



# ALAMEDA COUNTY FAMILY AND MEDICAL LEAVE PROCEDURES (EMPLOYEE)

## 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 FML leave.

## PROCEDURES

RESPONSIBLE PARTY	ACTION
Operating Department (Employee)	1. When leave is foreseeable, submits an <u><i>FML Employee Request</i></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.  <i><b>Note:</b> A separate <u><i>FML Employee Request</i></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.</i>
(Supervisor)	2. Reviews, signs and submits <u><i>FML Employee Request</i></u> to Agency/Department HR within two (2) business days of receipt.  3. <b>If <u><i>FML Employee Request</i></u> is not provided</b> , notifies Agency/Department HR upon receipt of documentation which may support an FML leave.
(FML Coordinator)	4. Reviews <u><i>FML Employee Request</i></u> and verifies FML eligibility and leave entitlement.  5. Completes and sends <u><i>Notification of Leave</i></u> (Form 5) and appropriate FML certification (Form 2, 3,

	<p>or 4) along with the FML Handbook and procedures to employee within two (2) business days of notice.</p>
(Employee)	<p>6. 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>7. If initial certification is not received by identified deadline, follows-up with employee in writing.</p> <p>8. If leave is <b>approved</b>, (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.</p> <p>If FML leave is <b>denied</b>, sends <u>Designation of Leave</u> (Form 6) to employee within five (5) days receipt of certification.</p>
(Employee)	<p>9. Completes timesheets with appropriate FML Time Reporting Codes (TRC).</p> <p><b>Important:</b> <i>Accrued sick leave (including family sick leave) must be applied when eligible during an FML leave. Your other accrued leave balances (e.g., vacation leave, compensating time off, and floating holidays) will be applied (when eligible) during an FML leave <b>unless you provide written notification</b> to your Payroll Clerk (copy to immediately supervisor) to limit the integration of such leaves.</i></p>
(Supervisor)	<p>10. Ensures appropriate FML TRCs are used and verifies employee's timesheets. If employee is not available, completes timesheet on behalf of the employee.</p>
(FML Coordinator)	<p>11. When employee <b>exhausts</b> his/her FML entitlement <b>or deviates</b> from approved leave, sends <u>FML Leave Status</u>" (Form 7) to employee within two (2) business days.</p>
(Employee)	<p>12. If needed, submits a new and/or requested certification every 6-12 months.</p>

**NOTE: Please refer to the Alameda County Family & Medical Leave Procedures (Administrative) for more detailed procedures.**

**FORMS AND ATTACHMENTS**

<b>FORMS</b>	
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
<b>SAMPLE LETTERS</b>	
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**

<b>Contacts</b>	<b>Phone Number</b>	<b>Tie-line</b>
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**

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Mary Welch, Acting Director of Human Resource Services