

LEAVE OF ABSENCE FREQUENTLY ASKED QUESTIONS

1. What is the Family and Medical Leave Act (FMLA)?

The Family and Medical Leave Act is a Federal law that entitles eligible employees to take unpaid, job-protected leave for specified qualifying events for up to 12 weeks in a 12 month period.

2. What is the California Family Rights Act (CFRA)?

The California Family Rights Act is a State law that entitles eligible employees the same unpaid, benefit-protected and job-protected leave for specified qualifying events as FMLA. When an employee is on medical leave due to their own pregnancy (PDL), CFRA allows them to take an additional 12 weeks of unpaid leave for the purposes of bonding with the child.*

*CFRA for bonding must be taken within 12 months of the child's birth or date of placement if adoption/foster care.

3. What is Pregnancy Disability Leave (PDL)?

Pregnancy Disability Leave is a State law that entitles eligible employees up to four months (17 1/3 weeks) of unpaid, benefit-protected and job-protected leave for pregnancy related disability. There is no minimum service requirement for eligibility.

4. How are FMLA, CFRA and PDL different?

Typically when taking leave for a qualifying event, FMLA and CFRA run concurrently, *except* when taking leave for a pregnancy disability, adoption and/or placement of a foster child, CFRA begins *after* PDL/FMLA.*

*FMLA runs concurrently with PDL.

**For bonding unrelated to PDL, FMLA and CFRA run concurrently.

5. Is FMLA paid leave?

NO. However, you may use your accrued leave balances or coordinate with SDI as described in the County's FMLA policy.

6. Does my health insurance coverage continue under FMLA/CFRA/PDL?

YES. While on FMLA/CFRA/PDL, your health insurance will continue under the same terms and conditions as if you had not taken leave.*

*The employee is required to pay any out-of-pocket expenses under their current plan while on leave.

7. When should I request a leave of absence?

You should request a leave of absence as soon as you know you are going to be away from work for more than 5 consecutive days due to a qualifying event.

8. I need to take leave for my own serious illness. What do I do?

View the *Leave of Absence Request Process for Employees* on the Leave of Absence website page and contact your Payroll Coordinator. They will help guide you through the leave request process.

9. What proactive steps can I take to request a medical leave of absence?

You must provide your department with a Request for Family Medical Leave and Medical Certification Form 30 days *prior* to your leave date. Forms are on the Leave of Absence website page.

10. How much leave am I entitled to under FMLA?

If you are an eligible employee, you are entitled to up to 12 weeks of FMLA leave for qualifying family and medical reasons during a 12-month period.

11. How do I know if I am an eligible employee for FMLA?

To be eligible for FMLA, you must meet ALL of the following criteria:

- Be either a full-time or part-time permanent employee with the County;
- Have 12 months of service with the County;
- Have worked at least 1,250 hours in the 12-month period before the date the leave begins

12. What is an FMLA qualifying event?

A qualifying event is any one of the following:

- A serious health condition that makes the employee unable to perform the essential functions of his or her job;
- The birth of a child and to care for the newborn child within one year of birth;
- The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- To care for the employee's spouse, child, or parent who has a serious health condition;
- Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty";
- To care for a covered servicemember with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin.*

*Eligible employees under this qualifying event are entitled to up to twenty-six (26) workweeks of leave during a single 12-month period.

13. I'm pregnant. Do I still need to request FMLA?

YES. The request process for Pregnancy Disability Leave is the same for FMLA and CFRA. Note that PDL and FMLA run concurrently. Contact your payroll coordinator for more information.

14. How is the 12-month period calculated under FMLA at the County?

A 12-month period measured backward from the date you first go out on FMLA.

15. I have enough sick and vacation leave balances and do not want to use FMLA/CFRA/PDL. Can I opt out?

NO. The County will designate your leave as FMLA/CFRA/PDL for any and all qualifying events.

16. My doctor says I can return to work WITHOUT restrictions. What do I do?

You MUST provide your department payroll coordinator with a doctor's return to work note that says you are clear to return to work *without* restrictions. If you return to work without a doctor's note, you will be asked to leave until the department has received your doctor's note clearing you to return to work.

17. My doctor says I can return to work WITH restrictions. What do I do?

You MUST provide your department payroll coordinator with a doctor's return to work note that says you are clear to return to work *with* restrictions. The doctor's note must indicate what the restrictions are. Contact your department payroll coordinator immediately if you know you are going to return to work with restrictions. An Interactive Process meeting will be required upon your return to discuss the impact your restrictions will have on your work.

18. I have been on leave for 12 weeks for my own illness under FMLA, but my doctor will not release me to work. What do I do?

You will be asked to complete a leave of absence extension form located on the HR forms webpage. You must also provide documentation from your doctor with your new return to work date. Both of these forms should be sent directly to your department payroll coordinator.

19. Both my spouse/registered domestic partner and I work for the County. Do we each get 12 weeks for FMLA *and* CFRA?

In cases where CFRA is used for bonding, the 12 weeks is split between the two employees. For FMLA, the 12 weeks may be split depending on the nature of the qualifying event. Contact your payroll coordinator for more information.