



# ALAMEDA COUNTY FAMILY AND MEDICAL LEAVE PROCEDURE (EMPLOYEE)

## STATUTORY AUTHORITY

- Federal Family and Medical Leave Act (FMLA)
- California Family Rights Act (CFRA)
- California Pregnancy Disability Act
- 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, benefits and continuation of group health insurance coverage. The FMLA also includes two (2) military family leaves known as “Military Caregiver Leave” and “Qualifying Exigency Leave.” These leave provisions are to care for a current servicemember/covered veteran with a serious injury or illness, and/or any qualifying exigency for a military member on covered active duty or call to covered active duty status with the Armed Forces.

Under the Pregnancy Disability Act, Pregnancy Disability Leave (PDL) provides employees with up to four months (17 1/3 weeks) of unpaid job-protected leave/job restoration, benefits and continuation of group health insurance coverage in the event an employee is disabled 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, certification process, benefits, and maintaining your group health insurance coverage. FMLA, CFRA and PDL are now known as Family and Medical Leaves (FML). Alameda County’s “applicable” leaves of absence (e.g., sick leave, family sick leave, industrial sick leave) will run concurrent with FML leave.

## PROCEDURES

RESPONSIBLE PARTY	ACTION
Operating Department (Employee)	1. When leave is foreseeable, submits an <u>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.  <i><b>Note:</b> A separate <u>Employee Request</u> form 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) may be needed to begin the child bonding leave.</i>
(Supervisor)	2. Reviews, signs and submits <u>Employee Request</u> form to Agency/Department HR/FML/Disability Coordinator/Disability Programs Division (DPD) within two (2) business days of receipt.  3. <b>If <u>Employee Request</u> form is not provided</b> , notifies Agency/Department HR/FML/Disability Coordinator/DPD upon receipt of documentation which may support an FML leave.
(FML/Disability Coordinator/DPD)	4. Reviews <u>Employee Request</u> form and verifies FML eligibility and leave entitlement.  5. Completes and sends <u>Notification of Leave</u> (Form 5) with FML cover letter and appropriate FML certification (Form 2, 3, or 4) along with the FML Handbook and procedure to employee within two (2) business days of notice.

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(Employee)	<p>6. Forwards appropriate certification to health care provider, and submits to FML/Disability Coordinator/DPD by identified deadline.</p> <p>Participates and cooperates in the original and recertification process.</p> <p>If leave is for a qualifying exigency, completes and submits <u>Certification for Qualifying Exigency</u> (Form 4) and required documentation to FML/Disability Coordinator/DPD by identified deadline.</p>
(FML/Disability Coordinator/DPD)	<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/Coordinator.</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 and other applicable leaves (i.e. family sick leave, industrial 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/Coordinator (copy to immediately supervisor) to limit the integration of such leaves.</i></p>
(Supervisor)	<p>10. Ensures FML leave is taken as approved and appropriate FML TRCs are used. Additional leave taken not previously approved shall not be coded as FML without supporting documentation/ recertification approved by FML/Disability Coordinator/DPD.</p> <p>11. Verifies employee's timesheets. If employee is not available, completes timesheets on behalf of the employee. (Note: This step may vary slightly in ACFD)</p> <p>12. <b>Notifies FML/Disability Coordinator/DPD on the day the employee returns from FML leave.</b></p>
(FML/Disability Coordinator/DPD)	<p>13. When employee returns from leave, <b>immediately notifies employee (via email) to contact the Employee Benefits Center (EBC)/ACFD Benefits Coordinator regarding 30 day re-enrollment process for group health insurance coverage.</b></p> <p>14. When employee <b>exhausts</b> his/her FML entitlement <b>or deviates</b> from approved leave, sends <u>Leave Status</u> (Form 7) to employee within two (2) business days.</p>
(Employee)	<p>15. <b>Upon return from FML leave, immediately contacts the EBC/ACFD Benefits Coordinator regarding 30 day re-enrollment process for group health insurance coverage.</b></p> <p>16. Submits a new and/or requested certification as needed.</p>

**NOTE:** Contact your Agency/Department FML Coordinator for more information or refer to the Alameda County Family and Medical Leave Procedure (Administrative) for more detailed procedures. Related forms and resources can be located at [www.acgov.org/hrs/divisions/dp](http://www.acgov.org/hrs/divisions/dp) or the County's Document Center at <http://dsmain.acgov.org/docushare/dsweb/View/Collection-2189> or by contacting your Agency/Department FML Coordinator.

**BOS APPROVED**

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**APPROVED FOR DISTRIBUTION**

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