

Legal Rights for Farmworkers During Pregnancy and Postpartum

A Guide for
Community
Health Workers
& Other
Advocates



Health care providers, community health workers, and other advocates play a critical role in assisting workers in high-risk occupations to have healthy pregnancies. Agriculture is one of the most high-risk industries, with hazards including falls, heat exposure, heavy lifting, joint and ligament injuries, and exposure to dust and farm chemicals (which may include mold, bacteria, pesticides, and animal droppings). Studies have shown that prenatal pesticide exposure may increase the risk of negative health effects for the pregnancy and developing fetus. Community health workers can support workers in getting changes they need to stay safe and comfortable at work (known as “accommodations”), paid leave, and information about their legal rights. Community health workers and other advocates should understand the basic legal rights of pregnant and postpartum farmworkers and incorporate discussions about workplace needs into their interactions with community members.



*This guide applies only in California. Legal rights will differ in other states.
This document is for informational purposes only.
For legal advice, speak with an attorney.*

Visit PregnantAtWork.org for more information and resources.

This guide contains information on various categories of legal rights and health information that farmworkers in California may need to navigate during pregnancy.

Each section in this guide includes practical steps community health workers and other advocates can take to assist patients in accessing the accommodations and paid leave they need to stay healthy and to continue supporting their families financially.

Section 1. Time Off Work *pg. 4*

- A. Time off work during pregnancy 5
- B. Pay when off work during pregnancy 10
- C. Time off work after childbirth 15
- D. Pay when off work after childbirth 20

Section 2. Changes at Work (“Accommodations”) for Safety or Comfort *pg. 26*

Section 3. Break Time, Space, and Other Accommodations for Breastfeeding *pg. 29*

Section 4. Protection from Discrimination, Retaliation, or Harassment *pg. 31*

Section 5. Guide to Applying for SDI for Pregnancy and PFL for Bonding *pg. 33*

Section 6. Pesticides & Pregnancy: An Overview *pg. 46*

Section 7. Additional Resources & Support *pg. 47*

TIME OFF WORK

When someone becomes pregnant, it can be both exciting and overwhelming. While many workers know that they'll need time off work, most do not know their legal rights or how to ask for time off. California has strong protections for pregnant and postpartum workers, but the system of laws is very complex and difficult to understand even for seasoned professionals in the law or maternal care.

A helpful way to think about pregnancy-related leave is to think about leave rights as existing in two separate categories: “Job-protected leave” and “income replacement.”



Job-protected leave:
Time off work with the right to return to the same job

The laws providing “job-protected” time off work typically do not provide pay but do give workers the right to return to their same job after their time off.

Time off is typically requested from the employer.



Income Replacement:
Pay while a worker is not working during and/or after pregnancy

The programs providing “paid leave” do not give workers time off with the right to return to their same job but do provide some pay when they are not working.

Paid leave is typically applied for with the California Employment Development Department (EDD).

It is important to consider these two categories (job protection or pay) separately because they **must be requested separately**. An employee may have one, but not the other. Receiving job-protected time off work from an employer does not mean that the employee will be able to receive pay from the California Employment Development Department (EDD). Receiving paid leave from the EDD does not guarantee job-protected time off work. It is important to think about these two categories separately when figuring out someone's legal rights.

Section 1 of this guide shines some light on this confusing system by answering common questions about how workers may take time off work during and after pregnancy, as well as how they can receive pay while they are not working.

A. Time off work during pregnancy



Workers in California have a right to take time off work during pregnancy for several different reasons. This time off is normally “job-protected,” which means the employer must put the employee back in the same job when they return to work after their time off. Also, for a certain period of time, the employer must continue providing any health insurance benefits that it normally provides.

This section provides brief explanations of the different kinds of job-protected time off: paid sick days, reproductive loss leave, Pregnancy Disability Leave (PDL), and leave as a reasonable accommodation under the Pregnant Workers Fairness Act (PWFA) and the California Fair Employment and Housing Act (FEHA).

Questions?

For detailed guidance, contact the Dar a Luz free legal helpline by phone at **415-581-8888** or by email at **daraluz@worklifelaw.org**.

Please leave a voicemail with your name, phone number, and language preference and we will return your call.



Can a worker use their paid sick days during pregnancy?

During pregnancy, a worker can use sick days for medical appointments or if they are not feeling well. Most workers in California have a right to take **5 paid sick days** per year. Agricultural workers who work outside can also use their paid sick days to avoid smoke, heat, or flooding created by a local or state emergency.

A worker's paystub should state how much paid sick time is available to them. To use paid sick days, workers should use their employer's normal process for requesting time off. For example, the worker may talk to their supervisor or call the main office.

Employers are not allowed to request a doctor's note from a worker who needs to use their paid sick days.

If a worker has used up their sick days, how can they take more time off during pregnancy?

The **Pregnancy Disability Leave** law requires employers with **5 or more employees** to provide **up to 4 months** (17 ⅓ weeks) of unpaid leave when an employee is "disabled" by pregnancy, childbirth, or related conditions. This means that, in the opinion of their healthcare provider, they are unable to do their regular work or to do it without undue risk to their health or pregnancy.

The leave is "job-protected," which means the employer must give the worker back the same job with the same pay when they return to work. If the worker receives health insurance from their employer, the employer is required to continue their coverage while the worker is on leave.

To access Pregnancy Disability Leave, the worker's doctor, midwife, or other healthcare provider must write a letter saying that the worker needs leave. See Page 8 to access our guidelines on work notes, and template note, for healthcare providers.



Pregnancy Disability Leave can be used for many reasons:

- Appointments for pregnancy or childbirth
- Avoiding exposure to pesticides
- Avoiding work that is too physically hard or dangerous during pregnancy (such as work that requires heavy lifting, frequently bending over, or that may cause slips or falls)
- Bed rest
- Loss or end of pregnancy
- Giving birth and recovering
- Other pregnancy-related conditions (for example, morning sickness, back pain, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression)



At what point in pregnancy can someone take Pregnancy Disability Leave?

Typically, for a pregnancy without complications, people begin their Pregnancy Disability Leave 4 weeks before their estimated due date. However, **leave can be taken at any point in pregnancy**. For example, a health care provider may put a farmworker out on leave during the first trimester in order to avoid exposure to toxic chemicals in the workplace, like pesticides.

If the worker needs longer than 4 months off, they may be able to request additional leave as a reasonable accommodation under the Pregnant Workers Fairness Act (PWFA) and the California Fair Employment and Housing Act (FEHA).

If a worker has used all their Pregnancy Disability Leave and needs more time off, have them contact a free legal helpline for guidance.

The California Civil Rights Department provides a [free interactive guide](#) on job-protected time off work.

Scan the QR code to access it!



How does someone request Pregnancy Disability Leave?

Workers interested in taking time off work during pregnancy should speak with their doctor, midwife, or other health care provider. The employee can request leave by giving their employer a medical note recommending that the employee be given time off. Workers may wish to provide the note directly to their employers' main office, if possible. It is recommended that workers keep a copy (or picture) of the note in case the employer says they did not receive it.



IMPORTANT TIP

While out on Pregnancy Disability Leave, workers may apply for State Disability Insurance (SDI) to receive partial income replacement (paid leave).

See Section 1B to learn more.

Is there another kind of leave available if a worker runs out of Pregnancy Disability Leave?

If a worker has used all 4 months of Pregnancy Disability Leave and their health care provider thinks it is necessary to continue their time off, they may request **leave as a reasonable accommodation** for pregnancy under the **Pregnant Workers Fairness Act (“PWFA”)** and **California’s Fair Employment and Housing Act (“FEHA”)**.

The Pregnant Workers Fairness Act applies nationwide to employers with **15 or more employees**. California’s Fair Employment and Housing Act applies to employers with **5 or more employees**.

Employers do not have to provide accommodations - including leave - that cause them “undue hardship” (*significant* difficulty or expense). However, there is a high bar for “undue hardship” and employers must engage in a conversation with the worker in order to find an accommodation that would meet the worker’s needs.

If a worker has used all their Pregnancy Disability Leave and needs more time off, recommend they contact a free legal helpline for guidance.

Health care providers can find [guidelines on work notes](#) at Pregnant@Work.org.

Scan the QR code to access the resources!



What if someone experiences a miscarriage, stillbirth, or pregnancy loss?

Someone in this situation has a right to take time off work as recommended by their healthcare provider under the same laws discussed in the previous pages.

Additionally, employers with **5 or more employees** are required to provide **5 days of unpaid time off** following a “reproductive loss.”

A **reproductive loss** includes:

- *miscarriage,*
- *stillbirth,*
- *failed adoption,*
- *failed surrogacy, or*
- *unsuccessful assisted reproduction.*

To qualify, a worker must have worked for their employer for **at least 30 days**.

This time off can be taken **within 3 months of the reproductive loss**, with **up to 20 days available per year if a worker experiences multiple losses**.

This “reproductive loss leave” may be used by *both* expectant parents regardless of gender.



Employers are not allowed to request a doctor’s note from a worker who needs to use their reproductive loss leave.

Employers must keep confidential any information an employee provides when exercising their right to reproductive loss leave.

Questions?

For detailed guidance, contact the Dar a Luz free legal helpline by phone at **415-581-8888** or by email at **daraluz@worklifelaw.org**.

Please leave a voicemail with your name and phone number and we will return your call.



B. Pay when off work during pregnancy



Workers may be able to access pay when they are not working due to pregnancy, even if they are taking time off work *without* the right to return to their same job.

California’s **State Disability Insurance (SDI)** program provides workers **up to 90%* of their regular weekly wages** (base pay, not including overtime) depending on income, for up to 52 weeks while they are not working (or working fewer hours) due to a “disability,” including when they are not able to work because of pregnancy.

The SDI program, which is administered by the Employment Development Department (EDD), is completely worker-funded. Most workers in California, including farmworkers, pay for this program through automatic paycheck deductions. Undocumented workers are eligible to apply.

***In 2026, workers earning about \$65,119.60 or less per year may receive 90% of their regular weekly wages. Higher income workers may receive 70% of their regular weekly wages (up to a weekly maximum of \$1,765 in 2026).**

To receive State Disability Insurance benefits, a pregnant person must:

- ☑ Not be working (or be working fewer hours) for at least 8 days due to “disability” (see definition on next page), *and*
- ☑ Be under the care of a doctor who can fill out paperwork saying that it is not recommended that the pregnant person do their regular work, *and*
- ☑ Have earned at least \$300 during the 18 months before their leave begins, *and*
- ☑ Have had State Disability Insurance (SDI) deductions taken from their earnings. The paystub may say something like “Disability” or “CASDI” (see sample paystub below).

California Labor Commissioner’s Office

Pay stub (hourly)

SMITH AND COMPANY, INC. 123 West Street Smalltown, CA 98765			
EMPLOYEE Johnson, Bob	SOCIAL SECURITY NO. XXX-XX-6789	PAY RATE 18.00 regular 27.00 overtime	PAY PERIOD 1/7/XX to 1/13/XX
EARNINGS	HOURS	AMOUNT	DEDUCTIONS
Regular	40.00	720.00	Federal W/H 60.45
Overtime	2.00	54.00	FICA 47.99
GROSS EARNINGS:		774.00	CA State W/H 10.04
TOTAL DEDUCTED:		213.29	CA State DI 6.19
NET EARNINGS:		560.71	401k 77.40
SICK LEAVE: 24.00 HOURS AVAILABLE			

Example itemized wage statement (pay stub) for a worker paid hourly.
As required by Labor Code section 226(a).

Agricultural companies are required to make this deduction for all employees. Contact the Dar a Luz free legal helpline for more info.

When is a worker considered “disabled” for State Disability Insurance (SDI)?

A worker is considered “disabled” and eligible for State Disability Insurance if the worker’s doctor recommends that they do not do *their* normal work. This is a low standard, and doctors should talk with their patients about their job duties to determine if leave is recommended. A person who shouldn’t do their normal job is considered “disabled” for State Disability Insurance even if it would be possible for them to do some other kind of work.

A worker may also be considered “disabled” for State Disability Insurance if their normal job duties put their health or the baby’s health at risk. According to the EDD, a healthcare provider may put a worker on leave to avoid lifting, continuous standing, regular chemical exposure, or other risks.

Workers are “disabled” for State Disability Insurance if their normal job duties put their health or the baby’s health at risk. According to the EDD, a doctor may put a worker on leave to avoid lifting, continuous standing, regular chemical exposure, or other risks.

This means a farmworker is disabled and eligible for State Disability Insurance if their doctor recommends leave so they do not have to work around agricultural pesticides to avoid health risks during pregnancy.



When can a health care provider verify a pregnant patient's State Disability Insurance application?

Many doctors do not know *when* they are allowed to put pregnant farmworkers on State Disability Insurance. While it is customary for a worker to begin their pregnancy-related leave 4 weeks before their due date, health care providers need not wait until this point in pregnancy to recommend leave or verify an application for SDI.

Health care providers can put their patients on leave and verify their application for State Disability Insurance by completing the EDD's "Physician/Practitioner's Certificate" at any point in pregnancy.

We recommend that pregnant farmworkers give our guide on farmworker eligibility for SDI to their doctor if they want to request State Disability Insurance because of pesticides or other health risks.

Health care providers who have questions about SDI can contact the Dar a Luz free legal helpline by phone at **415-581-8888** or by email at **daraluz@worklifelaw.org**.

Scan the QR code to access our [health care provider guide on farmworker eligibility for SDI](#).



Scan the QR code to access the [EDD's Frequently Asked Questions Page for Health Care Providers](#).



How long can a worker receive State Disability Insurance?

The State Disability Insurance program provides benefits for up to 52 weeks so long as the doctor continues to recommend leave and there are funds available to the worker.

How can workers apply for State Disability Insurance?

Workers can apply for California State Disability Insurance with the EDD online or by mail with a paper application. While it is faster to apply online, it is recommended that undocumented workers apply by mail which does not require providing a social security number.

The State Disability Insurance program currently has a 7-day waiting period. This means that workers will not receive any benefits for the first 7 days of their leave.

Because the application process can be complicated, it is important to apply as soon as possible, and no later than 49 days after the leave begins.

See Section 5 for guidance on applying for SDI for pregnancy.

How can undocumented workers apply for State Disability Insurance?

Undocumented workers have the same State Disability Insurance paycheck deductions and are eligible for the same State Disability Insurance benefits as other workers. However undocumented workers should apply by mail (not online) because the paper application does not require the use of a social security number.

SDI benefits are not currently considered public charge benefits.

Scan the QR code to access the EDD's Benefits and Resources for Undocumented Workers Page!



Can an employer deny a State Disability Insurance claim?

No, it is not up to the employer. The California Employment Development Department (EDD) runs the State Disability Insurance program. It receives the claims, decides who is eligible, and pays out the benefits.

It is important to remember that State Disability Insurance benefits are a form of income replacement. State Disability Insurance does not provide job protection.

C. Time off work after childbirth



Most workers in California have a right to take time off work and receive paid leave benefits after childbirth while they recover physically and/or bond with their new baby.

Whether their time off is “job-protected” (time off with the right to return to the same job with the same pay) depends on how much leave time the worker used during pregnancy.

What options does a worker have for time off work to physically recover after childbirth?

The kind of job-protected leave a worker can have and how much will be available depends on what leave the worker used during pregnancy. The same Pregnancy Disability Leave (PDL) that is available during pregnancy (Section 1A above) is also available to recover physically from childbirth, but any time taken during pregnancy will reduce the amount available after birth.

Employers with **5 or more employees** are required to provide **Pregnancy Disability Leave** for **up to 4 months** when an employee is “disabled” by pregnancy, childbirth, or related conditions, which includes the time when an employee is physically recovering from childbirth. After the leave is over, the employer must put the employee back in the same job with the same pay. The employer must continue providing normal health benefits during the entire time off.

How much Pregnancy Disability Leave Is Available After Birth?

If the worker did not use the entire 4 months of Pregnancy Disability Leave during pregnancy, they will be able to use it to recover from childbirth. Typically, doctors in California say a patient needs 6 weeks off work to physically recover from a vaginal delivery and 8 weeks to physically recover from a cesarean-section. People who have medical complications or postpartum mental health conditions (like postpartum depression or anxiety) may need longer.

How does someone request Pregnancy Disability Leave?

The worker can request leave by giving their employer a note from their healthcare provider recommending that the worker be given time off following childbirth. Workers may wish to provide the note directly to their employers' main office, if possible. It is recommended that workers keep a copy (or picture) of the note in case the employer says they did not receive it.



IMPORTANT TIP

While out on Pregnancy Disability Leave, workers may apply for State Disability Insurance (SDI) to receive partial income replacement (paid leave).

See Section 1B to learn more.

What if an employee needs additional leave to recover from childbirth?

If a worker uses up all 4 months of Pregnancy Disability Leave (PDL), they may be able to request leave as a reasonable accommodation for a pregnancy-related condition (physical or mental) under the **Pregnant Workers Fairness Act (“PWFA”)** and California’s **Fair Employment and Housing Act (“FEHA”)**.

However, this additional leave may not always be available. Employers do not have to provide accommodations - including leave - that cause them “undue hardship” (*significant* difficulty or expense). But, there is a high bar for “undue hardship” and employers must engage in a conversation with the worker in order to find an accommodation that would meet the worker’s needs.

If a worker has exhausted their job-protected leave, and does not receive additional time off as a reasonable accommodation, they need to consider whether returning to their same job is important to them. If a worker does not return when their job-protected leave runs out, their employer may fire them.

For individualized guidance on leave options, contact the *Dar a Luz* free legal helpline at **415-581- 8888** or **daraluz@worklifelaw.org**. Leave a message with your name and phone number, and we will call you back.

Time Off to Bond with a New Baby

What options does a worker have if they want to take time off work to bond with their new baby?

Typically, workers will use **California family and medical leave** to bond with their new baby. California's Family and Medical Leave law (called the "California Family Rights Act" or "CFRA") requires employers with **5 or more employees** to provide **12 weeks** of unpaid leave per year, with the right to return to the same job and continued health benefits, *if*:

- the employee has worked at that employer for a total of **12+ months** at any time in the past, *and*
- the employee has worked **at least 1,250 hours** during the 12-month period before the leave is scheduled to begin, *and*
- the employee had a new child (through birth, adoption, or foster placement) in the last year, *and*
- the employee has *not* already used up their annual 12 weeks of CFRA leave during pregnancy or for another reason.

Can a spouse/partner also take job-protected time off work to bond with the new baby?

Non-birth parents of any gender, including **fathers**, can also request California family and medical leave ("CFRA" leave) from their employers to bond with their new child in the first year after the child is born or adopted.



When can a worker take their bonding leave?

Typically, the parent who gave birth will begin their bonding leave *after* they have recovered from childbirth. Non-birth parents of any gender may begin their bonding leave after the child's birth or arrival.

It is not necessary to take the entire bonding leave available at once. It may be taken in smaller increments (also called "intermittent leave"). However, employers can restrict this intermittent leave to two-week increments (after approving at least two, separate, intermittent leave requests that are shorter than two weeks).

Bonding leave is only available during the new child's first year.



What if a worker does not have any, or enough, job-protected leave for bonding?

If a worker does not meet the eligibility requirements for California family and medical leave or has already used up their entire 12 weeks, they may ask their employer for permission to take additional time off, but they will *not* have a right to continued health benefits or to be returned to the same job.

For individualized guidance on leave options, contact the Dar a Luz free legal helpline at **415-581-8888** or **daraluz@worklifelaw.org**. Leave a message with your name and phone number, and we will call you back.



IMPORTANT TIP

Even if a worker does not have a right to return to their same job, they can still be eligible for income replacement (paid leave) while they are taking time off to bond with their baby.

See Section 1D for more information on paid leave while bonding.

How do Pregnancy Disability Leave and California family and medical leave work together?

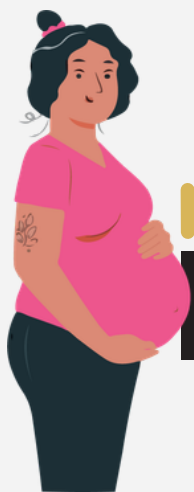
Both forms of leave are available at separate times.

Pregnancy Disability Leave (PDL) is used for pregnancy and recovery from childbirth. If a worker did not use the entire 4 months (17 1/3 weeks) during pregnancy, they will typically have 6 weeks for recovery from a vaginal delivery or 8 weeks for recovery from a cesarean-section.

Family and Medical Leave (or “CFRA leave”) can be used for a worker’s own serious health condition, to provide care for a family member with a serious health condition, or for bonding with a new child. Family and Medical Leave for bonding is available to non-birth parents of all genders.

Workers using all the job-protected leave time available to them for pregnancy and bonding will typically use their 4 months (17 1/3 weeks) of Pregnancy Disability Leave (PDL) first and then use their 12 weeks of California Family Rights Act (CFRA) leave (if they are eligible), for a total of 29 1/3 weeks of job-protected leave.

During the entire period a worker is using job-protected leave, the employer must continue to provide any health insurance benefits it normally provides and must put the employee back in the same job with the same pay when they return to work.



Pregnancy Leave Path

PDL for 4 months (17 1/3 weeks)

CFRA for 12 weeks

29 1/3 weeks

D. Pay when off work after childbirth

How can a worker get paid while they are off work to physically recover from childbirth?

California’s State Disability Insurance (SDI) program provides workers **up to 90%* of their regular weekly wages** (base pay, not including overtime) depending on income, while they are not working due to a “disability,” **including for recovery from childbirth**. A worker is considered “disabled” and eligible for State Disability Insurance if the worker’s doctor recommends that they do not do their normal work.

This is the same benefit described in Section 1B, that workers can receive when they are unable to do their normal work because of pregnancy. Workers who received State Disability Insurance during pregnancy can continue receiving benefits after birth. Typically, workers receive State Disability Insurance for 6 weeks following a vaginal birth and 8 weeks following a c-section, but a doctor can verify the worker’s State Disability Insurance eligibility for more weeks if the worker needs more time to recover or has a condition like postpartum depression that prevents them from working.

***In 2026, workers earning about \$65,119.60 or less per year may receive 90% of their regular weekly wages.**

Higher income workers may receive 70% of their regular weekly wages (up to a weekly maximum of \$1,765 in 2026).

See Section 5 for guidance on applying for SDI for pregnancy and recovery from childbirth.



How can a worker get paid while they are off work to bond with their new baby?

Workers may apply for **Paid Family Leave** while they are taking time off work to bond with their new baby. California's Paid Family Leave program is a worker-funded program that currently provides workers with **up to 90%* of their regular weekly wages** (base pay, not including overtime) depending on income, **for 8 weeks** while they are bonding during the first year of the baby's life.

Most workers in California, including farmworkers, pay for this program through automatic paycheck deductions. Undocumented workers are eligible to apply. Non-birth parents of all genders, including fathers, are eligible for these benefits when they take time off work to bond with a new child (through birth, adoption, or foster placement).

To receive Paid Family Leave for baby bonding, a person must:

- have welcomed a new child into the family in the past 12 months, *and*
- have lost wages (for example, be working less or be on leave), *and*
- have paid into the program through payroll deductions. The paystub may say something like "Disability" or "CASDI." Agricultural companies are required to make this deduction for all employees. See a sample paystub on page 11.

***In 2026, workers earning about \$65,119.60 or less per year may receive 90% of their regular weekly wages.**

Higher income workers may receive 70% of their regular weekly wages (up to a weekly maximum of \$1,765 in 2026).

Generally, if someone received State Disability Insurance for pregnancy and recovery from childbirth, they will receive the same weekly benefit amount for their Paid Family Leave claim.

When can a person receive Paid Family Leave?

After a person has recovered from childbirth (typically 6 weeks after vaginal delivery, 8 weeks after c- section), they can begin receiving Paid Family Leave to bond with their baby.

Non-birth parents of any gender, including **fathers**, can apply for Paid Family Leave at any time when they are off work to care for their new child in the first year after the child is born or adopted.

Can my employer require me to use accrued vacation time before accessing Paid Family Leave?

No. Employers are not allowed to require that employees use their vacation time before accessing Paid Family Leave.

How can someone apply for Paid Family Leave?

If a parent received State Disability Insurance during pregnancy and/or during recovery from childbirth, the EDD will automatically send the Paid Family Leave application with the last State Disability Insurance payment. If a worker did not receive State Disability Insurance, they can still apply for Paid Family Leave with the EDD online or by mail with a paper application.



Workers cannot apply for Paid Family Leave early - they must already be on leave when they submit their application. Paid Family Leave applications must be submitted within 41 days of when the bonding leave begins.

See Section 5 for guidance on applying for Paid Family Leave for bonding.

How can undocumented workers apply for Paid Family Leave?

Undocumented workers have the same State Disability Insurance paycheck deductions and are eligible for the same State Disability Insurance and Paid Family Leave benefits as other workers. However undocumented workers should apply by mail (not online) because the paper application does not require the use of a social security number.

Paid Family Leave benefits are not currently considered public charge benefits.

Scan the QR code to access the [EDD's Benefits and Resources for Undocumented Workers Page!](#)



Can a spouse/partner also apply for Paid Family Leave?

All parents are able to receive this benefit. Non-birth parents can apply for Paid Family Leave once the child is born and their bonding leave has begun.

Remember, the Paid Family Leave program does not provide job protection. Non-birth parents should review their eligibility for job-protected bonding leave under California's family and medical leave law ("CFRA" leave) in Section 1C.



Does a worker have to claim all 8 weeks of Paid Family Leave benefits at once?

No. Workers can break up their benefits into different weeks. However, Paid Family Leave for baby bonding is available only in the 12-month period following the child's birth, adoption, or foster placement.

If concerned with job protection, workers should review their eligibility for job-protected bonding leave under the California Family Rights Act (CFRA) and their employer's policies for breaking up their leave usage.

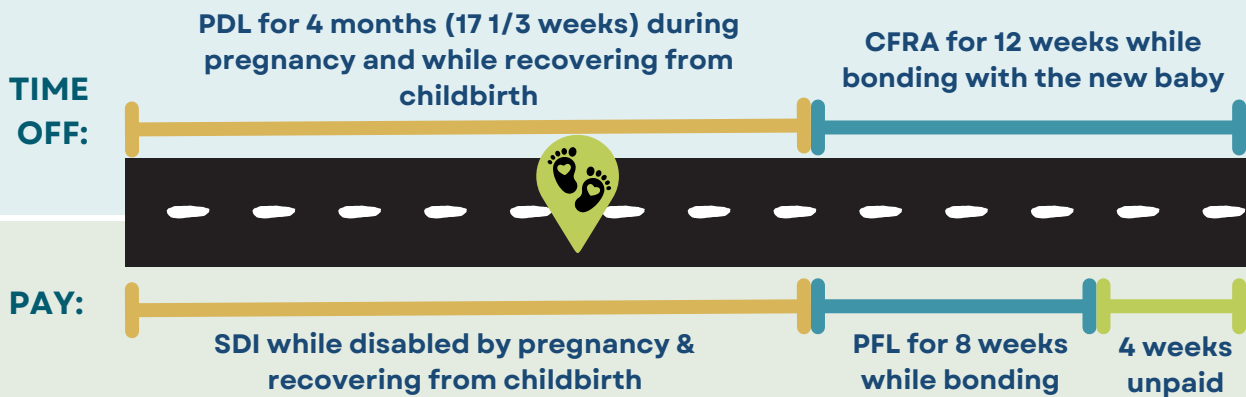
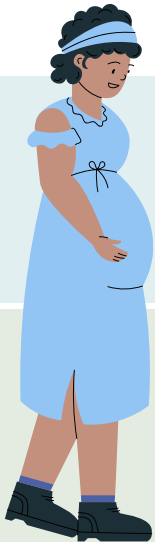
Questions?

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Please leave a voicemail with your name and phone number and we will return your call.



Catalina's Pregnancy Leave



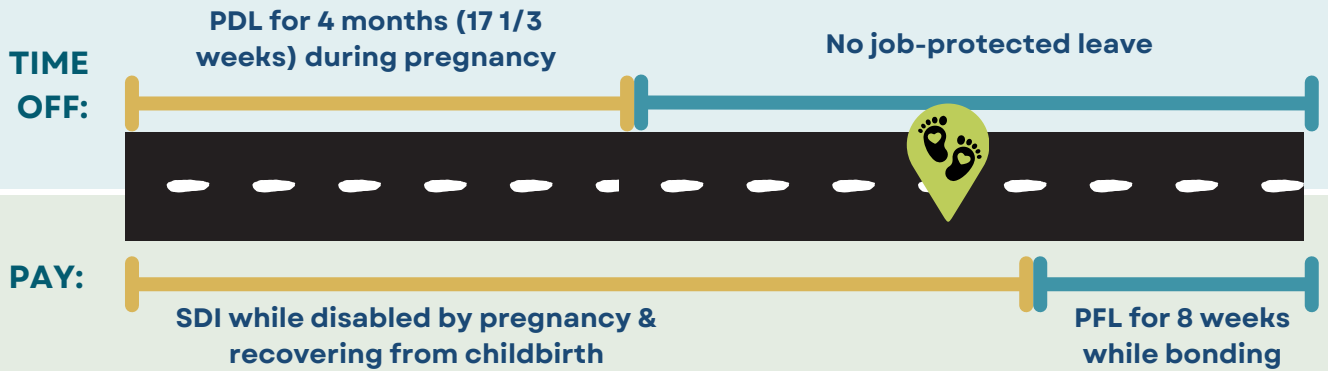
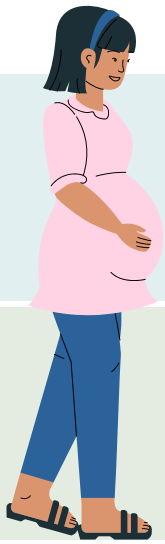
Catalina worked cultivating and harvesting organic cucumbers in a greenhouse for a large company. She worked about 40 hours a week for the past 18 months. Catalina stopped working about 2 months before her due date.

When Catalina goes on leave her job is “protected” under the Pregnancy Disability Leave (PDL) law. This means that Catalina has the right to return to her same job after her leave. While she is not working due to her pregnancy, she is eligible to receive 90% of her regular pay through the State Disability Insurance (SDI) program.

Catalina gives birth via c-section and will need 8 weeks to recover. Since she has only used about 2 months of PDL, she still has about 2 months of job-protected PDL available to recover. While she recovers from childbirth, she continues to receive SDI.

After 8 weeks, Catalina has recovered from childbirth. Now that she is recovered, she will begin her bonding time with her newborn. Since Catalina qualifies for job-protected leave under the CFRA, she takes 12 weeks to bond with her newborn. While she is off work to bond with her baby, she is eligible to receive 90% of her regular pay for 8 weeks through the Paid Family Leave (PFL) program. The last 4 weeks of her leave are unpaid.

Ramona's Pregnancy Leave



Ramona is a seasonal farmworker. She worked harvesting strawberries at a large farm for 4 months before learning she was pregnant. At her first prenatal visit, her doctor recommended she stop working in order to avoid prenatal pesticide exposure.

Ramona stops working when she is 9 weeks pregnant. While Ramona is eligible for “job-protected” time off under the Pregnancy Disability Leave (PDL) law, she decides she is not going to return to this job at the end of her leave. The rest of her pregnancy leave will be without “job protection.”

While Ramona is not working in order to avoid prenatal pesticide exposure, she is eligible to receive 90% of her regular pay through the State Disability Insurance (SDI) program.

Ramona gives birth via vaginal delivery and will need 6 weeks to recover. While she recovers from childbirth, she continues to receive SDI.

After 6 weeks, Ramona has recovered from childbirth. Now that she is recovered, she will begin her bonding time with her newborn. Ramona is eligible to receive 90% of her regular pay for 8 weeks through the Paid Family Leave (PFL) program while she is not working in order to bond with her baby.

CHANGES AT WORK (“ACCOMMODATIONS”) FOR SAFETY OR COMFORT

Employers with **5 or more employees** are required to provide employees with **“reasonable accommodations”** (changes at work) for pregnancy, childbirth, lactation, and related conditions.

What is a reasonable accommodation?

A reasonable accommodation is a **change to how, when, or where a worker’s job is performed** that will enable them to do their work safely and comfortably.

There are many kinds of changes a worker can request.

For example:

- longer breaks
- permission to move more slowly
- access to more water or time to eat
- work closer to the ponchadora or to shade
- changing to another job that is physically easier (for example, doesn’t require frequent bending or lifting) such as working as a ponchadora or assembling boxes
- and other things needed because of pregnancy



Do employers have to provide reasonable accommodations?

Employers do not have to provide accommodations that cause them “undue hardship” (significant difficulty or expense). However, there is a high bar for “undue hardship” and employers must engage in a conversation with the worker in order to find an accommodation that would meet the worker’s needs. This is called the “interactive process.”

Please note that an employer may not force a worker to take a leave they did not request if there are accommodations that may be made.

How can a worker request changes at work?

First, the worker should **prepare for a conversation** with their employer. They should think about what they do at work regularly, what changes they need and why, and what duties they can still perform. Workers may also wish to discuss their need for accommodations with their health care provider.

The worker can then **request changes** at work by informing their employer that they have a pregnancy-related condition and need accommodations. Workers can simply state what they need. While not always required, workers may wish to request changes at work by providing their employer with a note from a doctor, midwife, or other health care provider. Providing a written request for accommodations can make the worker feel more comfortable beginning the process.

The employer can then **provide the accommodation or begin the “interactive process”** - a conversation with the worker in order to find an accommodation that would meet the worker’s needs. The employer cannot simply say “no” - they must work to find a solution with the worker.

Remember, workers should **document** as much as they can during this process. After speaking with the employer, they should send a follow-up email or make a note for their records of what happened during the conversation.

Is a doctor’s note required?

Workers **do not** need to provide medical paperwork (like a note) to request accommodations for pregnancy, childbirth, lactation, or a related medical condition.

Employers **may not ask** for medical paperwork when:

- the worker is asking to sit, stand, carry or keep water nearby to drink, or take more breaks for going to the bathroom, eating, or drinking
- it is obvious the worker needs the accommodation requested (ex: a bigger uniform)
- the worker is asking for break time and space for lactation
- other employees are allowed the accommodation the worker is requesting without providing medical paperwork

While a note is not needed in order to request accommodations, some workers may feel more comfortable requesting accommodations in writing and/or with a note from their doctor, midwife, or other healthcare provider.

If an employer requests medical paperwork, and that request is reasonable, **they may only ask for:** (1) the work limitation; (2) a statement that the limitation or need is related to pregnancy, childbirth, or a related medical condition; (3) the accommodation or change that is needed at work; and (4) the expected timeframe for the accommodation.

Health care providers may wish to use our free guidelines on writing work-notes, including a [sample note](#).



Handling Power Imbalance with an Employer

Farmworkers may fear angering their supervisor, losing their job, losing hours, or otherwise being retaliated against for exercising their right to request and receive accommodations, including leave. These are real and valid concerns.

Below are some practical strategies:

- Frame the request positively and assure the employer: "I want to keep working and I'm committed to this job. I just need a temporary accommodation to stay healthy."
- Mention legal protections directly: "I understand the Pregnant Workers Fairness Act gives me the right to request this accommodation."
- Come with a solution: Propose how the work could be covered while accommodations are provided. Coworkers can even be asked to help.
- Request in writing when possible: A written record protects the worker. A text message counts.
- Bring a witness or union rep if available: Workers have the right to have someone with them during meetings with their employer.



Community health workers and farmworkers may wish to review our practical guide on [how to discuss your pregnancy with your employer](#).



IMPORTANT NOTE:



All workers in California are entitled to full employment protections, regardless of immigration or citizenship status. It is illegal for an employer to threaten to contact immigration authorities because a worker exercised their rights.

BREAK TIME, SPACE, AND OTHER ACCOMMODATIONS FOR BREASTFEEDING



Workers have the right to **reasonable break time** and a **private non-bathroom space** at work to express breast milk.

How much break time is “reasonable”?

Workers can take however much time they need to pump milk. Their needs will vary depending on many factors, including their baby’s feeding schedule, their individual body’s response to the pump, and more.

Typically, a worker will need to pump three times for 15-20 minutes per session during an 8-hour workday. They will need additional time to get to the pumping space, set up the pump, clean-up, store the milk, and return to the work area.

Is the break time paid?

Employers are not required to pay employees for break time that goes beyond the required paid breaks under the law. Therefore, time used to pump outside of regular break time is typically not paid.

However, if an employer provides other workers with paid breaks for other reasons (such as water breaks), they may need to pay the nursing worker for pumping breaks too.

What is required of the space?

The pumping space should be private, clean, safe, free of hazardous materials, and close to the work area. It cannot be a bathroom. Additionally, the space must have access to electricity and have a place for the worker to sit and place their breast pump. The employer should also provide access to a sink with clean running water and a refrigerator or cooler where the breastmilk can be stored.

Pumping spaces can be creative so long as they meet the requirements of the law.



For example, employers may set up portable tents or pods for pumping or may allow for pumping in a farm vehicle that has been equipped with privacy shades.

What if a worker needs other workplace supports while nursing?

Employers must also provide workers who are nursing with **changes to how, when, or where they do their job**, called **“reasonable accommodations for lactation.”**

For example, workers may ask for:

- Work closer to the pumping space
- Protection from toxic chemicals and pesticides
- Allowing your baby to be brought to the field for nursing
- Access to more water or time to eat
- Temporarily changing job duties or location
- Temporary transfer to a different position
- Other things you need because you are breastfeeding

How can someone request lactation accommodations?

Workers may request reasonable break time and private space by speaking directly to their employer. If possible, it is recommended to speak to the main office, because they may be more familiar with the legal requirements. An employee does not have to provide a doctor’s note to request reasonable break time and private space for pumping breast milk.

For other kinds of “reasonable accommodations for lactation” workers can give their employer a note from a health care provider recommending the requested changes (like avoiding toxic chemicals or temporarily changing job duties). Workers should discuss their need for lactation accommodations with their health care provider.

It is recommended that the employee speak with their employer about their need for break time and space before returning to work, if possible, so they can develop a plan in advance.

Health care providers may wish to refer to our [free sample](#) lactation accommodation work-notes.



Community health workers and farmworkers may wish to review our [practical guide](#) on how to discuss your breastfeeding needs with your employer.



PROTECTION FROM DISCRIMINATION, RETALIATION, OR HARASSMENT



It is **illegal** for employers to treat a worker poorly (such as firing, punishing, or harassing them) because the worker is pregnant, has been pregnant, is breastfeeding, or because they requested or received accommodations (including break time and space for pumping) or time off work.

If a worker is concerned that they are being treated unfairly, they should take notes on what has occurred (for their own record) and contact the Dar a Luz free legal helpline to learn about their options.

Questions?

For detailed guidance, contact the Dar a Luz free legal helpline by phone at **415-581-8888** or by email at **daraluz@worklifelaw.org**.

Please leave a voicemail with your name and phone number and we will return your call.



Below are some options available to workers who wish to file **state agency claims** against their employer(s) for violating their pregnancy-related rights. While it is not necessary to hire an attorney in order to pursue a state agency claim, it can help to discuss the situation and potential options with a free legal helpline before filing.

This page does not include information on filing a claim with a federal agency.

If the worker:

- has experienced discrimination, retaliation, or harassment in the workplace
- was unlawfully denied job-protected leave
- was denied a reasonable accommodation

File a complaint with the California Civil Rights Department (CRD).

- In person at a CRD office
- By phone: 1-800-884-1684
- Online using CRD's California Civil Rights System (CCRS)
- By email (with a completed intake form): contact.center@calcivilrights.ca.gov
- By mail (with a completed intake form):
651 Bannon Street, Suite 200
Sacramento, CA 95811



If the employer did not provide reasonable break time or an adequate space to pump

File a wage claim with the California Labor Commissioner and/or report a labor law violation to the Bureau of Field Enforcement (BOFE).

- Wage claims can be filed online, by email, mail, or in person at a Labor Commissioner office.
- Reports of labor law violations can be filed by mail or online.



If the worker experiences retaliation because they exercised or attempted to exercise their right to reasonable accommodations for lactation, or because they filed a claim with the California Labor Commissioner

File a retaliation claim with the California Labor Commissioner within one year of the retaliatory act.

- Retaliation claims can be filed online or by mail.



GUIDE TO APPLYING FOR SDI FOR PREGNANCY AND PFL FOR BONDING



State Disability Insurance (SDI) and Paid Family Leave (PFL) are income replacement programs administered by the California Employment Development Department (EDD). They are completely worker-funded - most workers in California pay into these programs through deductions from their paychecks.

This guide will cover the application process for SDI and PFL. For an overview of the programs, including eligibility requirements, see sections 1B and 1D.

Do people need a Social Security Number to receive SDI or PFL?

No. It is not necessary to have a Social Security Number (SSN) in order to apply for or receive SDI or PFL. SDI and PFL are worker-funded insurance programs designed to protect California workers against loss of wages when they are unable to work due to their own disability (including pregnancy and recovery from childbirth), need to take time off to care for a seriously ill family member, or need time off to bond with a new child. This system is funded entirely by employee contributions. Therefore, workers who have paid into the system, including those who do not have their own social security number, have the right to benefit from the money they have contributed.



SDI and PFL are not considered “public charge” benefits and will not affect an applicant’s immigration status or path to citizenship. Scan the QR code to access the [EDD’s Benefits and Resources for Undocumented Workers Page](#).

State Disability Insurance for Pregnancy

What information is needed in order to apply?

■ To apply for SDI, it is necessary to provide the following information:

- First and last name
- Date of birth
- Mailing address
- Phone number
- Last date worked (or began working less)
- Date the disability began
- The employer's business name, phone number, and mailing address (check the paystub or W-2 for this information).
- If applicable, information on any pay the worker is receiving from their employer while they are not working or are working less (such as sick leave, vacation pay, etc.).

Additionally, the online application will require:

- Email Address
- Valid California Driver License or ID card number
- Social Security Number (SSN)

If a worker is applying without their own Social Security Number, it will also help to have:

- Names and SSNs that were used to earn wages during the last 18 months
- Copies of paystubs for the 18 months before their disability began
- Copies of W-2s for the past 2 tax years
- If they have applied for benefits with the EDD in the past, their EDD Client Number (ECN)

Should workers apply online or by mail?

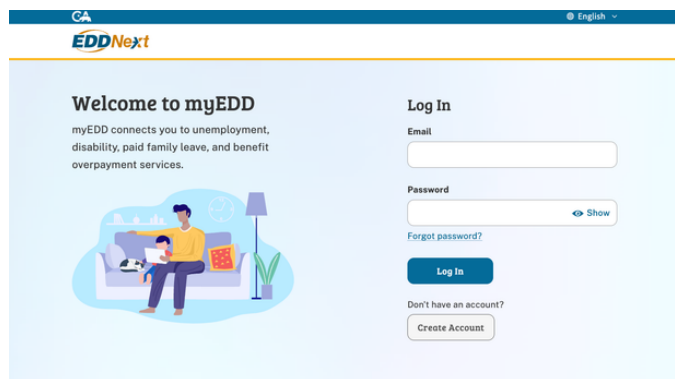
Workers can apply for SDI benefits online using [SDI Online](#) or by mail using a paper claim form. While the online application may be faster, it is not the best option for all workers.

In order to complete the application online, the worker will need to have their own Social Security Number. Because the application requires the worker applying to sign and swear that everything in the application is true, and the online application *does not* allow the field for Social Security Number to remain blank, it is recommended that workers who do not have a Social Security Number apply by mail with a paper claim form. The paper claim form allows you to leave blank the question asking for your Social Security Number.

Additionally, workers should apply with a paper claim form if: they had a recent name change; their name does not fit the space in the online form; they do not have a valid California Driver's License or ID; they received an error code; or they have any other difficulty filing using SDI Online.

How does a worker apply for SDI online?

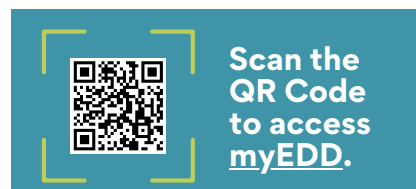
In order to apply for EDD benefits online, it is necessary to first create a **myEDD** account.



To create a myEDD account, the worker will need a personal email address.

In order to activate the account, the worker will need to confirm their email.

Each time the worker logs in, they will need to verify their identity (such as through a code sent to email, text, or by phone call).



After the myEDD account is created, the worker can log in and select SDI Online in order to begin and manage a claim for SDI or PFL benefits.

To apply for benefits through SDI Online, the worker will next need to Register as a Claimant and verify their identity with ID.me. Once their SDI Online registration is complete, they will be given an EDD Customer Account Number. Save this number.

To file an SDI or PFL claim, they can select “New Claim” and follow the prompts on the screen. Once the application is submitted and complete, they will be given a Receipt Number. Save this number.

The worker will need their healthcare provider to certify their SDI claim. Workers who apply online can provide their healthcare provider with the Receipt Number for their claim. The healthcare provider can then use that Receipt Number to certify the claim online.

Once the EDD receives the completed application, they will review the claim. This process usually takes a couple of weeks.

How can a worker get a paper claim form to apply for SDI by mail?

SDI application forms cannot be downloaded online. To get a paper form:

- Ask your healthcare provider or a community health worker.
- Call EDD at **1-800-480-3287**, enter the verification number stated over the phone, and when prompted say “**Disability**” (or enter the number **3**) to request the EDD mail you a paper claim form. It can take up to 10 days for the EDD to mail the form.
- Go in person to one of the EDD’s SDI offices to request a form. Scan the QR code on the following page for location information.
- Request the **Claim for Disability Insurance Benefits** form online through the EDD’s website. For English, request **DE 2501**; for Spanish, request **DE 2501/S**. It can take up to 10 days for the EDD to mail the form. Scan the QR code on the following page to access the order form.



Scan the QR Code to find an EDD SDI office near you.



Scan the QR Code to order SDI Claim Forms.

Completing the SDI Claim Form: Step-By-Step

1

Gather the required information, the paper claim form, and a **black** pen.

Fill out the **Health Insurance Portability and Accountability Act (HIPAA) Authorization** to give the EDD permission to ask your healthcare provider for health information related to your disability.

- If you do not have your own Social Security Number, leave those spaces blank.
- Where the form asks for “Claimant Name,” write your first and last name.
- Under “I authorize” write the name of the healthcare provider who is going to fill out the disability paperwork.
- Read the full text of the page, or have it read to you.
- Sign and date the form at the bottom to complete the authorization.

Part A - Claimant's Statement			
A1. Your Social Security Number	A2. If you have previously been assigned an EDD customer account number, enter that number here	A3. California Driver License or ID number	A4. Gender Male Female
0 0 0 0 0 0 0 0 0 0	N 0	Z 1 2 3 4 5 6 7	X
A5. If you ever used other Social Security Numbers, enter those numbers below	A6. State government employee (if "yes" indicate bargaining unit #)	A7. Your date of birth	
	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> unit #	0 1 0 1 1 9 0 0	

2

The SDI claim form is made up of two parts: **Part A - Claimant's Statement** and **Part B - Physician or Practitioner's Certificate**. You are responsible for completing Part A; your healthcare provider will need to complete Part B.

You do not need to provide a Social Security Number in **Box A1** if you do not have one. Leave it blank. If you have used other Social Security Numbers for work, you can list them in **Box A5**.

If you have previously received benefits from the EDD and have been given a Customer Account Number, include it in **Box A2**.

6

In **Box A17**, enter the last date you worked. This question is asked because in order to be eligible for SDI, you must have lost wages due to your disability (because you are not working or are working less).

In **Box A18**, enter the date your disability began. This date is *usually after* the last date you worked (Box A17). If you want your SDI claim to begin on a different date, enter that date in **Box A19**.

If you have not worked since the date your disability began, mark No in **Box A20**.

If you have worked since the date your disability began (such as part-time work or any full days), mark Yes in Box A20. You will need to provide the EDD with information on what days you worked.

If you have recovered from your disability, enter the date in **Box A21 A**. If you have returned to work, enter the date you started working in **Box A21 B**.

This date information is helpful in establishing your disability period, and in avoiding an overpayment or disqualification of your claim.

A16. At any time during your disability, were you in the custody of law enforcement authorities because you were convicted of violating a law or ordinance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		A17. Before your disability began, what was the last day you worked? 0 1 2 5 2 0 2 5	
A18. When did your disability begin? 0 1 2 5 2 0 2 5		A19. Date you want your claim to begin if different than the date entered in A18 M M D D Y Y Y Y	
A20. Since your disability began, have you worked or are you working any full or partial days? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		A21 A. If you recovered, enter the date you recovered: M M D D Y Y Y Y	
		A21 B. If you returned to work, enter the date you started working: M M D D Y Y Y Y	

7

Leave **Box A22** blank if you do not have your own Social Security Number.

In **Box A23**, write what your regular job is (for example, field worker). In **Box A24**, select the reason you stopped working. Select *only one* reason - if you are applying for SDI because you are pregnant, select “illness, injury, or pregnancy.”

Box A25 asks you to describe the physical requirements of your regular job. Select the box that most closely fits what you typically do at work.

Part A - Claimant's Statement - continued	
A22. Enter your Social Security Number 0 0 0 0 0 0 0 0 0 0	
A23. What is your regular or customary occupation? P a s t r y C h e f	
A24. Why did you stop working? (Select only one box) <input type="checkbox"/> Layoff <input type="checkbox"/> Unpaid Leave Of Absence <input type="checkbox"/> Voluntarily Quit Or Retired <input checked="" type="checkbox"/> Illness, Injury, or Pregnancy <input type="checkbox"/> Terminated <input type="checkbox"/> Other Reason	
A25. How would you describe or classify your job? <input type="checkbox"/> Mostly sit; occasionally stand or walk; occasionally lift, carry, push, pull, or otherwise move objects that weigh 10 lbs. or less. <input type="checkbox"/> Mostly walk or stand; occasionally lift, carry, push, pull, or otherwise move objects that weigh up to 20 lbs. <input type="checkbox"/> Constantly lift, carry, push, pull, or otherwise move objects that weigh up to 10 lbs.; frequently up to 20 lbs.; occasionally up to 50 lbs. <input checked="" type="checkbox"/> Constantly lift, carry, push, pull, or otherwise move objects that weigh up to 20 lbs.; frequently up to 50 lbs.; occasionally up to 100 lbs. <input type="checkbox"/> Constantly lift, carry, push, pull, or otherwise move objects that weigh over 20 lbs.; frequently over 50 lbs.; occasionally over 100 lbs.	

9

Boxes A31 to A38 ask about workers' compensation benefits. If you have any questions about this section, please contact the Dar a Luz free legal helpline.

If you *have not* filed (or *do not* intend to file) a workers' compensation claim, mark No in **Box A31** and *skip* Boxes A33 to A38.

Box A32 asks if the disability you are applying for SDI for was caused by your job. **SDI is not available for injuries or illnesses *caused by your job*.** If your disability was caused by your job (for example, you fell and broke your leg at work), mark Yes and provide the relevant information (if you have it) in **Boxes A33 to A38**.

Leave **Box A35** blank if you do not have your own Social Security Number.

A31. Have you filed or do you intend to file for workers' compensation benefits? <input type="checkbox"/> Yes - complete items A32 through A38 <input type="checkbox"/> No - skip items A33 through A38		A32. Was this disability caused by your job? <input type="checkbox"/> Yes <input type="checkbox"/> No																																	
A33. Date(s) of injury shown on your workers' compensation claim																																			
<table border="1"> <tr> <td>M</td><td>M</td><td>D</td><td>D</td><td>Y</td><td>Y</td><td>Y</td><td>Y</td> <td>M</td><td>M</td><td>D</td><td>D</td><td>Y</td><td>Y</td><td>Y</td><td>Y</td> <td>M</td><td>M</td><td>D</td><td>D</td><td>Y</td><td>Y</td><td>Y</td><td>Y</td> <td>M</td><td>M</td><td>D</td><td>D</td><td>Y</td><td>Y</td><td>Y</td><td>Y</td> </tr> </table>				M	M	D	D	Y	Y	Y	Y	M	M	D	D	Y	Y	Y	Y	M	M	D	D	Y	Y	Y	Y	M	M	D	D	Y	Y	Y	Y
M	M	D	D	Y	Y	Y	Y	M	M	D	D	Y	Y	Y	Y	M	M	D	D	Y	Y	Y	Y	M	M	D	D	Y	Y	Y	Y				
A34. Workers' compensation insurance company name		Area Code and Phone Number		Extension (if any)																															
Number, Street, Suite#																																			
City		State		Zip or Postal Code		Workers' Compensation Claim Number																													

Part A - Claimant's Statement - continued

A35. Enter your Social Security Number		0 0 0 0 0 0 0 0 0					
A36. Workers' Compensation Adjuster's Name		Area Code and Phone Number		Extension (if Any)			
A37. Employer's name shown on your workers' compensation claim		Area Code and Phone Number		Extension (if any)			
A38. Your attorney's name (if any) for your workers' compensation case		Area Code and Phone Number		Extension (if any)			
Number, Street, Suite#							
City		State		Zip or Postal Code		Workers' Compensation Appeals Board or ADJ Case Number	

10

Box A39 asks you to select your preferred payment method (Debit Card or Check). As of February 15, 2024, the EDD is using Money Network instead of Bank of America for its debit cards. Money Network requires a Social Security Number to activate the debit card.

Box A40 is a declaration that everything in the application is true. Read it, or have it read to you before signing and dating the form. If your signature was made with a mark (X), have two witnesses complete **Box A41**.

What happens after Part A of the claim form is completed?

A healthcare provider must complete **Part B - Physician or Practitioner's Certificate** for the worker to receive SDI benefits. Contact the health care provider and ask how they handle SDI claims - some prefer to complete the paper certification and some prefer to certify the claim online.

- If the healthcare provider will complete the *paper claim form*, provide them with Part B of your claim form. Once they complete Part B, you can mail it to the EDD with the rest of your application (Part A and any attachments).
- If the healthcare provider will complete the certification online, you will first need to mail Part A of your application to the EDD. Let your health care provider know that you are mailing your application so that they are aware that they will need to complete the certification through their SDI Online account. After the EDD receives and processes your application (within 14 days), your health care provider will be able to find it in "SDI online" by searching for your claim ID number or your last name and date of birth.
- If over 2 weeks have passed since you mailed your application and you are unsure whether your health care provider completed the medical certification, you can contact them to confirm.

What should be attached to a claim for SDI benefits?

The EDD needs *both* Part A and Part B of your claim in order to determine your eligibility for SDI benefits. If you are applying for SDI without a Social Security Number, it may help to include a cover letter and copies of certain documents with your application.

The EDD suggests that the cover letter state your preferred language and any names and Social Security Numbers you have used to work. If you are filing your claim late (later than 49 days after your disability began), include an explanation for why you applied late.

In your letter, you can explain your wages (where you worked, the dates you worked for that employer, how you were paid, and so on). It is highly recommended to include "proof of wages" - this can be **copies** of: paystubs for the last 18 months; W-2s for the current and previous year, and; if you were paid in cash, detailed proof of payments (deposit statements, venmo, paypal, receipts, etc.).

Do not send originals of your documents. Only send copies.

Mailing the application to the EDD.

If you can, it is recommended that you make a copy or take a picture of your application and any attachments before you mail it. The application comes with an envelope that already has the address. You must provide the stamp. The envelope will be mailed to:

State of California
Employment Development Department
PO Box 989777
West Sacramento, CA 95798-9777

Scan the QR code to access the [EDD's Benefits and Resources for Undocumented Workers Page](#), where you can find a sample cover letter.



What happens after an application is submitted?

The EDD will review the application and attachments submitted. This can take 14+ days.

If more information is needed, the EDD will contact you. The EDD may call you (phone calls will be from a private number or will show up as “St of CA EDD” on your caller ID), and may leave a voicemail. Try to respond within 2 days of receiving this call.

If the EDD cannot contact you by phone, they will send the request(s) for additional information by mail. You may receive notices such as a **Notice of Claim Error (DE 2535)**, a **Request for Additional Information (DE 2566)**, or a **Request for Eligibility Information Disability Insurance (DE 4365DI)**. These notices do not mean the claim has been denied - they simply mean the EDD needs more information. You can respond to the EDD by mail (within the timeframe stated on the notices), by phone, or by visiting an EDD office. For help responding to the EDD, contact the Dar a Luz free legal helpline.

You do not need to provide proof from the Social Security Administration that the SSN you used for work is yours.

What can I expect after I provide the additional information?

Once the EDD has the information they need to process your claim, they will send you a **Notice of Computation (DE 429D or DE 429DF)**. This notice will tell you what your maximum benefit amount and your **Weekly Benefit Amount (WBA)** may be based upon the wages you earned in the 12-18 months before your disability began. Additionally, if the SSN you used for work has been used by someone else, the EDD will assign you an **EDD Client Number (ECN)** to use. Confirm that the wages on this notice are correct. If they are not, or if the notice says 00, you should reply to the EDD with “proof of wages” (See “*What should be attached to a claim for SDI benefits?*”).

Once the EDD has reviewed your completed application (which can take a couple of weeks), they will send you an **Electronic Benefit Payment Notification (DE 2500E)** if you are **approved** for benefits OR a **Notice of Determination (DE 2517)** if you are **not approved** for benefits.

You have the right to appeal if you are not approved for benefits. The deadline to respond to a denial is short. Contact the Dar a Luz free legal helpline as soon as possible for help with your appeal.

When will the SDI benefits be paid?

SDI benefits typically begin to be paid around two weeks after a claim is approved. Payments are issued every two weeks.

What if the birth parent did not receive SDI during pregnancy or for recovery from childbirth? Can they still get PFL for bonding?

You can apply for PFL to bond with your new baby, even if you did not apply for or receive SDI for pregnancy or recovery from childbirth.

In this case, you will need to submit an **Application for Paid Family Leave Benefits**. Like SDI, you can apply online through SDI Online (**Paid Family Leave Bonding**) or by mail with a paper claim form (**DE 2501F in English; DE 2501F/S in Spanish**). For information about applying for EDD benefits using SDI Online, see pages 31 and 32. Workers who cannot apply online (for example, because they had a recent name change, don't have a valid California ID or their own SSN, or received an error code) should apply for PFL by mail.

If you are applying for PFL without a prior pregnancy SDI claim, you will also need to provide a copy of a **“Proof of Relationship”** document (a document establishing their relationship with the child they are bonding with) with the application.

“Proof of Relationship” documents can include:

- Child's Birth Certificate
- Child's Hospital Birth Certificate
- Declaration of Paternity (CS-909)
- Foster Care Placement Record (SOC-815)
- Official letter from the foster care agency
- Adoptive Placement Agreement (AD-907)
- Independent Adoption Placement Agreement (AD-924)
- Other evidence of relationship

How can a worker get a paper claim form to apply for PFL by mail?

The PFL Bonding application cannot be downloaded online. To get a paper form:

- Ask your healthcare provider or a community health worker.
- Call EDD at 1-877-238-4373 to request the EDD mail you a paper claim form. It can take up to 10 days for the EDD to mail the form.
- Go in person to one of the EDD's SDI offices to request a form. Scan the QR code on page 33 for location information.
- Request the **Application for Paid Family Leave Benefits** form online through the EDD's website. For English, request DE 2501F; for Spanish, request DE 2501F/S. It can take up to 10 days for the EDD to mail the form. Scan the QR code on the page 33 to access the order form.

What information is needed in order to apply?

■ To apply for PFL, it is necessary to provide the following information:

- **Identity information:** First and last name, Date of birth, Mailing address, Phone number
- **Relevant dates:** Last date worked, date they want the PFL claim to begin, and date they plan on returning to work
- **Employer information:** the employer’s business name, phone number, and mailing address (check the paystub or W-2 for this information)
- **Information on the person they are bonding with,** such as their name, relationship to the person applying for PFL, their date of birth, and gender
- If applicable, information on any pay the worker is receiving from their employer while they are not working (such as sick leave, vacation pay, etc.).

Additionally, the online application will require an Email Address, Valid California Driver License or ID card number, and a Social Security Number (SSN).

If a worker is applying without their own Social Security Number, it will also help to have:

- Names and SSNs that were used to earn wages during the last 18 months
- Copies of paystubs for the 18 months before their bonding period began
- Copies of W-2s for the past 2 tax years
- If they have applied for benefits with the EDD in the past, their EDD Client Number (ECN)



Scan the QR code to access the [EDD's Benefits and Resources for Undocumented Workers Page](#).



Scan the QR code to access the [EDD's main Paid Family Leave webpage](#).

Can non-birthing parents, such as fathers, apply for PFL for bonding?

Yes. Non-birthing parents, such as fathers, can apply for PFL benefits to bond with a new child. They will need to submit an **Application for Paid Family Leave Benefits**. Like SDI, they can apply online through SDI Online (**Paid Family Leave Bonding**) or by mail with a paper claim form (**DE 2501F in English; DE 2501F/S in Spanish**). For information about applying for EDD benefits using SDI Online, see pages 31 and 32.

In addition to completing **Part A - Statement of Claimant**, they will need to complete **Part B - Bonding Certification** and include a “**Proof of Relationship**” document with their application.

PESTICIDES & PREGNANCY: AN OVERVIEW

Exposure to pesticides during pregnancy has been linked to a number of adverse birth outcomes and detrimental health effects during childhood and adolescence, including:

- miscarriage,
- preterm birth,
- abnormal reflexes in newborns,
- delayed neurodevelopment,
- lower IQ at ages 7 and 10,
- respiratory problems (such as asthma),
- increased risk of attention problems and ADHD, and
- an increased risk of cancer (such as childhood leukemia).



Studies have very consistently shown higher levels of pesticide exposure among farmworkers compared to the general population, indicating that some of these findings could be even stronger for children whose mothers worked in agriculture during pregnancy.

In California, healthcare providers may certify their patients for SDI if their “job requirements (e.g., lifting, continuous standing, chemical exposure, etc.) pose a danger to the health of [the] pregnant patient or the fetus.”









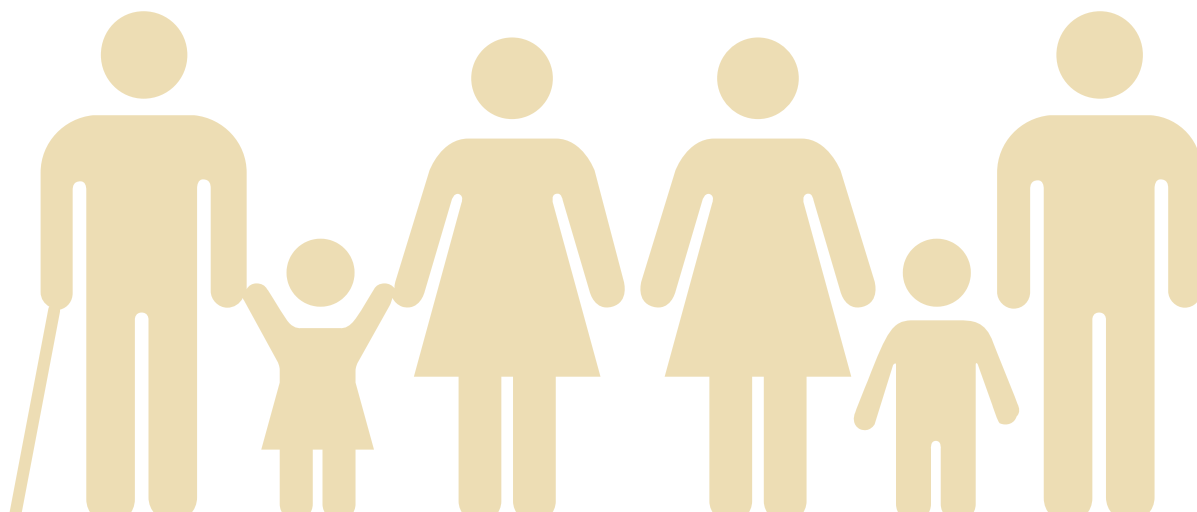
Healthcare providers can access resources, including an [SDI info sheet](#) with recommended ICD-10 codes here.



Access to SDI can make the difference between a worker being able to take time off work to protect themselves from prenatal pesticide exposure, or being forced to continue working due to economic pressures.

ADDITIONAL RESOURCES & SUPPORT

Pesticide Exposure		
<p><u>Community Health</u> <i>California Department of Pesticide Regulation</i></p>	<p>Contains information on what a pesticide is, where pesticides are used, pesticide safety tips, what to do if you are exposed, how to report pesticide illnesses or incidents, and more.</p>	
<p><u>Know Your Rights: Worker Health and Safety</u> <i>California Department of Pesticide Regulation</i></p>	<p>Contains information on what to do if you are exposed, what your rights are as a pesticide handler or farmworker, pesticide safety training information, and more.</p>	
<p><u>Health Education Resources</u> <i>California Office of Environmental Health Hazard Assessment</i></p>	<p>Includes educational materials on pesticide exposure and illness for health care providers, community health workers, and patients.</p>	
<p><u>What to do if someone is exposed to pesticides</u> <i>California Office of Environmental Health Hazard Assessment</i></p>	<p>A brochure for community health workers and other patient advocates that provides information on what to do immediately after being exposed, when to seek medical attention, what pesticide poisoning can feel like, what to expect at the doctor's visit, how pesticides can affect health in the long run, and who is more vulnerable to pesticides.</p>	
<p><u>Worker Protection Standard (WPS)</u> <i>Pesticide Educational Resources Co</i></p>	<p>Information on the Worker Protection Standard for Agricultural Workers.</p>	
<p><u>WPS Training Videos for Workers and Handlers</u> <i>Pesticide Educational Resources Collaborative</i></p>	<p>Contains EPA-approved pesticide safety training videos for agricultural workers and pesticide handlers.</p>	








Access to Healthcare & Other Resources for Wellbeing

<p><u>BenefitsCal</u> <i>State of California</i></p>	<p>Online portal where Californians can apply for and manage benefits, such as MediCal, CalFresh, CalWORKs, and more.</p>	
<p><u>Women, Infants & Children (WIC)</u> <i>California Department of Public Health</i></p>	<p>WIC helps families by providing nutrition education, breastfeeding support, healthy foods, and referrals to healthcare and other community services. WIC serves babies and children up to age 5, pregnant women, and new mothers.</p> <p>This webpage contains information on WIC eligibility and how to find a WIC office.</p>	
<p><u>CA Meals for Kids Mobile Application</u> <i>California Department of Education</i></p>	<p>The CA Meals for Kids mobile application helps you find nearby California Afterschool and Summer Meal Programs Sites. The Emergency Meal Sites section may be used during unanticipated school closures due to emergency situations.</p>	
<p><u>Member Diaper Banks: California</u> <i>National Diaper Bank Network</i></p>	<p>Links to diaper banks across the state of California.</p>	
<p><u>inneedana.com</u></p>	<p>Website providing information and resources for people seeking abortion care.</p>	
<p><u>Know Your Rights: Abortion Access for Immigrants</u> <i>National Immigration Law Center</i></p>	<p>This resource addresses immigrant-specific concerns and provides information on how to access abortions.</p>	
<p><u>Domestic Violence Organizations In California</u> <i>California Partnership to End Domestic Violence</i></p>	<p>A map to help you find domestic violence organizations near you.</p>	
<p><u>Legal Information: California</u> <i>WomensLaw.org</i></p>	<p>A resource on California laws for victims and survivors of domestic violence. Includes information on restraining orders, custody, child support, parental kidnapping, divorce, housing, workplace rights, crimes, and more.</p>	





Public Charge and Immigration Resources

<p><u>Public Charge</u> <i>Keep Your Benefits</i></p>	<p>Information on what public benefits are, what a “public charge” is, which public benefits programs are included in the public charge test, and which immigrants are affected.</p>	
<p><u>Public Charge</u> <i>Protecting Immigrant Families</i></p>	<p>The Biden administration’s public charge policy is still in place and it has not changed. Contents on this page are updated whenever public charge policy changes.</p>	
<p><u>What to Do if You are Arrested or Detained by Immigration</u> <i>National Immigration Law Center</i></p>	<p>This Know Your Rights resource provides general information on what to do if you are stopped, arrested, or detained by immigration or other law enforcement.</p>	
<p><u>California Rapid Response Networks</u> <i>California Collaborative for Immigrant Justice</i></p>	<p>Provides a list of active rapid response networks in California.</p>	
<p><u>Immigration Hotlines</u> <i>National Network for Immigrant and Refugee Rights (NNiRR)</i></p>	<p>Provides a list of national, state, and local immigration hotlines.</p>	
<p><u>A Guide for Employers: What to Do if Immigration Comes to Your Workplace</u> <i>National Immigration Law Center and National Employment Law Project</i></p>	<p>This guide provides practical advice for addressing immigration-related actions in the workplace.</p>	
<p><u>Know Your Rights Toolkit</u> <i>Immigrant Legal Resource Center</i></p>	<p>Includes printable red cards in sixteen languages; a downloadable, fillable, and printable Family Preparedness Plan; a know-your-rights handout in eight languages to help families prepare for a possible interaction with ICE; Know Your Rights tutorial video in seven languages to help prepare you for encounters with ICE; and a directory of non-profit legal services providers across the country.</p>	
<p><u>Know Your Rights Toolkit</u> <i>Informed Immigrant</i></p>	<p>Includes extensive Immigrant Defense Manual, Red Cards, information on how to use a Red Card, and information on how to exercise your rights in different locations.</p>	
<p><u>Toolkit</u> <i>Barrio Drive</i></p>	<p>Includes guide on what to do if you see ICE, Know Your Rights Cards, and “Spread Power, Not Panic” Infographic explaining best practices for sharing ICE sightings.</p>	
<p><u>Red Card: Use this is you are Stopped by ICE/Border Control</u> <i>United Farm Workers</i></p>	<p>Provides image of red cards that can be used if stopped by immigration enforcement.</p>	

Workers Impacted by Wildfires / Emergencies

<p><u>FAQs on Laws Enforced by the Labor Commissioner’s Office</u> <i>Department of Industrial Relations</i></p>	<p>Answers questions related to workers’ rights during emergency situations including access to paid leave and retaliation considerations.</p>	
<p><u>California Paid Sick Leave; See Question 23</u> <i>Department of Industrial Relations</i></p>	<p>Agricultural employees who work outdoors can now use paid sick and safe days to avoid smoke, heat or flooding created by a local or state emergency, including when the employee’s worksite is closed due to the smoke, heat, or flooding conditions.</p>	
<p><u>Benefits and Resources for Undocumented Workers</u> <i>Employment Development Department</i></p>	<p>Workers in California impacted by wildfires may be able to apply for State Disability Insurance (DI) & Paid Family Leave (PFL), regardless of immigration status.</p>	
<p><u>Know Your Rights for Tenants</u> <i>Public Counsel</i></p>	<p>Provides key information on tenant protections, price-gouging laws, disaster assistance, and more.</p>	
<p><u>Disaster Assistance Services Guide for Immigrant Californians</u> <i>California Health and Human Services Agency</i></p>	<p>Provides information on disaster relief resources immigrants may be able to access.</p>	

Language Justice

<p><u>Language Resources</u> <i>Employment Development Department</i></p>	<p>Links to translated commonly used forms and publications in the top written languages in California.</p>	
<p><u>Contact State Disability Insurance</u> <i>Employment Development Department</i></p>	<p>Information and phone numbers for contacting the EDD regarding SDI and PFL in several languages.</p>	
<p><u>Language Services at DIR</u> <i>Department of Industrial Relations</i></p>	<p>How to access translations of website resources. Phone numbers to request an interpreter with Cal/OSHA, the Labor Commissioner’s Office, the Division of Workers’ Compensation, and the DIR Office of the Director.</p>	
<p><u>Language Access Plan</u> <i>California Health and Human Services Agency</i></p>	<p>Includes information and links on language access requirements, language services, and the language access complaint process for the California Department of Public Health.</p>	






DAR A LUZ

Legal Rights for Farmworkers in
Pregnancy and Postpartum

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