

CALIFORNIA PAID FAMILY LEAVE

Effective July 1, 2004, eligible employees are entitled to disability insurance payments from the State of California for “family leave”, that is certain leaves taken to care for a family member or domestic partner with a serious health condition, or to care for, or bond with, a child. To receive this paid family leave (PFL) benefit, you must file a claim with the California Employment Development Department (EDD) and provide a medical certification of the sickness, injury or disability supporting the leave request, or a verification of the birth, adoption or placement of the child. There is a one (1) week waiting period before benefits start. At the start of the leave, our Company will require employees to use up to one (1) week (**a Company is allowed to mandate a maximum of two (2) weeks, but the if two (2) week option is used, this will extend the time off from work**) of accrued, but unused vacation (**Paid Time Off (PTO)**) benefits, with the one (1) week (**two (2) weeks**) being paid during the waiting period. PFL runs concurrently with existing state and federal leave laws and does not, in and of itself, extend existing leave periods. Pursuant to California law, if you are receiving SDI, unemployment insurance or workers' compensation benefits, you may not also be eligible to receive PFL benefits.

PFL provides eligible employees with up to six (6) weeks per year of SDI payments. The Company will calculate this benefit based on a “12-month period” beginning with the first day from which you first establish a valid claim for PFL benefits. The Company will require you to use any accrued, but unused vacation and sick leave (PTO) benefits during this six (6) week period, integrating these benefits with the PFL benefits so that you do not receive more than one hundred percent (100%) of your normal weekly wages. The PFL benefit runs concurrently with existing state and federal leave laws and do not, in and of itself, extend existing leave periods.

Under this law, the Company is not obligated to reinstate you after your PFL leave, but the Company will, of course, allow you to return to work if your position is still available, based on its budgetary and operational needs, and based on the protections of any other applicable laws (**such as the FMLA and CFRA, or the CBA covering your employment**).

Pursuant to California law, when you request PFL leave to care for a family member or domestic partner, the Company and/or the EDD will require appropriate certification, from your physician or other health care provider, including the following:

Diagnosis and the International Classification of Diseases (ICD) code, or detailed statement of symptoms, and prognosis

Date, if known, condition commenced

Probable duration of the condition

(cont.)

(cont.)

Estimate of the amount of time per day and the duration of time that the employee is needed to care for the family member or domestic partner

Statement that the condition of the family member or domestic partner warrants the physical care or emotional support from the employee

EDD guidelines mandate that the care recipient (family member or registered domestic partner) may have to disclose personal health information including AIDS/HIV status, drug or alcohol addiction, or any other physical or mental condition. The EDD may disclose this information as authorized by the California Unemployment Insurance Code, and such re-disclosed information about the care recipient may no longer be protected. Leave to care for a family member or a domestic partner with a serious health condition is not available if another family member is "able and available" to provide the required care.

Requests for bonding leave do not require medical certification, but do require acceptable documentation. Bonding care leave is limited to the first year after birth, adoption or foster care placement of the child.

Forms to apply for time off from work for this leave are available from the Company's Human Resources Department, but you must file a claim for benefits with the EDD. The employee (care giver) must complete the claim form and mail (or deliver) the claim form to the EDD no later than forty-two (42) days from the first day for which you may be paid PFL benefits due to the need to provide care or bond. If the claim is late, you may lose benefits.

NOTE: When implementing this policy, the Company should **ONLY** include the phrases in bold if applicable.

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

