

## Pay for Family Care and Bonding (PFCB) Leave Scenarios

The following leave scenarios are meant to provide examples of various types of leaves with PFCB. For answers to general questions about PFCB (eligibility, etc.), see [UCnet PFCB FAQs](#).

### **Leave to Care for a Family Member**

*This scenario provides advisement on an FMLA/CFRA block and intermittent leave request to care for a family member with a serious health condition.*

Tracy contacts you to discuss a need for leave related to a parent's illness. Tracy, an Analyst 2, is a policy-covered employee and PPSM allows use of up to 12 workweeks of sick leave during FML taken to care for a family member with a serious health condition. Tracy has 10 weeks of accrued sick time.

You determine Tracy is eligible for FMLA/CFRA leave and provide Tracy with the notice of eligibility s under these laws. As part of your leave advisement, you review the pay options available for use during the leave. Tracy anticipates the need for 8 weeks of block leave and then intermittent, unplanned absences to help with the parent's flare-ups and medical appointments.

You advise PFCB is only available for block leaves taken for a minimum of 1 workweek. So, you explain some options Tracy may elect during the leave:

- **Option 1:** Tracy uses sick leave (full pay) during the 8-workweek block leave.
  - During this period, Tracy will use 8 out of the 12 workweeks of FMLA/CFRA entitlement available for the calendar year.
    - If Tracy chose this option to save PFCB to use when caring for this parent later in the calendar year, Tracy would not take full advantage of the PFCB option in the calendar year because only 4 workweeks of FMLA/CFRA entitlement would be remaining in the calendar year and Tracy can only use PFCB during a qualifying FML leave. Also, if the additional FMLA/CFRA leave for this purpose is taken intermittently for unplanned absences, PFCB cannot be used for those absences.
    - This option would use most of Tracy's available sick leave balances, which may result in unpaid days for any intermittent leave periods.
- **Option 2:** Tracy uses PFCB (100% of eligible earnings) for 8 workweeks.
  - By using PFCB, Tracy can save sick leave accruals to use later for the intermittent, unplanned absences and the future doctor's appointments that are anticipated.

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- This option might help ensure there are no unpaid days during this FMLA/CFRA leave and may enable Tracy to retain sick leave balances for other time off needs.

During the leave advisement, Tracy is requesting to first use PFCB for 4 workweeks, followed by 4 workweeks of sick leave during the 8-workweek continuous block leave. What do you advise?

- What Tracy is requesting is not an option. When an employee chooses to use PFCB, the employee must continue using PFCB during that leave until PFCB is exhausted or the leave ends. So, if Tracy uses PFCB at the beginning of the leave, the PFCB pay will continue to be paid through the end of the 8-workweek block leave period.
- If Tracy wants to use both PFCB and sick leave accruals during the leave, one option would be for Tracy to use sick leave during the first 4 workweeks of the leave and then use PFCB during the last 4 workweeks of the 8-workweek block period. You note that accruals and PFCB cannot be used at the same time.

### **Leaves Related to Pregnancy and Bonding**

#### **Scenario 1:**

*This scenario provides advisement on a leave for pregnancy disability under PDLL/FMLA that is immediately followed by a leave for parental bonding under FMLA/CFRA. It also provides advisement about the parental bonding leave options available to that employee's spouse.*

Lynn is a policy-covered employee who is on pregnancy disability leave:

- Lynn met the eligibility requirements for FMLA/CFRA when the pregnancy disability leave began in March.
- Lynn reached out and advised you of the uncomplicated delivery on March 28, 2021.
- Lynn's PDL of 8 workweeks ended on May 9, 2021, based on the medical documentation.

Lynn then took 4 workweeks of FML as parental bonding leave (under both FMLA and CFRA) before returning to work. Lynn exhausted the 12 weeks of FMLA entitlement during the parental bonding leave.

Lynn contacts you in mid-July to say the plan is to take additional bonding leave, in 1-week increments, beginning in August 2021. It's discussed that Lynn has 8 weeks of CFRA entitlement remaining to use within 1 year of the birth of the baby. Lynn asks about the new PFCB pay option available as of July 1<sup>st</sup> and states that Marty, Lynn's spouse, works for UC and wants to take time off for bonding. Lynn didn't know if they could both use the PFCB pay option. You tell Lynn that it is possible that both parents can use the PFCB option if they are both eligible for FML and take FML leaves that qualify for PFCB. You ask Lynn to have Marty call you directly for advisement. What do you advise about Lynn's leave request?

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- You explain that PFCB may only be used when taking an approved FML block leave for one week or more.
- You add that there are FML rules for parental bonding leave that also must be considered. Parental bonding leave may always be taken in increments of 2 weeks or more and, on two occasions, it can be taken for periods of less than 2 weeks. You therefore agree on the following leave plan with Lynn:
  - August 16-27: 2 workweeks of CFRA (using PFCB)
  - September 13-17: 1 workweek of CFRA (using PFCB)
  - September 27 – October 8: 2 workweeks of CFRA (using PFCB)
  - October 18-22: 1 workweek of CFRA (using PFCB)
  - November 8-19: 2 workweeks of CFRA (using PFCB)

Secondarily, Lynn’s spouse, Marty, reaches out to you later in July. You advise:

- Based on Marty’s September 15, 2020, date of hire, with no prior UC service, Marty is not currently eligible for parental bonding leave under FMLA/CFRA. Therefore, Marty is not currently eligible for the PFCB pay option.
- However, in a little over two months, it appears Marty will meet the FMLA/CFRA eligibility requirements (the 12 months of cumulative employment and also the 1,250 hours of actual work in the 12 months preceding the leave) and could then take an FMLA/CFRA parental bonding leave, for up to 12 workweeks before the baby’s first birthday in March 2022. You tell Marty PFCB can be used for up to 8 weeks of that leave if it is taken in a block that is one workweek or more. You suggest that Marty reach back out to you in two months.

### Scenario 2:

*This scenario provides advisement on a leave for pregnancy disability under PDLL/FMLA immediately followed by parental bonding leave under FMLA/CFRA taken as a block leave initially and later taken as reduced schedule leave. The employee has a 3-day workweek.*

Jing, a represented employee, reaches out to you for advisement on an upcoming pregnancy disability leave. The expected due date is July 15, 2021. Jing is a Clinical Nurse 2 with a 90% appointment (3/12-hour shifts/week) and is advised the PDL leave will be under PDLL and FMLA. The required leave notices are sent. Jing has 5 days of accrued sick leave, 26 days of vacation, and basic disability only.

After your initial advisement, Jing reaches out to you to request usage of PFCB in lieu of the disability benefit during the pregnancy disability leave. What do you advise Jing?

- Pregnancy Disability Leave is not a type of FML that qualifies for the PFCB pay option.

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- The basic disability benefit will start after the 14-day waiting period. You advise Jing that, to meet the waiting period, Jing is required to use the available sick leave balances (up to 22 days per the disability plan requirements) and, if there are not sufficient sick leave balances, Jing may elect to use vacation leave balances or go unpaid during that time
- After the PDL ends, Jing may immediately take parental bonding leave (initially under FMLA/CFRA and then just under CFRA after FMLA entitlement exhausts) and may use PFCB during up to 8 workweeks of that leave. If additional time is requested to bond with the baby beyond the 8 workweeks, Jing may elect to use leave balances or leave without pay.

Jing emails and asks if PFCB can be used during a continuous FML leave for parental bonding from August 26 through October 5, 2021. This is about 5.5 weeks and Jing is unsure if PFCB can be used for ½ a week based on prior advisement. What do you advise?

- Jing could use PFCB for this entire period because Jing would be taking a continuous block leave for more than 1 workweek.

### **Leave to Care for a Family Member**

#### **Scenario 1:**

*This scenario provides advisement on a CFRA leave requested to care for a family member with serious health conditions, rolling into a new calendar year.*

Jose, a policy-covered employee, emails you on September 16, 2021, to discuss leave needed to care for a sister with a serious health condition. Jose expects the need for leave will begin October 20, 2021 and continue to January 28, 2022. Jose is seeking your advisement about the leave and any pay options. Based on your calculation of worked hours, it is determined Jose is eligible for FML under CFRA. Jose has 110 hours of accrued sick leave and 75 hours of vacation.

You respond to Jose and advise the following:

- You recall Jose took off a few weeks to care for a sister in 2020. Jose used personal leave at that time. You tell Jose that a leave to care for a sister with a serious health condition may now be covered under CFRA, per the revisions to the law effective January 1, 2021. You review the paperwork needed to designate the time as FML under CFRA.
- Jose has 12 workweeks of CFRA entitlement for 2021 and, based on your quick calculation, a block leaves beginning October 20 through December 31, 2021, would be just over 10 workweeks.
- When October 20, 2021, arrives, Jose meets the CFRA eligibility requirements and begins leave to care for the sister, continuing through the end of 2021. Jose starts the

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leave using 8 workweeks of PFCB. After exhausting PFCB, Jose uses sick leave for the remainder of the leave.

Jose checks in with you towards the end of 2021 to talk about the fact that the sister will need more care in January. You advise that Jose will be eligible for CFRA again as of January 1, 2022 and will have a new allotment of 8 workweeks of PFCB for 2022. Jose requests and takes a new CFRA leave to care for the sister beginning January 1, 2022 and continuing through January 28, 2022. Jose uses 4 workweeks of PFCB during this leave. Jose then returns to work.

### Scenario 2:

*This scenario is a continuation of Scenario 1 and provides advisement on multiple requests for leave to care for a family member with serious health conditions in one calendar year, under CFRA and FMLA, and the possibility of Supplemental FML.*

Jose emails you in late February 2022 and states another leave is needed, this time to care for a sick child. Jose anticipates the need for 11 weeks of block leave, over two periods of time. Jose asks to use 8 workweeks of PFCB during the two block leave periods and then use leave balances when intermittent, unplanned absence is needed. The first 6-week block leave to care for the child is beginning March 15, 2022, and then there will be a 5-week block leave beginning in October 2022. You calculate worked hours and determine Jose will meet the FMLA/CFRA eligibility requirements for this leave. As of late February 2022, Jose has 45 hours of sick leave and 108 hours of vacation leave balances. You schedule time to speak with Jose. What do you advise?

- Jose already used 4-workweeks of PFCB in 2022 during the January CFRA leave to care for the sister. This means Jose only has 4 workweeks of PFCB available for the remainder of the calendar year. You explain that PFCB is 8 weeks per calendar year, in total, for all qualifying FML leaves under the FMLA and/or CFRA.
- You explain the leave to care for Jose's child would run concurrently under FMLA/CFRA for 8 workweeks, exhausting the remainder of Jose's CFRA entitlement for the year.
  - However, Jose would have an additional 4 workweeks of FMLA entitlement remaining in 2022. If Jose needs additional leave to care for the child at the time the FMLA entitlement exhausts, Jose may be able to continue that leave in progress by using Supplemental FML because he is policy-covered. You note that PFCB is not an option available during Supplemental FML.
- Jose requests use of all vacation leave balances, and then leave without pay during the block leave that began in March. Jose then requests to use the remaining 4 workweeks of PFCB in the calendar year during his block leave that begins in October. You advise that this plan would be possible.

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### Qualifying Exigency Leave

*This scenario provides advisement on a Qualifying Exigency Leave request.*

Kumar, an Assistant Adjunct Professor, calls you. Kumar's wife has been called to active military duty and will be redeployed in 6 weeks. Kumar is requesting reduced schedule leave to prepare for the redeployment.

After determining Kumar meets the eligibility requirements for FMLA/CFRA, you send the appropriate leave packet and request a copy of the wife's active-duty orders including the dates of the wife's active-duty service. You schedule time to speak. Kumar asks to use PFCB during his reduced schedule leave. You tell Kumar that PFCB can be used during FML taken for Qualifying Exigency Leave, but only if the leave is taken in a block of one week or more. It therefore is not available to use if leave is taken on a reduced schedule. Kumar provides the necessary paperwork to enable you to designate the leave as Qualifying Exigency Leave under FMLA/CFRA.

### Leave to Care for Your Own Serious Health Condition

#### Scenario 1:

*This scenario provides advisement on an FML leave request for an employee's own serious health conditions.*

Charlie, a policy-covered employee, sends in a leave of absence request form indicating the need for leave due to serious health conditions and requesting to use PFCB in lieu of the disability benefits. What do you advise?

- FML for an employee's own serious health condition is not a type of FML that qualifies for the PFCB option. You provide FML paperwork and direct Charlie toward their disability benefit and pay options for their medical leave

#### Scenario 2:

*This scenario provides advisement on an FML leave request for an employee's own serious health condition due to a work-related injury.*

Aja, a represented employee, contacts you. Last week, Aja sustained an injury to the right arm and left knee after tripping and falling down the stairs at work. Aja will be off work for 3 weeks, and maybe longer, as surgery may be needed. You provide Aja with FML paperwork for leave and connect Aja with the unit that manages workers' compensation claims. Aja understands

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workers' compensation disability payments may be delayed and stated the timekeeping system only shows about 65 hours of accrued leave, between sick and vacation leave balances. Aja requests to use PFCB until the claim is accepted. What do you advise?

- An employee's work-related injury is not a qualifying reason to use the PFCB pay option. PFCB may be used for qualifying FML leaves, such as leaves for parental bonding and some leaves related to caring for a family member. PFCB cannot be used for an FML leave taken for the employee's own serious health condition.
- You discuss the Lincoln Financial disability benefits, but you also refer Aja to the unit that manages workers' compensation for advisement on any pay options and/or leave entitlements under the workers' compensation program.