



FMLA/CFRA/PDL Process Guidelines for FMLA Administrators

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FMLA/CFRA/PDL Process Guidelines for FMLA Administrators

This document is designed to be used in conjunction with the County's Family and Medical Leave Guide and is intended to be a recommended set of guidelines that leave administrators can follow to better ensure compliance with FMLA, CFRA and California's Pregnancy Disability Leave law. This document does not serve as an official County or department policy.

1. Time off Notice Received and Sending of the FMLA Info Packet

- If you receive verbal notice or a written request from an EE or the EE's supervisor that the EE may need time off work for medical reasons, you must send the EE the FMLA/CFRA/PDL Info Packet. If you need the template to the FMLA/CFRA/PDL cover letter, please contact the DAO. The appropriate attachments should be referenced on the cover letter and attached. This info packet should be sent (e.g., emailed or sent via mail) to the EE within 24 business hours after receiving notification (please note, it is the EE's responsibility to return the paperwork to you if he/she decides to file for FMLA/CFRA/PDL. You do not need to follow-up with the EE after sending the packet if nothing is received).
- The Link to Important FMLA/CFRA/PDL Information Attachment is referenced on the packet cover letter. Please review the links attachment and customize based on the type of request received. For example, if you are aware the need for medical leave is due to the EE's own medical condition, you can delete the link for the medical certification for the family member's medical condition. If you need the template for the Link to Important FMLA/CFRA/PDL Information, please contact the DAO.

2. FMLA Request/Medical Received/Receipt of Request Emails

- Once the EE returns/submits the FMLA Request form or an EE submits a medical note/medical certification, create, and open a file for the EE within 24 business hours of receipt.
- It is good practice (but not required) to notify the appropriate department manager(s)/department contacts that the employee submitted a request for FMLA/CFRA/PDL, so they are aware the request for leave was received, that it will be evaluated, and you will notify them once an approval status has been determined. The sample language for the receipt of FMLA/CFRA/PDL request to manager(s) is included below (If you are sending these email notices, please be sure to customize the email based on the specifics of the EE's leave case):

This email is to inform you we are in receipt of an FMLA/CFRA/PDL request from EE Name indicating intermittent/continuous leave for her/his own/family member's serious health condition from start date to end date. I will review this request and you will be notified once this request has been evaluated and an approval status has been determined. Thank you.

3. Creating the E-File or Hard Copy File

- Create an e-file (if saving by e-file, please ensure with your department management/RCIT that files are being saved in a trusted system/drive) or hard copy file for the case and save all needed case documents and correspondence in this e-file or hard file (examples: receipt of request emails, signed FMLA Request form, Notice of Eligibility, Designation Notice, TRC Reports, etc.). It is

important that the EE's file has all the required documents/communication saved. If you are uncertain which documents or communication need to be saved in the file, please contact the DAO. **Please note: All FMLA/CFRA/PDL files must be retained in accordance with County Records Retention Policy. FMLA/CFRA/PDL files must be retained for three (3) years from the date the file is closed (i.e., 3 years from the date the leave ends).**

4. FMLA/CFRA Eligibility Determination/Requirements

- The FMLA Administrator must determine if the EE is eligible for FMLA/CFRA. To be eligible for FMLA/CFRA, the EE must have been employed with the County for at least 12 months as of the time the leave begins, and the employee must have worked at least 1,250 hours during the 12-month period immediately preceding the leave. **Note: Non-productive hours (e.g., sick, vacation, annual leave, etc.) are not counted in this calculation.**

For full eligibility details, please see Page 9 of the Family and Medical Leave Guide. The link to the HR website which contains this guide is provided below:

<https://www.rc-hr.com/HR-Services/Employee-Services/FMLA-CFRA-PDL-and-Other-Leaves>

- FMLA/CFRA allows EEs to take up to 12 weeks of leave per year, so to verify if the EE has worked the required 1,250 hours in the previous year **AND** whether the EE has used any FMLA/CFRA time during the previous year, you must run the EE's worked hours and all FMLA/CFRA coded hours one year back from first day the EE is requesting leave/being placed off work. You can run a TRC Report to capture all hours or two separate TRC Reports, one showing only hours worked, the other showing FMLA/CFRA hours used.
 - You must review the captured information and use it to determine eligibility and how many FMLA/CFRA hours the EE has used and available for use. If there are any questions regarding the hours appearing on the TRC Report(s), please contact the DAO. Please be certain to save the TRC Report(s) in the EE's file.
 - a) **How to Run the TRC Report(s):** You can decide if you prefer to pull one TRC report that captures all protected leave used time codes and hours worked time codes or if you prefer to run a separate report for the protected leave time codes/hours used and a separate report for time codes showing hours worked. *Tip: Most FMLA Administrators find it easier to run two separate TRC reports, as this is a bit less confusing when reviewing the results of the reports. To build and run the TRC Report(s), the path in PeopleSoft (PS) is as follows:

Select the top right corner Navigation Bar > Click on Navigator (pulls on right-side column) > Reported Time by TRC Report > Add New Value
See screenshot below with view from PS:

Reported Time by TRC Report

Enter any information you have and click Search. Leave fields blank for a list of all values.

▼ Search Criteria

Search by: Run Control ID begins with

Case Sensitive

[Advanced Search](#)

- After clicking “Add New Value”, enter the name of the TRC Report you are creating in the “*Run Control ID” field. For example, if you are created the hours worked time codes report, you can name it “HoursWorked” with no spaces in between the words. You then click “Add” and can start building your report to include the time codes you would like pulled.
- The time codes that should be captured in the hours worked TRC Report are as follows: ALP, CTW, DOT, MIL, MLA, OSB, OTN, OTS, OVT, REG, ROVT, CTWMN, CTWSB, DCW, COT, HOVT, OTDBF, OTE, OTMND, SOT (If you are aware of any department specific hours worked codes that have not been included here, please be sure to add to your hours worked TRC report).
- Once all the required hours worked time codes have been added and saved, you can run the report by entering the EE ID number and the “From Date” and “End Date”. Please be sure the “From Date” entered is the date one year prior to the “End Date” entered (End date should really be the start date of leave requested; example: From Date: 2/1/2022 to End Date: 2/1/2023).
- You can then click “Run” at the top right side, then click “OK”, next click “Process Monitor”. You will then click the “Refresh” button until the Distribution Status shows “Posted”. Once you see “Posted”, you can click on “Details” then “View Log/Trace”, you will then click on the blue writing, middle report that ends with PDF. The PDF version of the TRC Report will then pull separated by hours worked under any applicable time codes during the specified time period.
- You will save this TRC Report in the e-file or hard file for this EE, labeling it as the hours worked TRC Report.
- When running a separate TRC Report to determine if the EE has used any protected leave hours in the applicable qualifying period, you will need to follow the same process as listed above to build and run the needed TRC Report; however, you will not pull the hours worked codes in this report, as this is a separate report pulling only the protected leave hours used. You will need to pull and enter all applicable protected leave time codes on this report.

The protected leave timecodes can be found on the Use of Accruals for Paid Family and Medical Leave sheet on page 2.

Link to the HR website which contains the Use of Accruals for Paid Family and Medical Leave sheet is listed below:

<https://www.rc-hr.com/HR-Services/Employee-Services/FMLA-CFRA-PDL-and-Other-Leaves>

- Once the TRC Report is pulled with the needed information, you should save this TRC Report in the EE e-file or hard file, labeling it as the protected leave hours used TRC Report.
- If you decide to run one TRC Report to capture all information (the hours worked and protected leave hours used), you should build and run the report as specified above and save the report in the EE e-file or hard file, labeling it appropriately as the TRC Report.

5. PDL Eligibility/Determination Requirements

- PDL allows employees to take up to 4 months of leave per pregnancy. To be eligible for PDL, the employee must be disabled due to pregnancy, childbirth, and/or pregnancy-related conditions, such as prenatal or postnatal care, severe morning sickness and postpartum depression (the 1,250 hours worked, and 12 months of service eligibility requirements under FMLA and CFRA do not apply).
- Although there is no 1,250 hours worked or 12 months of service requirement in order to be eligible, since PDL is a 4 month (or 17.33 weeks) per pregnancy entitlement (as opposed to 12 weeks per year under FMLA/CFRA), you will still need to run a TRC report (following the guidelines outlined above) to see if any previous PDL hours were used for the same pregnancy.

6. FMLA Request Received, Medical Needed, 15-Day Deadline

- If you have only received the FMLA Request form from the EE without supporting medical documentation, and you have confirmed the EE is eligible for protected leave, you must prepare the Notice of Eligibility and Rights & Responsibility (NOE) form and send to the EE. This must indicate the date the leave request was received; the types of leave the EE is eligible for and that sufficient medical documentation is needed to support the request for leave. The NOE should give the EE a specific 15-day (calendar days) deadline to provide the sufficient medical documentation. See screenshot on next page:

PART B: RIGHTS AND RESPONSIBILITIES FOR TAKING FMLA/CFRA/PDL LEAVE

As explained in Part A, you meet the eligibility requirements for taking FMLA, CFRA, and/or PDL and still have FMLA, CFRA, and/or PDL leave available in the applicable 12-month period. **However, in order for us to determine whether your absence qualifies as FMLA, CFRA, and/or PDL leave, you must return a complete and sufficient certification. You have 15 calendar days from the above date to provide certification.** If sufficient info is not provided in a timely manner, your leave may be delayed or denied. You must provide the information indicated below:

- Sufficient certification to support your request for leave. A link to the certification form that sets forth the information necessary to support your request is enclosed.
- Sufficient documentation to establish the required relationship between you and your family member (e.g., birth certificate, adoption papers, statement of family relationship or declaration of domestic partnership.)

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Employee Name (Last, First, Middle):		Employee ID Number:
<input type="text"/>		<input type="text"/>
<input type="checkbox"/> No additional info needed.		
<input type="checkbox"/> Other info needed:		
<input type="text"/>		

- You would need to check off the first box that indicates that sufficient certification to support the request for leave is needed. In the “Other Info Needed” section, you would list the specific deadline date for the needed medical certification/information. See section 10b for more detailed information on completing the NOE.

Link to the HR website which contains the Notice of Eligibility and Rights & Responsibility form is listed below:

<https://www.rc-hr.com/HR-Services/Employee-Services/FMLA-CFRA-PDL-and-Other-Leaves>

- You should set some type of an electronic reminder to revisit the case at the 15-day deadline listed on the NOE.
- If you receive sufficient medical documentation (and/or proof of family relationship, if applicable) on or before the 15-day given deadline, you must proceed with processing the case upon receipt of the needed documentation (for details on case approval and processing see section 10).

7. FMLA/CFRA/PDL Denial – Needed Medical Not Received by 15-Day Deadline

- If the 15-day deadline passes and you’ve received nothing from the EE, you can proceed with steps to deny the request for FMLA/CFRA/PDL. You must submit the completed FMLA Request form, indicating denial, to the department head/designee for review/signature, completing the bottom section on page 2. If the EE did not submit the request form, you should complete the request form on the EE’s behalf and complete the bottom of page 2 for the department head/designee to review/sign. The Designation Notice (DN) must also be completed – at the

bottom of the second page where it indicates leave denial, selecting the types of leave and the appropriate reason for denial. (Please note, if the EE has contacted you regarding the paperwork and has communicated the paperwork will be ready shortly after the deadline, please hold off on denying and wait to receive medical paperwork). See screenshot below:

LEAVE DENIAL	
Check all that apply:	
<input type="checkbox"/> Your:	<input type="radio"/> FMLA <input type="radio"/> CFRA <input type="radio"/> PDL <input type="radio"/> FMLA Military Caregiver leave request is not approved.
<input type="checkbox"/>	The applicable leave regulations do not apply to your request.
<input type="checkbox"/>	Complete and sufficient certification was not provided in the required time period.
<input type="checkbox"/>	Other/Comment: <input type="text"/>

Link to the HR website which contains the FMLA Designation Notice (DN):

<https://www.rc-hr.com/HR-Services/Employee-Services/FMLA-CFRA-PDL-and-Other-Leaves>

- Once the case is reviewed by the department head/designee and the request form is signed, save this signed form in the e-file or hard file. Please send the EE the completed DN form, informing the EE that their request for protected leave has been denied. This can be mailed to EE or emailed (or both), but please ensure if emailed, and EE is off work, that it is sent to a sufficient personal email on file.
- You should send email notice to the appropriate department manager/supervisor once it has been determined the EE's request for FMLA/CFRA/PDL has been denied. EE should be included on this email if you have a sufficient email address for the EE. Please see the sample language below for email when EE's request has been denied:

For EE's Own Health Condition:

EE name is denied FMLA/CFRA/PDL for employee's condition beginning **start date of leave**. The leave request will be referred to the Disability Access Office. Refer to the attached Designation Notice for important leave information. **IMPORTANT/Department: Please do not use FMLA/CFRA/PDL** leave codes for this requested leave. Please print this email and keep a copy in the employee's department file for reference.

For Family Member's Health Condition:

EE name is denied FMLA/CFRA/PDL for **his/her** family member's condition beginning **start date of leave**. Refer to the attached Designation Notice for important leave information. **IMPORTANT/Department: Please do not use FMLA/CFRA** leave codes for this requested leave. Please print this email and keep a copy in the employee's department file for reference.

- Please note, for EE's denied for FMLA/CFRA/PDL we will always reevaluate the case if/when sufficient medical documentation is given and the case may later be approved, retroactively if needed. For EE's denied leave due to their own medical condition, the case should be referred to the appropriate DAO IP Analyst for further review/managing (if any type of medical note is on file, if medical documentation has not been received, we cannot refer case, but make DAO IP Analyst aware).
- When an EE is denied FMLA/CFRA due to a family member's condition, the EE can apply for a personal/non-medical leave if leave is continuous, or the EE can work with their manager on intermittent time off needed. Leaves needed for family member's that are not protected under FMLA/CFRA are entirely at the department's discretion to approve/deny. The EE can submit the personal/non-medical leave request directly to the department manager for review/consideration.
- Once the DN has been sent, you can close the case after saving all needed documents in the e-file or hard file. Please note, you may need to reopen the case if the EE later submits sufficient medical documentation.
- Protected leave requests can also be denied if the applicable leave regulations do not apply to the EE's request for FMLA/CFRA/PDL. This happens very infrequently, but you can discuss directly with the DAO if this denial reason might be applicable.

8. EE Not Eligible For FMLA/CFRA/PDL

- Upon review of the FMLA Request form or medical documentation received, if you determine the EE is not eligible for FMLA/CFRA/PDL, you must prepare the same NOE form, indicating that the EE is not eligible and select the appropriate reason the EE is not eligible. See screenshot below:

This Notice is to inform you that you:

Are eligible for (check all that apply) FMLA CFRA PDL
(See Part B for Rights and Responsibilities)

Are **not** eligible for (check all that apply): FMLA CFRA PDL
because (note: only one reason may be checked, although you may not be eligible for other reasons):

You have not met the FMLA/CFRA's 12-month length of service requirement. As of the first date of requested leave, you will have approximately ____ months toward this requirement.

You have not met the FMLA/CFRA's 1,250-hours worked requirement. As of the first date of requested leave, you will have approximately ____ hours toward this requirement.

You previously exhausted your leave entitlement in the applicable 12-month period.

Your leave request is being forwarded to the Disability Access Office for further consideration.

- Depending on your department head/designee requirements, you may need to have them review and sign off in agreement that the EE is not eligible for FMLA/CFRA/PDL (please consult with your specific department head/designee for their preference, as they are not required to sign off on the FMLA Request form when an EE is not eligible for protected leave; however, some department heads/designees prefer to review and sign off under these circumstances). If your department head/designee does require review of leaves when an EE is not eligible, you should send the department head/designee the prepared NOE, the TRC report and the FMLA Request form either completed on the EE's behalf or completed by the EE, with the bottom of the second page filled out by you, the leave administrator.

- If the reason the EE is not eligible for FMLA/CFRA leave is due to EE not working the required 1,250 hours, you should consult with the DAO if uncertain of the hours worked when running the TRC report(s).
- The department head/designee will sign off on the FMLA Request form if in agreement, that EE is not eligible for protected leave if requiring to review in these situations.
- Once the request form is signed by the department head/designee, save this signed form in the e-file or hard file. Please send the employee the completed NOE, informing the EE that they are not eligible for protected leave. This can be mailed to the EE or emailed (or both), but please ensure if emailed and EE is off work that it is sent to a sufficient personal email on file.
- You should send an email to the appropriate department manager(s)/rep(s) once it has been determined the EE is not eligible for FMLA/CFRA/PDL. EE should be included on this email if you have sufficient email address for the EE. Please see the sample language below when sending emails for EE's not eligible for protected leave.:

For EE's own medical condition:

EE name is not eligible for FMLA/CFRA/PDL for employee's condition beginning leave start date. The leave request is being forwarded to the Disability Access Office for further consideration. See Notice of Eligibility for more information. IMPORTANT/Department: Do not code FMLA/CFRA/PDL for this absence.

For family member's condition:

EE name is not eligible for FMLA/CFRA for family member's condition beginning leave start date. See Notice of Eligibility for more information. IMPORTANT/Department: Do not code FMLA/CFRA/PDL for this absence.

- Please note, for EE's not eligible for FMLA/CFRA/PDL due to their own medical condition, the case would be referred to the appropriate DAO IP Analyst for further review/managing. For cases when EE is not eligible for FMLA/CFRA due to a family member's condition, the EE can apply for a personal/non-medical leave if leave is continuous, or EE can work with their department manager on intermittent time off needed. Leaves needed for family member's that are not protected under FMLA/CFRA are entirely at the department's discretion. The EE can submit the personal/non-medical leave request directly to their department manager for review/consideration.
- Once the NOE and email have been sent, you can close out the case for the EE after saving all needed documents in the e-file or hard file.

9. Eligible for FMLA/CFRA/PDL, but Medical Documentation Received is Insufficient

- If you determine the EE is eligible for FMLA/CFRA/PDL, save the time report with hours worked/FMLA hours used in the EE's e-file or hard file.
- If the medical documentation received does not meet the criteria under FMLA/CFRA/PDL or is insufficient, the EE must be given seven days to cure and provide sufficient medical documentation.

- To provide the seven days to cure, you must complete the FMLA DN, completing the top section with the EE’s information on page one and then completing the top of the second page, the “Additional Information Needed” section. See screenshot below:

ADDITIONAL INFORMATION NEEDED

Additional information is needed to determine if your FMLA, CFRA, and/or PDL leave request can be approved:

The certification you have provided is not complete and sufficient to determine whether the FMLA, CFRA, and/or PDL regulations apply to your leave request. You must provide the following information from your Health Care Provider within 7 calendar days or your leave may be denied. If it is not practicable under the particular circumstances to meet this deadline despite your diligent good faith efforts, you must notify your Department Representative prior to the expiration of the 7 days.
We need the following:

- In the Additional Information Needed section, please check off the box and specifically state the medical information needed in order to meet the criteria under FMLA/CFRA/PDL. Please list a specific seven-day deadline (calendar days) to submit this documentation, seven days from the date of this notice.
- You should set some type of electronic reminder with this deadline, so they are reminded to follow-up on the case in seven days.
- If the EE does not provide the needed medical documentation by the seven-day deadline and you have received no updates from the EE, you can proceed with steps to deny the request for FMLA/CFRA/PDL. You must prepare the FMLA Request form on the EE’s behalf (if the EE did not complete the form) and complete the bottom of page 2 for the department head/designee to review/sign. You will notice the FMLA Request form indicates having an HR manager signature for protected leaves being denied. If you are uncertain who in HR should sign in this section, please contact the DAO.
- The DN must also be completed, specifically the bottom of the second page where it indicates leave denial, selecting the appropriate reason, “Complete and sufficient certification was not provided in the required time period” (Please note, if the EE has made contact with you regarding the needed medical paperwork and has communicated the paperwork will be ready shortly after the deadline, please hold off on denying and wait to receive paperwork. If uncertain what to do, please consult with the DAO). See Screenshot below:

LEAVE DENIAL

Check all that apply:

Your: FMLA CFRA PDL FMLA Military Caregiver leave request is **not** approved.

The applicable leave regulations do not apply to your request.

Complete and sufficient certification was not provided in the required time period.

Other/Comment:

- Once the case is reviewed by the department head/designee and the request form is signed, save this signed request form in the e-file or hard file. Please send the EE the completed DN form, informing the EE that their request for protected leave has been denied. This can be mailed to EE or emailed (or both), but please ensure if emailed and EE is off work that it is sent to a sufficient personal email on file.

- You should send email notice to the appropriate department manager(s)/rep(s) once it has been determined the EE's request for FMLA/CFRA/PDL has been denied. The EE should be included on this email if you have a sufficient email address for the EE. Please see the sample language when sending the email notifying of denial below:

For EE's Own Health Condition:

EE name is denied FMLA/CFRA/PDL for employee's condition beginning *start date of leave*. The leave request will be referred to the Disability Access Office. Refer to the attached Designation Notice for important leave information. **IMPORTANT/Department: Please do not use FMLA/CFRA/PDL** leave codes for this requested leave. Please print this email and keep a copy in the employee's department file for reference.

For Family Member's Health Condition:

EE name is denied FMLA/CFRA/PDL for *his/her* family member's condition beginning *start date of leave*. Refer to the attached Designation Notice for important leave information. **IMPORTANT/Department: Please do not use FMLA/CFRA** leave codes for this requested leave. Please print this email and keep a copy in the employee's department file for reference.

- Please note, for EE's denied for FMLA/CFRA/PDL we will always reevaluate the case if/when sufficient medical documentation is given and the case may later be approved, retroactively if needed. For EE's denied leave due to their own medical condition, the case would be referred to the appropriate DAO IP Analyst for further review/managing. For cases when the EE is denied FMLA/CFRA due to a family member's condition, the EE can apply for a personal/non-medical leave if leave is continuous, or the EE can work with their manager for intermittent time off needed. Leaves needed for family member's that are not protected under FMLA/CFRA are entirely at the department's discretion to approve/deny. The EE can submit the personal/non-medical leave request directly to the department manager for review/consideration.
- Once the DN has been sent, you can close the case saving all needed documents in the e-file or hard file. Please note, you may need to reopen the case or open a new case if the EE later submits sufficient medical documentation.
- Protected leave requests can also be denied if the applicable leave regulations do not apply to the EE's request for FMLA/CFRA/PDL. This happens very infrequently, but you can discuss directly with the DAO if you have a case when this denial reason might be applicable.

10. Uncertain If Medical Documentation Meets Requirements Under FMLA/CFRA/PDL

- If you are uncertain if the medical documentation is sufficient, please reference the Important Information for Health Care Provider which clearly defines a serious health condition under FMLA/CFRA/PDL and consult with the DAO if necessary. If you need a copy of the above referenced information sheet, please contact the DAO.

- Please note, any medical documentation indicating a pregnancy-related disability would be sufficient to cover leave under PDL. The EE does not need to provide a completed medical certification if the medical note clearly indicated the EE is disabled due to pregnancy.

11. Eligible for FMLA/CFRA/PDL and Medical Documentation Received is Sufficient

- If the EE is eligible for FMLA/CFRA/PDL and sufficient medical documentation has been received, you can proceed with processing the case.
 - Be sure to save the time report in the e-file or hard file showing the EE’s hours worked/used.
- a) **FMLA Request form:** Be sure to fill out the second page, bottom section (For completion by you), answering all questions and filling in all required information. You will always print/sign/date in the “person completing department information” at the bottom right-hand section of this form. See screenshot below:

SECTION II: For Completion by Leave Administrator	
Depending on the employee's eligibility, one or more of the following leave types is being designated (check all that apply):	
<input type="checkbox"/> FMLA <input type="checkbox"/> CFRA <input type="checkbox"/> PDL <input type="checkbox"/> Exigency <input type="checkbox"/> Service Member Was a 30-day notice given?" <input type="checkbox"/> Yes <input type="checkbox"/> No <small>(Dates and type of leave designation(s) will be finalized once medical certification and eligibility are approved)</small>	
Has employee taken any family/medical leave during this qualifying period? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Number of hours used: _____	
Has the employee been employed for at least 12 months within the last 7 years prior to the leave date shown? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Original Hire Date: _____	
Does the employee meet the eligibility requirements for the leave(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Has the employee worked 1,250 hours during the 12-month period prior to the leave date shown? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Number of hours worked during the qualifying period: _____	
<input type="checkbox"/> Leave request approved <input type="checkbox"/> Recommend denial Reason for recommending denial: _____ _____ _____	
<i>If the department finds an employee to be ineligible and recommends denial, the department is required to obtain concurrence from Human Resources Manager before notifying the employee.</i>	
_____ Department Head/Designee Printed Name _____ Department Head/Designee Signature Date _____	_____ Print name of person completing department information _____ Department Information Completed by Signature Date _____
_____ Human Resources Manager Signature Date _____	<input type="checkbox"/> I concur with denied request <input type="checkbox"/> I do not concur with denied request (specify reason): _____

- You will need to have this form completed for the department head/designee to review the file and sign/approve in the Department Head/Designee section on the bottom left side.
- **Important Note:** *If the EE has filled out the FMLA Request form, it is very important to pay attention to the section on the second page with the EE’s signature where they indicate the authorization of accrual usage and if they have applied or intend to apply*

for disability. This will later be documented on the DN, and the approval email sent to the department managers. See section referenced below:

I may elect to use applicable leaves balances as allowed by policy/MOU in situations where use of accrued leave is not required. I Do Do Not authorize the use of my accrued leave balances for the unpaid portion of leave. (Please see attached USE of Accruals for Family and Medical Leave chart.)

I have applied or intend to apply for short-term disability, state disability and/or Workers' Compensation benefits.

I have read and understand the above information. I acknowledge that it is my responsibility to furnish the required medical certification within 15 calendar days and to communicate with my supervisor regarding my leave status.

I have attached the required certification: Yes No

Employee's Signature _____
Date

- o If the EE has not filled out the FMLA Request form and you are completing on the EE's behalf, you must sign and date the form, indicating you are signing on behalf of the EE on the "Employee's Signature" line. You do not need to check off any of the boxes about accrual usage or disability, nor do you need to reach out to the EE to get this information. Since the EE did not complete the form or indicate usage either way, the County will require use of accrual balances for the unpaid portion of the EE's leave.

- b) **The NOE form:** This form informs the EE of his/her eligibility, rights, and responsibilities. When completing the form, you must fill out the top section indicating the EE's information and your information. Enter the date the FMLA Request form or medical documentation was received from the EE or EE's manager.
 - o Please check off all applicable boxes indicating who leave is for and which leaves the EE is eligible for (FMLA, CFRA and/or PDL).
 - o In Part B, since medical documentation received was determined sufficient, you can check off the box indicating that no additional information is needed.
 - o In the last section of the NOE completed by you, please check off all applicable boxes depending on case circumstances. See section referenced below:

If your leave does qualify as FMLA, CFRA, and/or PDL, your time will be counted against these leave entitlements. Additionally, you will have the following responsibilities while on leave (only the checked boxes apply):

- Contact the Benefits Information Line at (951) 955-4981, Option #1 or your appropriate bargaining unit to make arrangements to continue making your share of the premium payments on your health insurance to maintain health benefits while you are on leave. You have a 30-day grace period in which to make premium payments. If payment is not timely, we will maintain your coverage during FMLA/CFRA/PDL, and recover your share of these payments from you upon your return to work.
- To the extent allowed by law, you will be required to use your applicable leave balances during your absence. Refer to the Use of Accruals for Family and Medical Leave chart for specific leave usage requirements.
- While on leave you will be required to furnish us with reports of your medical status and intent to return to work as your status changes and prior to the expiration of your leave.

If the circumstances of your leave change and you are able to return to work earlier than the date indicated above, you will be required to notify the County at least two work days prior to the date you intend to return to work.

- o You can check off the first box indicating contacting the benefits information line for both continuous and intermittent cases, as benefits may be impacted sometimes for EE's off intermittently on leave for longer spans of time and often when EE is off work continuously.

- You must save a copy of the completed form in the e-file or hard file for the EE and the form must be sent to the EE via mail or electronically. If EE’s leave is intermittent, you can send via County email. If the EE is out continuously and you have a sufficient personal email for the EE, you can send via email; otherwise send via mail based on the mailing address in PS.
 - Please note, managers/supervisors/department representatives do NOT need a copy of the NOE when leave is approved. This notice is only sent to the EE.
- c) **The Designation Notice (DN): The DN must be completed, as this is the official leave approval document sent to the EE, department managers and HR EE Services for processing in PS.** If you are uncertain who needs to be included on your DN approval emails, please contact the DAO.
- Complete the top section of the form with the EE’s information and your information as the FMLA Administrator.
 - In the “Leave Approval” section, check the box indicating the leave has been approved, check the box indicating whether it is for continuous or intermittent leave and indicate the dates leave is approved based on medical documentation received. Indicate what type of leave it is by checking off all that apply: FMLA, CFRA, PDL, FMLA Military Caregiver. Indicate by checking off if the leave is for EE’s own health condition, a family member’s condition or other. If other, please specify the reason. The “Other” box is often checked off when EE is using bonding leave. You will also check off the “Other” box and indicate if the leave is an extension on the line provided, in addition to checking off the EE’s own condition or family member box. The “Care of a designated person” box should be checked off if the leave is being designated under CFRA to care for a designated person as defined by the 2023 CFRA expansions (See Section 15h for more information on CFRA expansions/designated person). Please note, if leave is for the care of a designated person under the CFRA expansion, you can indicate the person’s relationship to the EE on the blank line next to the designated person box (such as cousin, uncle, etc.), please do not indicate the person’s name. You can document the designated person’s specific name in your e-file or hard file for the leave case.
 - The next portion of Leave Approval section should indicate the amount of leave needed based on the approval dates indicated at the top of this section. See screenshot below:

You must notify us as soon as practicable if the dates of your scheduled leave change or are extended, or were initially unknown. Based on the information you have provided to date, we are providing the following information about the amount of time that will be counted against your leave entitlement:

Provided there is no deviation from your anticipated leave schedule, the following number of hours, days, or weeks will be counted against your leave entitlement: _____

Because the leave you will need will be unscheduled, it is not possible to provide the hours, days, or weeks that will be counted against your FMLA, CFRA, and/or PDL entitlement at this time. You have the right to request this information once in a 30-day period (if leave was taken in the 30-day period).

- The first box as shown above is used for leave approved continuously and should indicate the approximate amount of time off approved based on the approval

dates indicated. For example, if FMLA/CFRA leave was approved from 6/1/2022 – 6/29/2022, you would check off the first box in the section, starting with “provided there is no deviation.....” and on the available line you would indicate the following language: *Approximately 4 weeks of your FMLA/CFRA leave entitlement in accordance with the dates listed above.*

- The second box option would typically be checked off when the EE has been approved for intermittent leave, as it indicates that because leave will be unscheduled it is not possible to provide weeks/hours counting against his/her leave entitlement.
- Please keep in mind, if intermittent leave is scheduled and foreseeable, you may be able check off the first box in this section and specify the amount of leave being used. For example, if the EE has been approved for intermittent leave from 6/1/2022 – 7/27/2022, for treatment one day per week for 8 weeks, you could indicate approximately 8 days of the leave entitlement will be used based on the specified frequency and dates above.
- As mentioned previously when discussing the FMLA Request form, you do need to pay attention to whether the EE has requested to use or not use his/her leave balances. This matters when completing the DN, in the Leave Approval section where it states, “Please be advised (check if applicable)”. See screenshot of this section below:

Please be advised (check if applicable):

You have requested to use paid leave during your FMLA, CFRA, and/or PDL leave. Any paid leave taken for this reason will count against your FMLA, CFRA, and/or PDL leave entitlement.

We are requiring you to substitute or use paid leave during your leave.

Other:

- If the EE marked on the FMLA Request form, they did authorize use of leave balances, you would check off the first and second box in this section, that EE requested to use paid leave balances and that the EE is being required to use paid leave balances during his/her leave.
- If the EE checked off on the FMLA Request form that they do **not** authorize the use of accrued leave balances for the unpaid portion of their leave, you would **not** check off the first box on the DN that EE requested to use paid leave balances, but you would check off the second box that we are requiring the EE to use paid leave during their leave. You would also check off the “Other” box immediately below and add in language to this section indicating that the EE did not authorize use of balances and leave balance usage is not required once disability benefits are being received. Below is the sample language for DN when the EE has not authorized use of leave balances:

You did not authorize the use of your available leave balances during this period of protected leave. Please note that although use of your available leave balances is not required when receiving disability insurance benefits, use of available leave balances is required during the waiting period for such benefits.

- If the EE did not indicate on the FMLA Request form if they authorize or do not authorize use of leave balances or if you are completing the FMLA Request form on the EE’s behalf, please do **not** check off the first box on the DN indicating the EE requested to use balances but check off the second box that we are requiring use of paid leave during the EE’s leave.
- The only time we would not check the second box on the DN about requiring EE to use paid leave during leave is when the EE is going out on a **continuous leave** and EE specifically checks off that they do NOT authorize use of balances **AND** checked off that they have applied or intend to apply for disability benefits (this box is listed immediately below the accrued balances authorization boxes on the FMLA Request form). See screen shot of referenced section below:

I may elect to use applicable leaves balances as allowed by policy/MOU in situations where use of accrued leave is not required.
 I **Do** **Do Not** authorize the use of my accrued leave balances for the unpaid portion of leave. (Please see attached USE of Accruals for Family and Medical Leave chart.)

I have applied or intend to apply for short-term disability, state disability and/or Workers' Compensation benefits.

I have read and understand the above information. I acknowledge that it is my responsibility to furnish the required medical certification within 15 calendar days and to communicate with my supervisor regarding my leave status.

I have attached the required certification: Yes No

Employee's Signature

Date

- In this situation, you would need to check off the “Other” box on the DN and add in language to this section indicating that EE did not authorize use of balances, but that leave balance usage is not required once disability benefits are being received. You can reference the same sample email language listed above for leave accrual usage once disability benefits are being received.
- There is other information that needs to be included in the “Other” section of the DN. See screenshot of referenced section below:

Please be advised (check if applicable):

You have requested to use paid leave during your FMLA, CFRA, and/or PDL leave. Any paid leave taken for this reason will count against your FMLA, CFRA, and/or PDL leave entitlement.

We are requiring you to substitute or use paid leave during your leave.

Other:

- This “Other” section should include language if EE has previously used protected leave hours in the applicable qualifying period, so it is clear to the EE and department manager(s) how many hours of their leave entitlement they have available for use. (Example: *You previously used 100 FMLA/CFRA hours from 9/1/2022–12/1/2022, you have approximately 380 FMLA/CFRA hours available for use*).
- For intermittent cases, this “Other” section must include the frequency of time off needed and remind the EE to notify their supervisor when using intermittent leave and to code their timesheet accordingly. This is important so EE and department managers are specifically informed of the frequency of intermittent time off designated. (Example: *Your intermittent FMLA/CFRA has been approved with frequency of two events per month, one*

day per event. Please notify your supervisor when using intermittent FMLA/CFRA and code your timesheet accordingly).

- In the Return to Work (check if applicable) section of the DN, you need to check off all boxes that are applicable based on the circumstances of the leave. This section is important to notify the EE of when their leave is due to expire, if additional documentation is needed and that there could be disciplinary consequences if they do not follow the instruction given. See screenshot of referenced section below:

RETURN TO WORK (check if applicable)	
<input type="checkbox"/>	You will be required to present a return-to-work certification in order to return to work. If such certification is not timely, your return to work may be delayed until certification is provided.
<input type="checkbox"/>	Your continuous leave will expire on _____ and you are expected to return to work on your next normally scheduled work day. Failure to do so may lead to discipline or an automatic resignation from County service. If you are unable to return by this date, you must request additional leave time and provide a medical certification or other proof of a qualifying reason prior to the expiration of the date noted above.
<input type="checkbox"/>	If you plan on using additional protected leave time in order to bond with your newborn child, you must submit the Request for Family/Medical Leave form to your Department Designee prior to the above expiration date.
<input type="checkbox"/>	Your intermittent leave will expire on _____. If you require additional leave time, you must submit a request and provide a medical certification or other proof of a qualifying reason to your Department Designee prior to the above expiration date.
<input type="checkbox"/>	Your bonding leave will expire on _____, and you are expected to return to work on your next regularly scheduled work day. If you need additional time off to bond with your newborn child, you must submit the Request for Family/Medical Leave form to your Department Designee prior to the expiration of your leave.
<input type="checkbox"/>	Your protected leave entitlement is due to exhaust on _____. The remainder of your leave from _____ through _____ will be managed by the Disability Access Office. It is important to note that approval of additional leave as a reasonable accommodation is not automatic.

- For continuous leaves over 30 days, it is recommended that you select the first box, that the EE will be required to present a return-to-work certification in order to return to work. You also need to check off the second box and indicate the date the continuous leave will expire. This second section includes the expectations for return and consequences. For continuous leaves under 30 days, you would only need to check off the second box, as a return medical note is not required for leaves lasting less than 30 days.
- For intermittent leaves, you would check off the fourth box, indicating when the intermittent leave will expire, and that the EE is required to submit additional medical paperwork and another FMLA Request form if additional intermittent leave is needed.
- For baby bonding leaves that are continuous you need to check off the fifth box stating when the bonding leave will expire and the third box stating that if EE plans to use additional protected leave time to bond another FMLA Request should be submitted. Please note, do not check off this third box if the EE's current approved bonding leave will exhaust their bonding leave entitlement or if the EE's child's first birthday/one year after placement will pass after the current leave.
- EE's can request intermittent bonding leave; however, the department does have discretion on approval of intermittent bonding leave requested depending on the frequency (See Section 15b for more information). If intermittent bonding leave has been approved, please check off the fourth box stating when the intermittent leave will be expiring and the third box stating if the EE plans on using additional protected leave to bond.

- If the EE's protected leave is due to exhaust and the medical documentation extends the EE's time off work beyond their protected leave entitlement, please check off the last box indicating when the protected leave entitlement is due to exhaust and listing the remaining dates of leave, which will be referred to the DAO. You will also check off the first box indicating the EE will be required to present a return-to-work medical note in order to return if the EE is out on continuous leave. For intermittent leaves exhausting protected leave and being referred to the DAO, you do not need to check off the first box.
 - Please note, when an EE's protected leave is about to exhaust/exhausted, you must send out the appropriate written notice informing the EE in detail of protected leave exhaustion. Please see Section 13 for more information on leave exhaustion notices.
- d) **Links to Important FMLA/CFRA/PDL Information Attachment:** When approving a leave, we must send the EE general information about FMLA/CFRA/PDL. The created links attachment provides the website and all the links to the information we are required to send the EE, so they are informed. It is important that you customize this attachment for each approved leave case, with your direct contact information and the links that apply based on the EE's leave case. For example, if the leave is pregnancy related, you would keep all the links referencing pregnancy/lactation. You need to be certain to include all relevant links and delete those that do not apply. This links form only is provided to the EE, it does not go to the EE's managers or HR EE Services. If you do not have this referenced links forms attachment, please contact the DAO.
- Please note, at the bottom of this form it specifically states that if EE does not have access to the internet and/or computer, the EE can contact you to have the referenced forms mailed. If an EE makes this request, you must mail the referenced forms to the EE in a timely manner.
- e) **FMLA – Important Numbers to Know Disability:** When approving a leave case, you should include HR Benefits Division contact information and disability contact information, as the EE can apply for disability pay while out on leave if they wish to apply. You can create a form with this information or provide this information in the approval email, so the EE is aware of the contact information. This form/information is only sent to the EE and is not sent to the EE's managers or HR EE Services. If you need assistance in finding the Benefits or disability contact information, please contact the HR Benefits Division or the DAO for assistance.

12. Sending Approval Documents & Approval Emails

- All FMLA documents need to be saved in the EE's e-file or hard file and maintained in accordance with the County's retention policy. The documents that must be given to the EE directly upon approval of leave are the following completed forms:
 - DN; NOE; Links to Important FMLA/CFRA/PDL Information attachment; and contact information for HR Benefits and disability contact numbers (if you haven't already provided the EE with this information).
 - The EE would not be given a copy of the signed FMLA Request form, as this would only be saved in the EE's e-file or hard file.
 - The approval forms referenced above can be sent to the EE by mail and/or email.

- If EE is out on a continuous leave, please do not send to the EE's work email. Please be sure to send to a sufficient personal email or by mail if the personal email is unknown.
- Upon approval of protected leave, you also need to notify the appropriate department managers and HR persons of this approval. Please be sure to include the following persons on these approval emails:
 - Department managers/supervisors
 - Department representative(s) (if there is one or more)
 - HR Employee Services (based on team who supports the department EE is in)
 - ACO Payroll at: aco_payroll@RIVCO.ORG
 - HR Benefits: Please check with HR Benefits at (951) 955-4981 (option 1) to determine if/how they would like to be included on the FMLA/CFRA/PDL approval emails for your department.
 - EE can be included if this is an intermittent leave approval case
- The approval emails to the necessary group listed above should include standard approval language and attachments (these emails should NEVER include any confidential medical information). When sending the approval email to this group, you need to include the following attachments:
 - The completed and signed DN (this form should NEVER include any confidential medical information)
 - Use of Accruals for Paid Family and Medical Leave sheet
 - Supervisor's Responsibilities Checklist

Link to HR website with the current Use of Accruals for Paid Family and Medical Leave sheet and Supervisor's Responsibilities Checklist:

<https://www.rc-hr.com/HR-Services/Employee-Services/FMLA-CFRA-PDL-and-Other-Leaves>

- The approval email should indicate the following in the email subject line: approval status, type of leave, EE Name, EE ID#, EE Dept/Division.
 - Example: *Approved Intermittent FMLA/CFRA – Donna Smith, EE# 111222, Fire Dept.*
- The standard approval language for intermittent/continuous leave needs to inform the approval group above that the EE's request for leave has been approved with the approval dates and that the DN is attached. See sample FMLA/CFRA/PDL email approval language below (Please note, this is just sample language, you can be more detail when sending these emails based on your department's preference/needs):

[Enter EE Name]'s request for **[continuous/intermittent]** leave has been approved from XX/XX/XXXX – XX/XX/XXXX. Attached is the Designation Notice with pertinent leave information.

Please add the appropriate additional language regarding use of accruals depending on the situation (select one of the following options):

Please note, the employee has authorized the use of accruals during the otherwise unpaid portion of this leave. Please see the attached Use of Accruals Chart for further details.

Please note, the employee **has not** authorized the use of accruals during the otherwise unpaid portion of this leave; however, use of the employee's accruals is required unless he/she is receiving disability benefits (e.g., State Disability, Paid family Leave, LTD, Workers' Comp.) If the employee is receiving disability benefits, use of accruals is the employee's option. Please see the attached Use of Accruals Chart for further details.

Please note, the employee has not indicated if he/she authorizes the use of accruals during the otherwise unpaid portion of this leave and use of accruals is required. Please see the attached Use of Accruals Chart for further details.

Please add the appropriate additional language regarding applying or intending to apply for disability benefits (select one of the following options):

The employee has indicated that he/she has applied or intends to apply for short-term disability, state disability and/or Workers' Compensation benefits.

*The employee **has not** indicated that he/she has applied or intends to apply for short-term disability, state disability and/or Workers' Compensation benefits.*

- This email approval notice should also include standard language about the EE's accrual usage authorization while on leave and if the EE has applied for intends to apply for paid disability benefit (sample language for this is provided above as well). As referenced above several times, it is important that you pay attention to the FMLA Request form to know if EE authorizes use of accruals, does not authorize use, or does not indicate. Additionally, on the FMLA Request form, checking if the EE checked off that they intend to apply for disability benefits, do not intend to apply or did not indicate either way. See this section of the FMLA Request form again listed below:

I may elect to use applicable leaves balances as allowed by policy/MOU in situations where use of accrued leave is not required. I Do Do Not authorize the use of my accrued leave balances for the unpaid portion of leave. (Please see attached USE of Accruals for Family and Medical Leave chart.)

I have applied or intend to apply for short-term disability, state disability and/or Workers' Compensation benefits.

I have read and understand the above information. I acknowledge that it is my responsibility to furnish the required medical certification within 15 calendar days and to communicate with my supervisor regarding my leave status.

I have attached the required certification: Yes No

Employee's Signature

Date

- In additional to indicating the accrual usage on the DN, it should also be clear in the approval email so ACO Payroll, department representatives, HR EE Services, HR Benefits, and managers/supervisors are aware, so they know the EE's intent for accrual usage when coding time on the timesheet. Additionally, ACO Payroll and HR Benefits do need to know if the EE indicated if they applied or intend to apply for disability benefits.
- Please note, you are not required to contact the EE if the EE did not submit the FMLA Request form (like if they only submitted medical paperwork and we completed the Request form on EE's behalf) or if EE did not indicate or check off these boxes on their Request form.

- The standard language to use on the approval email based on the accrual usage situation is provided above on the FMLA/CFRA/PDL approval email sample language.
 - When an EE has checked off on the FMLA Request form authorizing the use of accruals for the unpaid portion of the leave, please include the following language on the approval email:

Please note, the employee has authorized the use of accruals during the otherwise unpaid portion of this leave. Please see the attached Use of Accruals Chart for further details.

- When the EE has checked off on the FMLA Request form that they do not authorize the use of accruals for the otherwise unpaid portion of leave, please include the following language on the approval email:

*Please note, the employee **has not** authorized the use of accruals during the otherwise unpaid portion of this leave; however, use of the employee's accruals is required unless he/she is receiving disability benefits (e.g., State Disability, Paid family Leave, LTD, Workers. Comp.) If the employee is receiving disability benefits, use of accruals is the employee's option. Please see the attached Use of Accruals Chart for further details.*

- When the EE did not check off a box/indicate in the accrual usage section or did not complete the FMLA Request form, please include the following language on the approval email:

Please note, the employee has not indicated if he/she authorizes the use of accruals during the otherwise unpaid portion of this leave and use of accruals is required. Please see the attached Use of Accruals Chart for further details.

- Please keep in mind, accrual usage is required until the EE is receiving paid disability benefits. This is specified in the Use of Accruals for Paid Family and Medical Leave sheet and in the sample language included on the approval emails. If you need guidance on accrual usage requirements, please contact the DAO for more information.

- The standard language used on the approval emails based on the disability benefits situation is also provided above on the FMLA/CFRA/PDL approval sample language email.

- When the EE has checked off that they have applied or intend to apply for paid disability benefits, please include the following language on the approval email:

The employee has indicated that he/she has applied or intends to apply for short-term disability, state disability and/or Workers' Compensation benefits.

- When the EE has not checked off or indicated that they have applied for or intend to apply for paid disability benefits, please include the following language on the approval email:

*The employee **has not** indicated that he/she has applied or intends to apply for short-term disability, state disability and/or Workers' Compensation benefits.*

- After the leave has been approved, it is recommended that you set an electronic calendar reminder on your computer to indicate when the next follow-up or action on the case is required.

13. How to Process Extensions & Returns from Leave

- Processing Extensions: As you manage and follows-up on a leave case, if the EE submits sufficient medical documentation on or around the expiration of their current leave (whether intermittent or continuous) for the same medical issue, you must evaluate the duration indicated on the medical note and the FMLA/CFRA/PDL hours used to determine if an extension of protected leave needs to be processed.
 - After running the TRC Report, if you determine the EE has enough FMLA/CFRA/PDL hours remaining to extend their protected leave, you must complete the DN. You would not need to send another NOE, Links to Important FMLA/CFRA/PDL Information or benefits/disability contact information when processing extensions. Only the DN would need to be sent in this situation.
 - Completing the DN would require following the same steps outlined above in section 11c; however, the DN would now reflect the current start and end date with the leave extension dates indicated on the medical documentation received and the DN would need to indicate that this is an Extension in the “Other” section at the top of the form. See screenshot below:

For the following reason:

Your own serious health condition Care of family member Other: EXTENSION

- If this is an extension for a continuous leave, you would need to check off the box on the DN indicating, “provided there is no deviation.....” and on the available line you would indicate the approximate number of weeks the FMLA/CFRA/PDL is being extended. If leave is intermittent, you would need to continue checking off the box that indicates, “Because the leave you will need will be unscheduled...” See screenshot of this DN section below:

You must notify us as soon as practicable if the dates of your scheduled leave change or are extended, or were initially unknown. Based on the information you have provided to date, we are providing the following information about the amount of time that will be counted against your leave entitlement:

- Provided there is no deviation from your anticipated leave schedule, the following number of hours, days, or weeks will be counted against your leave entitlement: _____
- Because the leave you will need will be unscheduled, it is not possible to provide the hours, days, or weeks that will be counted against your FMLA, CFRA, and/or PDL entitlement at this time. You have the right to request this information once in a 30-day period (if leave was taken in the 30-day period).

- You need to indicate previous FMLA/CFRA/PDL hours used during the applicable leave period prior to the extension in the “Other” section below on the DN. See screenshot below:

Please be advised (check if applicable):

- You have requested to use paid leave during your FMLA, CFRA, and/or PDL leave. Any paid leave taken for this reason will count against your FMLA, CFRA, and/or PDL leave entitlement.
- We are requiring you to substitute or use paid leave during your leave.
- Other: _____

- For example, for a continuous leave originally approved from 2/2/2022 – 3/1/2022, being extended from 3/2/2022 – 4/1/2022, you would check off the “Other” box and

indicated: *You previously used approximately 4 weeks of your FMLA/CFRA leave entitlement from 2/2/2022-3/1/2022.*

- In the Return-to-Work section of the DN, you would need to be sure to change the end date of leave when checking off the appropriate section and checking off if a return/release medical note is required for EE to return to work (the release medical note requirement is further explained in the section below).
- You would need to reference 11c and make sure the DN continues to include information about accrual usage authorization and frequency information as indicated in the original DN. Please consult with the DAO if you have questions.
- You would send out the approval/extension notice email as referenced in section 11. You would need to be certain that the subject line of the approval/extension email states that it is an extension and that it is also referenced in the body of the extension email notification.
- You should set an electronic calendar task/reminder with the new end date of leave or when next follow-up action on the case is required.
- If you determine that EE does not have enough FMLA/CFRA/PDL hours remaining to cover the requested extension time as indicated on the medical note or the EE will exhaust protected leave hours, you should:
 - Only indicate approval dates based on the protected leave hours remaining/available when completing the DN.
 - In the “Other” section of the DN, indicate that protected leave is exhausting with the date of exhaustion and list the previous protected leave used in the applicable period.
 - In the “Return to Work” section on the DN, check off the bottom box indicating the date the leave entitlement is due to exhaust and that the remainder of leave, with the appropriate dates, is being referred to the DAO for review. See screenshot of section below:

Your protected leave entitlement is due to exhaust on _____. The remainder of your leave from _____ through _____ will be managed by the Disability Access Office. It is important to note that approval of additional leave as a reasonable accommodation is not automatic.

- Complete the appropriate protected leave exhaustion notice and send to the EE (see section 14 for detailed information about exhaustion notices). You should also notify the appropriate DAO IP Analyst to refer the case and the necessary managers/supervisors and department representatives.
- When referring the case to the appropriate DAO IP Analyst, you must send them the current medical documentation received, the protected leave exhaustion notice, the most current DN indicating the case is being referred to the DAO and any additional details that seem necessary or relevant.
- Once the protected leave has exhausted and all necessary documents and notifications have been sent, you can close the case.
- Please note, if leave is exhausting to care for a family member, not the EE’s own medical condition, the DAO IP Analyst would not begin the Interactive Process (IP) – the IP would only begin for the EE’s own medical condition, whether continuous or intermittent.

- If an EE is exhausting protected leave to care for a family member continuously and needs additional continuous time off to care for this family member, the EE should request a non-medical leave – this is outlined in section 14 below in more detail. If the EE is exhausting intermittent protected leave to care for a family member, the EE should consult with their department management to determine if this intermittent time off can be accommodated.
- Return from Leave form (RFL): Please note, it is your responsibility to manage the EE's leave case and put an electronic calendar/task reminder to follow-up when the leave is due to expire. If the EE provides sufficient medical documentation indicating they are able to return to work and it has been confirmed the EE returned to work, you should complete the RFL and submit the RFL to the appropriate HR EE Services team for processing, copying the EE's supervisor/manager and department representatives.
 - As referenced in above in section 11c, for an EE off work on continuous leave, for their own medical condition, over 30 days, it is recommended that the EE be required to present a return-to-work certification in order to return to work.
 - For continuous leaves lasting less than 30 days, a release to work medical note is not required as long as the EE is able to return and does not submit another medical note extending their leave or indicate additional medical leave is needed.
 - You must save the return/release note in the EE's e-file or hard file in addition to the RFL.
 - Please note, release/return medical notes are not needed if EE is off intermittently or to care for a family member. The release medical note is only required when it is the EE's own medical condition and EE has been off work continuously for more than 30 days.

14. FMLA/CFRA/PDL Leave Exhaustion Notices

- When an employee is about to exhaust/has exhausted their protected leave entitlement, they must be given written notice that their leave is about to exhaust/has exhausted, the next steps they should follow if additional leave is needed and the consequences if they do not comply with the directions outlined in this notice.
 - For all exhaustion notices sent to EEs, you should remain in contact with the department managers/supervisors and department representatives so they are aware that protected leave will soon exhaust/has exhausted and the next steps, giving them a copy of this notice if needed/requested.
 - For continuous leaves, this notice should be sent to the EE by mail and/or sufficient personal email two weeks prior to leave exhaustion.
 - For continuous leaves, you should set an electronic reminder on your calendar/tasks about three weeks prior to exhaustion (if known) so you are reminded to write/send this notice.

- For intermittent leaves, this notice must be written once it has been determined the EE exhausted their protected leave entitlement/hours (therefore, audits are very important for intermittent leave cases; see section 15e below for more information).
- You will need to inform the EE and department managers/supervisors that protected leave can no longer be coded on the EEs timesheet once it has been determined the protected leave entitlement has exhausted.
 - a) **For continuous protected leaves about to exhaust for an EE's own medical condition:** When it is uncertain if additional leave is needed, please refer to the template for the Notice of Exhaustion of Protected Leave Entitlement. If you do not have this template or need the most current version of this template, please contact the DAO.
 - b) **For continuous protected leave for EEs own medical condition, in which we have medical documentation extending leave beyond the EEs protected leave entitlement:** The case will need to be referred to the appropriate DAO IP Analyst to begin the IP. In these situations, please refer to the template for the Notice of Exhaustion of Leave Template-Extending Beyond FMLA. If you do not have this template or need the most current version of this template, please contact the DAO.
 - c) **For an EEs continuous protected leave entitlement exhausting to care for a family member:** You will need to send this written exhaustion notice, which explains that if additional leave is needed to care for a family member a non-medical leave of absence (LOA) should be submitted to their department manager for consideration. In these situations, please refer to the template FMLA Notice of Exhaustion of leave Template-Family Member-Continuous. If you do not have this template or need the most current version of this template, please contact the DAO. Please note, non-medical LOAs are not automatically approved, and the department has approval discretion, which is indicated in the exhaustion notice. If a non-medical leave is requested and it exceeds 480 hours total (including the protected leave time if for the same family member/situation), the Department should submit to the appropriate DAO IP Analyst for review.
 - d) **If the EE exhausts intermittent protected leave for their own medical condition:** You should send this notice out within 48 business hours and notify the EE and department supervisors/managers, so they do not continue to code protected leave time. If the medical documentation indicates that the EE needs intermittent leave beyond this exhaustion date, the case will need to be referred to the appropriate DAO IP Analyst to begin the IP. In these situations, please refer to the template for the Notice of Exhaustion of Intermittent FMLA/CFRA/PDL Leave of Absence. If you do not have this template or need the most current version of this template, please contact the DAO.
 - e) **If the EE exhausts intermittent protected leave to care for a family member:** You will need to be certain to send this notice out within 48 business hours and notify the EE and department supervisors/managers, so they do not continue to code protected leave time. If the medical documentation indicates that the EE needs

intermittent leave beyond this exhaustion date to care for the family member, the exhaustion notice will notify the EE that intermittent time off approval is not automatic, and they would need to consult with their department management for continued intermittent time off if needed. In these situations, please refer to the Notice of Exhaustion of Leave – For Family Member-Intermittent. If you do not have this template or need the most current version of this template, please contact the DAO.

- f) **If the EE exhausting protected leave is a temporary assignment program (TAP) or Per Diem (PD) employee:** Please note, the DAO manages all TAP/PD protected leaves and will send out the appropriate exhaustion notice. If you have a TAP/PD EE in need of protected leave, please notify the DAO.

15. Additional Information – General Knowledge

- a) **Determining Eligibility Requalification Rules:** If you previously determined an EE is eligible for either intermittent or continuous protected leave for their own medical condition or to care for a family member, you do not need to redetermine eligibility if the EE is requesting protected leave for the same medical condition within the same qualifying period (qualifying period would be 12 months from original request/approval for leave for this same medical condition).
 - For example, if an EE previously was eligible and approved for continuous FMLA/CFRA for one month from 10/1/2022 – 11/1/2022, the EE returned to work on 11/2/2022, but then submits a request for additional FMLA/CFRA from 2/1/2023 – 3/1/2023, and it is specified for the same medical condition, you would not need to redetermine eligibility (running worked hours to ensure 1,250 hours worked).
 - You can ask the EE if it is for the same medical condition if it appears likely and within the same qualifying period, as the EE will likely not specify this on their request. If the EE indicates it is for the same medical condition, you should document this in the EEs e-file or hard file, so it is clear and notify the department head/designee when submitting for leave review/approval.
 - Even if the EE submits the FMLA Request and specifies the leave is for the same medical condition, the EE is still required to submit sufficient medical documentation for the time off currently being requested.

- b) **General Bonding Leave Information**
 - FMLA/CFRA taken after the birth, adoption, or foster care placement for the purposes of bonding with a child must be taken within one year of the birth or placement of the child.
 - The minimum duration of the bonding leave will be two weeks taken continuously, except on two occasions within the 12-month period, it may be taken in increments of at least one day but less than two weeks. However, a manager or supervisor may agree to permit an employee to take an intermittent or a reduced work schedule leave, although it is not required under FMLA/CFRA to do so.

- Although an eligible EE has a strict entitlement to take bonding leave, when allowing an EE to take **intermittent** bonding leave beyond the frequency specified above, this is at the department's discretion based on business needs. It is advised that if departments do allow intermittent bonding leave, they require the EE to submit the FMLA Request and specify the intermittent schedule being requested, so it is clear when the EE will be working and when the EE will be off work bonding (Example: bonding every Monday and Friday from 6/1/2022 – 9/1/2022, working Tuesdays – Thursdays). The Department ultimately has discretion on intermittent bonding leave approval, outside of those two occasions specified above.
- **Please note, that at NO time can CFRA leave run concurrent with PDL.** If an EE is released to return to work from pregnancy disability and requests either intermittent or continuous bonding leave but has not used the full 12 weeks of FMLA or 17 weeks of PDL, CFRA must run concurrent with the remaining FMLA entitlement hours until FMLA exhausts, then CFRA can run individually. If the EE has PDL time remaining, but is no longer disabled due to pregnancy, the remaining PDL hours are not used and do not run concurrent with CFRA.
- In instances when an EE has additional FMLA leave remaining and the CFRA bonding leave entitlement, you would need to complete two DNs (if needed). The first DN should specify the dates of the leave approval being covered until FMLA and CFRA, checking off both leave types on the form, noting in the "Other" section "Bonding leave". The second DN should put the leave dates that are being approved under CFRA only, checking off CFRA only on the form, noting in the "Other" section "Bonding leave".
 - For example, if an EE was released to return to work and is no longer disabled due to pregnancy after eight weeks and has four weeks of FMLA remaining (as FMLA/PDL would have run together the past eight weeks), then requests to use the full 12-weeks of CFRA bonding leave from 5/1/2022 – 7/24/2022, the first four weeks of bonding leave should be processed on one DN, from 5/1/2022 – 5/29/2022, indicating both FMLA/CFRA for bonding leave and that FMLA will exhaust on 5/29/2022. A separate DN would need to be completed from 5/30/2022 – 7/24/2022, indicated the remaining bonding leave would be covered under CFRA only and that CFRA would exhaust on 7/24/2022.

c) Using CFRA After FMLA/PDL Exhausts if EE Remains Medically Disabled

- If an EE exhausts all protected leave under FMLA and PDL but remains medically disabled and unable to return to work, the EE has the option to use protected CFRA bonding leave immediately after the exhaustion of PDL, but this is not required. You should reference the FMLA Request form to determine if the EE indicated the use of CFRA in this situation. Please see the FMLA Request form section where this is referenced below:

Disabled by pregnancy or childbirth.

•If my PDL entitlement exhaust prior to my doctor releasing me to return to work, I wish to use my CFRA (bonding) entitlement immediately after my PDL. Yes No

- If the EE did not indicate either wanting or not wanting to use CFRA if PDL has exhausted, it is recommended that you reach out to the EE by phone or email and ask this question. It is also recommended that you save the EEs email response in the e-file or hard file and/or document in your file notes if the EE responded verbally.
- If the EE did not indicate either wanting or not wanting to use CFRA if PDL has exhausted, when reaching out to the EE to discuss this matter, it is important that you let the EE know that CFRA usage is not required and that there may be other leave options available if the EE remains medically unable to work.
- When reaching out to the EE in this situation, you should also let the EE know that if they elect not to use CFRA protected leave for the needed time off, the case will be referred to the DAO IP Analyst to begin the IP to determine if additional leave can be granted as a reasonable accommodation under state and federal disability law.
- You should also make the EE aware that if a medical leave of absence is granted through the IP and then the EE is later released to return to work and no longer medically disabled, they would have to requalify for CFRA bonding leave (whether taking continuously or intermittently) upon requesting it to ensure that they meet the 1,250-hours worked requirement since there was a break between using protected leave. The hours worked would need to be run from the start date of the bonding leave being requested upon return, going one year back.
- It is unlikely in most of these situations that the EE would immediately qualify for CFRA bonding leave upon return from a medical leave of absence, as the EE has been off work for several months and it would be unlikely that the EE would have met the 1,250 hours worked requirement.
- In this situation, if the EE returns to work after the medical leave of absence and works for several weeks or months then later (bonding still must be taken prior to baby's first birthday) submits the FMLA Request for bonding leave, you would still be required to re-check eligibility, running the EE's worked hours one year back from first day of bonding leave requested to ensure EE has worked the required 1,250 hours since EE did take a medical leave in between protected leave.
- Please keep in mind, that in situations when EE does not take a medical leave of absence between using PDL and CFRA, you do not need to re-determine eligibility even if the EE returns to work prior to using CFRA bonding leave.
 - For example, if an EE was released by their doctor to return to work from PDL on 3/1/2022, EE returns to work for three months, then submits a request for bonding leave from 6/1/2022, through 7/1/2022, you would not need to re-determine eligibility since the EE did not take another type of leave in-between protected leaves.

d) Intermittent Leave Renewal & Lifelong Medical Condition Info

- If an EE submits the FMLA Request form for intermittent leave for their own medical condition or to care for a family member and assuming sufficient medical documentation is submitted, you can approve the intermittent leave for the duration specified on the medical certification; however, the duration cannot exceed one year.
- You are required to submit the RFL to the appropriate HR EE Services team and managers/supervisors once the intermittent leave has ended if it was approved for one year, even if the EE immediately submits another request to renew the intermittent leave. This is done to ensure leaves are not showing open-ended in PS and are clearly managed each year.
- If the EEs intermittent leave has been approved for less than one year and the EE submits the FMLA Request form and sufficient medical certification to extend the intermittent leave, you do not need to submit the RFL and can simply process/extend the intermittent leave.
- If the EE has been approved for intermittent leave for one year and the EE needs to extend the leave for more than one year, the EE is required to submit another FMLA Request form; however, if the previous medical certification on file indicates that the duration of the condition is lifelong and the EE states the previous medical certification is still sufficient (same frequency), you cannot require the EE to provide additional/new medical documentation and needs to accept previous medical documentation for new request.
 - In these situations, you should create a new e-file or hard file for the case and save the existing/previous medical certification in the new e-file or hard file as well.
 - You should document in the file notes that EE verified previous medical certification stating condition was lifelong is sufficient and is being used for renewal.
 - Please keep in mind, an EE can have multiple intermittent open/approved claims at one time if needed, so it is important that you accurately track each intermittent leave for the EE and notify the appropriate HR EE Services team and the department manager/supervisor when necessary, regarding the closure of one specific intermittent leave and if others remain open. You will need to be sure the multiple intermittent leaves are tracked correctly in PS (only one leave can be entered in PS), working with the DAO with any processing questions/concerns.

e) Intermittent Leave Cases – Audits

- When determining eligibility for an intermittent leave case, it is important to pay attention if EE has previously used protected leave hours in the qualifying period, as referenced in section 11c above, so this can not only be documented on the DN, but also serve as an indicator to you of how often

audits need to be run on the case (as the less FMLA/CFRA/PDL hours that are available for use, would mean more frequent audits need to be run).

- The purpose of running time audits during intermittent leaves is to ensure the EE does not exceed their maximum FMLA/CFRA/PDL leave entitlement and that both the EE and department manager/supervisor are notified immediately when FMLA/CFRA/PDL exhausts, not to code additional protected leave time and allowing you to send the appropriate protected leave exhaustion notice in a timely manner.
- In intermittent cases when an EE is approved for intermittent leave for more than three months or up to one year, you should run audits at least quarterly to see how many FMLA/CFRA/PDL hours the EE has used in the applicable qualifying period.
- Even if intermittent leave is approved for less than three months, but if the EE has used a significant number of FMLA/CFRA/PDL hours in the applicable qualifying period, you should run the time audit frequently, perhaps bi-weekly, to determine if the EE has exhausted their leave entitlement.
- To conduct the audit, you would run the needed TRC Report to show protected leave hours used as specified in section 4a & 4b.
- The more protected leave hours indicated that the EE has used, the more often you should run audits. You will need to monitor cases closely when FMLA/CFRA/PDL hours appear to be near exhaustion.
- All time audit queries or TRC Reports should be saved in the EE e-file or hard file to document the audit and protected leave hours used/remaining.
- Intermittent audit needs will vary case-by-case and can be confusing at times, as FMLA/CFRA/PDL time used the previous year may fall off due to the rolling calendar and hours may then become available to the EE. If uncertain how often the audits should be run or how to interpret the time reports, please consult with the DAO.

f) Intermittent Leave Cases – Excessive Usage & Pattern

- When an EE is on intermittent FMLA/CFRA/PDL leave and you are notified by the EE manager/supervisor that the frequency of leave usage is consistently exceeding the frequency certified by the doctor listed on the DN or if the pattern of usage is not consistent with what the doctor has certified, the EE can be sent the Intermittent FMLA/CFRA/PDL Leave Usage letter. If you need the template to the Excessive Usage & Pattern Intermittent FMLA/CFRA/PDL letter, please contact the DAO.
- You should run the TRC Report with protected leave hours used to determine if time usage pattern exceeds what was specified by the doctor or if pattern is inconsistent with what was certified.
- You should consult with the DAO, bringing the time report and concerns from the department manager/supervisor to determine if intermittent leave is being used inconsistently. You should not send out this excessive usage/pattern letter without consulting with the DAO.

- Once the matter has been discussed with the DAO, you should submit this letter and any applicable attachments to the DAO for review prior to sending to the EE.
- Once reviewed by the DAO, the letter can be sent, and if you are sending by regular mail, additional time should be given with the deadline indicated in this letter.
- You should create a folder within the EE's FMLA case e-file or hard file with a title reflecting the excessive leave/pattern notice. You should save all pertinent documents and correspondence related to this process within the e-file or hard file.
- It is important in these situations that you notify the manager/supervisor to always code FMLA/CFRA/PDL if indicated by the EE on their time sheet so the actual usage of protected leave is coded accurately. You should educate the managers and supervisors in these situations that we cannot deny coding protected leave without first going through the process of evaluating, sending the excessive use/pattern letter and getting a response from the EE based on the deadline given in this letter.

g) Second Opinion Process

- If a department manager/supervisor or department representative communicates concerns with you regarding the EE's request for FMLA/CFRA/PDL, if there is a reason to doubt the validity of the medical certification provided or the EE's current use of FMLA/CFRA/PDL, there is a detailed second opinion process that must be followed.
- You should consult with the DAO to discuss department concerns/medical certification concerns and should not proceed with this process without consultation with the DAO.
- All second opinion process files should be saved/stored in EEs individual e-file or hard file.
- If you need a copy of the Second Opinion Process Guidelines and templates, please contact the DAO.

h) What CFRA Covers that FMLA Does Not?

- CFRA covers the serious health condition of certain family members who are not covered under FMLA. These family members covered under CFRA only (and not FMLA) includes, registered domestic partners (or the child of a registered domestic partner), parent-in-law, grandparent, grandchild, and sibling. Effective January 1, 2023, CFRA coverage has been expanded to include a "designated person" which means, "any individual related by blood or whose association with the employee is the equivalent of a family relationship." Please keep in mind the employer may limit the EE to one designated person per 12-month period for family care and medical leave; however, if the EE needs to use CFRA for a covered family member under FMLA and/or CFRA, the EE can use CFRA for this purpose in addition to the

designated person, provided that the EE does not use more than 12 weeks per year for all qualifying events combined.

- If the leave is being taken to care for the EE's family member who is only covered under CFRA, you should only check off CFRA on the DN and be certain to specify CFRA only leave when sending the approval email. FMLA and CFRA would not run concurrent in circumstances covering family members listed above.

i) TAP/PD Protected Leave Cases – Important to Know

- TAP/PD FMLA/CFRA/PDL cases are managed by the DAO, and you should contact the DAO immediately if you have a TAP/PD EE who may have a need to take protected leave.
- TAP/PD protected leave cases are very similar to regular EE protected leave cases; however, there are a few differences that you should know for TAP/PD cases.
- In most instances, TAP/PD EE's will not be eligible for disability pay (STD, LTD or SDI) while out on leave; however, they may have paid into disability benefits with a previous employer. You can let the EE know they are welcome to contact the SDI or the applicable disability company to determine eligibility, providing them with the disability contact information.
- TAP/PD EE's must work 90 days to be eligible to receive sick leave accruals. If a TAP EE works 90 days, they will receive 3 days or 24 hours of sick leave accrued for use. If a PD EE works 90 days, they will receive 3 days or 36 hours of sick leave accrued for use.
- TAP/PD FMLA/CFRA/PDL time used is not coded like a regular EE in PS. For continuous leave, you would need to track the weeks used to determine when the EE will exhaust. For intermittent leave cases, you will need to ask the EE's manager to track the days/hours EE is not working out on approved FMLA/CFRA/PDL so it can be determined how many intermittent protected leave hours have been used.
- When processing the RFL, you would process normally as referenced in section 12 above for TAP EE's; however, for PD EE's, you would process the return date for the date immediately after the leave ended, as PD EE's do not have a specific schedule and need to call in to schedule hours. This ensures the EE has been returned from leave and can schedule hours.

j) Work Schedules – Determining Entitlement of Protected Leave Hours

- Based on an EE's work schedule, the amount of protected leave that the EE is entitled to receive under FMLA/CFRA/PDL will vary.
- You can calculate the protected leave hours EE is entitled to based on the EE's normal work schedule. In most instances, EE's work 40 hours per week and are entitled to 480 hours of FMLA/CFRA (40 x 12=480). If an EE normally works 50 hours per week, they would be entitled to 600 FMLA/CFRA hours

(50 x 12=600). Similarly, if an EE normally worked 50 hours per week, they would be entitled to 866.5 hours of PDL (50 x 17.33).

- For continuous leave cases, the hours calculations and work schedule will not matter, as EE is off work and entitled to 12 weeks (assuming the EE is eligible and has not previously used FMLA/CFRA during the applicable period) or up to 17.33 weeks for PDL if needed for pregnancy-related disabilities.
- If an EE's schedule varies from week to week and the department/you are unable to determine with any certainty how many hours the EE would work per week before taking protected leave, a weekly average of the hours scheduled over the 12 months prior to the beginning of the leave period (including any hours for which the EE took any type of leave) would be used for calculating the EE's leave entitlement.
- EE's who are nurses often have varying schedules, working 42 hours per week (84 per pay period) and 36 hours per week (72 hours per pay period). The EE's working 42 hours per week would be entitled to 504 hours of FMLA/CFRA and up to 727.86 hours of PDL if disabled due to pregnancy. For EE's working 36 hours per week, they would be eligible for 432 hours of FMLA/CFRA and up to 623.88 hours of PDL if disabled due to pregnancy.
- It is difficult to know which EE's/nurses work these alternative schedules and this can best be determined when running the TRC Report. You should look out for when the TRC Report, shows that the EE works 12-hours shifts and 8-hour shifts or if the nurse's accrual code (NAC) shows up either report. If either of or both occur in the time report, it is very likely that the EE works either 36 or 42 hours per week, rather than the traditional 40 hours per week.
- In such instances, you would want to select three random pay periods within the qualifying period to further evaluate how many hours the EE is working per pay period. If the EE does work an alternative schedule and is eligible for 504 hours or 432 hours of FMLA/CFRA (or up to 727.86 or 623.88 hours for PDL), this should be noted on the DN. The three pay period time reports should also be saved in the EE's e-file or hard file in addition to the regular TRC Report. Please remember, this only applies to intermittent leave cases, not continuous leave cases, as 12-weeks remains 12-weeks of leave. Please contact the DAO when making this determination if needed.

k) Mandatory Overtime & Protected Leave

- If an EE would normally be required to work overtime but is unable to do so because of a FMLA/CFRA/PDL qualifying reason that limits the EE's ability to work overtime, the hours which the EE would have been required to work may be counted against the EE's FMLA/CFRA/PDL entitlement. This would only apply for intermittent or reduced schedule leave cases, not continuous leave cases.
- For example, if an EE would normally be required to work for 48 hours per week, but due to health condition the EE is unable to work more than 40 hours that week, the EE would utilize eight hours of FMLA/CFRA/PDL

protected leave out of the 48-hour workweek. Voluntary overtime hours that an EE does not work due to an FMLA/CFRA/PDL qualifying reason may not be counted against the EE's FMLA/CFRA/PDL leave entitlement.

i) **Workers' Compensation (WC) Return-to-Work (RTW) Program Email Notifications**

- EE's who sustain a work-related illness/injury are allowed to work up to 180 days of temporary, modified duty in the County's WC RTW Program. During time in RTW, the EE's department is allowed to remove all or some of the EE's essential job functions to accommodate the EE's restrictions, so the EE can work modified duty.
- The WC RTW Program coordinator will send email notifications to an injured/ill EE's manager/supervisor notifying them when the EE has work restrictions and listing the specific work restrictions. In this email the WC RTW coordinator will ask the manager/supervisor if the work restrictions impede the EE's ability to perform their regular job duties, and if so, whether the EE's work restrictions can be accommodated with temporary, modified duty.
- The WC RTW coordinator will copy the appropriate FMLA Administrator and IP Analyst (based on the alphabet break down given to WC) on these emails so everyone is aware if the EE can be accommodated in RTW or if the EE's manager/supervisor cannot accommodate.
- You and the IP Analyst will need to monitor the email exchanges between the WC RTW coordinator and manager/supervisor for the final accommodation response, as often there is back and forth with questions and responses.
- If the manager/supervisor responds that EE can be accommodated with temporary, modified duty in RTW, you and the IP Analyst do not need to take any action or track the case, as the WC RTW coordinator will place the EE in RTW and send another email after the EE attends their next follow-up medical appointment, letting us know if the EE has work restrictions, has been placed off work or if the EE was released full duty.
- If the WC RTW coordinator emails that the EE was given permanent work restrictions by their WC doctor, the EE will no longer be able to perform temporary, modified duty in the WC RTW Program and the RTW assignment will end. At this point, the applicable IP Analyst should begin the IP and evaluate if the EE could be reasonably accommodated as defined under ADA/FEHA. Please note, you and the IP Analyst may need to have a discussion when this situation occurs, as there could be some clarification needed from both parties to proceed with the case.
- If the manager/supervisor responds that the EE's work restrictions do not impede the EE's ability to perform their regular job functions, the IP Analyst will begin the IP to evaluate and document that the EE has work restrictions that do not impact their ability to perform their essential job functions. You do not need to take action.

- If the manager/supervisor responds that the EE cannot be accommodated with temporary, modified duty in RTW **AND** the employee cannot be reasonably accommodated under ADA/FEHA, the following must occur:
 - You must check if the EE is eligible for protected leave under FMLA/CFRA.
 - If the EE is eligible for FMLA/CFRA, you must process a continuous leave for the EE based on the current medical note from WC and the email response from the manager/supervisor that EE cannot be accommodated.
 - An e-file or hard file must be created for this EE. The EE's medical note and manager/supervisor's email response that EE cannot be accommodated need to be saved in the e-file created for this EE.
 - To determine the start date of this continuous leave, you should reach out to the EE's manager/supervisor to determine what date the EE last worked and make the start date of leave the following day. You will also need to know the first date of leave to run hours back one year to determine FMLA/CFRA eligibility.
 - You will prepare the required leave approval forms and send out approval notices/emails to the managers/supervisors, HR EE Services, and the EE as you would in a normal continuous leave case following the email template referenced above.
- The EE may contact you with questions regarding FMLA/CFRA leave since they did not specifically request the leave, so please be sure to answer the EE's questions about FMLA/CFRA and explain the situation if needed.
- If the manager/supervisor responds that the EE cannot be accommodated in RTW with modified duty, the EE cannot be reasonably accommodated under ADA/FEHA and upon review you determine the EE is not eligible for FMLA/CFRA, please create an e-file or hard file for this EE. You will prepare the NOE, noting the reason the EE was not eligible, that the case will be referred to the DAO for other leave consideration and save this NOE in the e-file or hard file as well. You will send the NOE and not eligible email to manager/supervisor, HR EE Services following the normal not eligible email sample language.
- Since the EE is not eligible for FMLA/CFRA, you can close the case and must refer the case to the appropriate DAO IP Analyst for review and consideration. When referring the case to the DAO IP Analyst, you should include the completed NOE, the current medical note, and the email on file from the manager/supervisor that EE could not be accommodated (the IP Analyst would likely have this email since they are copied, but to make it easier, please include). The DAO IP Analyst would then evaluate to determine if medical leave is a reasonable accommodation.