

Frequently Asked Questions about the Medical Leave Policy

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

FMLA/CFRA allows for job and benefit protection for up to 12 weeks during a 12 month period.

Who is considered a Health Care Provider/Practitioner?

Under federal regulations, a "health care provider" is defined as: a doctor of medicine or osteopathy, podiatrist, dentist, chiropractor, clinical psychologist, optometrist, nurse practitioner, nurse-midwife, or a clinical social worker who is authorized to practice by the State and performing within the scope of their practice as defined by State law, or a Christian Science practitioner. A health care provider also is any provider from whom the University or the employee's group health plan will accept medical certification to substantiate a claim for benefits.

What is a "serious health condition"?

Please refer to the County's Medical Leave Policy for the full definition of "serious health condition" (Insert link)

What information can the County request in the medical certification of a serious health condition?

You cannot request a diagnosis or description of the condition. Medical certification is limited to the following information:

- Confirmation that the employee (or the employee's family member) has a serious health condition as defined by Federal and State law;
- The date of the onset of the serious health condition;
- The probable duration of the serious health condition;
- A written statement that the employee is not able to perform the essential functions of his or her job; and
- If intermittent leave or a reduced work schedule is being considered, a statement that it is medically necessary.

What is a "rolling 12-month period"?

FMLA/CFRA provides eligible employees 12 workweeks of unpaid leave during a 12-month period. The County uses a "rolling 12-month" period. A rolling 12-month period is measured backward from the date leave first occurs. Each time an employee takes FMLA/CFRA leave, the remaining leave entitlement would be any balance of the 12 weeks that has not been during the immediately preceding 12 months. For example, if an employee used four weeks beginning February 1, 2010, four weeks beginning June 1, 2010 and four weeks beginning December 1, 2010, the employee would not be entitled to any additional FMLA/CFRA leave until February 1, 2011.

Do FMLA and CFRA run concurrently? Does FMLA/CFRA run concurrently with any other leaves?

Generally FMLA and CFRA run concurrently. There is one exception when the two do not run concurrent and that is when an employee is pregnant. For the employee's own disability due to pregnancy, childbirth or related medical condition it counts only toward FMLA leave and CPDL entitlements. Once the employee is no longer disabled by the pregnancy, then she would be entitled to up to 12 workweeks of bonding leave under FMLA/CFRA. (Note: any remaining FMLA time not used during the pregnancy would run currently with CFRA bonding leave)

FMLA/CFRA runs concurrently with any paid leaves (i.e. sick, vacation, compensatory, etc)

Is FMLA/CFRA paid or unpaid leave?

FMLA/CFRA provides eligible employees with a right to unpaid, job-protected leave and health insurance benefits. Even though FMLA/CFRA is unpaid, an employee may choose to use accrued paid leave concurrently (i.e. sick time, vacation time, compensation time, etc) with FMLA/CFRA to stay in a full paid status. Please refer to your appropriate MOU for further information on use of paid leave.

What is a reduced schedule leave vs. an intermittent leave?

Reduced Schedule or Partial leave reduces the usual number of hours per workweek of an employee, but employee works same scheduled days (i.e. An employee's regular schedule is Monday – Friday 8 hours per day. An employee's reduced schedule would be Monday – Friday 4 hours per day.)

Intermittent leave is taken in separate blocks of time due to a single qualifying reason. (i.e. An Employee is receiving medical treatment and only needs one or two days off a month.)

Can the leave be denied?

FMLA/CFRA leave may be delayed or denied only if appropriate notice or medical certification is not provided. FMLA/CFRA/CPDL leaves are statutorily mandated and must be granted if appropriate documentation is received.

How are medical notes to be kept? What about the supervisor file?

An employee's medical notes should be kept in a file (separate from his/her personnel file) which is labeled *Confidential Medical File*. The medical files need to be in a locking file cabinet with limited access. The Disability Management Unit recommends that no medical notes should be kept in a supervisor's working file.

Can we use sick time during bonding leave if there is an illness?

Generally sick leave cannot be used during bonding leave. However, if the employee is sick during bonding he/she may use sick leave. Please see appropriate MOU for guidelines on sick leave usage.

When should an employee request a leave? When should the paperwork for a leave be completed? What documentation is needed?

When the need for a medical leave is foreseeable, an employee must provide 30 calendar days notice. When 30 calendar days notice is not possible or the leave not foreseeable, an employee must provide notice as soon as possible under the circumstances.

An employee must complete and submit all required paperwork within 15 calendar days after the Department's request. An employee will need to complete and submit the following forms: Request for Leave of Absence and medical certification verifying the need for medical leave and a medical certification to return to work after the leave. All forms can be found on the County's website www.sonoma-county.org

What is the 13 pay periods (13pp) and how do I qualify to receive the 13pp benefit?

The County provides continuation of active benefit coverage (including medical, dental, life, vision and LTD) for 13 pay periods (13pp) of unpaid leave per illness or disability. During the 13pp, the County will continue to pay the County portion of the health benefit premiums and the employee is responsible for paying the employee portion. The 13pp benefit begins once an employee is in a leave without pay status during a medical leave.

The 13pp benefit applies to all regular employees, regardless of length of service or hours worked. The 13pp benefit applies to the employee's own medical or pregnancy disability only. The 13pp does not apply to employees taking medical leaves to care for covered family members.

What is the appeal procedure if the leave is denied by the supervisor and/or department head?

If employees believe their FMLA rights have been violated (i.e. medical leave denied by Department when employee feels should be covered under FMLA), they should contact the Human Resources Disability Management Unit immediately. The County will investigate any FMLA complaints and take prompt and appropriate remedial action to address and/or remedy any FMLA violations.

Can an employee be asked to come to the office or conduct County business while on a medical leave?

No, an employee cannot be asked to come to the office or conduct any County business while on medical leave. This includes the completion of timesheets.

What is the maximum FMLA/CFRA leave time?

The maximum FMLA/CFRA leave for fulltime employees is up to 12 weeks during a 12 month period. The maximum FMLA/CFRA leave for part-time employees is the equivalent of 12 regularly scheduled weeks in a 12 month period.

What happens if my doctor does not release me back to work after 12 weeks of FMLA/CFRA? Can my medical leave be extended?

A medical leave can be extended past the 12 weeks of FMLA/CFRA. Requests for medical leaves less than 6 months are submitted to the department head/designee for consideration. Requests for medical

leaves over 6 months require approval by department head/designee and the Human Resources Director.

My CPDL is ending and I want to start bonding, do I need to bring in a note after CPDL or after bonding?

Once the disability portion of the pregnancy leave has concluded, an employee can take up to 12 weeks of leave for bonding purposes (CFRA/bonding). Bonding leave needs to be completed within one year of the birth or placement of the child.

You need to bring in a doctor's note when you are released back to work and no longer considered disabled due to pregnancy. This is normally between 6 – 8 weeks post partum depending on the type of birth. At that point, CPDL would end and if you choose to stay off work, your bonding leave would begin. You do not need to bring in a doctor's note to come back from bonding leave.

If I work for the County then have a break in service and I later return to work for the County, will I be eligible to take FMLA/CFRA?

To be eligible for FMLA/CFRA the individual must meet 3 requirements. The first is the individual must have been employed by the County for at least 12 months. These months need not be consecutive. So for example John Smith could have worked for the County for 8 months, and then he had a break in service. John later returned to the County and has been an employee for 6 months. Total combined John has worked for the County for 14 months so he would meet the first eligibility requirement.

To be eligible for FMLA/CFRA the individual must also meet the following requirements: have actual hours worked for at least 1,250 hours during the 12 month period immediately preceding the commencement of the leave and have a qualifying serious health condition or family circumstance that is covered by FMLA/CFRA.

When should I send an employee forms when they have been out?

Please work with your Department HR Liaison and DM Analyst on sending leave paperwork and forms to an employee on medical leave. Generally you will send forms if you are aware a leave may qualify, or after they are out three consecutive days and indications are that the employee may be off longer.