# FAMILY AND MEDICAL LEAVE ACT (FMLA)
# *AND*
# CALIFORNIA FAMILY RIGHTS ACT (CFRA)

*FREQUENTLY ASKED QUESTION AND ANSWER SHEET*

## 1.) WHAT IS FMLA AND CFRA?

FMLA and CFRA are laws, FMLA being a Federal law and CFRA being a California State law, that provide employees the right to a leave of absence with continuation of health benefits and guaranteed job protection to return to a classification that is the same or comparable to the last position held before the leave of absence began.

## 2.) WHAT TYPES OF EVENTS QUALIFY FOR FMLA/CFRA LEAVE?

a. Employees' own serious injury or illness, including Pregnancy Disability
b. To care for the serious injury or illness of a child, spouse or registered domestic partner, parent, or other person the employee has legal guardianship
c. To care for the serious injury or illness of a qualified military service member which includes a child, spouse, parent, or other person the employee has legal guardianship
d. To bond with a qualifying active military service member that is about to deploy or is returning from active duty deployment
e. Birth of a child or placement of foster/adoptive child

## 3.) WHO IS ELIGIBLE?

Any employee (or their qualified family member) that has a medical condition that is designated by their health care provider as FMLA/CFRA and the employee has worked for the City for at least 12 months and has worked at least 1,250 hours during the 12 months prior to the start date of the leave of absence.

## 4.) WHAT IS THE AMOUNT OF LEAVE ENTITLEMENT FOR FMLA/CFRA?

Eligible employees are entitled to up to 12 workweeks of continuous leave. Once the 12 weeks have been exhausted the employee will not be eligible for another FMLA until 12 months after the start date of their previous leave. *(Example: If an employee goes out on leave June 1, 2019, and the employee has exhausted their full 12 workweeks of FMLA/CFRA, the employee will not qualify again for FMLA/CFRA until June 1, 2020.)*

Employees are entitled to up to 480 hours of Intermittent FMLA within a 12 month period. If your intermittent leave will need to extend beyond 12 months, a new Certification of Health Care Provider and Request for Leave of Absence form must be completed and submitted to the Human Resources Division.

## 5.) WOULD CHRONIC AILMENTS QUALIFY FOR FMLA/CFRA LEAVE?

Chronic ailments such as asthma or other conditions that require ongoing treatment or follow up appointments may qualify an employee for FMLA/CFRA leave. Speak with your health care provider to see if the condition should be designated as FMLA/CFRA.

## 6.) How Does FMLA/CFRA Coordinate With California's Pregnancy Disability Leave (PDL)?

Any woman that takes Pregnancy Disability Leave (PDL) **and** qualifies for FMLA/CFRA at the time the leave begins; she will be using FMLA concurrently with PDL. Once the doctor states that the woman is no longer disabled by pregnancy and is released back to work, the PDL/FMLA will cease and CFRA will begin, if selected. If there is still time allotted under FMLA, FMLA and CFRA will run concurrently. A woman is entitled to up to 4 months of PDL, up to 12 weeks of FMLA (which runs concurrently with PDL and CFRA) and up to 12 weeks of CFRA (FMLA and CFRA run concurrently). If a woman doesn't qualify for FMLA/CFRA at the time the PDL begins, than she is only eligible for PDL (up to 4 months of leave) and will need to return to work after the PDL ends, unless more time off is mutually agreed upon and granted by the employer. CFRA runs concurrently with all leave types with the exception of Pregnancy Disability Leave.

## 7.) Does The City Require Employees To Use Their Sick/Vacation/CTO Accruals During FMLA/CFRA Leave?

No. Employees may use their Sick Accruals, Vacation/CTO Accruals, and any other accrued leave during the length of their leave. If the employee applies for State Disability, the employees' pay will be coordinated with State Disability to equal 100% of their monthly pay, at the employee's request.

## 8.) How Are Benefits Handled During FMLA/CFRA Leave?

Benefits will be extended for the length of the leave **up to** 12 weeks/3 months for FMLA/CFRA and **up to** 4 months for Pregnancy Disability Leave (PDL), in which the City will pay the full premium minus the employees' deduction for healthcare. The employee is still responsible for paying the employees' share of their healthcare premiums while on leave of absence along with any other normal dues and deductions (i.e. association dues). After the designated time for FMLA/CFRA and/or PDL benefits continuation has been exhausted, the City will offer the employee COBRA benefits in which benefits will be continued at the cost of the employee, if elected. If the employee doesn't qualify for FMLA/CFRA leave, the City will offer the employee COBRA benefits to eligible employees in which benefits will be continued at the cost of the employee, if elected. PDL benefit continuation will occur regardless of the employee qualifying for FMLA/CFRA, and COBRA will only be offered to the employee if they continue their PDL leave after their 4 months has been exhausted.

## 9.) What Steps Do I Need To Take To Request An FMLA/CFRA Leave?

a. Have the treating health care provider fill out the Certification of Health Care Provider or like form provided by the health care provider.
b. Complete a Request for Leave of Absence form and have your Manager/Supervisor sign and date the form.
c. Submit your Certification of Health Care Provider *and* Request for Leave of Absence form to the Human Resources Division for processing.
d. A Human Resources representative will review your documents, determine the next steps and provide further instruction and information.

***Please contact the Human Resources Division at (209)366-7103 for further details***