



# GLENN COUNTY PERSONNEL DEPARTMENT

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## **OVERVIEW OF PROTECTED STATUTORY LEAVES FOR COUNTY OF GLENN EMPLOYEES**

A statutory leave of absence provides an employee with job protection and, in some instances, a continuation of health benefits.

Statutory leaves applicable to County employees include, but are not limited to, the following:

### **Family Medical Leave Act (FMLA) and California Family Rights Act (CFRA):**

- Employees may be eligible for up to **12 weeks** of statutory leave under FMLA and/or CFRA, which includes health benefits protection (maintained on the same basis as coverage would have been provided if the employee was working) within a 12- month period of time.
- The County will provide leave of absence information to employees absent for 4 or more workdays, unless the absence is due to a pre-approved vacation, and to those who have frequent absences for sick leave.

### **Pregnancy Disability Leave (PDL):**

- Under PDL, pregnant employees are eligible for up to four (4) months (17.3 weeks) of protected leave, which includes protected health benefits (maintained on the same basis as coverage, had the employee still been working).
- Employees are eligible for PDL upon date of hire providing they meet the disability requirements as defined by PDL (a disability due to pregnancy, childbirth, or related condition). If an employee qualifies for other statutory leaves, PDL will run concurrently with those leaves when applicable.

### **Military Leave:**

Military Leave and Military Caregiver leave (under FMLA) will be provided in accordance with state and federal law (e.g., USERRA, FMLA, Military and Veterans Code) and implementing regulations.

### **Other Statutory Leaves:**

Contact the Personnel Office for more information. Examples of other protected statutory leaves of absence in California include, but are not limited to, leaves granted for the following reasons: Organ Donation Leave; Bone Marrow Leave; Domestic Abuse/Sexual Assault Leave; Victims of Crime Leave; and leave pursuant to Fair Employment and Housing Act (FEHA).

The conditions under which an employee will be restored to employment following termination of leave of absence shall be clearly outlined in writing by the County in conjunction with granting a leave of absence. Upon an employee's return to work after an approved leave of absence, the employee will be reinstated to the employee's former position and working conditions, so long as the returning employee is able to perform the essential functions of the employee's former

position with or without accommodation. However, if there has been a reduction in force or the employee's position has been eliminated during said leave, the employee will be returned to a position in the classification the employee would have been in if the employee had not been on a leave of absence.

**Not Eligible for a Statutory Leave:**

If an employee is not eligible for a statutory leave or needs leave beyond the amount required under the applicable statute, a leave may be requested pursuant to employee's applicable Memorandum of Understanding (leave approvable by Department Head and/or Board of Supervisors, if eligible).

**FAMILY AND MEDICAL STATUTORY LEAVES**

To be eligible for FMLA and/or CFRA:

- An employee must have at least 12 months cumulative service with the County. All prior County service counts towards this requirement time.
- An employee must also have worked at least 1,250 hours within the 12 months immediately preceding the first day of leave. A service member's active duty time can be counted towards the required service time.
- The reason for leave must also meet the definition of a serious health condition as defined by FMLA/CFRA as certified by a medical provider on the County Medical Certification Form. FMLA provides protected leave for up to 12 weeks for a qualifying exigency caused by an employee's covered family member being called to active military duty, and 26 weeks to care for a covered service member with a serious injury or illness.

The County utilizes a rolling 12-month period in determining FMLA/CFRA eligibility. FMLA runs concurrently (i.e., at the same time) with CFRA with a few exceptions. FMLA and CFRA leave entitlements do not run concurrently when an employee is on Pregnancy Disability Leave (PDL will run concurrently with FMLA, but not with CFRA), when an employee requests leave relating to a Registered Domestic Partner (CFRA only), and in a situation where a person is considered 'inpatient,' but does not actually remain overnight in a health care facility (CFRA only).

By law, the County has a duty to designate leave as protected (FMLA/CFRA) if the leave meets the requirements listed above, regardless of whether the employee specifically requests a leave under FMLA and/or CFRA.

**Notice to married couples both working for the County of Glenn:** If both you and your spouse work for the County you must share leave entitlements to bond with a new child and/or to care for certain family members.

**Use of Leave for Employee's Own Serious Medical Condition:**

Employees who are on a leave of absence for their own serious health condition generally must exhaust all available sick leave. Upon exhaustion of sick leave accruals, an employee may elect to coordinate vacation leave or compensatory time off during their leave of absence. However, in accordance with CFRA guidelines, employees who are on a CFRA leave of absence and receiving wage replacement benefits, (such as those provided by Symetra) may elect to freeze their leave bank accruals. (Consult your Memorandum of Understanding, as some of the bargaining units allow employees to maintain a vacation leave balance of eighty (80) hours.)

## **HEALTH BENEFITS DURING LEAVE**

Eligible for FMLA/CFRA and/or PDL: Health Benefits are protected for the first 12 weeks of leave for FMLA/CFRA leave of absence and up to 4 months for PDL. If an employee does not return to work at the end of their statutory leave (FMLA/CFRA/PDL) due to their resignation, the County may recover its share of health plan premiums pursuant to Code of Federal Regulations Section 825.213.

For employees in a paid status, their health insurance premiums will be deducted from their paycheck. For employees in an unpaid status, employees must pay their applicable portion of the health insurance premium while on a leave through the end of their scheduled protected leave. An employee must pay their applicable health insurance premium on or before the first of the month. Failure to pay in a timely manner, may cause a lapse in coverage on the last day of the month for which your premium was previously paid. All questions about insurance premiums while on a leave of absence should be directed to the Glenn County Auditor's Office.

## **EMPLOYEE'S RESPONSIBILITIES - PROTECTED STATUTORY LEAVE**

1. . Meet with the department head or Personnel. Leave must be requested 30 days in advance if the leave is foreseeable. If the leave is not foreseeable, the leave needs to be requested within a reasonable time of learning of the necessity for a leave.

2. Complete the applicable Leave of Absence (LOA) Request Form.

3. Submit a Glenn County Medical Certification Form that has been completed by a medical provider. You must submit the completed Medical Certification Form within 15 days of your receipt of the Preliminary Leave of Absence Notice. An incomplete or inconclusive Medical Certification Form will cause a delay in the approval of a leave request. A general note from your medical provider will not be accepted in lieu of the Medical Certification Form.

**Glenn County's Medical Certification Form (for either employee's own serious health condition or the health condition of a qualifying family member) must be completed as follows:**

a. . Health Care Provider section: (Must be completed in its entirety and contain the following information)

- Employee Name (and Patient Name if leave is to care for a family member)
- Date Medical Condition Commenced
- Expected Return Date
- Completion of the section certifying the condition is FMLA qualifying;
- Completion of the section about the employee's ability to perform work;
- Signed by the Physician including office stamp, or provide physician's name, specialty, address and phone number.

b. Employee Section– Employee will complete, date and sign;

**Failure to provide sufficient information needed to determine eligibility for protected leave may delay and/or cause the request for protected leave to be denied.**

4. If the leave of absence is related to the employee's military duty or in support of an employee's qualified relative who is a current service member or veteran, the appropriate certification must be completed. (Contact the Personnel Office for more information.)

5. An employee shall complete and submit the Coordination of Benefits form notating their election to integrate/coordinate leave accruals with Disability Insurance benefits.

6. Any change in leave/disability status (e.g. extending the original period, return to work, etc.) must be submitted timely, at least 5 days prior to anticipated return to work date, to the department leave coordinator for approval and processing. Employees who take leave for their own serious health condition are required to present medical certification upon their return stating that they are able to return to work and perform the essential functions of their job with or without accommodation at least 5 days prior to their return to work date.

It is the **employee's** responsibility to complete these forms timely and submit to their department. Departments will verify that the appropriate forms were provided and complete and forward to the Personnel Department for processing.

**Need More Information of Verification of FMLA/CFRA/PDL STATUS?**

1. The employee's first point of contact is their supervisor. The Personnel Department determines eligibility for protected leave and processes all paperwork required to request protected and unprotected leaves.
  
2. Glenn County Personnel Department  
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