

LEAVE OF ABSENCE FREQUENTLY ASKED QUESTIONS

This document is intended as a general guideline to inform you of the types of state and federal leave entitlements available to Solano County employees. As such, this document is not intended to explain every detail of the complex laws governing these leaves. For a detailed review of the laws, one must refer to the applicable Code of Federal Regulations and the California Code of Regulations. Since each situation is unique, please consult with your supervisor and/or the Human Resources Department about your particular needs.

What are the Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA)?

FMLA and CFRA are federal and state laws that typically run concurrently. These laws require Solano County, as an employer, to provide up to 12 weeks of unpaid leave to eligible employees for certain family and medical reasons.

Although the two laws have many similarities, there are distinct differences that may affect eligibility and maximum entitlements.

What types of leaves of absence qualify for FMLA/CFRA?

Leave is granted for the following reasons:

- Your own serious health condition that makes you unable to perform your job. A “serious health condition” under FMLA/CFRA includes an illness, injury, impairment, or physical or mental condition that involves inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity, subsequent treatment in connection with the inpatient care, or continuing treatment by a health care provider; or
- Any period of incapacity due to pregnancy or for prenatal care; or
- To care for your newborn child, newly adopted child or newly placed foster care child; or
- To care for your spouse, son or daughter, or parent, who has a serious health condition.

NOTE: CFRA cannot be used for a pregnancy-related disability or for prenatal care. Refer to Pregnancy Disability Leave.

Who is eligible for FMLA/CFRA?

You are eligible for FMLA/CFRA if you have been employed with Solano County for a minimum of 12 months (not necessarily continuously) and have worked at least 1250 hours in the preceding 12 months (including extra help hours).

How should I notify Solano County that I would like to take a leave of absence?

Submit to your supervisor as soon as possible:

- An original Leave of Absence Request form, and any documents provided by your physician.

Where can I get the forms?

You will find the Leave of Absence Request form on the Solano County Intranet/Human Resources site.

Certification of Health Care Provider

<http://webstart/civica/filebank/blobdload.asp?BlobID=4115>

Leave of Absence Request Form

<http://webstartadmin/civica/filebank/blobdload.asp?BlobID=4118>

Why do I want to request an FMLA/CFRA leave?

FMLA/CFRA allows for job and benefit protection for up to 12 weeks (480 hours) in a designated 12-month period.

Will the County notify me if I am eligible for FMLA/CFRA?

Once the Human Resources (HR) Department receives notification of your request or need for leave from your department, HR will verify your eligibility for FMLA/CFRA. HR will also send you a request for a Medical Certification of Health Care Provider form if you have not submitted one yet. Your health care provider or your family member's health care provider, depending on the situation, must complete this document. The completed Medical Certification of Health Care Provider form must be returned to the Solano County Human Resources Department by the date specified in the letter. Notes written by a health care provider do not replace the need for a completed certification.

What happens if I do not qualify or if I run out of FMLA/CFRA time?

In accordance with Solano County FMLA Policy, you may apply for a Non FMLA Leave of Absence.

Leave of Absence Request Form

<http://webstartadmin/civica/filebank/blobdload.asp?BlobID=4118>

When does an FMLA/CFRA leave begin?

Providing you or an eligible family member have a serious health condition and meet the eligibility criteria as outlined above, the FMLA/CFRA leave begins when your doctor declares you disabled to do your job or you need to care for a family member.

What is a Pregnancy Disability Leave (PDL)?

Pregnancy Disability Leave (PDL) may be taken for up to 17 1/3 weeks, if you are unable to work due to a pregnancy related disability and have a note from a health care provider. If you are also eligible for FMLA, then FMLA and PDL run concurrently.

What is the maximum FMLA/CFRA time?

The maximum leave is:

- Full-time employee: Up to 12 work weeks (or 480 hours) during a designated 12-month period; or
- Part-time: Prorated based on FTE status.

CFRA allows for parents (both mother and father) to bond with a newborn child, newly adopted child or a newly placed foster care child for up to 12 weeks. However, this leave must be concluded within one year of the child's birth or placement in your home if adopted or if a foster child. If both parents work for Solano County, this leave is limited to a total of 12 weeks shared between both employees.

How is FMLA/CFRA time calculated?

Solano County uses the 'rolling forward date' method to determine FMLA/CFRA eligibility and calculate to the 12-week period. The first day of an eligible FMLA/CFRA leave is designated as your rolling date. This date becomes your rolling date with Solano County and is used to determine eligibility and to calculate the 12-week period for future leaves. Provided you meet the eligibility requirements, you are entitled to a new FMLA/CFRA period every twelve months from your designated rolling date, or the next time you apply for leave.

What is the difference between regular FMLA/CFRA and intermittent FMLA/CFRA?

Regular FMLA is a continuous period of absence from work with an anticipated date off work and return to work.

Intermittent leave is occasional periods of absence due to chronic health conditions (taken a day or two at a time) or to attend doctor's appointments. With respect to taking intermittent leave when its use is foreseeable, the employee must make a reasonable effort to schedule the leave so as not to disrupt unduly the employer's operations. Whenever possible, employees are to provide their supervisor/manager a schedule of appointments. Verification of appointments/visits must be provided to the Supervisor.

Can I use my sick leave, vacation and CTO accruals while on FMLA/CFRA/PDL?

- You must use your sick leave while on a FMLA/CFRA/PDL due to your own or an eligible family member's serious health condition. However, you may only use up to 80 hours of family sick leave per calendar year in accordance to your MOU or PSR. Once you have used your eligible hours of Family Sick Leave, you must use vacation or other leave accruals.
- You must use vacation time on a FMLA/CFRA approved leave to bond with your healthy newborn, adopted, or foster care child.
- At the time you exhaust your vacation leave, you may use your floating holiday, CTO and/or Admin Leave accruals.

What happens to my insurance benefits while on leave?

- Paid Status (using sick, vacation, CTO/Administrative Leave, or other leave balance)
Benefit premiums continue to be paid through the payroll process and all your benefits remain intact.
- Unpaid Status (off payroll)
While you are on FMLA/CFRA, Solano County will pay the employer share of health, dental and vision premiums for up to 12 weeks in a 12 month period. However, you are responsible to pay for your normal employee share of the premium.
- Non-FMLA/CFRA
If you are on a Non FMLA Leave of absence, you may be responsible for both the employee and employer premiums. Please contact your Human Resources Benefits specialists for premium costs.

If you do not return to work following FMLA leave for a reason other than: 1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA leave; 2) the continuation, recurrence, or onset of a covered service member's serious injury or illness which would entitle you to FMLA leave; or 3) other circumstances beyond your control, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during your leave.

What is State Disability Insurance (SDI)?

SDI is a state-managed insurance program to help supplement income for eligible employees for non-work-related illness and/or injuries. The State of California Employment Development Department manages this program.

When do I qualify for State Disability Insurance (SDI)?

Refer to the EDD website for changes and updates, www.edd.ca.gov, however the County requires you to follow these steps:

- You should apply for SDI benefits as soon as you know you will be out longer than seven calendar days. *EDD requirement is that you must be disabled for seven calendar days before you are eligible for SDI benefits.*
- Your sick leave must be integrated with your SDI benefits so that combined you are receiving your regular take home pay.
- You must immediately notify your department supervisor and submit proof of SDI benefits to your payroll coordinator in order to integrate our SDI benefits and sick leave benefits.
- Until you submit proof to your department that you are receiving SDI benefits, your sick leave and vacation hours will be used to calculate your pay.
- If you decide to apply for SDI and integrate sick leave with SDI benefits at a later date, you may not be allowed to receive retroactive benefits from Solano County.
- At the time you exhaust your sick leave, you must use vacation, floating holiday, or CTO accruals

What is Paid Family Leave (PFL)?

Like SDI, PFL is also a state managed insurance program that provides supplementary income to eligible employees while on leave to provide care for ill parents, children, or a spouse and to bond with a newborn child, newly adopted child or newly placed foster care child. PFL provides up to six (6) weeks of paid benefits in a 12-month period and is administered by the State of California Employment Development Department. Only employees who are covered by SDI are eligible for this program. You must use vacation leave – not sick leave for Baby Bonding/PFL.

When do I qualify for Paid Family Leave (PFL) benefits?

Refer to the EDD website for changes and updates, www.edd.ca.gov, however the County requires you to follow these steps:

- You should apply for PFL benefits as soon as you know you will be out longer than seven calendar days.
- Your leave can be integrated with your PFL benefits so that combined, you are receiving your regular take home pay.
- At the time you exhaust your sick leave or have used the maximum family sick leave hours for the year as noted in your MOU, whichever comes first, you must use vacation, floating holiday, or CTO accruals.
- You must immediately notify your department supervisor and submit proof of PFL benefits to your payroll coordinator in order to integrate your PFL benefits and sick leave benefits.
- Until you submit proof to your department that you are receiving PFL benefits, your sick leave and vacation hours will be used to calculate your pay.

- If you decide to apply for PFL and integrate sick leave with PFL benefits at a later date, you may not be allowed to receive retroactive benefits from Solano County.

What if I need to extend my leave?

You should contact your supervisor as soon as possible as it is likely you will need to submit additional documentation.

What do I do when I am ready to return to work?

If you are off work for a personal illness or medical condition and you are now ready to return to work from a medical leave of absence, you will need to provide your supervisor a note from your health care provider releasing you to return to work. In all instances, you should notify your immediate supervisor, preferably five days prior to your expected return to work date so scheduling and work assignments can be arranged effectively. If you are off work for reasons other than personal illness, you do not need a note releasing you back to work.

What if I am temporarily released to return to work part time and/or have work restrictions?

A modified work schedule or assignment may be arranged depending on the nature of your job, departmental requirements and your medical needs. You should contact your supervisor as soon as you are aware that you can return to work and provide him/her with the medical note outlining specific restrictions. This will allow the department to consider any appropriate accommodation.

How does Workers' Compensation affect FMLA?

- FMLA/CFRA leaves normally run concurrently with a Workers' Compensation total disability period.
- FMLA does not run concurrently with Labor Code 4850 benefits.

What other types of leave are available?

- **Military**
If you are ordered to active Military duty, you are entitled to 30 calendar days of protected leave status or a total of 173.33 hours.
- **Organ Tissue Donation**
An employee who is an organ donor may take a leave of absence not exceeding thirty (30) days in any one year period for the purpose of donating his or her organ to another person.
- **Bone Marrow Donation**
An employee who is a bone marrow donor may take a leave of absence not exceeding five (5) days in any one year period for the purpose of donating his or her bone marrow to another person.

An employee must provide written verification that he or she is an organ or bone marrow donor and that there is a medical necessity for the donation of the organ or bone marrow.

DEFINITIONS

Serious Health Condition – includes an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment.

Parent – biological parent of an employee or an individual who stands or stood *in loco parentis* to an employee when the employee was a child. This term does NOT include parents-in-law.

Spouse – a husband or wife as defined or recognized under California state law for purposes of marriage. (CFRA)

Child – includes a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is under 18 years of age or 18 years of age or older and incapable of self care because of mental or physical disability.

Health Care Provider – defined as a health care provider of medicine, osteopathy, podiatrist, dentist, clinical psychologist, optometrist, chiropractor (limited to treatment consisting of manual manipulation of the spine to correct a subluxation visible by x-ray), nurse practitioner, nurse-midwife and clinical social worker who are authorized to practice medicine or surgery by the state in which the health care provider practices; Christian Science practitioner listed with the First Church of Christ, Scientist, in Boston; any health care provider from whom an employer or group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and a health care provider who practices in a country other than the United States, who is licensed to practice in accordance with the laws and regulations of that country.

Rolling Forward Date – The date leave is first established becomes the rolling forward date, which is used to calculate eligibility and the FMLA/CFRA period.

For more information on the Family Medical Leave Act (FMLA) and California Family Rights Act (CFRA) visit:

[http://webstart/depts/hr/divisions/risk/family_and_medical_leave_act\(fmla\)/default.asp](http://webstart/depts/hr/divisions/risk/family_and_medical_leave_act(fmla)/default.asp)

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