



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

EMPLOYEE RESPONSIBILITIES CHECKLIST

Employee's Responsibilities

- ✓ **Give Advance Notice to Your Supervisor.** As a County employee, you are required to give 30 days notice for foreseeable needs for FMLA, CFRA and/or PDL. If an absence or leave cannot be anticipated 30 days in advance, you must give notice as soon as practicable, usually the same or next business day after learning of your need for leave. If 30 days notice is not given, the County has the right to ask you to explain why it was not possible to give 30 days notice of your need for leave. If the reason given is not sufficient (e.g., you simply forgot to inform your supervisor of a doctor's appointment or need for leave until the last minute), the County may delay or deny your request for leave.
- ✓ **Complete and Return Required Forms.** You are required to send your Department/HR Designee the completed leave forms within **15 calendar days** from the date they are requested. If it is not possible for you to obtain completed forms within this timeframe, it is your responsibility to request an extension from your Department/HR Designee in advance of the 15-day deadline.
- ✓ **Ensure Your Medical Certification is Complete and Sufficient.** If you are requesting a leave under FMLA, CFRA, and/or PDL, you will be required to provide **complete** and **sufficient** medical certification to support your need for leave. (Please note that it is not required that this certification be submitted on the County's FMLA/CFRA/PDL form, as some health care providers use their own form that captures all of the required information.)

If your medical certification provided is **incomplete** or **insufficient**, FMLA regulations require that the County give you the opportunity to correct these deficiencies within seven (7) calendar days from the date of the County's written notice to you. Some examples (not all-inclusive) of incomplete and/or insufficient documentation are as follows:

- Medical Certification in which one or more of the applicable form entries is blank.
- Medical Certification that is vague or nonspecific (e.g., "Employee needs to take *occasional days off* due to migraine headaches," or "length of time needed for leave is *unknown*.")
- An intermittent leave request for **foreseeable** events such as doctor's appointments that does not specify the frequency of each appointment (e.g., "1 day per week") along with the estimated duration of each appointment (e.g., "2 hours per appointment).
- An intermittent leave request for **unforeseeable** events such as migraine headaches that does not include both an estimated frequency ("On average, the employee's migraines occur approximately once every two-three months.") and a duration ("When migraines occur, employee can be incapacitated for 1-2 days.").

If it is not practicable for you to provide the additional information to correct the deficiencies within the required timeframe, you must notify your Department/HR Designee prior to the expiration of the seven (7) calendar days. Failure to submit complete and sufficient information in a timely manner may cause your leave to be delayed or denied.

- ✓ **Consult with Your Supervisor Regarding Foreseeable Intermittent Leave.** You must consult with your supervisor on the scheduling of foreseeable intermittent leave (e.g., doctor's appointments, physical therapy appointments, etc.) taken under FMLA, CFRA, and/or PDL. The purpose of this is to ensure minimal disruption to the workplace by working out an intermittent leave schedule that meets your medical needs while taking into account the operational needs of your department. For example, if your doctor typically schedules your appointments on Fridays, but your unit is minimally staffed on Fridays, you may be asked to check with your healthcare provider to see if there is another day during which your appointments can be scheduled that causes less of a disruption to the workplace.
- ✓ **Communicate Regularly with Your Supervisor.** Regardless of your leave status, it remains your responsibility to communicate regularly with your supervisor. If you are taking intermittent leave, you must notify your department **when you call in** that the leave is being taken under FMLA, CFRA, and/or PDL. Additionally, you must contact your supervisor when there is a change in the circumstances of your leave and for other required information. Failure to communicate with your supervisor on these matters could result in a delay or denial of your FMLA, CFRA, and/or PDL request, leaving your time off unprotected by law.
- ✓ **Follow Your Department's Call-In Procedures.** When utilizing FMLA/CFRA/PDL for an unforeseeable event, you must follow your department's call-in procedures when calling in to notify them of your absence on a particular day. Failure to do this could result in denial of your FMLA/CFRA/PDL entitlement for that day.
- ✓ **Notify Your Department if You Choose to Use Leave Balances.** In certain leave instances, depending on the type of leave being requested, the County cannot require you to use particular accrued leave balances. If this is the case while you are taking FMLA/CFRA/PDL entitlement, you will have the option to use sick, vacation, and/or other leave balances, provided any applicable requirements of the MOU and department leave policies are met. You must indicate your request to use leave balances on the Request for Family/Medical Leave form. This form is available in 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>
- ✓ **Continue to Pay Your Share of Insurance Premiums.** When on FMLA, PDL and/or CFRA leave, an employee is entitled to continued health coverage on the same basis as if the employee continued working. When FMLA and CFRA run concurrently, continued health coverage would run up to 12 weeks; in pregnancy situations, it would run up to 29 1/3 weeks, and in situations involving FMLA Military Caregiver Leave, coverage could extend up to 26 weeks. You may be required to use available and appropriate leave balances to pay for your leave (see the *Use of Accruals for Family and Medical Leave* chart for details) or you may voluntarily elect to do so in circumstances where the use of leave balances is not required. If your leave balances are sufficient to cover your premiums, your premiums will be deducted. If you fail to pay your share of premiums while on FMLA, CFRA or PDL, the County will pay them on your behalf and will collect these premiums from your pay warrant when you return from leave. If you do not return from leave, you may be responsible for repayment of Flexible Benefit Credits.

You may choose not to retain group health plan coverage during FMLA, CFRA or PDL leave. It is your responsibility to request the termination of coverage by submitting a completed Benefit Election form within 60 days of beginning your FMLA, CFRA or PDL and to request reinstatement of coverage within 60 days of your return from leave by completing and submitting a new Benefit Election form and CalPERS HBD12 form upon your return. For questions regarding benefits, please contact the Benefits Help Line at (951) 955-4981.

- ✓ **Maintain Accurate Timekeeping.** You must ensure that your leave time is accurately recorded on your time sheet. For additional specific information on this topic, please refer to the *Use of Accruals for Family and Medical Leave* chart, located in 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>
- ✓ **Request Additional Leave if Needed.** If you need additional family/medical leave beyond the protected leave time period, you must submit an Official Leave of Absence request at least five (5) days prior to the expiration of your current leave. It is important to note that approval of an Official Leave of Absence request is not automatic. Leave requests will be evaluated based on your department's operational needs, workload demands, and ability to reasonably accommodate your continued absence. The Leave of Absence request 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>
- ✓ **Provide a Return to Work Statement.** If you are on leave due to your own serious health condition, you are required to submit a return to work statement from your health care provider prior to being allowed back to work. Provide this medical clearance to your Department/HR Designee. If you fail to provide this certification, the County may deny or delay reinstatement until the certification is submitted.

If your health care provider has given you temporary work restrictions lasting 30 calendar days or less, you may be temporarily accommodated by your department either in your regular job or in a modified duty transitional assignment, if such work is available. If your work restrictions are beyond 30 days in duration, you should provide the doctor's note to your Department/HR Designee or the HR/Disability Access Office, as you may be eligible for a reasonable accommodation under ADA/FEHA.

If you're a Public Safety member or have sustained a work-related injury, you may be eligible for temporary modified work through the County's Return-to-Work modified duty program. Contact the Human Resources Department or the Workers' Compensation Division of Human Resources for more information on this program.