

You have rights at work in California when your baby is in the NICU.



Having a baby in the NICU is hard enough—thankfully CA law provides protections so you don't have to worry about your job and income. This factsheet is just a summary; for more details, scan the code above.

PROTECTED TIME OFF WORK

Time off for your health after giving birth:

The Pregnancy Disability Leave (PDL) law provides up to 4 months off—with the right to return to the same job—when you can't work because of pregnancy and related conditions. This includes childbirth recovery and postpartum depression, anxiety, or PTSD. Your employer must continue your health insurance during your time off. It can be taken all at once, or a few days or hours at a time. To maximize your time off, use this leave *before* using your CFRA leave to care for your baby (see right).

You may be eligible if:

- ✓ Your employer has 5 or more employees and
- ✓ Your healthcare provider says you need time off

You may be able to take longer than 4 months off if it isn't extremely difficult or expensive for your employer. Call WorkLife Law's free helpline to learn your options.

Time off to care for and bond with your baby:

The California Family Rights Act (CFRA) provides 12 weeks of time off for parents in the year after their baby is born. It does not have to be taken all at once. Your employer must continue providing your health insurance during your time off and give you back the same job when you return.

You may be eligible if:

- ✓ You have worked for your employer at least 12 months (doesn't need to be in a row) and
- ✓ You worked for your employer at least 1,250 hours in the last 12 months

Time off for your health (not pregnancy-related):

Any parent may be entitled to time off to manage their own disability, including PTSD, depression, or anxiety. You may be eligible if your employer has 5 or more employees and your healthcare provider agrees you need time off. Ask your employer about taking time off or working fewer hours as a reasonable accommodation under the Fair Employment and Housing Act (FEHA).

PAY WHILE OFF WORK



You can receive 90% or 70% of your regular weekly wages through the State Disability Insurance (SDI) and Paid Family Leave (PFL) programs. Most workers in CA are eligible to apply for both—check to see if you recently contributed to the programs (it will say "CA SDI" or something similar on your paystub).

SDI: when you're off work for your health

You can apply for SDI benefits if you are off work because of pregnancy, childbirth recovery, postpartum conditions, or your own disability. You may be eligible if your healthcare provider confirms that it is not recommended for you to work your regular job or hours.

PFL: when you're off to care for your baby

Both parents can receive 8 weeks of pay while off work to care for and/or bond with a new baby in the child's first year.

Apply for SDI and PFL

Scan the QR code to get started with your application.



Workers can apply no matter their immigration status! For undocumented workers, it is recommended to apply by mail (not online).

DISCRIMINATION IS ILLEGAL. KNOW YOUR RIGHTS!

If your employer has 5 or more employees, it's illegal to treat you worse because of pregnancy, lactation, your own health condition, or your need to care for your baby. That would include cutting your hours or pay, giving you worse shifts or assignments, making harassing comments, or firing you. It is also illegal to punish you for asking about time off or changes at work. If this is happening, call us right away.

CHANGES AT WORK

If you gave birth—you may have a right to changes for your own health needs related to pregnancy, childbirth, recovery, or lactation, including mental health conditions.

Tell your employer: "I am requesting a reasonable accommodation under the Pregnant Workers Fairness Act."

Any parent or family member—you may have a right to changes for a health condition of your own, like anxiety, depression, or PTSD.

Tell your employer: "I am requesting a reasonable accommodation for my disability."

To care for your baby—you may have a right to changes to care for a baby in the NICU, but the law on this is complex. Check out our full NICU guide or call for more info.

Examples of changes you can request:

- schedule changes
- reduced hours and adjusted productivity metrics
- working from home or from the hospital
- extra breaks, or a longer break so you can get to the NICU and back
- permission to take breaks for phone calls

Do I need to provide a doctor's note?

You may need to provide a note from a healthcare provider to get workplace changes. To learn more about when a note is required, who can write it, and what info to share, check out our full NICU guide.

CHANGES AT WORK TO SUPPORT LACTATION

You may have a right to offsite lactation breaks.

Nursing your baby directly means getting to the NICU, often on the hospital's schedule. You may have a right to changes that make that possible—like a shifted schedule, remote work, a longer break, or permission to leave work during your break. You're entitled to changes to support your lactation so long as your employer has at least 5 employees and making these changes would not cause significant difficulty or expense.

You have the right to break time and a private non-bathroom space to express milk at work.

You can pump as often as needed. If you're an hourly worker and are not working while pumping, this time can usually be unpaid. Learn more [here](#).

Employers must offer a lactation space that:

- is not a bathroom
- is close to your work area
- is private, clean, safe, and free of hazardous materials
- has a place to sit and a table or other place to hold your breast pump
- has access to electricity and is near a sink

HAVE QUESTIONS? CONTACT US TODAY!

For more info about your rights, contact WorkLife Law's free and confidential legal helpline. We provide support in English, Spanish, and more languages on request. Help is available no matter your income or immigration status.



pregnantatwork.org/gethelp



415-703-8276



helpline@worklifelaw.org

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