



Protected Leaves of Absence

Employee Guide to the Family and Medical Leave Act (FMLA), the California Family Rights Act (CFRA), and Pregnancy Disability Leave (PDL)

Learn about:

- Entitlements;
- Eligibility requirements;
- Notification responsibilities; and
- Additional resources

The County of Los Angeles is supportive of employees who require leaves of absence due to illness or to provide care for family members. The benefits covered under the FMLA, CFRA, and PDL provide employees with job security, and maintenance of health care insurance, while balancing family responsibilities. This guide provides information about each entitlement.

ENTITLEMENTS

FMLA is a federal law that permits employees to take a maximum of 12 workweeks (or 26 for military caregiver leave) of unpaid leave during a 12-month period for: an employee's own serious health condition; care of a spouse, child, and parent with a serious health condition; to bond with a newborn or newly placed child under adoption or foster care; and for qualifying military reasons.

CFRA is a California State law that permits employees to take a maximum of 12 workweeks of unpaid leave during a 12 month period for: an employee's own serious health condition (does not cover pregnancy disability); care of a spouse, domestic partner, child, and parent with a serious health condition; and to bond with a newborn or newly placed child under adoption or foster care. CFRA runs concurrently with FMLA if the employee meets the requirements for both benefits.

PDL is a California State law that permits employees to take a maximum of 4 months (17.333 workweeks) of unpaid leave for pregnancy disability per pregnancy. PDL runs concurrently with FMLA (if eligible) for prenatal care, childbirth recovery, or related medical condition.

ELIGIBILITY REQUIREMENTS

Permanent, temporary, recurrent, and part-time employees are eligible for FMLA, CFRA, and PDL. The following additional requirements apply:

FMLA/CFRA – Employee must have an aggregate of 12 months of County service in the past 7 years; and 1,250 hours worked in the 12 months prior to the start of leave.

PDL – Employee must be disabled by pregnancy. There is no "hours worked" or "length of service" requirement.

QUALIFYING LEAVE REASONS

FMLA and CFRA - The employee's own serious health condition; to care for a spouse, child, and parent with a serious health condition; and to bond with a newborn or newly placed child under adoption or foster care (*in loco parentis* applies*).

* ***in loco parentis*** is defined as standing in the place of a parent, and charged with a parent's rights, duties and responsibilities. It does not require a biological or legal relationship.

FMLA Only

- **Military Caregiver Leave** - 26 workweeks of unpaid leave during a 12-month period for an employee who is the spouse, son, daughter, parent or next of kin of a current/veteran covered service member with a serious injury/illness. Leave is granted for illnesses/injuries incurred while on active duty, and on a per injury/illness basis. Other provisions apply.
- **Qualifying Exigency Leave** - 12 workweeks of unpaid leave for an employee who is the spouse, son, daughter or parent of a current/veteran covered service member for any "qualifying exigency" arising from the service member's call to active duty to a foreign country.

CFRA Only - An employee's domestic partner's serious health condition.

PDL and FMLA – May run concurrently for pregnancy disability, childbirth recovery, or related medical condition.



– Turn over for more information

JOB PROTECTION AND HEALTH BENEFITS

During FMLA, CFRA, and/or PDL leave, an employee's group medical and dental coverage and Health Care Spending Account must be continued on the same basis and under the same conditions as were applicable prior to the leave.

Under CFRA, an employee's health coverage must be maintained for an additional 12 workweeks for maternal baby bonding leave only.

Upon returning from FMLA, CFRA, or PDL, the employee must be reinstated to the same or equivalent position.

CONTINUOUS/INTERMITTENT/REDUCED SCHEDULE LEAVE OR REASONABLE ACCOMMODATION

Employees may take leave on a continuous or intermittent basis, based on a health care provider's medical certification. Continuous leave is defined as a leave of absence of more than three consecutive days. Intermittent leave is defined as leave taken as-needed for treatment or flare-ups. Frequency and duration must be specified on medical certification.

Leave for bonding with a newborn and/or newly placed child under adoption or foster care may be taken continuously or in increments of two weeks or greater, with the exception of two occasions.

Employees may also take leave on a reduced work schedule, if medically necessary.

Under PDL, employees may request a reasonable accommodation, such as modified work duties or transfer to an alternate position with equivalent pay and benefits, if certified by a physician.

PAID AND UNPAID LEAVE

The County allows employees to use available leave benefit time in conjunction with an approved FMLA, CFRA, and/or PDL leave of absence. Payroll provisions apply.

Employee's Own Serious Health Condition – Employees may use sick, vacation, holiday, overtime, and compensatory time off (CTO). Megaflex employees may use Non-elective and Elective Leave, and may apply for Short-Term Disability benefits.

Qualifying Family Member – Employees may use vacation, holiday, overtime, CTO, Non-elective and Elective Leave (Megaflex only), and Sick Personal time (Code 112). Sick Time (Code 011) cannot be used.

EMPLOYEE'S NOTIFICATION RESPONSIBILITIES

- Provide **30 days** advance notice, of need for leave of absence (or as soon as possible in emergency cases).
- Make reasonable efforts to schedule intermittent leave for planned medical appointments to minimize disruption to the department's operation.
- Return the completed Certification of Health Care Provider (CHCP) form and/or required documentation within **15 calendar days**.
- Continue to comply with departmental attendance policies (i.e., call-in procedures for intermittent leave).

DEPARTMENT'S NOTIFICATION RESPONSIBILITIES

- Offer a protected leave when information has been received that the leave may be covered by FMLA, CFRA, and/or PDL.
- Provide employee with the Employer Response Packet within **5 business days** from notification of leave.
- Provide the approval/denial letter within **5 business days** from receipt of the CHCP or required documentation.

ADDITIONAL RESOURCES

Lactation Program - The County of Los Angeles promotes and supports breastfeeding and the expression of breast milk by employees who are breastfeeding when they return to work.

Information regarding the Lactation Program, and a list of designated County lactation rooms can be found at: <http://employee.hr.lacounty.gov/lactationprogram-2/>

Departmental Leave Management Section - To request a leave of absence covered under the FMLA, CFRA, and/or PDL, employees may notify their supervisor, or contact their departmental leave management section.

Prepared by:



**County of Los Angeles
Department of Human Resources
Leave and Disability Management Unit**

For more detailed information about FMLA, CFRA and PDL, refer to the ***Family Leave Policy Guidelines*** at: http://apps.hr.lacounty.gov/FMLA/First_Topic.htm