

## **NOTICE TO ALL EMPLOYEES FAMILY CARE AND MEDICAL LEAVE AND PREGNANCY DISABILITY LEAVE**

This notice summarizes your rights under the federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA).

### **Basic Leave Entitlement**

Unpaid leave must be granted to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, domestic partner, child, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

### **Military Family Leave Entitlements**

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Federal law also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

### **Benefits and Protections**

During a CFRA/FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from the leave, most employees must be restored to their original position, or in some cases an equivalent position, with equivalent pay, benefits, and other employment terms. Use of family care/medical leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

### **Eligibility Requirements**

Employees are eligible for CFRA/FMLA leave if they have been employed by the employer for at least 12 months, have worked at least 1,250 hours over the previous 12 months, and are employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite.

### **Definition of Serious Health Condition**

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

## **Use of Leave**

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

## **Pregnancy Disability Leave**

Even employees who are not eligible for FMLA/CFRA leave, if disabled by pregnancy, childbirth or related medical conditions, are entitled to take a pregnancy disability leave of up to four months, depending on the period(s) of actual disability. Employees who are CFRA-eligible have certain rights to take BOTH a pregnancy disability leave and a CFRA leave for reason of the birth of their child. When leave is taken for the birth, adoption or foster care placement of a child, the basic minimum duration of the leave is two weeks and the leave must be concluded within one year of the birth or placement for adoption or foster care.

## **Substitution of Paid Leave for Unpaid Leave**

Employees may choose, or employers may require, use of accrued paid leave while taking family care/medical leave. In order to use paid leave for family care or medical leave, employees must comply with the employer's normal paid leave policies.

## **Employee Responsibilities**

Employees must provide at least 30 days advance notice of the need to take family care or medical leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide verbal or written notice as soon as practicable. Failure to comply with these notice rules may result in deferral of the requested leave.

Employees must provide sufficient information for the employer to determine if the leave may qualify for protection under the federal or state family care and medical leave laws, and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities; the need for hospitalization or continuing treatment by a health care provider; or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which family care and medical leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

## **Employer Responsibilities**

Covered employers must inform employees requesting leave whether they are eligible under federal or state family care and medical leave laws. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility. Covered employers must inform employees if leave will be designated as protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not protected, the employer must notify the employee.

## **Unlawful Acts by Employers**

It is unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under federal or state family care and medical leave laws;
- Discharge or discriminate against any person for opposing any practice made unlawful by federal or state family care and medical leave laws, or for involvement in any proceeding under or relating to such laws.

## **Enforcement**

An employee may file a complaint with the U.S. Department of Labor, the California Department of Fair Employment and Housing or may bring a private lawsuit against an employer.

## **For Additional Information:**

- Contact the District's Office of Human Resources.
- Federal resources: call 1-800-4US-WAGE (1-866-487-9243); TTY: 1-877-889-5627; [www.wagehour.dol.gov](http://www.wagehour.dol.gov)
- State resources: call 1-800-884-1684; TTY: 1-800-700-2320; [www.dfeh.ca.gov](http://www.dfeh.ca.gov)