

# Leave of Absence Options Available for New Dad in California

By Sunny Lee - March 15, 2019



*Our employee's wife just had a baby and he is asking us if he can take time off work and how much he will get paid. What are we required to do? We have never had this come up before.*

Many people think baby bonding applies only to moms, but it also applies to a biological, adoptive or foster care dad, stepdad, legal guardian or someone who stands in the shoes of a dad in relation to care of a baby or child, otherwise known as "loco parentis."

## California Laws

Time off for bonding in California is required under two laws that apply to employers depending on company size.

- The New Parent Leave Act (NPLA) went into effect January 1, 2018 and applies to employers of 20 or more employees.
- The California Family Rights Act (CFRA) of 1993 applies to employers of 50 or more employees.

To be eligible for either of these leaves, an employee would have to have been employed for 1 year and worked 1,250 hours during the last 12 months before the leave.

If these eligibility requirements are met in addition to the number of employees required to be employed within a 75-mile radius, then the employee is entitled to 12 weeks of baby bonding leave that may be used any time within 12 months of the birth of the child, or placement for adoption or foster care.

## Paid Time or Not?

No law requires that the employer pay the employee for this leave; however, an employee may file for partial wage replacement by filing a claim for Paid Family Leave (PFL) with the Employment Development Department. Employers are required to provide the employee with the PFL brochure that explains this benefit.

Companies that are not covered by these laws may choose to provide time off or not. For example, an employer of 5 employees may provide its employees with 6 weeks of leave for baby bonding. Because 6 weeks is the amount of time that an employee may receive PFL benefits, it often is looked at as the time for the leave.

Lastly, always consider if the employee has accrued sick, vacation or paid time off. If so, the employee could use available paid time off for baby bonding.