



PAID FAMILY LEAVE

Train the Trainers Toolkit

CALIFORNIA PAID FAMILY LEAVE AND PAID SICK DAYS

TOOLKIT

This toolkit is a joint effort by the California Work & Family Coalition and the California Partnership to End Domestic Violence, in recognition of the critical role of economic empowerment to prevent domestic violence.



CALIFORNIA
Work & Family
COALITION



CALIFORNIA
PARTNERSHIP TO END
DOMESTIC VIOLENCE

Together, We're Stronger.

THE CALIFORNIA WORK & FAMILY COALITION

The **California Work & Family Coalition** is an alliance of community organizations, unions, non-profits, and individuals dedicated to helping parents, caregivers, and families thrive. The Coalition's strategies include policy change, community education and outreach, and coalition-building. The Coalition is a member of the Family Values at Work national network. <http://www.workfamilyca.org>

THE CALIFORNIA PARTNERSHIP TO END DOMESTIC VIOLENCE

The **California Partnership to End Domestic Violence** (the Partnership) is California's recognized domestic violence coalition, representing over 1,000 advocates, survivors, organizations and allied groups. The Partnership's mission is to promote the collective voice of a diverse coalition of organizations and individuals, working to eliminate all forms of domestic violence. As an advocate for social change, the Partnership advances its mission by shaping public policy, increasing community awareness, and strengthening its members' capacity to work toward the common goal of advancing the safety and healing of victims, survivors and their families.

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HOW TO USE THIS TOOLKIT

The purpose of this toolkit is to promote access to and education on paid leave for Californians -- specifically, Paid Family Leave and paid sick days.¹ To that end, our objectives are three-fold:



TRAIN

Train people on their right to Paid Family Leave (PFL) and paid sick days.



CONNECT

Connect individuals to advocates and resources on paid leave.



IDENTIFY

Identify individuals who want to be connected to a broader coalition to expand and enforce paid leave in California.

This toolkit is aimed towards service providers, public health educators, advocates, and anyone who would like to inform their community about PFL and paid sick days.

Resources already exist on the topic of PFL and paid sick days -- for example, state agencies provide information on PFL and paid sick days through their websites. Legal service providers, like [Legal Aid at Work](#), have great fact sheets and guides for both workers and employers. The California Work & Family Coalition also has a website - paidfamilyleave.org - with basic information about paid leave and adjacent California workplace laws. This toolkit complements [existing resources](#) by providing a “train the trainer” curriculum to expand the community of individuals who understand their rights and can teach others.

Although educational resources exist, market research has found that Californians’ knowledge of PFL has actually declined since 2011.² Workers report that they are unsure of their eligibility for the benefit, as well as have trouble navigating the application process.³ Employers themselves want more education about how to advise employees to use PFL.⁴ Misconceptions that PFL is a form of public assistance, rather than an insurance program paid for by applicants themselves, also deter community members from using this valuable leave.⁵ California only recently began to implement paid sick days in 2015, and many workers are still learning how to navigate this basic right. Training is critical for our communities to learn and exercise our rights.

¹ Throughout the toolkit, we refer to Paid Family Leave as PFL, in capital letters, and paid sick days in lower-case letters. PFL refers to the specific California legislation that passed in 2002, while paid sick days is a more general term.

² https://www.edd.ca.gov/disability/pdf/Paid_Family_Leave_Market_Research_Report_2015.pdf

³ *ibid*

⁴ *ibid*

⁵ *ibid*

Through educating and supporting communities to use PFL and paid sick days, we also identify barriers that communities face to exercise their rights. In this way, an additional goal of this toolkit is to connect both trainers and trainees to a broader movement to establish paid leave for all.

This toolkit is a living resource that is regularly updated. We welcome feedback at info@workfamilyca.org.

Here are suggestions to navigate the toolkit:

LOOKING FOR:	CHECK OUT THIS SECTION:
Description of PFL and paid sick days, including benefits and barriers	Introduction
Preparation for trainers	Training principles
Workshop curricula	Training modules (30 and 60-minute versions)
Checklist for applicants preparing to take PFL or paid sick days	PAID LEAVE CHECKLIST, Training modules (30 and 60-minute versions)
Frequently asked questions for trainers	Supporting Materials
Sample leave letters for service providers or applicants	Supporting Materials
Sign-in sheet for training	Supporting Materials
Screening questions for service providers	Supporting Materials
List of additional work-family laws (Family-School Partnership Act, Lactation Accommodation, Family Medical Leave Act, California Family Rights Act, Pregnancy Disability Leave, State Disability Insurance)	Supporting Materials
Resources for survivors of domestic violence	Supporting Materials

INTRODUCTION

To begin -- what are Paid Family Leave and paid sick days, and why do they matter?



Ana is the oldest daughter in her family. Her grandma was diagnosed with lung cancer last year. Since then, Ana has been responsible for communicating with her grandma's doctors, handling her insurance, taking her to appointments, and helping her to make decisions about her treatment. Ana feels good that she can help her grandma, but she has also used up all of her vacation days at work to take care of her. Sometimes Ana needs to change her work schedule at the last minute for a medical emergency. She is not sure how to balance her job while continuing her caregiving responsibilities.

In a few months, Jason and his partner are adopting a four-year old child. They are excited to grow their family, and they are also nervous about bringing a young child into their household for the first time. They want to take time off work to bond with their child, learn how to take care of her, and adjust to this big change in their family. But they are not sure they can afford to take time off. Both Jason and his partner work full-time and, like most workers in the United States, they do not work at a company that provides paid paternity leave.



Ana and Jason are in very different situations. But what they have in common is the need and desire to provide care. Whether caring for a seriously ill family member, or to bond with a new child, the right to care for yourself and others is a basic need. In recognition of that, organizations like the California Work & Family Coalition and others have worked for over a decade to advance paid leave as a basic right. The California Partnership to End Domestic Violence also recognizes that paid leave contributes to healthy relationships because it promotes gender equity and reduces economic stress.

Paid leave is rapidly evolving in the United States, and active campaigns to expand paid leave are ongoing as we created and update this toolkit. In the Resources section of this toolkit, we included a list of other work-family laws in California that may work in tandem with PFL and paid sick days. Individual workplaces may provide benefits that go above and beyond what the law requires, such as paid vacation days and bereavement leave. They can also provide parental leave, caregiver leave, or paid sick days beyond the minimum required by law. Individuals whose employers provide paid leave above the minimum required by the law are advised to learn their rights by reading their company manual and use the Resources section of the toolkit for help. Employees who are union members can speak with their co-workers, shop steward, or union representative to exercise the rights guaranteed in their contract.

While the term paid leave is broad and can encompass various types of leave, such as those mentioned above, this toolkit focuses on California PFL and paid sick days. Here is key information about these two types of paid leave:

PAID FAMILY LEAVE (PFL)

In a nutshell, a Californian can use PFL for bonding (with a newborn, adopted child or foster child) or caregiving (for a child, parent, parent-in-law, grandparent, grandchild, sibling, spouse or registered domestic partner).



WHAT MONEY DO I RECEIVE WHILE I USE PFL?



You receive 60 or 70% (depending on income) of your regular pay for up to eight weeks each year. The California Employment Development Department (EDD) mails you this money through a check or a debit card.

PFL is a state insurance program and the money comes from your taxes. You contribute to the fund through SDI (State Disability Insurance) deductions on your paycheck and then receive this money when you need PFL. Workers, not employers, pay for PFL. This is your own money.

You can use Paid Family Leave for bonding or caregiving. Bonding leave refers to time off in order to bond with and care for a newborn, recently adopted child or a foster child placed in your home in the past year. Caregiving leave refers to time off in order to care for a seriously ill child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner. Eligible California workers can also take PFL wage replacement benefits for reasons related to the military deployment of a spouse, registered domestic partner, parent, or child to a foreign country.

AM I ELIGIBLE TO USE PFL?



A person qualifies for PFL by paying SDI (State Disability Insurance) taxes in the past 5 to 18 months prior to applying. Most employees in California pay into SDI as a typical payroll deduction. Check out this [California Employment Development Department information sheet on types of employment](#) to see whether or not you are subject to SDI taxes. You can also check if you have SDI deductions on your pay stub -- it is typically labeled as CASDI. The Employment Development Department (EDD), which administers PFL, states that citizenship and immigration status do not affect eligibility for PFL.

Since you can take eight weeks of PFL annually, you must not have taken the maximum eight weeks in the twelve months before applying.



HOW DO I APPLY FOR PFL?

You submit an application to the Employment Development Department (EDD). You can do this online or mail a paper form. Although your application for PFL goes to the state government, and not your employer, it may still be helpful to inform your employer. For example, the EDD verifies your last date of employment with your employer and it is helpful for you to provide the same, accurate information.

If you plan to return to your job after your leave, you should certainly coordinate with your employer. We recommend that you learn and follow your employer's established policy for informing them of your PFL schedule. If your employer does not have a written policy, you should inform them in writing, including the projected last date of work and the anticipated return date. Documentation not only helps to maintain clear communication, it can also be a useful tool to protect yourself in case you encounter any roadblocks in using your leave.

For bonding applications, you must provide proof of relationship to the child with whom you are bonding, such as a birth certificate. For caregiving applications, you must provide a physician or medical practitioner's certification, verifying that the person for whom you're caring has a serious illness.

For more information, you can check out the EDD's [website on PFL](#).

Special Note For Pregnant People

PFL is most commonly used for bonding with a new child.⁶ For people recovering from childbirth who receive disability insurance from EDD (typically six weeks for vaginal birth and eight weeks for Cesarean section), you will automatically receive a message from EDD at the end of your disability leave with instructions on how to enroll in PFL.

Although this toolkit focuses on PFL and paid sick days, we want to highlight that pregnant people are eligible for State Disability Insurance before and after childbirth. For a typical pregnancy, you are eligible to take four weeks of paid leave before the birth (at 36 weeks) and an additional six to eight weeks after birth to recover (six for vaginal birth and eight for Cesarean section). This amounts to an additional eight to ten weeks of disability insurance for childbirth. The time may be longer if you have a complicated pregnancy and you should consult with your medical provider.



⁶ https://www.edd.ca.gov/Disability/pdf/Paid_Family_Leave_Market_Research_Report_2015.pdf

WHAT HAPPENS TO MY JOB WHILE I USE PFL?



It is very important to understand that there is a difference between PFL and job protection. Job protection means that your employer must guarantee your job or a comparable job when you return from leave; you keep your benefits during your leave; and you cannot suffer retaliation at work for using or attempting to use your leave.

Your employer is only required to protect your job if you are covered by separate state and federal laws -- these are the Family Medical Leave Act (FMLA), California Family Rights Act (CFRA), and Pregnancy Disability Leave. If you do not qualify for job protection under these laws, your employer does not have to save your job for you when you return from PFL. They can eliminate your job, give it to someone else or demote you. As of January 1, 2021, CFRA job protection covers all workers working for businesses with five or more employees for caregiving, bonding or to care for one's own serious health condition.

You qualify for job protection under the federal Family Medical Leave Act (FMLA) if:

You are taking time off to bond with a newborn, recently adopted child or a foster child; to care for a seriously ill child, parent, spouse; to care for your own serious health condition; or in specific situations related to the military deployment of your child, parent or spouse

_____ and _____

You have worked at your job for 12 months, during that time worked at least 1,250 hours (approximately 24 hours per week)

_____ and _____

Your employer has at least 50 employees in a 75-mile radius

You qualify for job protection under the state California Family Rights Act (CFRA) if:

You are taking time off to bond with a newborn, recently adopted child or a foster child, or to care for a seriously ill child, parent, spouse, registered domestic partner; to care for your own serious health condition or to take time related to the military deployment of a spouse, registered domestic partner, parent or child

_____ and _____

You have worked at your job for 12 months, during that time worked at least 1,250 hours (approximately 24 hours per week).

_____ and _____

Your employer has at least 5 employees.

You qualify for job protection under Pregnancy Disability Leave (PDL) if:

You are taking time off for your own pregnancy related condition before or after giving birth

_____ and _____

You work for a business with at least 5 employees

For more information, you can check out the State of California's [website on protection from discrimination](#).

If you have job protection under the law, yet continue to face retaliation or discrimination for using PFL, you are encouraged to reach out to info@workfamilyca.org for support and information.

PAID SICK DAYS

In a nutshell, you can use paid sick days to take care of your own or a family member's health, or to seek services related to domestic violence, sexual assault, or stalking.



WHAT MONEY DO I RECEIVE WHILE I USE PAID SICK DAYS?

You receive 100% of your regular rate of pay for the time you take off. You receive the pay as you normally do -- for example, if you are paid by check, the money should be in your next paycheck. You earn 1 hour of paid sick time for every 30 hours worked. You earn at least three days or 24 hours (whichever is more) of paid sick time each year.

Unused time carries over to the next year, though your employer can cap it at 48 hours total.

Some cities in California have passed their own local laws that allow workers to earn above and beyond the 24 hours that the state requires. If you work in Berkeley, Emeryville, Los Angeles, Oakland, San Diego, San Francisco, or Santa Monica, you can earn more than 24 hours of paid sick time.



Providing paid sick time is an employer's obligation and the money comes from the employer.



AM I ELIGIBLE TO USE PAID SICK DAYS?

You are eligible for paid sick days if you work at least 30 days in California in one year, and you can begin using paid sick days after 90 days of employment. This is true regardless of your immigration status, the type of business, or whether you work part-time or an hourly wage.

You can use paid sick time to take care of your own or a family member's diagnosis, care, or treatment of an existing health condition, or for preventive care. "Family member" includes your parent, child, spouse, registered domestic partner, grandparent, grandchild, and sibling. Examples of preventative care include vaccinations and regular check-ups.

You can access paid sick time if you are a survivor of domestic violence, sexual assault, or stalking in order to seek medical care, psychological counseling, direct services or participate in safety planning related to their domestic violence, sexual assault, or stalking. In this context, the paid time is sometimes called "paid safe leave" or "paid safe time."

HOW DO I USE MY PAID SICK DAYS?



Employers cannot deny valid requests for paid sick days. You should notify your employer as soon as you can when you know that you need to use your paid sick days, but sometimes advance notice is not possible.

Your employer cannot require you to find a co-worker to cover your absence as a condition of using leave. Your employer cannot require documentation, such as a doctor's note, as a condition of using the leave, unless you take three or more days in a row.

You can decide how much paid sick time to use at once (for example, a half-day of work), but your employer can require you to use at least two hours at a time.

We recommend that you learn and follow your employer's established policy for requesting and using paid sick time. If your employer does not have a written policy, you should document your request in writing (this can include a text message or email), including the date and amount of time you need. Documentation not only helps to maintain clear communication, it can also be a useful tool to protect yourself in case of retaliation.

WHAT HAPPENS TO MY JOB WHILE I USE MY PAID SICK DAYS?



Paid sick days include job protection, as long as you qualify to use it after you have been employed at your job for at least 90 days, have worked in California for at least 30 days, and have accrued the amount of time that you are attempting to use. To see how much paid sick time you have accrued, you can check your pay stub.

Job protection means that your employer must guarantee your job or a comparable job when you return from leave; you keep your benefits during your leave; and you cannot suffer retaliation at work for using or attempting to use your leave. Examples of retaliation include being fired, demoted, suspended, or in any way discriminated against for exercising or attempting to exercise your right to paid sick time. Employees who face retaliation related to paid sick days are encouraged to reach out to info@workfamilyca.org for support and information.

For more information, you can check out the State of California's [website on paid sick time](#).



BENEFITS OF PFL AND PAID SICK DAYS

Both PFL and paid sick days have short and long-term benefits to children, new parents, caregivers, businesses and society:



Children

Paid Family Leave for bonding supports children's health, including reducing infant mortality and the probability of having ADHD, hearing problems, recurrent ear infections, and being overweight.⁷

Paid Family Leave for bonding increases the rate and duration of breastfeeding, which is associated with lower rates of infection, asthma, obesity and sudden infant death syndrome for babies, as well as lower rates of breast cancer, ovarian cancer, type 2 diabetes and heart disease for the breastfeeding parent.⁸



New Parents

Paid Family Leave can help families and individuals on the economic brink avoid bankruptcy when they have new children.

Paid Family Leave is associated with a lower likelihood of a new parent experiencing postpartum depression or postpartum anxiety.⁹



Caregivers

Access to paid leave increases the labor force participation of people caring for family members. By staying in their jobs, caregivers not only contribute to the economy, but also secure their retirement and lifetime wage growth.



Healthy Relationships

Poverty, financial stress and gender inequality in employment are associated with a higher risk of domestic violence.¹⁰ Specifically, economic hardship and financial stress in intimate relationships lead to conflict and potentially violence. Paid Family Leave and paid sick days promote the economic independence that is both a preventative factor against domestic violence, as well as a practical lifeline for those escaping violence.¹¹



Businesses

Paid sick days improve employee productivity and retention in a workplace.¹²



Healthcare Costs

Workers with paid sick days are more likely to receive preventative care, thus reducing long-term health care costs.¹³ Additionally, parents are able to use paid sick days to take care of sick children, as well as take their children for regular wellness check-ups, which increases vaccination rates and compliance for public school attendance.¹⁴



Gender Pay Gap

Paid family leave helps to close the pay gap between men and women, and helps women remain in the workforce and fulfill their lifelong earning potential.

⁷ "Child Health in Elementary School Following California's Paid Family Leave Program" by Shirley Lichtman-Sadot and Neryvia Pillay Bell in Journal of Policy and Management, July 2017

⁸ ibid

⁹ "Longer Paid Family Leave Could Help Protect Moms Against PPD," Lisa Hefferman, Parents, December 19, 2019

¹⁰ "Poverty, Violence, and Health: The Impact of Domestic Violence During Pregnancy on Newborn Health" by Anna Aizer, PMC Summer 2011

¹¹ "Preventing Intimate Partner Violence Through Paid Leave Policies" Preventive Medicine, Volume 114, September 2014 Ashley Schappnell D'Iverno; Dennis E. Reidy; Megan C Kearns

¹² National Partnership for Women and Families "Paid Sick Days are Good for Business" October 2020

¹³ ibid

¹⁴ National Partnership for Women and Families "Paid Sick Days Benefit Children's Health" April 2013

Paid leave is earned and necessary.

However, these rights can be complicated for workers to navigate, as the details of coverage differ based on the worker's income, what city they work in, and how large their company is. Depending on those factors, a worker may be eligible for income replacement, job protection, or both. The patchwork quality of these laws, in large part, reflects the fact that California was the first state in the nation to pass PFL, which it did in 2002.¹⁵ As a pioneer in paid leave in the country, California did not have lessons from other states from which to learn. The original campaign vision was to establish 12 weeks of PFL with both employee and employer funding; however, the policy implemented in 2004 provided for half the time -- six weeks, fully funded by employees, without any job protection.¹⁶ This remained the law until July 2020, when PFL expanded to eight weeks. PFL continues to be fully funded by employees and is separate from job protection, which is provided for under state and federal law for eligible workers.¹⁷

Over a decade after the law has gone into effect, we have also learned hard lessons about gaps and limitations in California's paid family leave law. Given the well-documented benefits of paid leave, and the fact that we all need to care for ourselves or others, why is paid leave so complex when it should be simple and universal? In fact, many workers who qualify for, need and would benefit from paid leave do not take it.¹⁸ Meanwhile, paid sick days are a relatively new state law for Californians and workers, especially immigrant workers or those in low-wage industries, face hurdles in exercising their right to paid sick days. For example, employers may unlawfully require employees to find a replacement for their shift, or produce a doctor's note, as a condition of using paid sick time. For all Californians to truly access paid leave,



¹⁵ [Overview of California's Paid Family Leave Program 2019 \(DE2530\)](#)

¹⁶ *ibid*

¹⁷ *ibid*

¹⁸ Employer and Worker Experiences with Paid Family Leave in California Eileen Appelbaum and Ruth Milkman 2011 CEPR <https://www.cepr.net/documents/publications/paid-family-leave-1-2011.pdf>



it must be job-protected, affordable and inclusive. Currently, paid leave is not accessible to all people. It is not guaranteed to all people, and it does not guarantee job protection to everyone who takes it.

For example, the definition of “family” on behalf of whom one can take paid leave is still limited to blood or legally-defined individuals like a parent-in-law or domestic partner.¹⁹ Under this limited definition of family, a person cannot use paid leave to care for a niece, nephew, roommate or other person with whom they have a significant and close relationship. This outdated definition of family does not take into account “chosen family” and may particularly impact queer and immigrant communities.²⁰

Despite PFL existing for over a decade in California, there continues to be persistent under-utilization of this leave by immigrants, Latinx communities and low-income workers.²¹ Barriers may include insufficient outreach, inadequate wage replacement, lack of job protection for those who take leave, fear of retaliation from employers for taking leave, and general difficulty navigating the application process.



Finally, there are workers who do not even qualify for PFL. In particular, public employees do not qualify because they are not subject to SDI taxes. The University of California (UC) is the state’s largest employer and UC employees do not qualify for PFL because they do not pay into SDI.

In short, this toolkit aims to educate and promote the rights that already exist, while highlighting the urgent need to expand paid leave to those who are left out either in practice or by law. PFL and paid sick days are

19 *ibid*

20 “Mixed Status of Latinx Families: Love and Chosen Family as a Means of Resistance to the American Dream” by Carol Mejia, *Tapestries*, Volume 4; Issue 1 2015

21 [Low-Wage Workers In California Can't Afford To Take Family Leave. This Bill Seeks To Change That. \(msn.com\)](https://www.msn.com)

one part of a broader movement for workers to balance work and family. These rights impact entire families, as nearly everyone will require care, or need to care for others, at some point in their life. By taking simple steps such as using PFL or paid sick days, we collectively normalize paid leave, and by advocating to strengthen and expand these rights, we create the inclusive infrastructure of care needed to thrive as individuals, families and as a society.



Immigrant Workers



California has more immigrants than any other state in the nation -- and these communities often use PFL at a lower rate than U.S.-born workers, despite paying into and qualifying for the benefit. Additionally, immigrant workers are disproportionately concentrated in low-wage industries in which paid sick days are a relatively new workplace right.

All workers have a right to paid sick days regardless of immigration status. Eligibility for PFL does not depend on citizenship or immigration status. It is important to note that neither PFL or paid sick days qualify as “public charge” benefits. Using PFL and paid sick days does not affect your application for naturalization.

If you need help navigating your rights or benefits, please contact info@workfamilyca.org to be connected with an advocate.

KNOW YOUR RIGHTS *TRAINING*



TRAINING PRINCIPLES

Here are key principles for trainers to practice when conducting a workshop on paid leave.



BE INCLUSIVE



Be inclusive and accurate about the wide range of caregiving protected under paid family leave, the definition of “family,” and the genders of individuals applying for leave. While the most common image of paid family leave is of maternity leave, with a mother cradling her baby, paid family leave actually covers bonding with a newborn child, a newly adopted child, a child recently-placed through foster placement, as well as caregiving for a seriously ill child, parent, grandparent, grandchild, sibling, spouse, or registered domestic partner. Additionally, parents of any gender qualify for paid family leave, not only mothers.

Family itself is evolving in the U.S.²²

It is important to highlight paid family leave to care for a seriously ill family member because this right is particularly under-utilized, even though in a lifetime, individuals spend on average twice as much time caring for an elderly family member than caring for an infant.²³

Trainers are encouraged to use a range of gender pronouns in speaking about hypothetical situations, including non-binary pronouns, like “they/them.” Using a range of pronouns can be a powerful corrective to the cultural expectation that only mothers and women take leave. Additionally, using non-binary gender pronouns not only respects and reflects people’s identities, it is also consistent with California law, which has evolved to require non-binary gender options for restrooms, locker rooms, driver licenses and state identification cards. For example, breastfeeding advocates refer to a “breastfeeding or chestfeeding parent” rather than a “breastfeeding mother” when they provide Know Your Rights education on lactation accommodations.

²² <https://www.pewsocialtrends.org/2015/12/17/1-the-american-family-today/>

²³ USC “Taking Care of You” Donna Benton



PRACTICE LANGUAGE JUSTICE

Adopting the definition of the [Antena Aire](#) collaborative, language justice is the right of every person to communicate in the language in which they feel most comfortable, and requires the use of intentional strategies to bridge differences in language.

Studies show that immigrant communities are less likely to use paid family leave, even when they qualify. One barrier may be language. For example, the online application for Paid Family Leave was recently available only in English, despite the fact that 44% of Californians speak a language other than English at home.²⁴ Service providers, educators and advocates remain a critical component of the broad network needed to educate and assist Californians to use paid leave.

Consider the language needs of the participants. Arrange for interpretation beforehand and, if possible, provide interpreters with training materials so that they can prepare. If there is funding for the training, include interpretation and translation costs in the budget. The Employment Development Department and Division of Labor Standards Enforcement have some written resources available online in languages other than English. Provide these handouts and brochures related to Paid Family Leave and paid sick days.²⁵

Language justice extends beyond the accurate transmission of information. By communicating in the language most comfortable to them, people who want to use paid family leave or paid sick days may also feel more comfortable to share questions about sensitive topics, such as immigration status or retaliation.

Finally, both state and federal law prohibit individuals from being limited in their access to paid family leave on the basis of language.²⁶ If you experience or observe inadequate language support, you can reach out to advocates at the California Work & Family Coalition, as well as directly submit complaints through a number of avenues, including to the EDD at eeomail@edd.ca.gov or to the California Equal Employment Opportunity Language Access hotline at 1-866-889-3278.²⁷



²⁴ https://cdn.cnsnews.com/attachments/census-other_than_english.pdf

²⁵ [Paid Family Leave – Forms and Publications](#)

²⁶ The EDD provides direct phone numbers for paid family leave in English, Spanish, Cantonese, Vietnamese, Armenian, Punjabi and Tagalog; and provides the paper (not electronic) family leave application in English, Traditional and Simplified Chinese, Armenian, Spanish, Vietnamese and Tagalog.

²⁷ https://www.edd.ca.gov/pdf_pub_ctr/de8122.pdf

INCLUDE HANDS-ON PRACTICE



Know Your Rights education is not complete without an honest conversation about the exercise of those rights, including the possibility that individuals applying for paid family leave may feel intimidated, unsure, and even fear retaliation from an employer. Hands-on practice, such as a roleplay in the 60-minute version of the workshop (p.27), helps participants identify more concretely the best practices, questions and obstacles to using paid leave. In the shorter 30-minute workshop module, participants can at least outline a set of concrete steps to claim their paid leave.

DON'T FEEL PRESSURE TO BE AN EXPERT



Resources are available! Given the patchwork and evolving nature of paid leave in California, you as a trainer may feel overwhelmed. We're here to support you! You do not need to be perfectly versed in the current law. The California Work & Family Coalition has a wide net of resources, including policy advocates, service providers, employment attorneys, health clinics, and more, who are here to help training participants.

If you are unsure of how to answer a question, write it down and refer to a resource or email info@workfamilyca.org. It is better to say, "I don't know, but I'll get you the answer," than to give wrong information. Know that just by introducing this information, you are helping people take the first step toward economic independence and healthier relationships.



KNOW YOUR RIGHTS TO PAID FAMILY LEAVE



Know Your Rights Training: California Paid Leave (30-minute version)

Goals:

- Train participants on their rights to Paid Family Leave and paid sick days.
- Connect participants to resources to exercise their rights.

Materials:

- Paid leave checklist
- Frequently Asked Questions
- List of California work/family workplace rights
- Legal Aid at Work factsheets on pregnancy/bonding and caregiving

I. Introduction Pair-Share (5 min)

Ask participants to share in pairs in order to introduce the relevance of paid family leave and paid sick day to each person's life. This is also a chance to assess the participants' familiarity with these laws.

“Think of a time you needed to take time off from work to care for yourself or someone else. Why did you need to take time off? What did you do? For example, how much time did you take? Were you paid for the time you were out? How did you get permission, or were denied permission?”

Allow a few minutes for people to think of an example.

“Introduce yourself to the person next to you. Each of you will have one minute each to share your story.”

Use a timer to keep time; after the first minute has passed, make an announcement for the pair to switch to the next person.

Ask for one volunteer to share their story with the entire group. Reinforce key points that the volunteer said, then connect to the broader importance of paid leave.

“ We all need to take paid leave at some point, either for ourselves or others. The goal of today’s training is to help you understand Paid Family Leave and paid sick days so that you can exercise your rights.”

Gauge participants’ familiarity with the laws.

“ Raise your hand if you have used paid sick time before. Raise your hand if you have used Paid Family Leave before. By the end of today’s short training, you’ll be familiar with these laws so that you can use them for yourself or share the information with your friends, family and coworkers.”

II. **Overview of Paid Family Leave and paid sick days** (5 min)

Provide a brief overview of pay (wage replacement) and job protection.

“ There’s two main areas of rights related to paid leave – one is pay, or wage replacement, and the other is job protection. Pay means the money that you receive while you’re on leave. Job protection means that your employer must guarantee your job or a comparable job when you return from leave, and you keep your benefits during your leave. Paid sick time guarantees 100% of your regular pay and job protection, no matter your immigration status, or whether you work part-time, earn an hourly wage, or work for a small business. Paid Family Leave is more complicated – you get 60 or 70% of your regular pay and job protection depending on how long you’ve worked at your job, how many hours you worked in the past year, and your company size. We’ll review this information through a story.”

III. Paid Leave Checklist -- Know Your Rights (10 min)

In this section, you review with participants one common example of paid leave -- a father bonding with a newborn. You will use the “[paid leave checklist](#)” tool to help participants review essential information for using Paid Family Leave or paid sick days.

“ We’re going to review a common situation through the story of a young man named Kam – his partner is pregnant and they are expecting their first child. Kam is a college student and also has worked about 25 hours a week as a bartender for the past three years. Kam is meeting with his school counselor to understand his options for parental leave. Let’s use a Paid Leave Checklist of five simple questions to help Kam gather information he needs.”

PAID LEAVE CHECKLIST

(Paid Family Leave and paid sick days)

1) Why are you using the time off? (check one of the below)

- Bond with a child born within the past 12 months
- Bond with a child adopted within the past 12 months
- Bond with a foster child placed in your home in the past 12 months
- Care for a seriously ill child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner
- Take care of your own or a family member’s health for three or fewer days
- Seek medical care, psychological counseling, direct services or participate in safety planning related to your own domestic violence, sexual assault, or stalking that you have experienced

2) What city do you work in?

3) How long have you worked there?

4) How many hours did you work at this workplace in the past 12 months?

5) How many employees does your company have?

After answering these five questions, you can begin to identify the paid leave that may be right for you:

*You can use **Paid Family Leave** for bonding (with a newborn, adopted child or foster child) or caregiving (for a child, parent, parent-in-law, grandparent, grandchild, sibling, spouse or registered domestic partner).*

- **Pay:** You receive 60% or 70% of your regular pay for up to 8 weeks each year. The California Employment Development Department (EDD) mails you this money through a debit card or a check.
- **Job protection:** If you have worked at your job for at least 12 months, during that time worked at least 1,250 hours (about 24 hours each week), and your employer has at least 5 employees, you may qualify for job protection under the California Family Rights Act (CFRA) and/or Family and Medical Leave Act (FMLA). Job protection means your employer must guarantee your job or a comparable job when you return from leave.

*You can use **Paid Sick Days** to take care of your own or a family member's health, or to seek services related to your own domestic violence, sexual assault, or stalking that you have experienced.*

- **Pay:** You receive 100% of your regular rate of pay for the time you took off. You receive the pay as you normally do. For example, if you are paid by check, the money should be in your next paycheck. You earn 1 hour of paid sick time for every 30 hours worked, and up to a minimum of 24 hours each year. Unused time carries over to the next year, though your employer can cap it at 48 hours total. You can begin using this after 90 days of employment.
- **Job protection:** Paid sick days carries job protection, as long as you qualify to use it because you have been employed at your job for at least 90 days and have accrued the amount of time that you are attempting to use. This is true regardless of immigration status, the type of business, or whether you work part-time or an hourly wage.
- Note that if you work in Berkeley, Emeryville, Los Angeles, Oakland, San Diego, San Francisco, or Santa Monica, you may be entitled to more than 24 hours of paid sick time.

Spend about three minutes filling out the checklist with the participants, according to the scenario. Review each of the five questions aloud (or ask volunteers to read the questions aloud) and decide together which box to check.

KAM'S CHECKLIST ANSWERS

1) Why are you using the time off? (check one of the below)

- Bond with a child born within the past 12 months
- Bond with a child adopted within the past 12 months
- Bond with a foster child placed in your home in the past 12 months
- Care for a seriously ill child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner
- Take care of your own or a family member's health for three or fewer days
- Seek medical care, psychological counseling, direct services or participate in safety planning related to your own domestic violence, sexual assault, or stalking that you have experienced

2) What city do you work in?

Fresno

3) How long have you worked there?

Three years

4) How many hours did you work at this workplace in the past 12 months?

About 1,275 hours (25 hrs/week with 1 week off)

5) How many employees does your company have?

About 80

Summarize Kam's answers and review with participants the paid leave options available to him.

“ Kam can take up to six weeks of Paid Family Leave to bond with his baby. Does he qualify for job protection? Job protection means that when he comes back from his leave, his employer must let him return to his or a similar job; he keeps his benefits while he's on leave; and his employer can't retaliate against him for taking leave, such as cutting his hours.”

Give everyone a chance to review the question and answer.

“ Yes, Kam qualifies for job protection! He's been working as a bartender at the same restaurant for over a year, more than 1,250 hours in the last year, and for an employer who has more than 5 employees.”

IV. Q&A and resources (10 min)

Thank the participants. Encourage them to take more resources to understand that Paid Family Leave and paid sick time are only two in a larger web of workplace rights.

“ Make sure you take the extra resources – we have paper copies of Frequently Asked Questions, California work/family workplace rights, and factsheets from Legal Aid at Work. Paid Family Leave and paid sick days are only two laws, and there are actually more rights for people who are pregnant, breastfeeding, and in other life situations.”

Conduct a brief question and answer period. If you do not know the answers to some of the questions, write it down, take the contact information of the participant, and email info@workfamilyca.org for support. If you run out of time in the training, you can encourage participants to speak with you 1-on-1 afterwards.

“ If you leave with one thing in your mind – remember that you or someone you care about WILL need paid leave at some point. You have earned this leave and there are groups to help you. These organizations are also fighting to make paid leave work for everyone. If you are interested in learning more about campaigns to expand paid leave, please check the box on the sign-in sheet to receive more information.”



Know Your Rights Training: California Paid Leave (60-minute version)

Goals:

- Train participants on their rights to Paid Family Leave and paid sick days.
- Connect participants to resources to exercise their rights.

Materials:

- Paid leave checklist
- Frequently Asked Questions ([p.30](#))
- List of California work/family workplace rights ([p.33](#))
- Legal Aid at Work factsheets on [pregnancy/bonding](#) and [caregiving](#)

I. Introduction Pair-Share (5 min)

Ask participants to share in pairs in order to introduce the relevance of paid family leave and paid sick days to each person's life. This is also a chance to assess the participants' familiarity with these laws.

“Think of a time you needed to take time off from work to care for yourself or someone else. Why did you need to take time off? What did you do? For example, how much time did you take? Were you paid for the time you were out? How did you get permission, or were you denied permission?”

Allow a few minutes for people to think of an example.

“Introduce yourself to the person next to you. Each of you will have one minute each to share your story.”

Use a timer to keep time; after the first minute has passed, make an announcement for the pair to switch to the next person.

Ask for one volunteer to share their story with the entire group. Reinforce key points that the volunteer said, then connect to the broader importance of paid leave.

“ We all need to take paid leave at some point, either for ourselves or others. The goal of today’s training is to help you understand Paid Family Leave and paid sick days so that you can exercise your rights.”

Gauge participants’ familiarity with the laws.

“ Raise your hand if you have used paid sick time before. Raise your hand if you have used Paid Family Leave before. By the end of today’s short training, you’ll be familiar with these laws so that you can use them for yourself or share the information with your friends, family and coworkers.”

II. **Overview of Paid Family Leave and paid sick days** (5 min)

Provide a brief overview of pay (wage replacement) and job protection.

“ There’s two main areas of rights related to paid leave – one is pay, or wage replacement, and the other is job protection.

Pay means the money that you receive while you’re on leave. Job protection means that your employer must guarantee your job or a comparable job when you return from leave, and you keep your benefits during your leave.

Paid sick time guarantees 100% of your regular pay and job protection, no matter your immigration status, or whether you work part-time, earn an hourly wage, or work for a small business.

Paid Family Leave is more complicated – you get 60% or 70% of your regular pay and job protection depending on how long you’ve worked at your job, how many hours you worked in the past year, and your company size. We’ll review this information through two stories.”

Take questions to clarify before moving on.

III. Paid Leave Checklist -- Know Your Rights (20 min)

In this section, review with participants two common examples of paid leave -- a father bonding with a newborn, and a person helping care for her grandmother with cancer. You will use the “[paid leave checklist](#)” tool to help participants review essential information for using Paid Family Leave or paid sick days.

“ We’re going to review a common situation through the story of a young man named Kam – his partner is pregnant and they are expecting their first child. Kam is a college student and also has worked about 25 hours a week as a bartender for the past three years. Kam is meeting with his school counselor to understand his options for parental leave. Let’s use a Paid Leave Checklist of five simple questions to help Kam gather information he needs.”

“ Our second story is about Erika – her grandma was diagnosed with cancer. She needs help going to her doctor’s appointments, recovering from chemotherapy, and also help to cook and clean. Erika was raised by her grandma and wants to help her as much as possible now. Erika works 35 hours a week as a cashier at Target in Garden Grove, California and has been working there for two years. She wants to take time off to help her grandma, but is unsure how it will impact her job in the future. Use the Paid Leave checklist to review Erika’s options about Paid Family Leave or paid sick days.”

Give participants time to think about both stories and apply them to the checklist. Then as a group, discuss the stories and identify Kam and Erika’s options. You can also choose to divide participants into pairs or small groups to do this work.

PAID LEAVE CHECKLIST

(Paid Family Leave and paid sick days)

1) Why are you using the time off? (check one of the below)

- Bond with a child born within the past 12 months
- Bond with a child adopted within the past 12 months
- Bond with a foster child placed in your home in the past 12 months
- Care for a seriously ill child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner
- Take care of your own or a family member's health for three or fewer days
- Seek medical care, psychological counseling, direct services or participate in safety planning related to your own domestic violence, sexual assault, or stalking that you have experienced

2) What city do you work in?

3) How long have you worked there?

4) How many hours did you work at this workplace in the past 12 months?

5) How many employees does your company have?

After answering these five questions, you can begin to identify the paid leave that may be right for you:

*You can use **Paid Family Leave** for bonding (with a newborn, adopted child or foster child) or caregiving (for a child, parent, parent-in-law, grandparent, grandchild, sibling, spouse or registered domestic partner).*

- **Pay:** You receive 60% or 70% of your regular pay for up to 8 weeks each year. The California Employment Development Department (EDD) mails you this money through a debit card or a check.
- **Job protection:** If you have worked at your job for at least 12 months, during that time worked at least 1,250 hours (about 24 hours each week), and your employer has at least 5 employees, you may qualify for job protection under the California Family Rights Act (CFRA). Job protection means your employer must guarantee your job or a comparable job when you return from leave; you keep your benefits during your leave; and you cannot suffer retaliation at work for using or attempting to use your leave.

You can use **Paid Sick Days** to take care of your own or a family member's health, or to seek services related to domestic violence, sexual assault, or stalking that you have experienced.

- **Pay:** You receive 100% of your regular rate of pay for the time you took off. You receive the pay as you normally do. For example, if you are paid by check, the money should be in your next paycheck. You earn 1 hour of paid sick time for every 30 hours worked, and 24 hours each year. Unused time carries over to the next year, though your employer can cap it at 48 hours total. You can begin using this after 90 days of employment.
- **Job protection:** Paid sick days carries job protection, as long as you qualify to use it because you have been employed at your job for at least 90 days and have accrued the amount of time that you are attempting to use. This is true regardless of immigration status, the type of business, or whether you work part-time or an hourly wage.
- Note that if you work in Berkeley, Emeryville, Los Angeles, Oakland, San Diego, San Francisco, or Santa Monica, you may be entitled to more than 24 hours of paid sick time.

Spend about three minutes filling out the checklist with the participants, according to the scenario. Review each of the five questions aloud (or ask volunteers to read the questions aloud) and decide together which box to check.

KAM'S CHECKLIST ANSWERS

1) Why are you using the time off? (check one of the below)

- Bond with a child born within the past 12 months
- Bond with a child adopted within the past 12 months
- Bond with a foster child placed in your home in the past 12 months
- Care for a seriously ill child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner
- Take care of your own or a family member's health for three or fewer days
- Seek medical care, psychological counseling, direct services or participate in safety planning related to your own domestic violence, sexual assault, or stalking that you have experienced

2) What city do you work in?

Fresno

3) How long have you worked there?

Three years

4) How many hours did you work at this workplace in the past 12 months?

About 1,275 hours (25 hrs/week with 1 week off)

5) How many employees does your company have?

About 80

Summarize Kam's answers and review with participants the paid leave options available to him.

“ Kam can take up to six weeks of Paid Family Leave to bond with his baby. Does he qualify for job protection? Job protection means that when he comes back from his leave, his employer must let him return to his or a similar job; he keeps his benefits while he's on leave; and his employer can't retaliate against him for taking leave, such as cutting his hours.”

Give everyone a chance to review the question and answer.

“ Yes, Kam qualifies for job protection! He's been working as a bartender at the same restaurant for over a year, more than 1,250 hours in the last year, and for an employer who has at least 5 employees.”

ERIKA'S CHECKLIST ANSWERS

1) Why are you using the time off? (check one of the below)

- Bond with a child born within the past 12 months
- Bond with a child adopted within the past 12 months
- Bond with a foster child placed in your home in the past 12 months
- Care for a seriously ill child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner
- Take care of your own or a family member's health for three or fewer days
- Seek medical care, psychological counseling, direct services or participate in safety planning related to your own domestic violence, sexual assault, or stalking that you have experienced

2) What city do you work in?

Garden Grove

3) How long have you worked there?

Two years

4) How many hours did you work at this workplace in the past 12 months?

About 1,820 hours (35 hrs/week)

5) How many employees does your company have?

More than 100

Summarize Erika's answers and review with participants the paid leave options available to her.

“Erika can take up to eight weeks of Paid Family Leave to take care of her grandma. Does she qualify for job protection? Job protection means that when she comes back from her leave, her employer must let her return to her own or a similar job; she keeps her benefits while she's on leave; and her employer can't retaliate against her for taking leave, such as cutting hours.”

Give everyone a chance to review the question and answer.

“Yes, Erika qualifies for job protection! She's been working as a shift manager at Target for over a year, more than 1,250 hours in the last year, and for an employer who has more than 5 employees.

While she applies for Paid Family Leave, Erika can also use the paid sick leave she has accumulated to help with her grandma's health, such as taking her grandma to doctor's appointments. Since Erika works in Garden Grove, she has the right to accumulate at least three paid sick days each year, one hour for every 30 hours worked, and her employer might offer more.”

IV. Q&A and resources (20 min)

Thank the participants. Encourage them to take more resources to understand that Paid Family Leave and paid sick time are only two in a larger web of workplace rights.

“Make sure you take the extra resources – we have papers of Frequently Asked Questions, California work/family workplace rights, and factsheets from Legal Aid at Work. Paid Family Leave and paid sick days are only two rights, and there are actually more rights for people who are pregnant, breastfeeding, and in other life situations.”

Conduct a brief question and answer period. If you do not know the answers to some of the questions, write it down, take the contact information of the participant, and email info@workfamilyca.org for support. If you run out of time in the training, you can encourage participants to speak with you 1-on-1 afterwards.

“If you leave with one thing in your mind – remember that you or someone you care about WILL need paid leave at some point. You have earned it and there are groups to help you. These organizations are also fighting to make paid leave work for everyone. If you are interested in learning more about campaigns to expand paid leave, please check the box on the sign-in sheet to receive more information.”

SUPPORTING MATERIALS

FREQUENTLY ASKED QUESTIONS



My employer doesn't have a written policy for taking paid sick days. What should I do?

Let your employer know as soon as possible if you need to use a sick day. Your employer cannot deny requests for paid sick days. Additionally, your employer cannot require you to find a replacement co-worker or present a doctor's note as a condition of using the paid sick day, unless you are taking three or more days in a row.

Does using Paid Family Leave or paid sick days qualify me as a "public charge" and harm my application for naturalization?

No, using PFL or paid sick days does not qualify you as a "public charge." PFL is a social insurance program -- it is your own money. Paid sick days is something that your employer pays you and is not a government benefit.

How does my immigration status affect my ability to use Paid Family Leave or paid sick days?

All workers who earn paid sick days are entitled to use them, regardless of immigration status.

Everyone who pays into SDI (State Disability Insurance) can apply for PFL. If you have questions, you can contact info@workfamilyca.org for support.

For more FAQs, go to paidfamilyleave.org.

SCREENING QUESTIONS FOR SERVICE PROVIDERS, EDUCATORS AND ADVOCATES

Paid leave impacts families and communities, as every single person will require care, or need to care for others, at some point in their life. If you interact with community members or individuals who may need to use Paid Family Leave or paid sick days, here are some questions you can use:

For PFL bonding:

- “Are you planning to take time off when the baby / adopted child / foster child arrives?”
- “Did you know that you might qualify for Paid Family Leave, so you could have 60% or 70% of your income for up to 8 weeks, while you bond with the baby?”
- “Do you have an idea when you might return to work? Have you talked to your supervisor about it? You might qualify for job protection so that you keep your benefits during your leave and come back to your same job.”
- You can review the Paid Leave Checklist with them to see whether they qualify for job protection.

For PFL caregiving:

- “How has caregiving been affecting your ability to work?”
- “Have you had to take time off from work because of your caregiving responsibilities?”
- “Do you think in the future you might take more time off because of your caregiving responsibilities?”
- “Have you talked to your supervisor about it? You might qualify for job protection so that you keep your benefits during your leave and come back to your same job.”
- You can review the Paid Leave Checklist with them to see whether they qualify for job protection.

For paid sick days:

- “When you are sick, do you usually go to work or stay home?”
- “Did you know that you qualify for paid sick days? This means you can stay home and still be paid your regular pay.” (this is true regardless of immigration status, part-time status, the type of business, or hourly wage)
- You can review the Paid Leave Checklist with them to understand the details of paid sick days, like accrual, use and retaliation.

Sample letters and forms for employees, advocates and service providers:

- Leave and accommodation requests for survivors of domestic violence, sexual assault, military sexual trauma, or stalking; tailored to employees, healthcare providers, and survivors’ advocates (source: Legal Aid at Work: [Survivor’s Guide to Workplace Rights](#))
- [Sample letter](#) from healthcare provider verifying need for pregnancy or childbirth-related disability leave under California law (source: [Legal Aid at Work](#))

LIST OF ADDITIONAL WORK-FAMILY LAWS

Here is a partial list of rights related to paid leave, leave for parents/guardians of children in school, and lactation accommodations:

[Family-School Partnership Act](#) (source: Los Angeles Unified School District)

[Lactation Accommodation - Toolkit](#) (source: Breastfeed LA)

[Information about Family Medical Leave Act \(FMLA\), California Family Rights Act \(CFRA\), Pregnancy Disability Leave \(PDL\), Short-Term Disability Insurance \(SDI\), Paid Family Leave \(PFL\), New Parent Leave Act \(NPLA\)](#) (source: [Legal Aid at Work](#))

RESOURCES FOR SURVIVORS OF DOMESTIC VIOLENCE

[EDD Information Sheet: Services for Victims of Domestic Violence Abuse](#)

[Survivor's Toolkit for Employment Rights in California](#) (source: [Legal Aid at Work](#))