

Family Leave Benefits Explainer for PEECG Fort Sutter Members

Reflecting PEECG 2022-2025 MOU

Note this is not a PEECG Corporate/Legal Counsel developed document and reflects potential benefits that may not apply to all employees. If any members have additional questions or want to make a plan for their family leave, reach out to your employer’s respective contacts below. For questions about accessing this document or to correct errors or inaccurate information, please contact fspeccg@gmail.com.

What is this?

PEECG Fort Sutter section prepared this document to help explain the leave benefits for the following family leave programs:

- ENDI (CalHR sponsored)
- NDI-FCL (CalHR sponsored)
- CFRA (CalHR sponsored)
- FMLA (Federal sponsored)

This document describes four family leave scenarios and concludes with FAQs and summary information that address timelines and other leave specifications.

Who is this for?

If you expect to use leave (beyond standard annual leave) for pregnancy, childbirth, a partner’s childbirth, adoption, foster care placement, or caring for a seriously ill family member, you should review this document in advance. This document provides a brief overview of the programs available, agency contacts, FAQs, and example scenarios. Be aware that programs and policies may change. See below for agency contact information. Acronyms are defined towards the end of this document.

Contact Information for Family Leave Program Assistance

Agency	Contact	Email/Phone
Air Resources Board	ASD Medical Management Unit	mmu@arb.ca.gov
CalRecycle	Human Resources	HR@calrecycle.ca.gov
Department of Consumer Affairs	Human Resources	
Department of Corrections & Rehabilitation	Office of Personnel Services	916-322-2469
Department of Health Care Access and Information	Human Resources	916-326-3260

Department of Industrial Relations	Human Resources	Contact your HR representative
Department of Motor Vehicles	Human Resources	Contact your HR representative
Department of Toxic Substances Control	Human Resources	916-323-2679

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Important Considerations for All Scenarios

- Employee **must be enrolled in annual leave to receive a minimum of 50% of salary benefits**. If you are enrolled in vacation/sick leave, you will only receive \$135/week.
 - Employees can switch from sick/vacation to annual leave at any point, but must be enrolled in that program for at least 24 months before switching.
- Benefits only apply after 12 months of employment.
- You can supplement your leave with annual leave, vacation leave, VPLP, CTO, etc. to increase your gross salary from 50% to 75% or 100% monthly. ¹
 - When you select a supplemental leave amount, you can only DECREASE and cannot INCREASE the amount you supplement. So, it is better to supplement more and decrease if necessary than to not supplement at all or supplement only 75%.
 - If you supplement to 100% monthly, you will get state service credits for each month. If you choose 50-75%, you will not get state service credit for those months, but can purchase them through CalPERS.

¹ There is a formula that CARB's Medical Management Unit utilizes to determine how many leave days are necessary to reach a 75% or 100% coverage contribution. For instance, it may require more hours than expected. It is important to work with CARB to understand how much annual leave, etc. you may need to reach your desired level of coverage.

- Health benefits are protected while you are on ENDI, NDI-FCL², FMLA, and CFRA, but the State's share of your healthcare premiums and your share of your health care premiums may not be covered until you receive your ENDI benefits.
 - While on ENDI and NDI-FCL (paid time off) you will receive group insurance coverage.
 - While on CFRA (unpaid time off), you will maintain group insurance coverage, but 11 workdays per month are **required** to receive the State's contribution to your health care premium. This can be met by using adequate leave.
 - If you do not meet 11 workdays per month minimum while on unpaid leave, either by working or using annual leave, CTO, VPLP, etc., **you will have to pay out of pocket for the entire monthly health care premium.**
 - EXCEPTION: If you are the disabled employee and are the health insurance subscriber, your insurance is only covered while protected under FLMA or CFRA. Although your job is protected for 12 months from date of disability, once your FMLA or CFRA maxes out, you are not covered by insurance, and you are required to pay the full premium (State will not cover part of the premium).
- There is a 7-day waiting period when filing for disability. You cannot file for a disabling event for maternity leave until you are disabled—either as determined by a doctor or hospitalization. If you are hospitalized, then the waiting period is waived.
- If you have a qualified disabling event, and your 7-day waiting period is not supplemented with your available leave, the State's share and your share of your health care premium may not be covered, which could create a lapse in coverage. Once the department receives the ENDI, the State's share and your share of the health care premiums are paid (**See [Appendix A](#) for more details**)

² This groundbreaking benefit was negotiated by the PECG Bargaining Team as part of the 2022-25 Memorandum of Understanding.

Family Leave Scenarios

PECG Fort Sutter section officers and members created the following four family leave scenarios as a way to explain the implementation of ENDI, NDI-FCL, FMLA, and CFRA.

Scenario 1: Gave Birth to a Child

Employees giving birth to a child can use ENDI, NDI-FCL, and CFRA to take leave. Benefits apply within the first 12 months after a child’s birth. In many cases, employees choose to use these benefits sequentially, e.g., 6 weeks of ENDI then 6 weeks of NDI-FCL followed by unpaid leave covered by CFRA (Figure 1).

FMLA, which is sometimes called the disability period, typically runs in the background during the first 12 weeks of leave. Both FMLA and CFRA provide unpaid time off, job protection, and continued group insurance coverage. CFRA is the bonding period and may be taken after FMLA.

Important family leave highpoints for this scenario are listed below and summarized in Table 1 of Appendix B:

- CFRA benefits reset every calendar year, so if parental leave starts near the end of a calendar year, and the full 12 weeks have not been exhausted, 12 weeks of additional leave may be taken at the beginning of the next calendar year under CFRA. See the example timeline below for how this can apply.
- You can use your accumulated leave (e.g., annual leave, vacation leave, VPLP days, and in some cases sick leave) during any unpaid leave you are taking to care of a child.
- ENDI will cover 4 weeks prior to birth. This includes a 1 week waiting period. If you choose to take leave prior to birth, you do not have another waiting period upon birth. If the baby’s birth is delayed beyond the due date, this time is still covered.

Figure 1. Example Timeline for Parent That Gave Birth to a Child

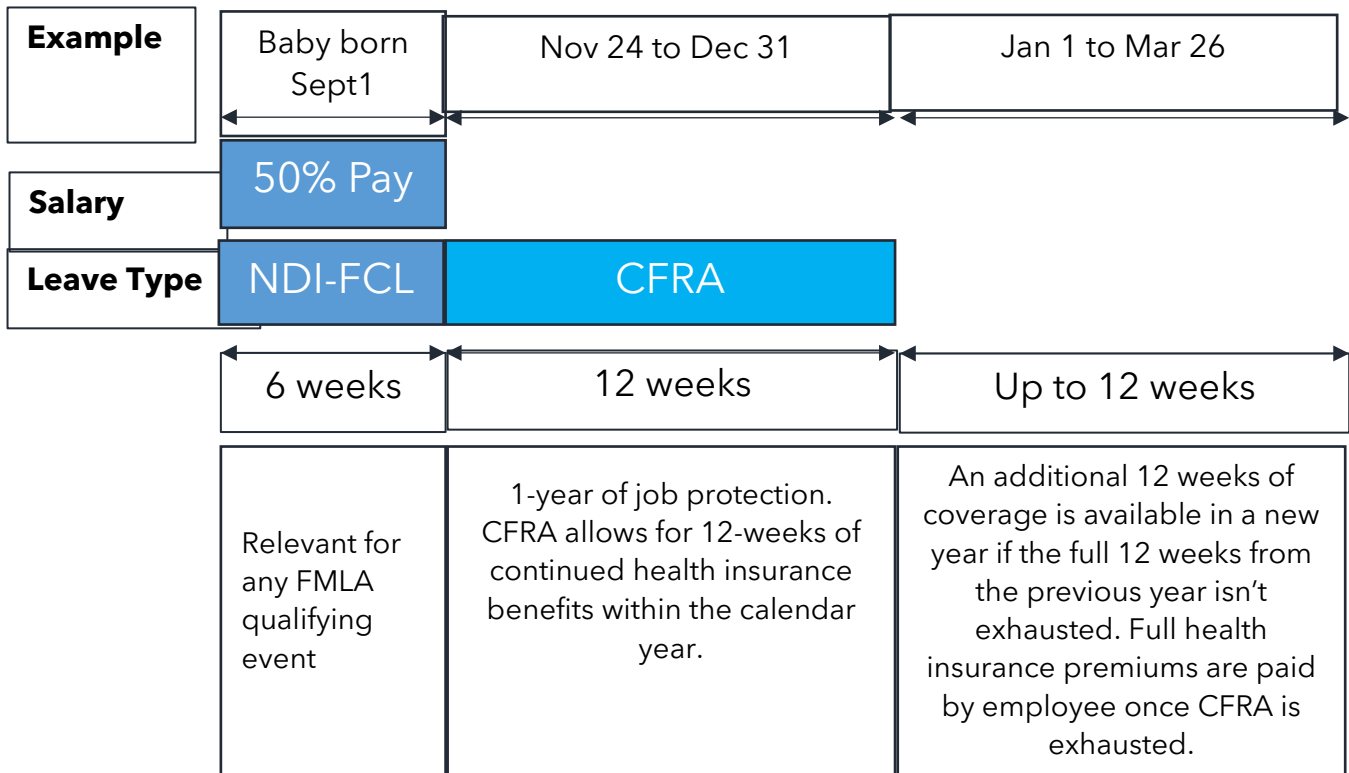
EXAMPLE	36 weeks Start Leave	Baby Born Sept 1	Oct 12-Nov 23	Nov 24 to Dec 31	Jan 1 - Mar 26
	Salary	50% Pay	50% pay	50% Pay	Unpaid
Leave type	ENDI	ENDI	NDI-FCL	CFRA	
	4 Weeks	6 weeks	6 weeks	12 weeks	Up to 12 weeks
	1 week waiting period	If delivered via c-section 8 weeks of leave	Up to 6 weeks in a 1-year period	1-year of job protection. CFRA allows for 12 weeks of continued health insurance benefits within the calendar year.	An additional 12 weeks of coverage is available in a new year if the full 12 weeks from the previous year isn't exhausted. Full health insurance premiums are paid by employee once CFRA is exhausted.
	3 weeks covered				

Scenario 2: Did Not Give Birth to a Child

This scenario explains family leave benefits and timelines for a parent that did not give birth to a child (Figure 2). This scenario may apply to the following 1) adoption, 2) foster care placement, and 3) non-birthing partner. A summary table explaining leave amounts for the paid and unpaid leave is explained in Table 2 (Appendix B).

Note: NDI-FCL can be taken at any time within a year of the qualifying event. A non-birthing parent does not have to take the full leave of 6 weeks concurrently. It is helpful for resource planning at work, but not necessary.

Figure 2. Example Timeline for Parent That Did Not Give Birth to a Child



Scenario 3: Experienced Pregnancy Loss, Serious Complications, and/or Related Disability for Birthing Parent

In this scenario, family leave in the form of ENDI is the only CalHR family leave program offered to the employee. As with other family leave programs, FMLA runs concurrently to provide job protection. A summary table explaining leave amounts for the ENDI paid leave is explained in Table 3 (Appendix B).

Scenario 4: Caring for a Seriously Ill Family Member

In this scenario, NDI-FCL provides enhanced family leave to the employee caregiving for an ill family member. As with other family leave programs, FMLA runs concurrently to provide job protection. A summary table explaining leave amounts for the NDI-FCL paid leave is explained in Table 4 (Appendix B).

FAQ

1. Can I accrue leave while on ENDI, NDI-FCL and CFRA?
 - a. At 100% supplementation, you will receive your monthly accruals each month, at 75% supplementation you will receive your monthly accruals every other month. At 50% supplementation you will receive no accruals. If you elect to use leave to supplement 11 days in the pay period while on CFRA you will receive your monthly accruals.

2. Will I receive service credit while on ENDI, NDI-FCL and CFRA?
 - a. You will not receive State service towards seniority while on leave, nor are State employer contributions to retirement accounts made. If you elect to use leave to supplement 11 days in the pay period while on CFRA you will receive service credit.
 - b. You will not earn Public Employees' Retirement System (CalPERS) service credit for the 50% NDI-FCL wages but would receive partial credit if you supplement 75% or 100%. You can request to purchase service credit the following fiscal year.

3. How can I extend my leave?
 - a. Consider enrolling in VPLP when you are beginning your leave planning to maximize your time off if this is a good option for you. You do not use leave on holidays. If there is a holiday, you can bank that day of leave for future use (e.g., during Thanksgiving week, you would use 3 days of ENDI and 2 days of holidays on your timesheet. You would bank the 2 days of ENDI you did not use that week for use later).
 - b. Following ENDI and NDI-FCL, you can use a combination of CFRA (unpaid) plus VPLP and/or annual leave to work reduced hours. (e.g., in a given week work 3 days, use 1 day of CFRA and 1 day of VPLP or annual leave) This can extend the amount of time you are covered by CFRA and enable you to work essentially part time without doing a Temporary Reduced Time-Basis.

4. How to avoid a gap in pay?
 - a. Speak with your personnel specialist to see if you have enough Annual Leave or Sick/Vacation Leave accrued to use to get paid for the pay period while your Agency is waiting to get approval/payment from EDD once your disability is approved.

5. How does VPLP work while I'm on ENDI/NDI and Parental leave/CFRA?
 - a. In the 2022-2025 MOU, Section 5.16 Voluntary Personal Leave Program (g), "A State employee in the Voluntary Personal Leave Program shall be entitled to the same level of State employer contributions for health, vision, dental, flex-elect cash option, and enhanced survivor's benefits he or she would have received had the Personal Leave program not occurred." However, VPLP is not accrued and posted until your agency receives ENDI monies.

6. Can I maintain my health benefits while on family leave?

- a. While on CFRA (unpaid time off), you will maintain group insurance coverage, but 11 workdays per month are **required** to receive the State's contribution to your health insurance premiums. The 11 days per month can be met by using accrued leave.
 - b. If you do not meet 11 workdays per month while on unpaid leave either by working or using annual leave, CTO, VPLP, etc., **you will have to pay out of pocket for the entire monthly health insurance premium.**
 - c. Alternatively, you can elect to have accounts receivable established to continue your benefits past the FMLA disability period and CFRA bonding period.
7. How and when do I enroll my newborn onto health and dental insurance?
- a. Immediately when the baby is born, send an email to the HR contact regarding the birth of the baby. You will need to provide a medical certificate to confirm birth or a county birth certificate/social security number (which takes a couple of weeks to process). Note that you can't add dependents to health/dental benefit unless a major life event occurs (such as birthdate, loss of health benefits, etc.) or during open enrollment.
8. Can I be on an alternative work week agreement while on leave?
- a. In order to receive ENDI or NDI-FCL, staff must be on a traditional work schedule.
9. When do I notify my supervisor?
- a. The sooner the better, but with no required timeline, they will need to sign the Leave of Absence form.
10. When do I notify MMU?
- a. 1 month prior to Leave of Absence, though it is recommended to meet with MMU much earlier.
11. When do I submit the first round of paperwork?
- a. Prior to your absence, a week before your leave begins is enough time.
12. I have questions for my union representative. Who do I contact?
- a. Your PECG Fort Section officers are here to help. Please email us immediately at fspecg@gmail.com and we can work together to get you the help and representation that you need.

Summarizing Important Acronyms

[ENDI: Enhanced Non-Industrial Disability Insurance](#)

- Provides partial wage replacement to excluded employees enrolled in *annual leave* when they need to take time off from work. Applies to pregnant employees.
- Wage replacement for a period not to exceed 26 weeks for any one disability.

[NDI-FCL: Non-Industrial Disability Insurance – Family Care Leave](#)

- Provides partial wage replacement to excluded employees enrolled in annual leave when they need to take time off from work to care for a seriously ill family member or to bond with a new child, including an adopted child or a foster care placement. NDI-FCL benefits are only available to excluded employees who do not have the option of participating in the State's Paid Family Leave Program. Only excluded employees on annual leave may be eligible for these benefits. NDI-FCL provides up to six weeks of benefits in a 12-month period.

[CFRA: California Family Rights Act](#)

- 12 work weeks of unpaid time off, job-protection and continued group health insurance coverage. Eligible during pregnancy if there are serious complications and within 12 months after the birth/adoption of a child. Must have been employed by the State for at least 12 months and have worked 1,250 hours in the preceding 12 months.
- CFRA does not have to be taken consecutively. CFRA can be taken in 2 week increments or fewer, but that requires supervisory or Agency approval.

[FMLA: Family and Medical Leave Act](#)

- Family Medical Leave Act (FMLA) and California Family Rights Act (CFRA) entitles eligible employees up to 12 work weeks of unpaid, job-protected leave each calendar year for specified family and medical leave reasons. In addition, FMLA includes a special leave entitlement that permits eligible employees to take up to 26 work weeks of leave to care for a covered servicemember during a 12-month period.

[PDL: Pregnancy Disability Leave](#)

- Unpaid leave for a period of disability caused by pregnancy, childbirth, or related medical conditions. PDL is provided for a maximum of four months, as medically needed. Unlike leave under the Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA), there is no 1,250 minimum hours worked requirement under PDL. Rather, to qualify for PDL the pregnant employee need only provide medical verification certifying she is disabled by pregnancy.

Relevant Leave Credits

- Vacation/sick leave: Employees may elect to enroll in accruing separate vacation and sick leave credits.

- Annual Leave: Employees may elect to enroll in the annual leave program to receive annual leave credits in lieu of vacation and sick leave credits. Annual leave credits may be used for either vacation or sick leave. Please see Unit 9 Memorandum of Understanding for more details.
- Voluntary Personal Leave Program (VPLP): Each full-time employee choosing to participate in VPLP shall continue to work his or her assigned work schedule and shall have a reduction in pay equal to 4.62% (one day) 9.24% (two days), or 13.85% (three days). In exchange that the corresponding credits of 8 hours, 16 hours, or 24 hours of leave will be credited to the employee's VPLP balance of V. The Employee may use VPLP as they would annual leave, sick leave, or vacation leave. Please see Unit 9 Memorandum of Understanding for more details.
- Compensated Time Off (CTO): The Department of Water Resources has established a CTO bonus as an incentive for Unit 9 permanent full-time employees to improve the operational availability of generating and pumping plants in the State Water Project. Please see Unit 9 Memorandum of Understanding for more details.

Appendix A. Covered Health Care Premiums and Disability Leave Concerns

For periods of disability commencing on or after January 1, 1989, eligible employees shall receive ENDI payments at 50% of their gross salary, payable monthly for a period not exceeding 26 weeks for any one disability benefit period. An employee is not eligible for a second disability benefit due to the same or related cause or condition unless they have returned to their regular time base, and work for at least ten (10) consecutive workdays. Paid leave shall not be used to cover the ten (10) workdays. Disability payments may be supplemented with annual leave, sick leave or partial payment to provide for up to 100% income replacement. At the time of an ENDI claim, an employee may elect either the 50% ENDI benefit rate or a supplementation level of 75% or 100% at gross pay.

Once a claim for ENDI has been filed and the employee has determined the rate of supplementation, the supplemental rate shall be maintained throughout the disability period.

Appendix B. Summary Tables

Table 1. Benefit Details for Parent Giving Birth to a Child

Benefit Name	Leave Amount	Paid or Unpaid	Notes
ENDI	<p>In addition to coverage after the birth, 4 weeks of ENDI coverage is available prior to the due date.</p> <p>6-8 weeks (Starting at birth)</p> <ul style="list-style-type: none"> • 8 weeks if delivered via c-section • 26 weeks max if serious health complications 	<p>Paid</p> <ul style="list-style-type: none"> • 50% gross salary • Can be supplemented with leave to increase gross salary to 75% or 100% 	<ul style="list-style-type: none"> • 7-day unpaid waiting period before ENDI kicks in, unless hospitalized within 24 hours of first day of leave (can supplement with annual leave) • Doctor’s note required • Health insurance benefits provided • FMLA running in the background to provide job protection • If hospitalized during the first week, the doctor can send the ENDI Form with an admitted date, but without the discharge date. When the employee is discharged from the hospital, the doctor can complete the discharge date and mail in the updated ENDI form. • Only receive monthly service credit if employee supplements to 100% pay.
NDI-FCL	6 weeks (42 working days)	<p>Paid</p> <ul style="list-style-type: none"> • 50% gross salary • Can be supplemented with leave to increase gross salary to 75% or 100% 	<ul style="list-style-type: none"> • Health insurance benefits provided • FMLA running in the background to provide job protection • Only receive monthly service credit for supplementing 100%
CFRA	12 workweeks	Unpaid	<ul style="list-style-type: none"> • Job protection and continued group health insurance coverage • 11 workdays per month required for State to pay their share of health

Benefit Name	Leave Amount	Paid or Unpaid	Notes
			<p>insurance premiums (can be met with annual leave)</p> <ul style="list-style-type: none"> Spouses employed by the same employer are each entitled to 12 workweeks of family leave Choice to include or exclude weekends / holidays. (Including holidays and weekends allows you to supplement less leave but you will get more time off. If you exclude holidays and weekends, you use more supplemented leave but get more time off)

Table 2. Benefit Details for Parent Who Did Not Give Birth to a Child

Benefit Name	Leave Amount	Paid or Unpaid	Notes
NDI-FCL	6 weeks (42 days)	Paid <ul style="list-style-type: none"> 50% gross salary Can be supplemented with annual leave to increase gross salary to 75% or 100% 	<ul style="list-style-type: none"> Health insurance benefits provided
CFRA	12 workweeks	Unpaid	<ul style="list-style-type: none"> Job protection and continued group health insurance coverage 11 workdays per month required for State to pay their share of health insurance premiums (can be met with annual leave) Spouses employed by the same employer are each entitled to 12 workweeks of family leave.

Table 3. Experienced Pregnancy Loss, Serious Complications, and/or Related Disability for Birthing Parent

Benefit Name	Leave Amount	Paid or Unpaid	Notes
ENDI	6-8 workweeks <ul style="list-style-type: none"> • 8 weeks if deliver via c-section • 26 weeks max if serious health complications 	Paid <ul style="list-style-type: none"> • 50% gross salary • Can be supplemented with leave to increase gross salary to 75% or 100% 	<ul style="list-style-type: none"> • 7-day unpaid waiting period before ENDI kicks in, unless hospitalized within 24 hours of first day of leave (can supplement with annual leave) • Doctor’s note required • Health insurance benefits provided • FMLA running in the background to provide job protection

Table 4. Caring for a Seriously Ill Family Member

Benefit Name	Leave Amount	Paid or Unpaid	Notes
NDI-FCL	6 weeks (42 days)	Paid <ul style="list-style-type: none"> • 50% gross salary • Can be supplemented with leave to increase gross salary to 75% or 100% 	<ul style="list-style-type: none"> • Health insurance benefits provided

Employment Development Department (EDD) First Claim for Nonindustrial Disability Insurance (Form DE 8501)

EDD Form DE 8501 contains 3 parts. Part A is completed by your Attendance Clerk or Payroll Officer. Part B is completed by you when you have stopped work due to a disability. Part C is completed by your physician/practitioner.

The employee shall serve a seven (7) consecutive calendar day waiting period before ENDI payments commence for each disability. Accrued paid leave or CTO leave balances may be used to cover this waiting period. The waiting period may be waived commencing with the first full day of confinement in a hospital, nursing home, or emergency clinic for at least one full day. A full day is defined as a 24-hour period starting at midnight.

Part C contains the hospital admittance date (to waive the 7-day waiting period) and discharge date.

As a suggestion:

- 1) Use annual/vacation/sick/VPLP leave for the 7 day waiting period.
- 2) Ask the physician to complete the hospital admittance date (and leave the hospital discharge date blank) and send in the NDI application (part A, B, & C) to start the process.
- 3) Once the employee is discharged from the hospital, then the doctor can complete the hospital discharge date and the NDI form (part A, B, & C) can be resubmitted with a hand written note saying that the hospital discharge date was added.

Human resources can retroactively return the leave used to cover the 7-day waiting period with disability pay.