



ALAMEDA COUNTY FAMILY AND MEDICAL LEAVE PROCEDURES (ADMINISTRATIVE)

STATUTORY AUTHORITY

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

STATEMENT

The Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA) provide eligible employees with unpaid leave for qualifying reasons/events (e.g. a serious health condition, child bonding). These leaves provide for job-protection/restoration and continuation of health benefits. In 2009, the amended FMLA regulations included two (2) military family leaves known as “Caregiver Leave” and “Active Duty Leave.” These leave provisions are to care for a covered servicemember with a serious injury or illness, and/or any qualifying exigency for a covered military member.

Pregnancy Disability Leave (PDL) provides employees with up to four (4) months of unpaid job-protected leave due to pregnancy, childbirth, and/or related medical conditions.

Please refer to the Alameda County Family and Medical Leave Handbook for more information regarding eligibility requirements, qualifying reasons, leave entitlement and certification process. FMLA, CFRA and PDL are now known as Family and Medical Leaves (FML). Alameda County’s “applicable” leaves of absence (e.g., sick leave, sick leave family) will run concurrent with an FML leave.

PROCEDURES

RESPONSIBLE PARTY	ACTION
Operating Department (Employee)	1. When leave is foreseeable, submits an <u>FML Employee Request</u> (Form 1) to immediate supervisor 30-days prior to the leave; or as soon as it is known that the leave is for a qualifying reason. Note: A separate <u>FML Employee Request</u> is required for each qualifying reason/event. In some cases, one period of leave may include two different qualifying reasons/events. For example, two forms are required for requesting leave for (1) pregnancy/childbirth and (2) child bonding. Medical documentation certifying that the employee is no longer disabled (pregnancy/childbirth) is needed to begin the child bonding leave.
(Supervisor)	2. Reviews, signs and submits <u>FML Employee Request</u> to Agency/Department HR within two (2) business days of receipt. 3. If <u>FML Employee Request</u> is not provided , notifies Agency/Department HR upon receipt of documentation which may support an FML leave; or when an employee is absent due to one of the following:

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	<ul style="list-style-type: none"> • Absent for more than three (3) days due to own illness (including industrial injury) or family member's illness. • Intermittent leave (including medical appointments) due to own or family member's serious health condition • Child bonding (e.g., newborn/adoption) • To care for a covered servicemember with a serious injury/illness • For any qualifying exigency for a covered military member (e.g., attending military-sponsored functions, making appropriate financial and legal arrangements, and arranging for alternative childcare)
(FML Coordinator)	<p>4. Reviews <u>FML Employee Request</u> and/or the circumstances of the absence to determine if there is a qualifying reason.</p> <p>Note: FML Coordinator may consult with Personnel Officer, Disability Coordinator/Workers' Compensation Liaison, and/or Disability Programs Division throughout the FML process.</p> <p>5. Verifies FML eligibility and leave entitlement in the Human Resources Management System (HRMS). Please refer to the FML Job Aid in the AlcoLink Learning Assistant.</p> <p>Note: Time worked for Alameda County through a payrolled vendor counts toward the 1,250 work hours and 12-month employment eligibility requirement.</p> <p>6. Completes and sends <u>Notification of Leave</u> (Form 5) and appropriate FML certification (Form 2, 3, or 4) along with the FML Handbook and procedures to employee within two (2) business days of notice.</p>
(Employee)	<p>7. Forwards appropriate certification to health care provider, and submits to FML Coordinator by identified deadline.</p> <p>Participates and cooperates in the original and recertification process. May be requested to sign a <u>Release of Information Consent Form</u> to enable the FML Coordinator to clarify deficiencies directly with your health care provider.</p> <p>If leave is for a qualifying exigency, completes and submits <u>Certification for Military Family Leave for Qualifying Exigency</u> (Form 4) and required documentation to FML Coordinator by identified deadline.</p>
(FML Coordinator)	<p>8. If certification is not received by identified deadline, follows-up with employee in writing and allows an additional seven (7) calendar days.</p> <p>If certification is received but is insufficient or incomplete, forwards <u>Designation of Leave</u> (Form 6) to employee outlining required information needed.</p> <p>9. If certification is not received following the 2nd notice and you do not have sufficient documentation in order to designate the leave, notifies employee of denied FML leave via the <u>Designation of Leave</u>.</p>

	<p style="text-align: center;">OR</p> <p>If certification is not received following the 2nd notice and you <u>have sufficient* documentation that the employee's absence is for a qualifying event</u>, notifies employee of FML designation via the <u>Designation of Leave</u>.</p> <p>Note: Failure to submit the appropriate certification/documentation for an FML leave may result in LWOP status.</p> <p>*Example: Other medical documentation which indicates hospitalization or serious health condition may be sufficient. However, follow-up may be necessary to obtain additional medical information as required (see Form 2 or 3).</p> <p>Note: FML Coordinator must consult with Personnel Officer/Disability Coordinator before designating FML leave without the appropriate FML certification (Form 2 or 3).</p> <p>10. Reviews FML forms, certifications, medical documentation and other relevant documents to ensure serious health condition is verified and documentation is sufficient.</p> <p>Note: Personnel Officer, Disability Coordinator/WC Liaison, or FML Coordinator may obtain clarification from medical provider after the employee has been provided the opportunity to cure any deficiencies. The health care provider may be contacted directly (with <u>Release of Information Consent Form</u>) to obtain further clarification. Medical release is not required to contact the health care provider to authenticate the document and/or signature. Under no circumstances will employee's supervisor have contact with the health care provider.</p>
(FML Coordinator)	<p>11. If FML leave is approved, (a) sends <u>Designation of Leave</u> (Form 6) to employee within five (5) days receipt of acceptable certification, and forwards a copy to the payroll clerk; and (b) notifies immediate supervisor via e-mail of approval status including dates of leaves, frequency, duration of flare-ups, etc. Medical information must not be disclosed.</p> <p>If FML leave is denied, (a) sends <u>Designation of Leave</u> to employee within five (5) days receipt of certification; (b) notifies immediate supervisor; and (c) closes FML request in HRMS.</p>
(Payroll Clerk)	<p>12. Forwards copy of approved <u>Designation of Leave</u> to the Auditor-Controller's Agency-Disability Unit (QIC 20109).</p>
(Employee)	<p>13. Completes timesheets with appropriate FML Time Reporting Codes (TRC).</p> <p>Important: <i>Accrued sick leave (including family sick leave) must be applied when eligible during an FML leave. Employee's other accrued leave balances (e.g., vacation leave, compensating time off, and floating holidays) will be applied when eligible during an FML leave unless the employee provides written notification to limit the integration of such leaves to his/her Payroll Clerk with a copy to the immediate supervisor.</i></p>
(Payroll Clerk)	<p>14. Upon receipt, forwards copy of employee's written request to limit the integration of</p>

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	leave(s) to the Auditor's Controller's Agency Disability Unit (QIC 20109).
(Supervisor)	15. Ensures appropriate FML TRCs are used and verifies employee's timesheets. If employee is not available, completes timesheet (via self-service or hard copy) on behalf of the employee.
(Payroll Clerk)	16. Verifies that appropriate FML TRCs are used based on the approved <u>Designation of Leave</u> . Makes adjustments and notifies supervisor and employee of amendments.
Auditor-Controller's Agency (Disability Unit)	17. Notifies Agency/Department Payroll Clerk when employee applies for SDI/PFL; verifies FML approval by reviewing the <u>Designation of Leave</u> ; makes necessary adjustments to reflect appropriate TRCs (including FML TRCs); and notifies employee of adjustments, if applicable.
Operating Department (Payroll Clerk)	18. Notifies FML Coordinator of necessary HRMS adjustments to History screen, if any.
(FML Coordinator)	19. Monitors FML request(s) and on-going documentation. Updates and maintains HRMS FML screens. Inputs FML hours into the History screen immediately following pay-period to ensure data is accurate and up-to-date. <div style="background-color: #e0e0e0; padding: 5px;"> <p>Note: FML entitlement is based on data in the History screen. Therefore, it is critical that information is updated on a biweekly basis to avoid (1) employee's exceeding their FML entitlement and (2) adjustments due to benefit overpayment.</p> </div>
(Supervisor)	20. Ensures FML leave is taken as approved. If deviation exists, notifies FML Coordinator.
(FML Coordinator)	21. Consults with Personnel Officer/Disability Coordinator/WC Liaison and notifies employee of deviation. Requests recertification by forwarding <u>Designation of Leave</u> and appropriate certification to employee (repeat #6-17). <p>Note: <i>Additional leave taken not previously approved shall not be coded as FML without supporting documentation/recertification.</i></p>
(FML Coordinator)	22. When employee leave status changes (e.g., exhausts his/her FML entitlement or deviates from approved leave), (a) sends <u>FML Leave Status</u> " (Form 7) to employee within two (2) business days, (b) forwards a copy to Payroll Clerk; and (c) notifies immediate supervisor and Personnel Officer/Disability Coordinator/WC Liaison.
(Employee)	23. If needed, submits a new and/or requested certification every 6-12 months (repeat #6-20).
(FML Coordinator)	24. Closes FML request in HRMS (Request Screen) by changing the status to "Actual/Completed."
(Disability Coordinator/ Personnel Officer)	25. If leave continues beyond FML entitlement, monitors leave closely, determines if other leave balances and/or provisions apply (personal disability leave, catastrophic sick leave, workers' compensation), and follows Reasonable Accommodation (RA) procedures.

FORMS AND ATTACHMENTS

FORMS	
1	FML Employee Request
2	Certification of Health Care Provider (Employee/Family Member)
3	Certification for Military Family Leave for Serious Injury/Illness (Covered Servicemember)
4	Certification for Military Family Leave (Qualifying Exigency)
5	Notification of Leave (HR Use Only)
6	Designation of Leave (HR Use Only)
7	FML Leave Status (HR Use Only)
8	Release of Information Consent Form
SAMPLE LETTERS	
1	Recertification (Long-Term Conditions)
2	Follow-Up to Initial Request (To Obtain Health Care Provider Certification)
3	Clarification Request to Health Care Provider (Follow-Up Letter)

RESOURCES

Contacts	Phone Number	Tie-line
Human Resource Services:		
Disability Programs Manager	(510) 208-9904	x29904
Disability Programs Specialist	(510) 208-4816	x24816
County Counsel	(510) 272-6700	x26700

BOS APPROVED

11/30/10

APPROVED FOR DISTRIBUTION

Mary Welch, Acting Director, Human Resource Services