

FMLA/CFRA/PDLA EMPLOYEE NOTIFICATION FORM

To: Tulare County Office of Education Employees

From: Jeanne Nava, Assistant Superintendent
Human Resources

The Federal *Family Medical Leave Act* (FMLA) and the *California Family Rights Act* (CFRA) provide up to twelve weeks of unpaid, job-protected leave to eligible employees for certain qualifying family and medical reasons. Tulare County Office of Education will maintain the employee's group health plan coverage for the duration of this leave. Leave is also available for pregnancy, childbirth and related medical conditions under the *California Pregnancy Disability Leave Act* (PDLA) and County Office Policy. The following is a synopsis of the provisions and/or information that applies in most cases.

Eligibility for FMLA/CFRA Leave

- Twelve months service with employer *and* 1,250 hours of service in the last twelve months.
- For eligibility purposes, full-time teachers, by regulations, are deemed to meet the 1,250 hour test.
- Even if you are not eligible for FMLA/CFRA leave, if you are disabled by pregnancy, childbirth, or related medical conditions, you are entitled to take a pregnancy disability leave of up to four (4) months depending on the duration of disability. If you are CFRA-eligible, you have a right to take both a pregnancy disability leave, and a CFRA leave for the reason of the birth of your child and in order to care for the child.

Reasons for Leave

- Birth of a child, or in order to care for such child.
- Placement of a child with employee for adoption or foster care.
- To care for serious health condition of spouse, child, or parent.
- Serious health condition of employee that keeps the employee from performing job functions.

Duration of Leave

- Twelve weeks within twelve month period (based on the initial date of the qualifying event).
- If for birth, adoption, or foster care placement, the leave must be initiated within one year of the event. Twelve weeks is in addition to pregnancy disability leave.
- If a leave is taken for an employee's own serious health condition, or for the purpose of caring for a spouse, child, or parent with a serious health condition, an employee may take leave intermittently or on a reduced leave schedule if medically necessary.
- If leave is taken for the birth, adoption, or placement of a child for foster care, the basic minimum duration of leave is two weeks and the leave must be concluded within one year of the birth or placement for adoption or foster care.

Terms of Leave

- Use of accrued vacation time, or other accumulated paid time off (i.e. personal necessity) is required for an employee who takes leave for the birth, adoption or foster care placement of a child, or for the purpose of caring for a spouse, child, or parent with a serious health condition.
- Use of sick leave, vacation and other accumulated paid time off is required for an employee who takes leave for his/her own serious health condition.
- Paid leave and requested unpaid FMLA/CFRA leave will run concurrently.

Advance Notice and Medical Certification

- Thirty days notice is required for foreseeable events; for unforeseeable events, as soon as

practicable.

- The County Office of Education requires medical certification of an employee's own or the employee's family member's serious health condition stating: the date the condition began; probable duration; statement that the condition warrants family member care.
- In case of leave for the employee's own serious health condition, the employee must have the attending physician issue a fitness for duty report, releasing the employee to resume work with or without reasonable accommodation.

Reinstatement/Nondiscrimination

- To the extent required by law, Tulare County Office of Education will reinstate the employee in the same or comparable position after the leave. (An employee who takes leave has no greater right to reinstatement than if he/she had been continuously employed. For example, if there were a reduction in force during the leave, an employee would not be entitled to reinstatement.)
- Tulare County Office of Education shall not refuse to hire and shall not discharge, fine, suspend, expel, or discriminate against any employee for the exercise of his/her right under the FMLA/CFRA.

Failure To Return From Leave

- The employee will be required to repay the premium costs paid by the employer for maintaining the benefit coverage during the period of unpaid FMLA/CFRA leave if the employee fails to return from leave for other than a serious health condition that entitled the leave or other circumstances beyond the control of the employee.

Acknowledgment

- I have received this notification, read and understand its contents, and am aware that copies of Tulare County Office of Education policies regarding FMLA/CFRA and pregnancy disability leave are available from Human Resources and that if I have any questions, I may contact Human Resources staff.