

Intermittent Leave: What family caregivers need to know

What is “intermittent” leave?

Intermittent leave is time off work taken in smaller periods of time instead of all at once. Examples include reducing your daily working hours, taking one or two days off every week and working the other days, or taking every other week off.

Does my employer have to allow me to take intermittent leave?

Taking intermittent leave may be your right under CA and federal law. Your boss must allow you to take intermittent leave and cannot penalize you if:

- 1) you’re providing care for a family member with a serious health condition,
- 2) your employer has 5+ employees,
- 3) you have worked for your employer for one year or more (total, does not have to be 12 months in a row), AND
- 4) you have worked at least 1250 hours in the past year.

If you think you don’t meet those requirements, contact us for more information about your options. If you do meet the requirements, your boss must allow you to take time off and cannot penalize you for taking that time off. [*Learn more about your protections and what to do if you face difficulty.*](#)

Can I get paid when I take intermittent leave?

Most family caregivers get paid during their leave by using a program called CA Paid Family Leave. Paid Family Leave is a California state program that will pay qualifying workers a part of their regular wages for up to 8 weeks each year while they take time off work to care for a family member. This leave can be taken intermittently (in parts or by reducing your hours). Taking CA Paid Family Leave means you have additional legal protection. Also, it leaves vacation and sick days for when you need them to care for yourself. Some employers will provide paid time off for workers under their own programs or by using vacation/sick days. Consider whether CA Paid Family Leave is a better option for you than using your vacation or sick days.



What is considered *caregiving* under CA Paid Family Leave?

You are caregiving if you help a family member with a serious health condition by cooking for them, feeding them, helping them bathe, giving emotional support, keeping them safe, shopping for them, making doctor's appointments, driving them to appointments and being with them during medical care.

Can I take CA Paid Family Leave if I am undocumented?

Yes! Non-citizens, including undocumented immigrants, can still be eligible for CA Paid Family Leave if you pay into CA SDI and meet the requirements (above). If you are undocumented, [follow this guide to applying](#) or contact us for help.

Can I split care with another family member and still get CA Paid Family Leave (PFL)?

Yes! You do not need to be the only caregiver. But you can only get paid for the times when you are active as their primary caregiver.

Example: Daunte takes care of his mom Mondays and Wednesdays, when her nurse isn't available. He can get Paid Family Leave for only Mondays and Wednesdays.

How much money will I be paid if I use Intermittent CA Paid Family Leave (PFL)?

You will be paid a portion (70 – 90%) of your usual pay, **up to a maximum of \$1,681 per week**. Money you earn from your job may reduce how much PFL pay you get. That is because you can't be paid more than what you would be if you were working your regular job and hours. The money that you earn during any week that you receive PFL must be reported. Workers are typically asked to report earnings every two weeks.

Example I: Lin's job pays her about \$1,000 each week. Based on her paychecks, Lin's PFL benefit amount would be \$900 per week if she did not work at her job at all during the week.

When Lin starts intermittent leave, she works two days each week and earns \$400 from her job. PFL will only pay the difference between the \$1,000 Lin usually earns and the \$400 she is earning now. That means Lin gets \$600 from PFL in addition to the \$400 per week she earns from her job. Lin is paid \$1,000 a week, just like before she took leave.



Example II: Arman cares for his brother. He plans to split caregiving time with his sister. When he applies for PFL, Arman's leave benefit amount is calculated based on his usual full-time schedule where he earned \$1,500 per week. He has a maximum leave benefit of \$1,074 per week.

Arman arranges a leave schedule where he takes the first two weeks of the month off. Because he is not working during weeks where he is collecting PFL, Arman receives \$1,074 each week. When he is working, he does not claim PFL.

To calculate your estimated weekly benefit amount (*before* deducting for the money you earn at work) [visit the EDD calculator](#). Then, **use this formula to understand how much you can receive:**

**Regular weekly wages – part-time wages while on intermittent leave
= max amount of weekly PFL benefits you can receive***

**So long as it is no more than \$1,681 per week, the maximum weekly amount of PFL.*

How can I apply for leave?

To get job-protected leave, tell your employer you need leave to care for a seriously ill family member. If possible, tell them 30 days in advance, but if you don't have notice in advance, just tell them as soon as you can.

To get paid under the CA PFL program for intermittent leave, follow [the steps here](#).

Can I be punished or fired for taking intermittent leave to care for a family member?

Penalizing or firing a worker for taking leave to care for a family member can violate several laws. To learn more about your rights and discrimination warning signs to look out for, [visit our guide here](#).

Need Help?

[WorkLife Law](#)'s helpline attorneys give free and private legal information to caregivers who need help with leave and work issues.

Email hotline@worklifelaw.org or leave a message at 415-703-8276.