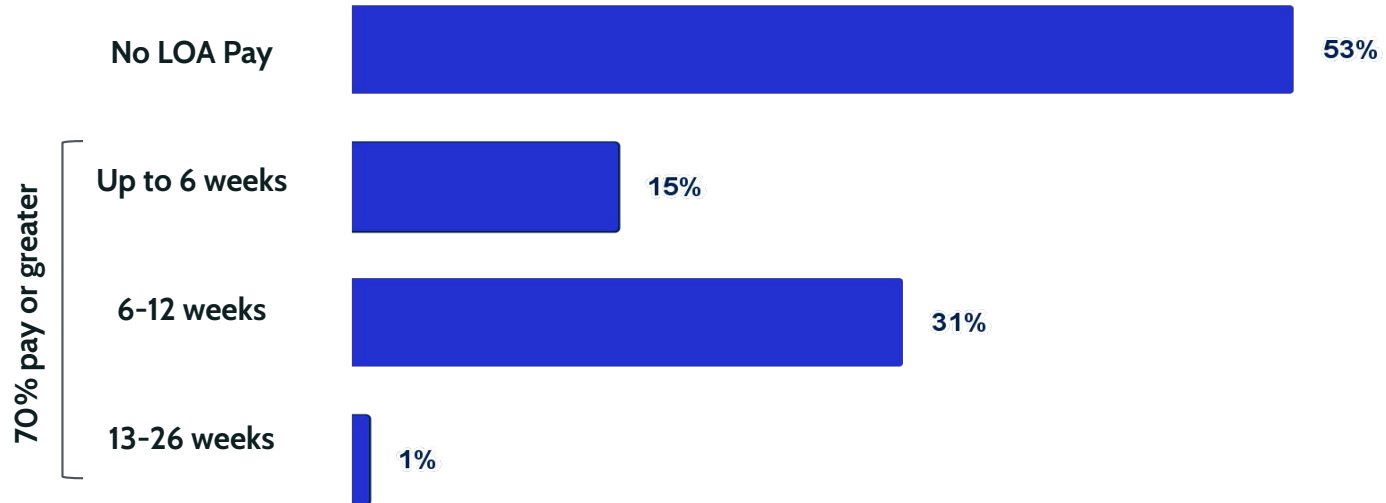
● 13-26



CA Family Care Salary Continuation



Salary continuation durations from clients with employees eligible under CA and federal laws



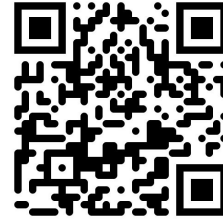
Any questions?

Prospective Clients: sales@thelarkincompany.com

Current Clients: Reach out to your Client Success Manager

**What other states do you want to
hear about in the future?**

Let us know in the post-webinar survey.



[WATCH NOW](#)



ADA & PWFA at Work: Clarity for Complex Cases

Clear framework to help you evaluate and respond to pregnancy-related, mental health, and other invisible disability cases that require reasonable accommodation.

[WATCH NOW](#)



New Year, New Laws, Same Panic: 2026 Compliance Survival Guide

Major changes are happening nationwide, and 2026 is bringing even more complexity. Learn what's coming, what's changing, and what's on the horizon.

Thank you