

## ◆ Family and Medical Leave Act (FMLA) ◆ California Family Rights Act (CFRA) ◆ Pregnancy Disability Leave (PDL)

### FAMILY AND MEDICAL LEAVE FACT SHEET

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The following is a summary of pertinent facts regarding family and medical leave under FMLA, CFRA, and/or PDL. More complete information is available from your Department Designee or from the **HR Website/FMLA, CFRA, PDL and Other Leaves Page** at: <http://www.rc-hr.com/HR-Services/Employee-Services/FMLA-CFRA-PDL-and-Other-Leaves>

- All County employees (regular, part-time, temporary, seasonal and per diem) working in California are entitled to leave under FMLA, CFRA, and/or PDL, provided that eligibility requirements are met.
- To be eligible for FMLA and/or CFRA leave, an employee must have been employed with the County for at least 12 months during the past 7 years, and must have worked at least 1,250 hours during the 12-month period immediately preceding the beginning of the leave. Employees of the County who are disabled due to pregnancy are eligible for PDL, regardless of their length of service or the number of hours worked.
- Eligible employees are generally entitled to take leave under the following timeframes:
  - Up to 12 weeks under FMLA/CFRA for a serious health condition of the employee or family member, or up to 12 weeks under FMLA/CFRA for a qualifying exigency concerning a family member who is a covered military member (National Guard or Reserves only). Please note, leave is prorated for part-time employees.
  - Up to 26 weeks under FMLA to care for a family member or next of kin who is a covered service member with a serious illness or injury sustained in the line of duty while on active duty;
  - Up to 4 months (i.e., 17.33 weeks or 693.2 hours) under PDL for prenatal care, severe morning sickness, or disability due to pregnancy or childbirth (on a per pregnancy basis). Please note, leave is prorated for part-time employees.
  - Up to 12 weeks under FMLA/CFRA for an employee who is a victim of a qualifying act of violence and an employee is entitled to up to 10 days off under FMLA/CFRA to assist a family member who is a victim of a qualifying act of violence.

Depending on the situation, more than one type of leave may run concurrently.

- All FMLA, CFRA and PDL forms are available on the **HR Website/FMLA, CFRA, PDL and Other Leaves Page** at: <http://www.rc-hr.com/HR-Services/Employee-Services/FMLA-CFRA-PDL-and-Other-Leaves>. Employees should read the information on these forms carefully and ensure that the forms are completely and accurately filled out at the time of submission.
- Although the basic provisions for FMLA, CFRA, and PDL are for *unpaid* leave, the employer is allowed to require employees to use paid leave balances in certain situations. Refer to the *Use of Accruals for Paid Family and Medical Leave* chart for more information.
- Employees who are requesting FMLA/CFRA for **foreseeable** reasons are required to give 30 days notice. In cases where employees do not give 30 days notice, the employer may ask for an explanation. If the explanation is insufficient, the employer may delay the leave.
- Employees who are requesting FMLA/CFRA leave for **unforeseeable** reasons must give notice as soon as practicable, generally the same or next business day if the employee is off work when he/she learns the need for leave.

- Employees on FMLA, CFRA, and/or PDL leave are required to follow their department's usual notification and call-in procedures. Employees taking intermittent leave must notify their department when they call in that the leave is being taken under FMLA, CFRA, and/or PDL. Failure to do this could result in denial of their FMLA, CFRA and/or PDL entitlement for that day.
- By law, employers may designate an absence or leave as FMLA, CFRA, and/or PDL if there is reason to believe the absence qualifies, whether or not the employee requests it, and whether or not it is beneficial to the employee.
- An employee who requests a leave under FMLA or CFRA, but does not meet the **eligibility requirements** (e.g., hasn't worked 1250 hours in the past 12 months), must be sent a *Notice of Eligibility and Rights & Responsibilities*, which includes at least one reason for the employee's ineligibility.
- An employee who requests leave under FMLA, CFRA, and/or PDL, but does not meet **qualification requirements** (e.g., hasn't provided complete and sufficient medical certification), must be notified of the leave denial in writing; the *Designation Notice* is used for this purpose.
- By law, employers must reinstate employees returning from FMLA/CFRA leave to the same or an equivalent/comparable position (same position if returning from PDL), unless the employee would otherwise have been terminated, transferred, or laid off during the period of the leave.
- Under FMLA/CFRA regulations, all records pertaining to an employee's FMLA, CFRA, and/or PDL leave must be retained separate from his/her personnel file, for a period of at least three years.