Pregnancy Disability and Bonding Leave for Birth
Mother Eligible for FMLA/CFRA and SDI/PFL
(typical, uncomplicated pregnancy & childbirth)

Wage Replacement
State Disability Insurance
(7-day waiting period, then 3 weeks pre-birth and 6 weeks recovery)

Wage Replacement
Paid Family Leave
(6 weeks to bond)

Note that SDI insurance can be up to 52 weeks

Job Protection
Pregnancy Disability Leave Law*/
Family and Medical Leave Act
(up to 4 months unpaid, job-protected leave with continued health benefits; 10 weeks for typical, uncomplicated pregnancy & childbirth)

Job Protection
California Family Rights Act
(12 weeks unpaid, job-protected leave to bond within 1 year)
I’m Pregnant: What are my rights to time off from work?

HERE ARE YOUR RIGHTS, BASED ON THE INFORMATION YOU PROVIDED:

Pregnancy Disability Leave (PDL)

You can receive up to 4 months of job-protected, unpaid leave with Pregnancy Disability Leave (PDL). This leave applies when you are disabled by pregnancy, childbirth, or a related condition. It can be taken intermittently or in short increments. Generally, you will be considered disabled starting 4 weeks before your due date, through 6 weeks following vaginal delivery, and 8 weeks following caesarian section. To access PDL, request it from your employer. You may need a note from a doctor.

If you are disabled for more than 4 months, you may be eligible for extended leave as a reasonable accommodation for your disability, under the Fair Employment and Housing Act (FEHA) or Americans with Disabilities Act (ADA).

You are also entitled to reasonable accommodations at work because of pregnancy, childbirth or related condition. A reasonable accommodation can be a change to your job or duties, such as being able to sit while working, help with occasional heavy lifting, additional breaks, or a transfer to a less hazardous position. Discuss possible accommodations with your health care provider. You request a reasonable accommodation from your employer and may be required to provide a note from your healthcare provider.

Family Medical Leave Act (FMLA) / California Family Rights Act (CFRA)

You are eligible for job-protected leave under the California Family Rights Act (CFRA). CFRA provides you with up to 12 weeks of job-protected leave to bond with your new baby, after your disability has ended. This leave must be used within 1 year of your child’s birth. If you adopt or foster a child, you can take this bonding leave within a year of the child’s adoption or placement. It is available to those who have worked for their employer for at least 1 year, have worked 1,250 hours for that employer in the last year, and who have an employer with at least 50 employees working within a 75 mile radius. It applies to both birth mothers and non-birth parents.

You are also eligible for leave under the Family Medical Leave Act (FMLA), but in California, FMLA runs at the same time as PDL, so if you took PDL, FMLA will not provide you with any additional leave apart from CFRA bonding leave.
State Disability Insurance (SDI)

You may be eligible for **State Disability Insurance (SDI)**. If you are unable to work or are working less because of your pregnancy, childbirth, or related conditions, SDI can provide you with up to 55% of your weekly wages for up to 52 weeks. There will be a 1-week waiting period during which you will not receive wage replacement. Apply for **State Disability Insurance** at [www.edd.ca.gov](http://www.edd.ca.gov).

While **SDI** will provide you with partial wage replacement during time off of work, this leave is not job-protected, unless you are also eligible for **PDL, FMLA**, or other leave. Remember to request leave from your employer.

Paid Family Leave (PFL)

Because you paid into **State Disability Insurance (SDI)** fund, you are likely eligible for **Paid Family Leave (PFL)**. **Paid Family Leave** allows you to receive up to 55% of your weekly wages for up to 6 weeks while you are bonding with a newborn child within the first year, a newly adopted or foster child within the first year in your home, or caring for a seriously ill family member.

There is a 1-week waiting period in which you will not receive benefits. **If you received SDI for pregnancy and receive PFL after you recover**, you will not have an additional waiting period. Apply for **Paid Family Leave** at [www.edd.ca.gov](http://www.edd.ca.gov).

This will provide you with wage replacement for six weeks while you take job-protected bonding leave under **CFRA**.

SF Family Friendly Workplace Ordinance (FFWO)

You are not covered by the **SF Family Friendly Workplace Ordinance (FFWO)**. The **SF Family Friendly Workplace Ordinance** is only available to those who work for an employer with 20 employees, and who have worked in San Francisco for the past six months.

Lactation Accommodations Laws

You are covered by the **Lactation Accommodations Laws**. These laws provide that you must be given break time and private space (not a bathroom) for pumping breastmilk. They also protect you from discrimination, harassment, or retaliation based on your need to pump breastmilk.

To access these accommodations, request them from your employer.
This tool is intended to provide accurate, general information regarding legal rights relating to employment in California. Yet because laws and legal procedures are subject to frequent change and differing interpretations, the Legal Aid Society–Employment Law Center cannot ensure the information in this tool is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your rights in your particular situation.