



# Protected Leaves of Absence

Employee Guide to the Family and Medical Leave Act (FMLA), the California Family Rights Act (CFRA), and Pregnancy Disability Leave (PDL)

## Learn about:

- Entitlements;
- Eligibility requirements;
- Employee responsibilities; and
- Additional resources

The County of Los Angeles is supportive of employees who require leaves of absence due to illness or to provide care for qualifying family members. The benefits covered under the FMLA, CFRA, and PDL provide employees with job security, and maintenance of health care insurance, while balancing family responsibilities. This guide provides information about each entitlement.

### ENTITLEMENTS

**FMLA** is a federal law that permits employees to take up to a maximum of 12 workweeks (or 26 for military caregiver leave) of unpaid leave during a 12-month period for qualifying leave reasons. FMLA runs concurrently with CFRA if the employee meets the requirements for both benefits.

**CFRA** is a California law that permits employees to take up to a maximum of 12 workweeks of unpaid leave during a 12-month period for qualifying leave reasons. CFRA runs concurrently with FMLA if the employee meets the requirements for both benefits.

**PDL** is a California law that permits employees to take up to a maximum of 4 months (17.333 workweeks) of unpaid leave for pregnancy-related disability per pregnancy. PDL runs concurrently with FMLA if the employee meets the requirements for both benefits.

### ELIGIBILITY REQUIREMENTS

Permanent, temporary, recurrent, full-time, and part-time employees are eligible for FMLA, CFRA, and PDL. The following requirements apply:

**FMLA/CFRA** – Employee must have an aggregate of 12 months of County service in the past 7 years; and 1,250 hours worked in the 12 months prior to the start of leave.

**PDL** – Employee must be disabled by a pregnancy-related medical condition. There is no “hours worked” or “length of service” requirement.

### QUALIFYING LEAVE REASONS

**FMLA and CFRA** - An employee’s own serious health condition; to care for a spouse, child (including adult dependent child), and parent with a serious health condition; and to bond with a newborn or newly placed child under adoption or foster care (*in loco parentis* applies\*).

\* ***in loco parentis*** is defined as standing in the place of a parent, and charged with a parent’s rights, duties and responsibilities. It does not require a biological or legal relationship.

**Military Exigency Leave** – Activities arising from a qualified family member’s call to active duty. Additional FMLA and CFRA provisions apply.

#### **FMLA Only**

**Military Caregiver Leave** - 26 workweeks of unpaid leave during a 12-month period for an employee who is the spouse, son, daughter, parent or next of kin of a current/veteran covered service member with a serious injury/illness. Leave is granted for illnesses/injuries incurred while on active duty, and on a per injury/illness basis. Other provisions apply.

**CFRA Only** – To care for a domestic partner, parent-in-law, grandparent, grandchild, sibling, and designated person (one person per leave year) with a serious health condition.

**PDL and FMLA** – May run concurrently for pregnancy-related disability or medical condition.



– Turn over for more information

## JOB PROTECTION AND HEALTH BENEFITS

During FMLA, CFRA, and/or PDL leave, an employee's group medical and dental coverage and Health Care Spending Account must be continued on the same basis and under the same conditions as were applicable prior to the leave.

Upon returning from FMLA, CFRA, or PDL, the employee must be reinstated to the same or equivalent position.

### CONTINUOUS/INTERMITTENT/REDUCED SCHEDULE LEAVE OR REASONABLE ACCOMMODATION

Employees may take leave on a continuous or intermittent basis, based on a health care provider's medical certification. Continuous leave is an uninterrupted leave of absence, while intermittent leave is taken in separate blocks of time for a single qualifying reason. The frequency and duration of such leave must be specified on the medical certification.

Leave for bonding with a newborn and/or newly placed child under adoption or foster care may be taken continuously, or in increments of two weeks or greater, except for two occasions.

Employees may also take leave on a reduced work schedule, if medically necessary.

Under the Pregnant Workers Fairness Act, employees disabled by pregnancy who require a reasonable accommodation should contact their departmental Disability Management and Compliance section.

### PAID AND UNPAID LEAVE

The County allows employees to use available leave benefit time in conjunction with an approved FMLA, CFRA, and/or PDL leave of absence. Payroll provisions apply.

**Employee's Own Serious Health Condition** – Employees may use sick, vacation, holiday, overtime, and compensatory time off (CTO). MegaFlex employees may use Non-elective and Elective Leave and may apply for Short-Term Disability benefits.

**Qualifying Family Member, Bonding, and Military Exigency** – Employees may use vacation, holiday, overtime, CTO, Non-elective and Elective Leave (MegaFlex only), and Sick Personal time (Code 112). Sick Time (Code 011) cannot be used.

## EMPLOYEE'S RESPONSIBILITIES

- Provide **30 days** advance notice of need for leave of absence (or as soon as possible in emergency cases).
- Make reasonable efforts to schedule intermittent leave for planned medical appointments to minimize disruption to the department's operation.
- Return the completed Certification of Health Care Provider (CHCP) form and/or required documentation within **15 calendar days**.
- Continue to comply with departmental attendance policies (i.e., call-in procedures for intermittent leave).

## DEPARTMENT'S RESPONSIBILITIES

- Offer a protected leave when information has been received that the leave may be covered by FMLA, CFRA, and/or PDL.
- Provide employee with the Employer Response Packet within **5 business days** from notification of leave.
- Provide the approval/denial letter within **5 business days** from receipt of the CHCP or required documentation.

## ADDITIONAL RESOURCES

**Departmental Leave Management Section** - To request a leave of absence covered under the FMLA, CFRA, and/or PDL, employees may notify their supervisor or contact their [departmental leave management section](#).

**Lactation Program** - The County of Los Angeles promotes and supports breastfeeding and the expression of breast milk by employees who are breastfeeding when they return to work.

Information regarding the Lactation Program, and a list of designated County lactation rooms can be found at: <http://employee.hr.lacounty.gov/lactationprogram-2/>

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For more detailed information about FMLA, CFRA and PDL, refer to the Protected Leaves Website at: <https://employee.hr.lacounty.gov/leave/>.