

Paid Family Leave in the NICU

If you haven't completed the pre-survey yet, please scan below:



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Agenda

- 12:02-12:05
Welcome
- 12:05-12:15
Current Research
- 12:15-12:20
A NICU Mom's Perspective (video)
- 12:20-12:35
What does Paid Family Leave look like in the NICU?
- 12:35-12:45
Paid Family Leave Handout
- 12:45-1:15
Q&A



Stanford
M E D I C I N E

Paid Family Leave and the NICU: Current Research

John Feister, MD
MK Quinn, PhD

Evidence from Outside the NICU

- FMLA reduced overall infant mortality, neonatal mortality, and post-neonatal mortality for infants born to college-educated and married-women (Rossin, 2011)
- Decreased neonatal, infant, and under-five mortality after passage of paid family leave legislation in middle and high income countries (Khan, 2020)
- Decreased post-neonatal mortality in California after passage of paid family leave policy in 2004 (Montoya-Williams et al., 2020)

Rossin M. The effects of maternity leave on children's birth and infant health outcomes in the United States. *Journal of Health Economics*. 2011;30(2):221-239. doi:[10.1016/j.jhealeco.2011.01.005](https://doi.org/10.1016/j.jhealeco.2011.01.005)

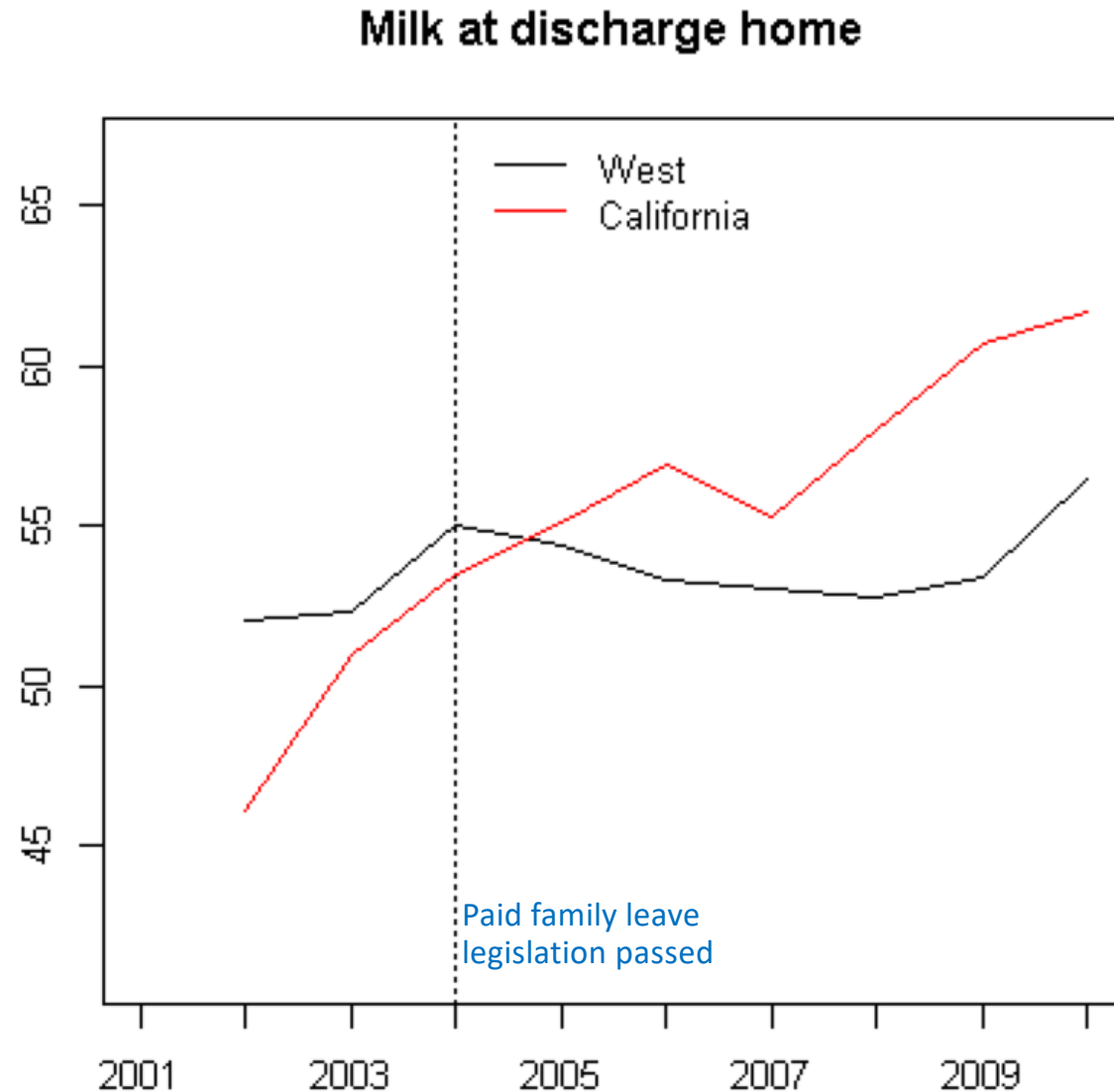
Khan MS. Paid family leave and children health outcomes in OECD countries. *Children and Youth Services Review*. 2020;116:105259. doi:[10.1016/j.childyouth.2020.105259](https://doi.org/10.1016/j.childyouth.2020.105259)

Montoya-Williams D, Passarella M, Lorch SA. The impact of paid family leave in the United States on birth outcomes and mortality in the first year of life. *Health Services Research*. 2020;55(S2):807-814. doi:<https://doi.org/10.1111/1475-6773.13288>

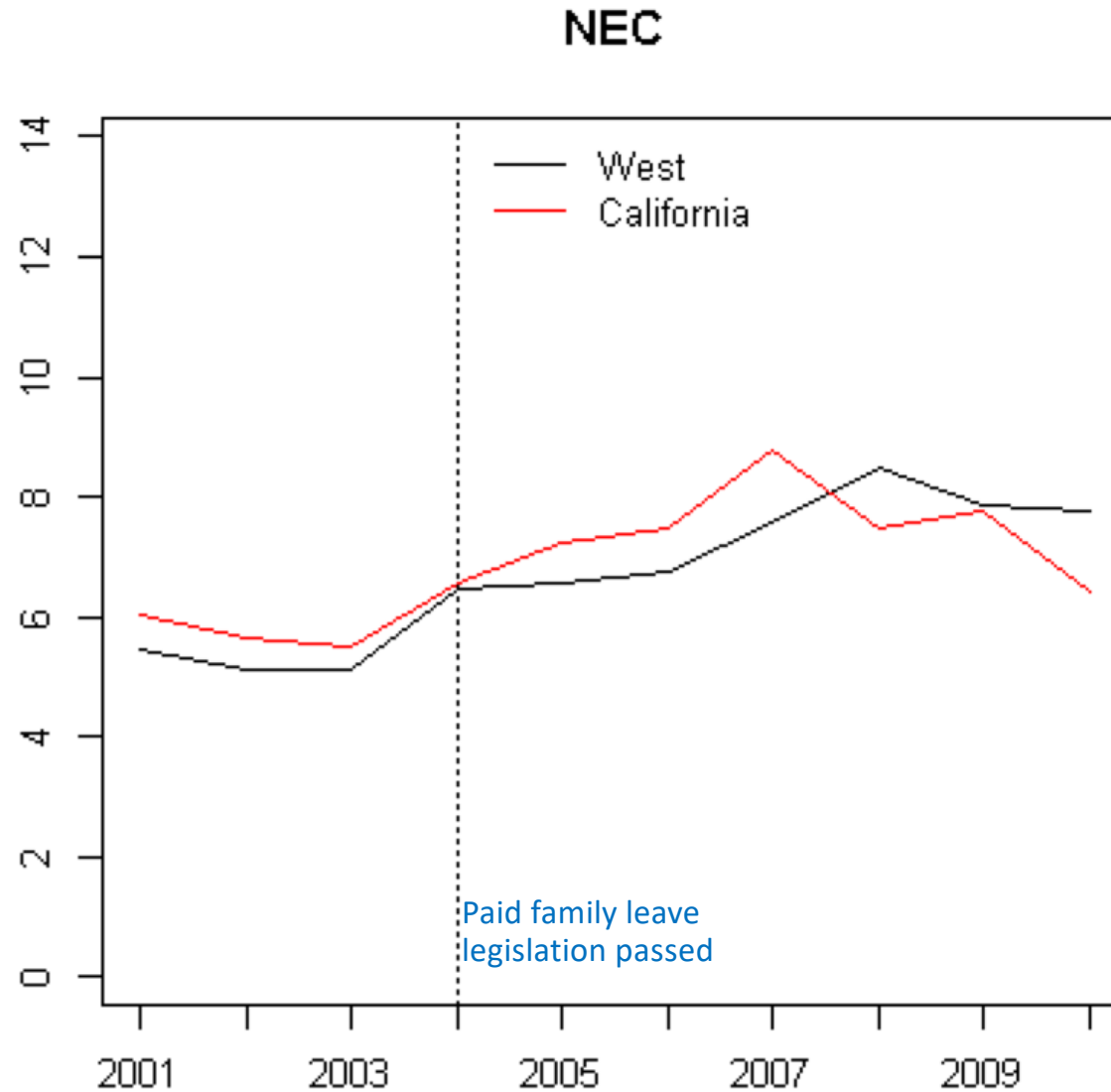
Paid Family Leave and VLBW Infants

- Primary Aim: Determine impact of paid family legislation on health outcomes of very low birthweight (VLBW) infants
- Study Design: Difference-in-Differences comparing outcomes in California (exposed state) vs Western U.S. (unexposed states)
 - Adjust for infant and maternal characteristics

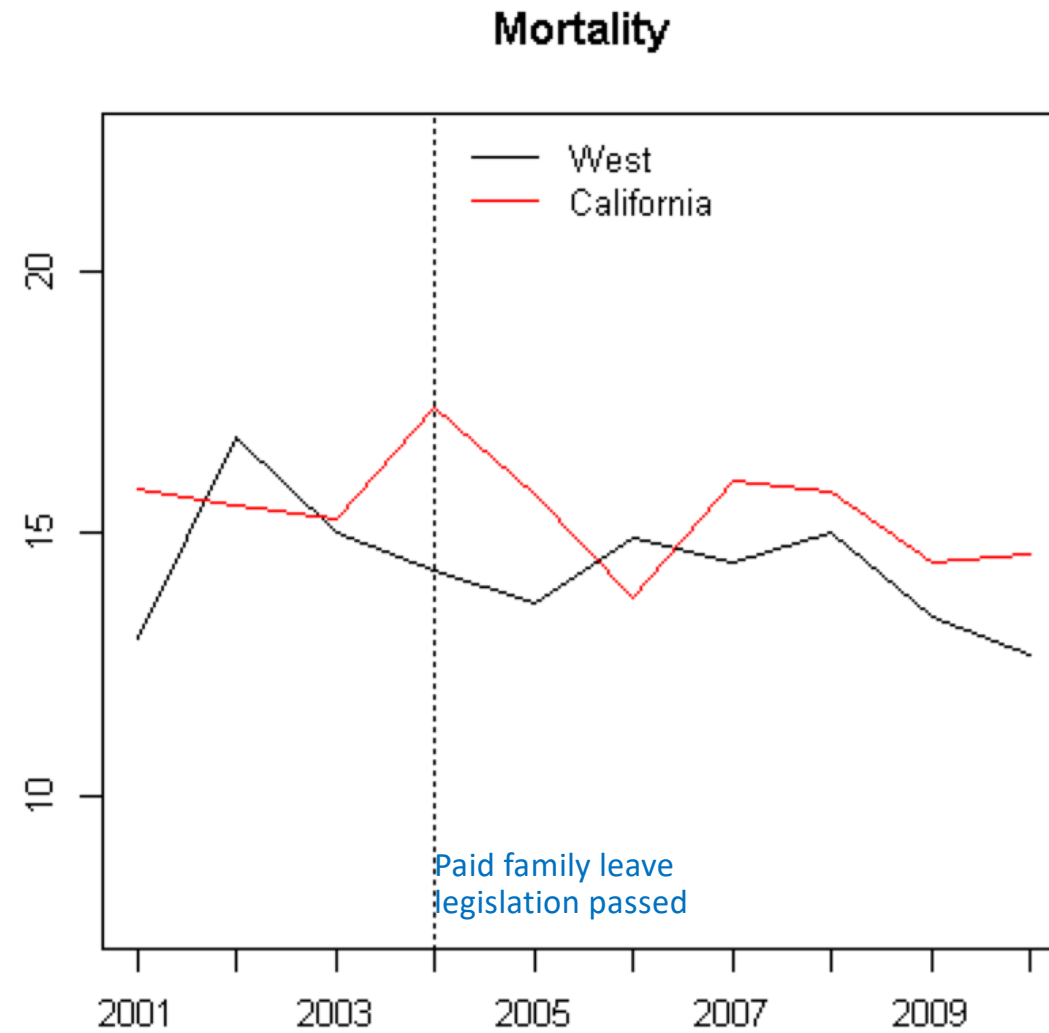
Receipt of Any Human Milk at Discharge



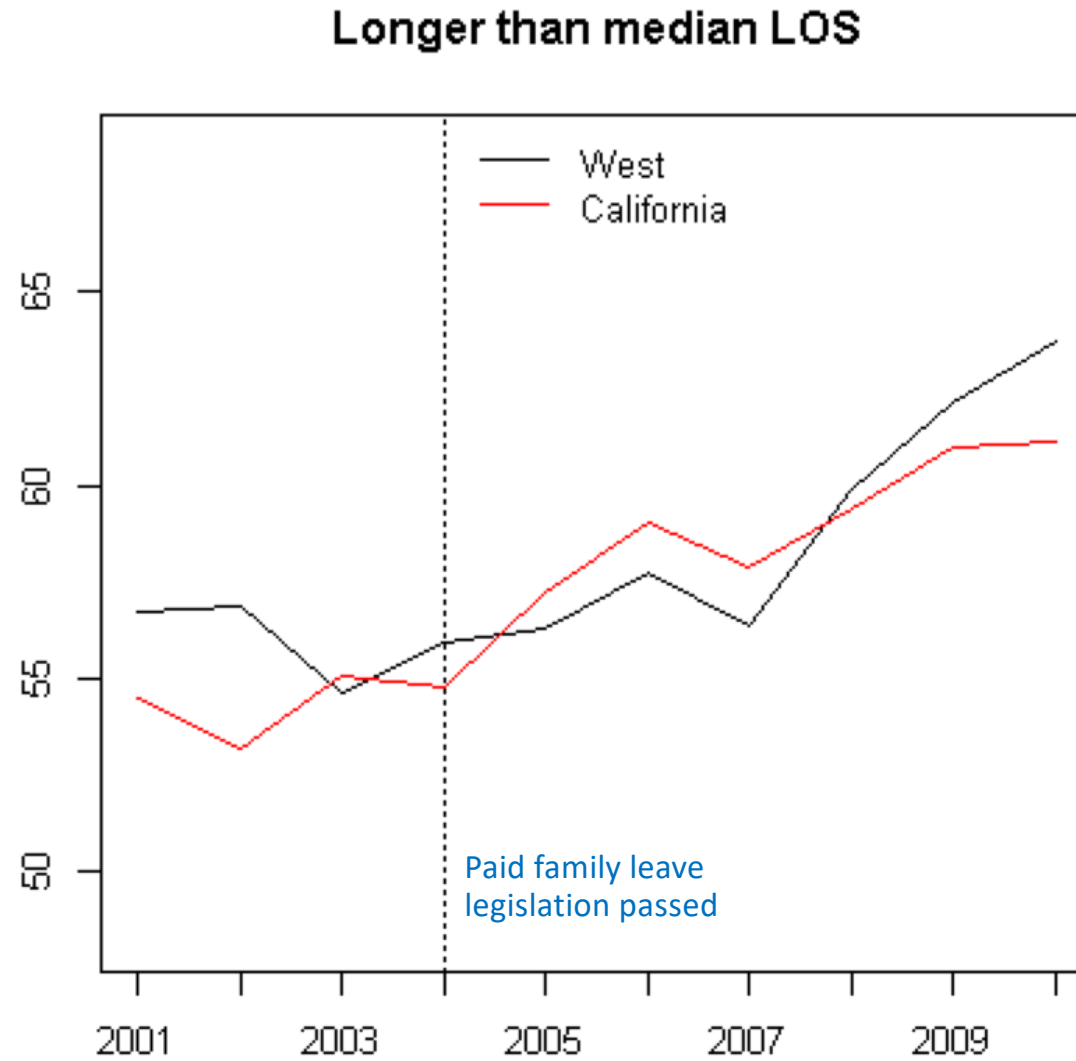
Necrotizing Enterocolitis



Neonatal Mortality



Length of Stay



Take Home Points

- No clear impact of paid family legislation on selected VLBW health outcomes
- Considerations
 - Wrong outcomes?
 - Inadequate uptake or duration of paid family leave?
- Future work
 - Granular, qualitative research on utilization of family leave in the NICU and impact on sensitive outcomes

Upcoming Research at CPQCC

Qualitative Research on Barriers to Visiting the NICU

- Currently conducting 45 minute interviews
- Recruiting parents at Lucile Packard Children's Hospital
- WIC-eligible parents of preterm infants in the NICU

Preliminary Findings of Qualitative Interviews

- Most parents are accessing resources on paid family leave through their workplace
- Parents report that payment during leave was insufficient to cover expenses especially with increased costs of transportation and visiting the hospital during the NICU stay
- Multiple parents report financial difficulties due to a parent needing to quit their jobs (Unaware of PFL or PFL was too short)
- Some parents have decided to save PFL for when the child will transition home and are less able to visit during the NICU stay

Upcoming Research at CPQCC

Surveys of NICU Parents

- Preparing to launch surveys for parents during their child's NICU stay
- Planning to survey 530 parents of preterm infants in the NICU across CA
- Surveys will investigate:
 - Knowledge of family leave
 - Barriers to using family leave
 - Use of family leave
 - Frequency and duration of NICU visits
 - Demographics
 - Income

Research Goals

- To understand the unique paid family leave needs of families in NICU
- To understand how racial and ethnic inequities in paid family leave contribute to the ability of parents to visit the NICU
- To advocate for better policies for parents with children in the NICU



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Paid Family Leave

What Do NICU Providers Need to Know?

Laura Rose, MD

PGY2, Stanford Pediatrics

Why is it important?

Family benefits:

- Parents maintain employment and economic stability
- Promotes gender equity in childcare roles

Maternal benefits:

- Decreased stress and anxiety
- Decreased depression

Infant and child health:

- Decreased preterm delivery and low birth-weight
- Increased breastfeeding
- Increased immunizations and preventive care
- Improved bonding



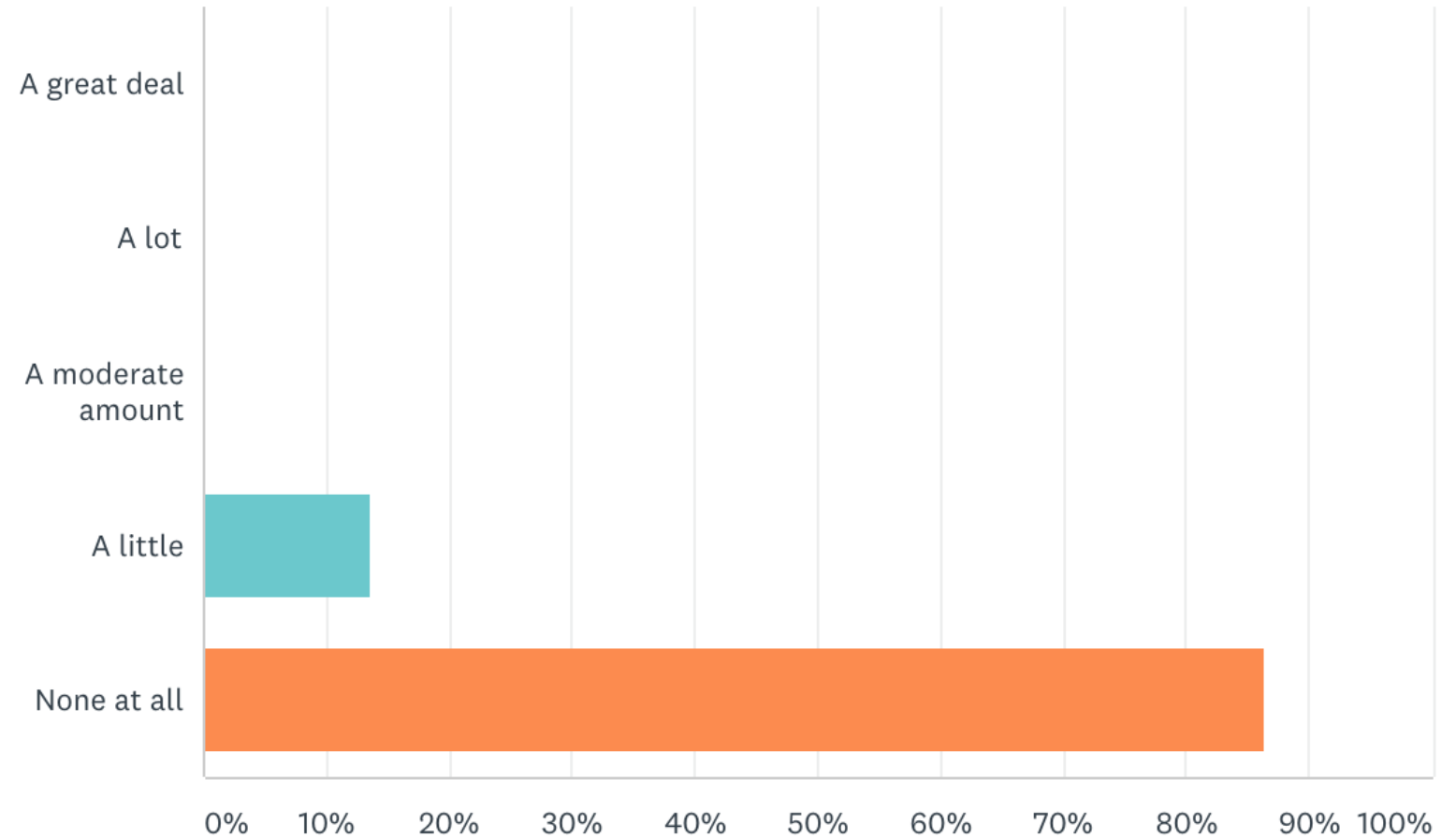
Objectives



- **Know who qualifies for paid family leave, and recognize when leave/accommodations can help patients**
 - Patients may be unaware of leave/accommodations rights
 - Early identification can help them seek out leave/accommodations before a problem arises
- **Understand the process for obtaining family leave and help connect patients with services**
 - Factsheets, guides, and referrals can help folks get assistance
- **Help patients get necessary certifications; recognize the doctor's role in applying for PFL**
 - Patients may need medical notes to access workplace protections
 - State Disability Insurance and some Paid Family Leave claims require medical certifications

When we asked Pediatrics Residents...

How comfortable are you explaining the process of applying for paid family leave to families in the hospital?



True or False:
Caregivers -
other than
parents- can
take extended
time off work to
care for children
with serious
health
conditions

True or False:
Caregivers -
other than
parents- can
take extended
time off work to
care for children
with serious
health
conditions

True

- **California Family Rights Act (CFRA):** 12 weeks of unpaid, job-protected time off work for family members including parents, grandparents, siblings
 - a few hours, whole days, or weeks at a time
- A caregiver can receive partial pay through **Paid Family Leave** (provided by the **Employment Development Department**), up to 8 weeks paid at 60-70% of wages

True or False:
Paid Family
Leave is only
available to
documented
workers

True or False:
Paid Family
Leave is only
available to
documented
workers

False

- It is a right that is available regardless of immigration status
- More info at: legalaidatwork.org



DI and PFL are not considered “public charge” benefits and will not affect the path to citizenship.

Pregnancy Disability Leave (PDL) provides up to how many months off work?

- While the parent is disabled by pregnancy/childbirth/recovery, **4 months** (for parent who gives birth)
- Unpaid, job-protected time off—can include before and after delivery while parent unable to work because of pregnancy/childbirth/recovery
 - Entitled to continued health insurance benefits during leave
- This is separate from (prior to) caregiving or bonding leave
- Apply to receive partial pay through **State Disability Insurance**

PDL*

PREGNANCY DISABILITY LEAVE*

- 5+ employees

- Up to 4 months job-protected, unpaid leave while disabled by pregnancy, childbirth or related condition
- Continuation of health benefits

Request from your employer

SDI

STATE DISABILITY INSURANCE

- Unable to work, or working less, due to disability
- Paid into SDI during base period

- Up to 60% or 70% of weekly wages, depending on income, for a max. of 52 weeks, after 1-week waiting period

Apply at www.EDD.ca.gov

Up to how many weeks are parents able to take job protected leave in California?

- **12 weeks** (through California Family Rights Act)
 - FMLA/CFRA is job protection, not income support. Income support is through PFL
- This is in ADDITION to any leave taken for pregnancy/childbirth disability
- CFRA/FMLA is job protection, not income support. Income support is through PFL
- Health insurance must be continued during CFRA/FMLA leave.

What are the sources of income for caregivers who take leave?

- **SDI and/or PFL (both are through the EDD, state funded)**
- SDI is only available when the parent is disabled by pregnancy/childbirth/recovery

CFRA

IF CARING FOR

child

parent

spouse

domestic partner

sibling

grandparent

grandchild

CALIFORNIA FAMILY RIGHTS ACT

- 1+ year of service
- 1250+ hrs of work in previous year
- 5+ employees nationwide

- Job-protected, unpaid leave for a max. of 12 weeks to care for a seriously ill family member
- Continuation of health benefits

Request from your employer**PFL**

child

parent

spouse

domestic partner

sibling

grandparent

grandchild

CA PAID FAMILY LEAVE

- Caring for a seriously ill family member
- Paid into SDI fund during base period

- Up to 60% or 70% of weekly wages, depending on income, for a max. of 8 weeks (can be taken intermittently)

Apply at www.EDD.ca.gov

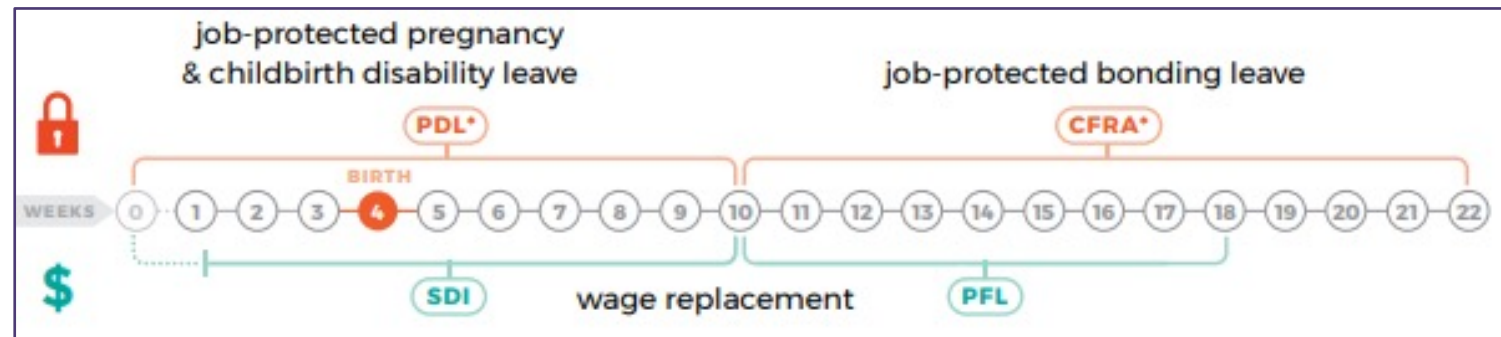
Typical Pregnancy:

A mom takes 4 weeks before her baby is born and 6 weeks after birth to recover **through PDL**

- Paid through **SDI** for 9 weeks (after 1-week unpaid waiting period)
- Note required from physician for duration of PDL

She then takes 12 weeks to bond with baby **through CFRA**

- Paid through **PFL** for 8 weeks (the max)
- No doctor note required



For new moms: Typical leave amounts

Vaginal delivery: 6 weeks of benefits (up to 4 weeks prior to delivery)

C section: 8 weeks of benefits (up to 4 weeks prior to delivery)

Add in 8 weeks of PFL: *(after baby's birth)*

Vaginal delivery: 14 weeks paid, additional 4 weeks unpaid

C-section: 16 weeks paid, additional 4 weeks unpaid





- A baby is born 8 weeks premature and admitted to the NICU
- Father takes off 2 hours of work per day
- When baby is discharged 8 weeks later, father now takes 10 full weeks of leave
 - Receives pay from PFL for 8 weeks
 - CFRA for job security (up to 12 weeks)

Other caregivers

- When baby's parents return to work, grandma comes to visit...
- She takes 12 weeks of CFRA leave from work to care for the baby. She is paid by PFL for 8 weeks.
 - Medical certification required
- Also remember paid sick days!



Policy proposals to make PFL more accessible?

- CA SB 951 (Senator Durazo) would increase wage replacement rates for PFL and SDI to 90% of income for low to mid-income workers
 - Many workers choose not to take leave because they can't afford to live off of 60% of their income; the 90% wage replacement rate would help

PFL Tools and Supports for Providers and Families

Sharon Terman & Katie Wutchiett,
Legal Aid at Work's Work and Family Program

LEGAL AID AT WORK

We empower workers who are parents, pregnant, family caregivers, or caring for their own health to access time off from work, paid leave, and other workplace accommodations. We offer free, confidential advice through our Work & Family helpline, represent individuals in low-income jobs and industries, and advocate for systems and policy change to advance the rights of working families by partnering with families, healthcare and social service providers, and government agencies. Our work is rooted in our strong belief that no worker should have to choose between their job and income and the health and wellbeing of their family.

- Non-profit organization providing free legal services, founded in 1916
- Offers: Educational tools; helplines; technical advice; direct representation; litigation; policy advocacy;
- Helpline: **800-880-8047**



IN CALIFORNIA

PREGNANCY + MY JOB: A Roadmap

See our accompanying guide for more detailed information.

Your partner may also qualify for time off and pay.

in CALIFORNIA pregnancy + MY JOB

I'm pregnant see other side for all parents

DURING AND AFTER PREGNANCY

THESE LAWS MAY HELP:	Because they provide for:	Here's what to do:
PREGNANCY DISABILITY LEAVE* - 5+ employees	- Up to 4 months job-protected, unpaid leave while disabled by pregnancy, childbirth or related condition - Continuation of health benefits	Request from your employer
CALIFORNIA FAMILY RIGHTS ACT** - 1+ year of service - 1250+ hrs of work in previous year - 5+ employees nationwide	- 12 weeks of job-protected bonding leave within 1 year of birth starting after pregnancy disability is over - Continuation of health benefits	Request from your employer
STATE DISABILITY INSURANCE - Unable to work, or working less, due to disability - Paid into SDI during base period	- Up to 60% or 70% of weekly wages, depending on income, for a max. of 52 weeks, after 1-week waiting period	Apply at www.EDD.ca.gov
PAID FAMILY LEAVE - On leave to bond with a newborn, newly adopted or foster child - Paid into SDI during base period	- Up to 60% or 70% of weekly wages, depending on income, for a max. of 8 weeks (can be taken intermittently)	Apply at www.EDD.ca.gov
CA PAID SICK DAYS - Worked at least 90 days - Ill or medical appointments	- Accrue 1 hour for every 30 hours worked up to a max. of 6 days per year - Employer may cap use at 3 days per year - Protection from retaliation	Request from your employer Go to dlse.ca.gov
FAIR EMPLOYMENT & HOUSING ACT - 5+ employees	- Changes to the way you do your job, transfer, or more leave as a reasonable accommodation for pregnancy	Request from your employer
LACTATION ACCOMMODATIONS LAW - 5+ employees	- Break time and a safe, clean private space (not a bathroom) for pumping with a place to sit, a surface to place the breast pump, and access to electricity, a sink, and refrigeration. - Protection from discrimination, harassment, and retaliation	Go to dfeh.ca.gov or dise.ca.gov

JOB PROTECTED LEAVE

PAY

ACCOMMODATIONS

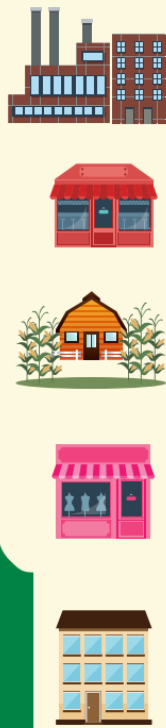
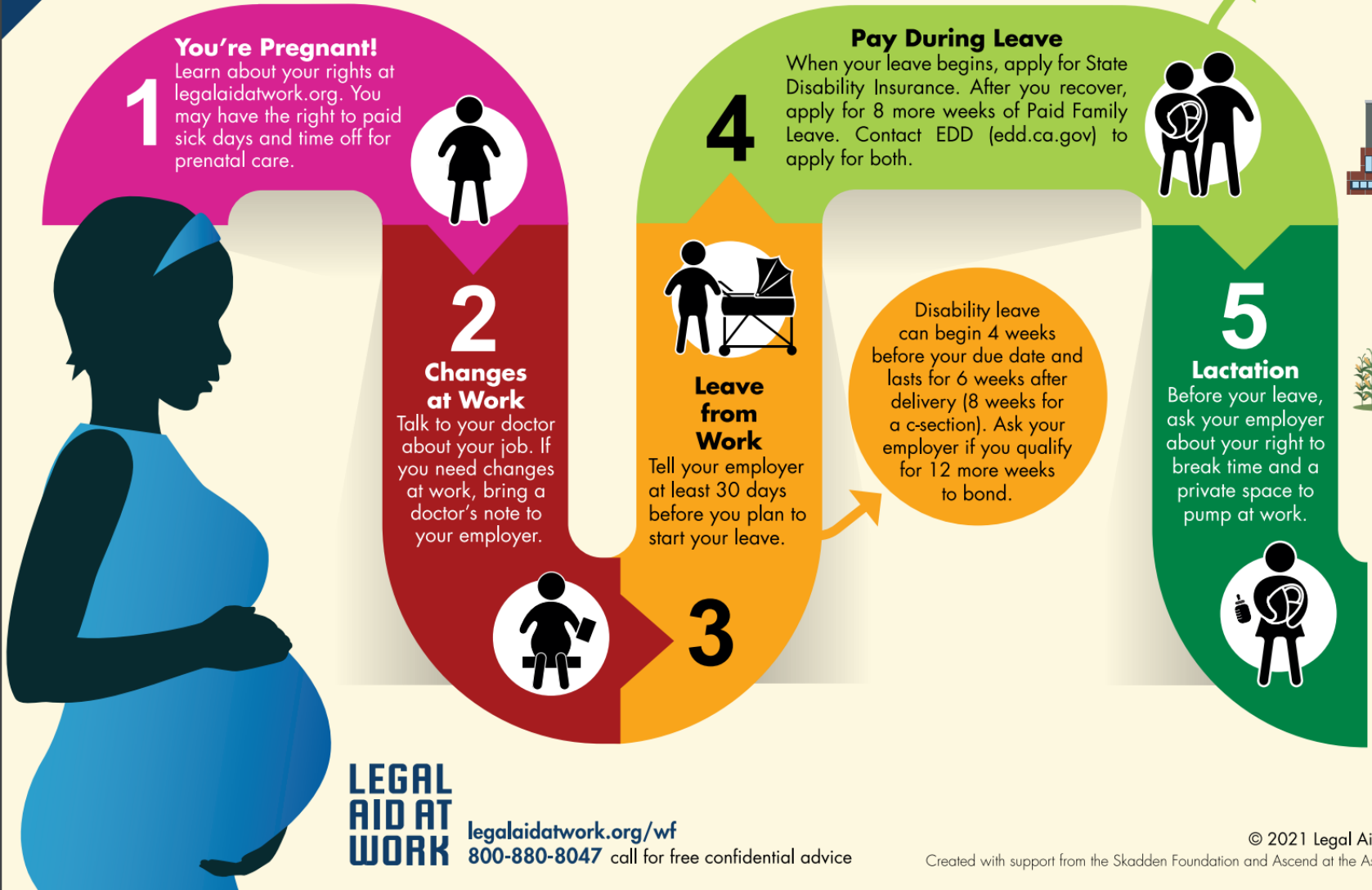
HOW THIS MIGHT WORK

Lisa has a normal pregnancy, so she needs 4 weeks off before her due date and 6 weeks off after delivery to recover. After that, she needs 12 weeks off to bond with her newborn.

job-protected pregnancy & childbirth disability leave (PDL*)
 job-protected bonding leave (CFRA**)
 wage replacement (SDI) (PFL)

*Remember, if you qualify for FMLA, it runs at the same time as PDL and CFRA. It does not provide you with more leave.

LEGAL AID AT WORK
QUESTIONS? Call 800-880-8047 legalaidthatwork.org/wf



LEGAL AID AT WORK
legalaidthatwork.org/wf
 800-880-8047 call for free confidential advice

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<https://fliphtml5.com/bookcase/tsmqj/legalaidthatwork.org/wf>

Healthcare Provider Sample Letters

These are Word documents you can download. Each provides language required to make a specific type of request of your employer.



[Healthcare Provider Toolkit: Assisting Patients with Requests for Workplace Accommodations or Leaves Of Absence](#)



[Sample Lactati](#)

Employee Sample Request Letters:



[COVID-19 Supplemental Paid Sick Leave Request](#)



[COVID-19 Paid S](#)



[Request for Paid Sick Leave](#)



[Sample request for accommodation](#)



Healthcare Provider Toolkit

Assisting Patients with Requests for Workplace Accommodations or Leaves of Absence

LEGAL AID AT WORK
legalaidatwork.org

Workplace Rights: NICU Support

In California, most new parents have the right to job-protected leave from work with pay. This fact sheet explains leave and pay rights for parents and other close family members who need extended time off work to care for children with serious health conditions, including preterm infants in the neonatal intensive care unit (NICU). These rights are available regardless of immigration status.

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STEPS FOR PARENTS

1. Talk to your or your child's healthcare provider to see what leave you need from work.
2. Tell your employer you need leave and give them a note from your or your child's healthcare provider. No medical note is needed for leave to bond with a baby. If your expected return date or need for leave changes, update them.
3. Apply to the Employment Development Department (EDD) for partial pay during your leave (Paid Family Leave (PFL) or State Disability Insurance (SDI)).
4. If you have questions or run into problems, call Legal Aid at Work (800-880-8047) for free, confidential advice in multiple languages.

This tip sheet was created by Legal Aid at Work in partnership with the California Perinatal Quality Care Collaborative (CPQCC).

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california perinatal
quality care collaborative

Leave During and After Pregnancy

Parents who give birth may have the right to job-protected leave from work for their own health. **Pregnancy Disability Leave (PDL)** provides up to 4 months of unpaid, job-protected time off work before and after delivery while you are unable to work because of your health. You are eligible for PDL if your employer has 5+ employees. While you take leave, you may be able to receive partial pay through State Disability Insurance. Apply at EDD.ca.gov.

Caregiving and Bonding After Delivery

All parents and other family members may have the right to take **job-protected leave** from work to bond with a child or care for a child in the Neonatal Intensive Care Unit (NICU). The **California Family Rights Act (CFRA)** provides 12 weeks of unpaid, job-protected time off work for parents to bond with a new child or for close family members including parents, grandparents, and siblings to care for a seriously ill child. You are eligible if your employer has 5+ employees, you have worked for your employer for 12+ months, and you have worked 1250+ hours for your employer in the last 12 months. That's about 25 hours per week.

Caregiving or bonding leave is in addition to and separate from Pregnancy Disability Leave.

Leave to care for a seriously ill child can be taken for whole days or weeks at a time or just an hour or two if the child's healthcare provider says it is necessary. It can also be a reduced work schedule. Many parents take leave for a few hours on multiple days to match their child's scheduled treatment or appointments or to breastfeed their child in the NICU. If you take leave from work to care for a loved one, you may be able to receive partial pay through Paid Family Leave. Apply at EDD.ca.gov.

Contents

1. Overview of steps for new parents
2. Leave and pay for pregnant/birthing parent
3. Leave and pay for bonding and caregiving
4. FAQs
5. Sample timelines for families

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Frequently Asked Questions:

--How do I access job-protected leave from work?

--How do I get paid while I am on leave?

--Will I have health insurance during my leave?

--What if my employer won't let me take leave?

--What if I need to express milk at work?

Frequently Asked Questions

How can I access job-protected leave from work?

Talk with your healthcare provider or your child's healthcare provider about how long you need to be off work for your health or to care for your child. Follow your employer's usual procedure for requesting time off. If you speak in person or over the phone, follow up with an email, text, or letter to confirm your conversation, and keep a copy. Give your employer at least **30 days' notice** of your leave, if possible. In cases of emergency, tell your employer as soon as you can.

Can I receive pay while I am out on leave?

State Disability Insurance (SDI) provides up to 60 or 70% of your wages after a one-week waiting period for up to 52 weeks while you are unable to work because of your own health. This includes pregnancy related health conditions. Paid Family Leave (PFL) provides up to 60 or 70% of your wages for up to 8 weeks while you are unable to work because you are caring for a seriously ill family member or bonding with a new child. You can apply for SDI and PFL online through the EDD's website at EDD.ca.gov. You can also ask your employer about paid sick days, paid time off, or vacation. For information on how to apply for SDI or PFL if you are undocumented, see Undocumented Workers' Guide to Applying for California Disability and Paid Family Leave at legallaidatwork.org/wf.

Will I have access to health insurance while I am out on leave?

Workers who qualify for PDL or CFRA are entitled to continued health insurance benefits during leave. You may need to pay your usual portion of the premium. An employer cannot take away your health benefits because you use leave to reduce your schedule from full-time to part-time.

My employer is not allowing me to take leave or is retaliating against me for taking leave. What can I do?

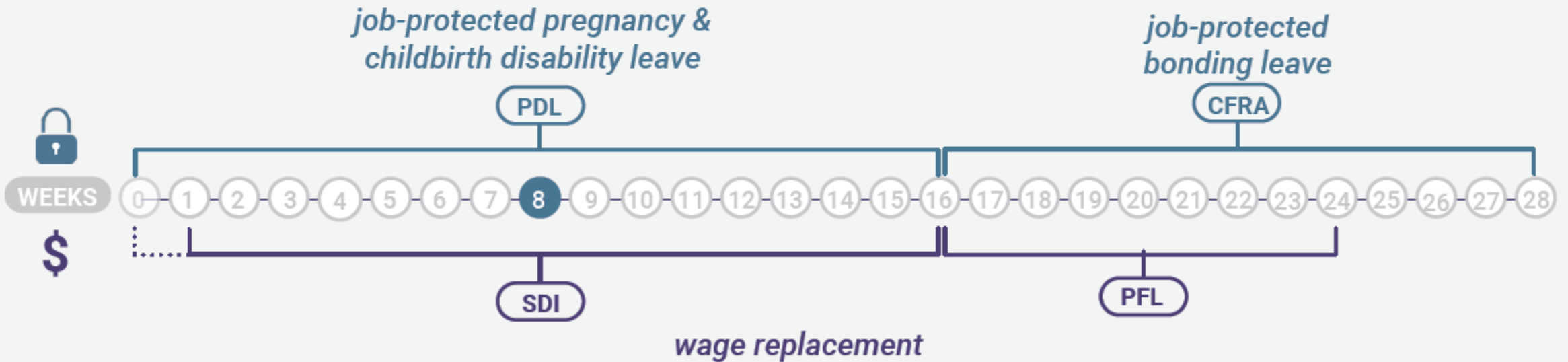
If your employer won't let you take legally-protected leave, punishes you, or treats you worse than other employees because of your leave, you can file a claim with the Department of Fair Employment and Housing. Call Legal Aid at Work at 800-880-8047 for free legal assistance.

I need to express milk at work. What can I do?

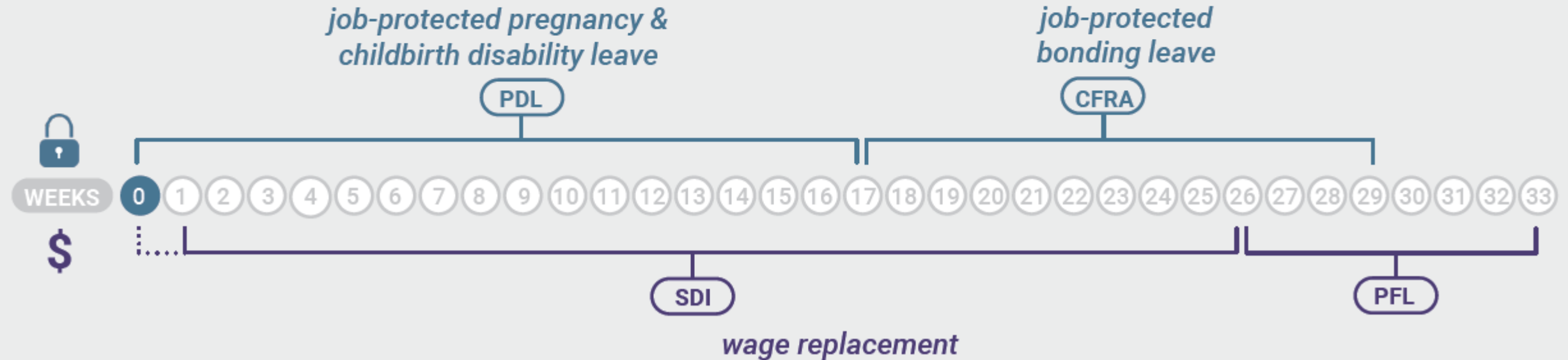
You have the right to express milk at work in a safe and private place. For more information on your lactation rights at work, call Legal Aid at Work at 800-880-8047 or check out the lactation factsheet at legallaidatwork.org/wf.

Complicated Pregnancy

Leona's doctor puts her on bedrest 8 weeks before her due date and she has a C-section. She takes leave for 8 weeks before her baby is born through PDL, 8 weeks to recover from her C-section through PDL, and then 12 weeks to bond through CFRA. She is paid through SDI for 15 weeks (after a 1-week unpaid waiting period) and PFL for 8 weeks once she starts bonding.



Pregnant Parent: Graciela's baby is born 8 weeks premature while she is still working. Graciela is very stressed. Her doctor diagnoses her with postpartum depression. Graciela ends up needing 6 months off work for her health. To protect her job, she uses her 4 months of PDL. She still needs another 2 months of leave to recover, so she requests to use her CFRA leave for her own health for 9 weeks. Graciela is paid by SDI for the whole 6 months (after a 1-week unpaid waiting period). Because Graciela used 9 of her 12 weeks of CFRA leave for her own health, she only has 3 weeks of job-protected time off to bond with her baby after she has recovered. If she takes time off to bond, she can receive income through PFL for 8 weeks, but after the first 3 weeks, her employer will not be required to keep her job for her.



Q&A

Please submit your questions in the Q&A box

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Thank You!

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FREE, CONFIDENTIAL HELPLINE: 800-880-8047