



Senior Legal Hotline

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SENIOR LEGAL FACT SHEET

Paid family leave can help at a time of need

- ▶ A new state law allows workers to take off up to six weeks a year with partial pay to care for a seriously ill parent, child, spouse or domestic partner. Seniors can benefit either as caregivers or receivers of care.

Eligibility requirements

- ▶ Anyone who has earned at least \$300 and had deductions taken for state disability insurance (SDI – mandatory for employees) can take paid leave. Citizenship, employer size and length of employment don't matter.
- ▶ The person taking time off work must be doing so to care for a person who suffers from a serious health condition or to bond with a newly born or adopted child or newly placed foster child.
 - ▶ A “serious health condition” is an illness, injury, impairment or physical or mental condition involving either:
 - care requiring a stay in a hospital, hospice, or residential facility; or
 - continuing treatment by a health care practitioner or physician.
 - ▶ “Continuing treatment” can mean any of the following:
 - a condition causing incapacity for more than three days that requires two or more visits to a health care provider, or one visit followed by continuing treatment and supervision;
 - a condition that continues over an extended period of time, requires periodic doctor visits and may cause occasional or periodic incapacity;
 - a condition for which treatment may not be effective (such as terminal cancer) where the patient is under the supervision of, but not necessarily being actively treated by, a health care provider;
 - multiple treatments for restorative surgery;
 - a condition that would likely cause a period of incapacity of more than three days if not treated;
 - pregnancy and prenatal care.

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- ▶ “Treatment” may include examinations to determine if a serious health condition exists, as well as evaluation of that condition. It does not include routine physical eye or dental exams.
- ▶ “Health care provider” may include licensed medical doctors, clinical psychologists, optometrists, dentists, podiatrists, licensed nurse practitioners and nurse-midwives, clinical social workers and chiropractors.

Benefits

- ▶ Individuals receive approximately 55 percent of their pay, up to \$987 a week.
- ▶ The six weeks may be taken all at once or a little at a time, to care for someone with an ongoing serious condition.
- ▶ There is a seven-day waiting period before payments begin, but this must be met only once if a caregiver takes off a little at a time for the same person. Only days on which you actually provide care count toward the waiting period.
- ▶ Employers may require an employee to use up to two weeks of vacation time first, before claiming family leave.
- ▶ Up to three people can receive benefits to provide care for the same person over a 24-hour period, if necessary. Generally, however, benefits will not be paid to an applicant if there is another family member “ready, willing and able” to provide care for the seriously ill person.
- ▶ An employer is not necessarily required to reinstate an employee who uses paid family leave. But other laws may protect you. Find out what your employer’s policy is, act accordingly and consult with a legal advocate. Contact the Senior Legal Hotline or the Employment Law Center, (800) 880-8047.

How to apply

- ▶ File a claim with the state Employment Development Department (EDD). To obtain a form, call toll-free (877) 238-4373 (English) or (877) 379-3819 (Spanish), or go to EDD’s web site: www.edd.ca.gov.
- ▶ Include a medical certificate from a health care provider. The certificate need not identify the medical condition, but it must include all of the following:
 - When the condition began, if known, and how long it is likely to continue;
 - How much time the practitioner believes the employee needs to provide care;
 - A statement that the serious health condition warrants taking the leave.

If you are over 60 in California, you can get free advice by phone from the Senior Legal Hotline regarding this or any other legal issue. Call (916) 551-2140 in Sacramento or (800) 222-1753 toll-free in California, Mon.-Fri. 9 to 12 and 1 to 4, and until 7 p.m. on Thursdays. Or submit your question by e-mail from our web site, www.seniorlegalhotline.org. Thanks to the Employment Law Center for information used in this fact sheet.