

POLICIES AND PROCEDURES MANUAL: PERSONNEL
Subject: FAMILY AND MEDICAL LEAVE ACT LEAVE FMLA
and CALIFORNIA FAMILY RIGHTS ACT (CFRA)

INTRODUCTION

Pursuant to the Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA) employees of the City of Taft may be granted leave for a maximum of twelve (12) weeks in each 12-month period. Employees are eligible for FMLA/CFRA leave if they meet both of the following provisions:

1. Have been employed for at least twelve (12) months.
2. Have been employed for at least 1,250 hours of service during the twelve (12) month period immediately preceding the commencement of the leave.

Eligibility for leave will be based on the 12 month period measured forward from the date the employee's first FMLA/CFRA leave begins.

QUALIFYING EVENTS

Leave under the Act is permitted for the following reasons:

1. The birth of a child of an employee, and to care for a newborn. This provision expires twelve (12) months after birth.
2. The placement of a child with an employee in connection with the adoption or foster care of a child by an employee. This provision expires twelve (12) months after placement.
3. Leave to care for a child, parent, spouse or domestic partner who has a serious health condition.
4. Leave because of a serious health condition that makes the employee unable to perform the essential functions of his/her position.
5. Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation
6. To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member. (In certain situations an employee may qualify for up to 26 weeks of leave)

FMLA and CFRA leaves run concurrently with the exception of Leave due to pregnancy. Pregnancy and pregnancy related disabilities are covered under the Pregnancy Disability Leave Act (PDL). For leaves due to pregnancy, FMLA will run concurrently with Pregnancy Disability Leave (PDL)

Leave to care for a domestic partner is covered by CFRA, but not FMLA.

REQUESTING FAMILY AND MEDICAL LEAVE ACT LEAVE

1. Employees wishing to request FMLA/CFRA leave shall submit a letter thirty (30) calendar days prior to the employee's need for leave.
2. If the event necessitating the leave becomes known to the employee less than thirty (30) calendar days prior to the employee's need for leave, the employee shall provide to the employer as much advance notice as possible.
3. The employee's immediate supervisor shall notify the Department Head of the request. The Department Head shall advise the Personnel Officer in writing of the estimated date of return from leave of absence status. The Personnel Officer shall complete a Personnel Action Form noting FMLA/CFRA Leave of Absence and the estimated date of return.
4. The employee shall be placed on FMLA/CFRA leave upon concurrence of the Personnel Officer that the employee is eligible and has provided appropriate qualifying documentation. While on FMLA/CFRA leave, the employee will be required to utilize all accumulated leaves (sick leave, vacation and Comp. Time/ATO) concurrently with FMLA/CFRA leave. The City encourages employees to coordinate the leave time with State Disability Insurance if applicable. Upon exhaustion of paid leave, the employee will be entitled to the balance of the twelve (12) week period on an unpaid status.

An employee who is on FMLA/CFRA leave without pay shall not accrue benefits (vacation, sick leave, holidays, retirement, etc.) The employee will be required to pay their portion of health benefits the same as if the employee were on a paid status.

5. Employees requesting leave to care for a family member or covered service member with a serious health condition must provide written certification from the health care provider of the individual requiring care. The medical certification must indicate that the employee is needed to care for the serious health condition of a child, parent, spouse domestic partner or covered service member.
6. If the FMLA/CFRA leave is requested because of the employee's own serious health condition, the certification must include a statement the employee is unable to perform the essential functions of the employee's position.

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Resolution No.: 2300-95; 3353-11

SECTION 321

7. The City retains the right to designate leave that is also FMLA/CFRA qualifying (example: when a worker's compensation injury which also constitutes a serious health condition) as FMLA/CFRA leave.

REINSTATEMENT FROM FAMILY AND MEDICAL LEAVE ACT LEAVE

1. The Personnel Department shall maintain necessary follow-up to insure that employees placed on FMLA/CFRA leave are either returned to the active payroll or terminated following expiration of such leave.
2. Employees wishing to return to the active payroll after FMLA/CFRA leave for the employee's own serious health condition shall submit a certification from the health care provider that the employee is fit-for-duty and is able to perform the essential functions of his/her job position.
3. In returning FMLA/CFRA leave employees to the active payroll, the Personnel Officer shall complete a Personnel Action Form noting the effective date of return.

Although the City cannot guarantee that an employee returning from FMLA/CFRA leave will be assigned to an identical position on an identical shift, it will make reasonable effort to do so or shall assign the employee to an equivalent position with equivalent employment benefits

TERMINATION AFTER FAMILY AND MEDICAL LEAVE ACT LEAVE

1. Employees who do not return to active employment, or fail to provide medical evidence to support a continuation, prior to the expiration of an approved FMLA/CFRA leave, shall be terminated in accordance with the City's Termination Policy.
2. If an employee fails to return to work after a FMLA/CFRA leave, the City may be entitled to recover its share of health plan premiums paid during the period of unpaid FMLA leave.