

PAID FAMILY LEAVE ARE YOU READY?

California's new Paid Family Leave (PFL) insurance program became effective January 1, 2004, with employees eligible to file claims for PFL benefits effective July 1, 2004. As might be expected of any first-in-the nation program, there is confusion over how the PFL program will operate. To assist you, I am providing this summary of the new law and am also providing a sample policy for your review. If you desire, you can distribute the policy, as adapted for your business, to your employees, and if your company so desires, add the policy to the company handbook.

A. Sample Policy:

The sample policy is available as a PDF file on our website at: <http://www.workplacelaw.biz/alerts.htm>

B. Summary of PFL Benefits

As you know, the PFL program is part of the State Disability Insurance (SDI) program administered by the California Employment Development Department (EDD). For California employees covered by SDI, the PFL program provides up to six (6) weeks of paid benefits for employees who take time off from work to care for a seriously ill child, spouse, parent, or registered domestic partner, or to bond with a new minor child. No more than six (6) weeks of PFL benefits will be paid within any twelve (12) month period.

An individual who is applying for PFL benefits must submit a Claim for Paid Family Leave Benefits form, DE 2501F, to the EDD. The application for the paid benefits is NOT made to the employer. The new DE 2501F claim form cannot be duplicated or reproduced.

When benefits are requested to provide care for a seriously ill family member or domestic partner, the care provider (employee) must also submit a medical certificate supporting the claim of a serious health condition warranting the care by the employee. PFL benefits to bond with a new minor child are limited to the first year after the birth, adoption or foster care placement of the child.

There are a number of requirements each employee will have to meet to qualify for benefits. Your employees must still notify the Company of their reason for taking leave and the notification must comply with your Company's leave and notification policies. There is a seven (7) day waiting period before benefits are paid. Your Company may require the employee to use up to two (2) weeks of accrued vacation (or paid time off (PTO)) benefits prior to receiving benefits from the EDD. (The second week may extend the six (6) weeks of leave.)

If you have any questions about the PFL program, general information, including Frequently Asked Questions (FAQ) can be found at www.edd.ca.gov. Of course, I am available to assist you.

C. To Do

PFL pamphlet DE 2511 must be given to all employees hired on or after January 1, 2004
PFL pamphlet DE 2511 must be given to all employees who leave work, on or after July 1, 2004, for the serious health condition of a family member or registered domestic partner, for the care of or to bond with a child
Post the 8 1/2 x 11 " flyer developed by the EDD. This should be posted where other employee notices are usually posted

(cont.)

Decide if your company will require the employee to use accrued, but unused vacation (PTO) benefits at the commencement of eligibility (including the waiting period) and, if so, if the company will require one or two weeks of benefits be used

Decide if your company will require the employee to use accrued, but unused vacation and sick leave (PTO) benefits during the six weeks of paid PFL benefits; if so, make sure the employee knows that benefits will be integrated

Train your supervisors about PFL benefits

Develop and distribute a Company PFL Policy

Update the Company Handbook

Enjoy the holiday weekend.

For more information about the above or any other workplace employment issue, contact:

The Law Offices of Burton F. Boltuch
555 City Center Building
555 12th Street, Suite 1440
Oakland, CA 94607-4046
Telephone: 510.844.3415
Fax: 510.444.3401
Email: info@workplacelaw.biz
Website: www.workplacelaw.biz

*Advising, Counseling and Litigating
and
Providing Solutions to Workplace Problems*

 **Law Offices**
BURTON F. BOLTUCH