

## PAID PARENTAL LEAVE ELIGIBILITY

This reference sheet is designed to help employees quickly identify if they qualify for the enhanced pay protections under Education Code §87780.1 (AB 2393) versus standard unpaid FMLA/CFRA.

### A 60-Second Eligibility Check for SWCCD Employees

This quiz determines if you qualify for the 12 weeks of 50% Differential Pay (after using your sick leave) for birth, adoption, or foster placement.

**QUESTION 1: LENGTH OF SERVICE - HAVE YOU BEEN EMPLOYED BY SOUTHWESTERN COMMUNITY COLLEGE DISTRICT FOR AT LEAST 12 MONTHS PRIOR TO THE START OF YOUR LEAVE?**

- **YES:** Proceed to Question 2.
- **NO:** You may still be eligible for unpaid leave or use of accrued sick leave, but you do not yet qualify for the "Ed Code Statutory Parental Leave" pay protections.

**QUESTION 2: HOURS WORKED (THE "1,250 RULE") - IN THE LAST 12 MONTHS, HAVE YOU WORKED AT LEAST 1,250 HOURS FOR THE DISTRICT?**

- **YES:** You qualify for Full CFRA Protection (12 weeks of job protection) AND the Ed Code Paid Parental Leave (12 weeks of 50% min. pay).
- **NO:** You STILL QUALIFY for the Ed Code Paid Parental Leave (12 weeks of 50% min. pay).
  - *Note: This is the "AB 2393 Advantage." Even if you are a part-time faculty member or staffer who hasn't hit 1,250 hours, as long as you have 12 months of service, your pay is protected.*

**QUESTION 3: TYPE OF EVENT- IS THE LEAVE FOR THE BIRTH OF YOUR CHILD, OR THE PLACEMENT OF A CHILD WITH YOU FOR ADOPTION OR FOSTER CARE?**

- **YES:** You are eligible.
- **NO:** (e.g., caring for an ill parent). You may qualify for standard FMLA/CFRA, but the specific "Parental Leave" pay rules do not apply.

### WHAT YOUR RESULTS MEAN

If you have...	Job Protection (CFRA)	Pay Protection (Ed Code/AB 2393)
< 12 Months Service	None (unless per CBA)	Accrued Sick Leave Only
> 12 Months + < 1,250 Hours	Limited	12 Weeks of Differential Pay
> 12 Months + > 1,250 Hours	Full 12 Weeks	12 Weeks of Differential Pay

## How the Pay Works (The "Stack")

1. Phase 1: You use your Accrued Sick Leave (100% Pay).
2. Phase 2: Once sick leave is gone, you move to Differential Pay (at least 50% of your salary) for the remainder of the 12 workweeks, unless other CBA provisions apply.
3. Phase 3: After 12 weeks, if you remain off work, the leave typically becomes Unpaid unless other CBA provisions apply.

[CSEA Article 12](#)

[SCCDAA Article 10](#)

[SCEA Article 5](#)