

Can I take intermittent leave?

For a medical leave, FMLA and CFRA permit you to take an intermittent leave or a reduced work schedule. Your leave will be based on medical necessity.

For the birth or placement of a child, CFRA permits an intermittent schedule to be taken in two-week intervals. However, on two occasions you may take leave in an interval of less than two weeks. Any other request for intermittent leave is granted at the discretion of your department.

How are my insurance premiums paid while I am on a FMLA and/or CFRA Leave?

Depending upon the terms of your MOU, compensation plan, or contract, your Benefit Plan may be continued with the use of your leave balances. If you do not use your leave balances or have no leave balances available during your FMLA and/or CFRA leave, your Benefit Plan will be continued up to a maximum of 12 weeks, as required by both FMLA and CFRA. You will receive a letter entitled "Benefits While on Leave" that outlines your options for continuation of County of San Bernardino benefits.

Since the County is only required to continue your FMLA/CFRA/PDL protected benefits, you will continue to be responsible for your portion of your insurance premiums, if any, while you are on leave. You will also be required to pay the premiums for any non FMLA/CFRA/PDL protected benefits that you wish to continue while you are on a protected leave. If the County is unable to collect your portion of the insurance premiums from your pay warrant, the County will bill you. Failure to pay your share of the insurance premiums timely will result in the loss of your and/or your family's health benefits.

What happens when my 12 weeks of FMLA/CFRA benefits are exhausted?

The County will pay for its portion of your FMLA/CFRA/PDL protected benefits for up to a maximum of 12 weeks (6 pay periods) while you are out on FMLA and/or CFRA and up to a maximum of four months for PDL. If you are entitled to further leave time, you may be required to pay the entire amount of your benefits after the exhaustion of your protected leave time. In addition, your unpaid leave time will not be counted as time worked towards your step increase.



What is FMLA?

FMLA is the Family Medical Leave Act of 1993. FMLA provides job protection to an eligible employee and allows up to 12 weeks of unpaid leave for certain family or medical reasons every 12 months.

What is CFRA?

CFRA is the California Family Rights Act of 1993. CFRA is a State Act that provides leave provisions similar to FMLA.

What types of leave would qualify for FMLA and/or CFRA Leave?

There are two types of leave available to you:

Medical leave is for your own serious health condition or a serious health condition for your spouse, child, or parent (leave is not available for the serious health condition of your parent(s)-in-law). "Your own serious health condition" includes pregnancy. For additional information on how FMLA and CFRA work for pregnancy, see the Pregnancy Disability Leave Supplement.

Family leave is for the: a) birth of your child, or b) placement of an adoptive or foster child in your home. Leave must be taken within 12 months of the birth or placement of the child in your home.

Who is eligible?

To be eligible for FMLA and/or CFRA, you must have worked for the County for at least 12 months and a minimum of 1,250 hours within the past 12 months.

Is my FMLA and/or CFRA Leave paid?

FMLA and CFRA grant you the right to unpaid leave. However, through your employee benefit package, you may choose to use your appropriate leave balances during your FMLA/CFRA leave. Use of your County leave balances is based on your MOU, compensation plan, or contract.

Do I have to use FMLA and/or CFRA Leave all at the same time?

If your leave qualifies for both CFRA and FMLA, such as a medical leave, it will be counted for both CFRA and FMLA at the same time. Only when your leave is for pregnancy will CFRA and FMLA be counted separately and will not run at the same time.



FMLA/CFRA

What it means to you

For further assistance, please contact:

County of San Bernardino
Human Resources Department
Employee Benefits and Services Division
157 West Fifth Street, First Floor
San Bernardino, CA 92415-0440
(909) 387-5787



What benefits or job protection do I get?

The County is required to reinstate you in the same or an equivalent position with the same pay and benefits as the position you held before your leave.

What happens if my FMLA/CFRA Leave runs out while I'm still off work?

Once you have exhausted your FMLA and/or CFRA leave(s), your right to a leave of absence is governed by your MOU, compensation plan, or contract. Any additional leaves of absence are granted by your department and should be discussed with your immediate supervisor.

When can I use my FMLA/CFRA Leave again once it is exhausted?

The County uses a 'rolling calendar' to determine your eligibility for FMLA and CFRA. This means that when you request leave, only the leave taken within the past 12 months will count against your 12 week maximum.

Example: Mary took 2 weeks of leave in December. She requests a leave a few months later that will begin April 5 and end April 30. Looking back over the past 12 months, Mary only used 2 weeks so she is entitled to 10 of the maximum 12 weeks.

What if both parents are County employees and we want to take time off at the same time?

If FMLA and/or CFRA is taken for a medical leave, each employee is entitled to 12 weeks. If FMLA and/or CFRA is taken for family leave, then both employees are limited to a total of 12 weeks between them. In cases where the employees have each taken 6 weeks of family leave, they are each still entitled to the remaining 6 weeks for medical leave.



How do I request my FMLA/CFRA Leave?

You must tell your supervisor of your need for leave at least 30 days before your leave begins if possible. Examples of leave requiring a 30-day notice include an expected birth, a placement for adoption or foster care, or planned medical treatment for you or your family member's serious health condition.

If a 30-day notice is not possible due to lack of knowledge as to when the leave will begin, a change in circumstances or a medical emergency, notice must be given to your supervisor as soon as possible.

All eligible leaves will be designated as FMLA and/or CFRA leave even if you did not specifically request FMLA and/or CFRA leave. Both Federal and State laws require the County, as your employer, to grant you FMLA and/or CFRA leave for all eligible leaves of absence.

How will I know if I'm using my FMLA and/or CFRA Leave?

You will receive notification from Protected Leaves and Disability Provider regarding your FMLA and/or CFRA status. This notification will explain how much time will be counted towards your leave entitlement. Also, this letter will explain how much time will be counted towards your leave entitlement.

Will I be required to provide any other information for my leave to be approved?

If you are taking a medical leave, you must provide a "Health Care Provider Certification for Medical Leave" form completed by your doctor.



Pregnancy Disability Leave Supplement

What is PDL?

PDL is the Pregnancy Disability Leave allowance under the California Fair Employment and Housing Act. PDL allows up to four months of disability leave due to pregnancy.

Who is eligible for PDL?

Any employee disabled by pregnancy as determined by a qualified medical professional.

How does PDL work with FMLA and CFRA?

When a leave is taken due to pregnancy disability, PDL and FMLA will be counted at the same time, since the leave is due to pregnancy disability. CFRA does not cover an employee for pregnancy disability, but allows for an additional 12 weeks for family leave after the employee is medically able to return to work. This is commonly referred to as 'bonding time.' CFRA does not begin until either 1) PDL has been exhausted or 2) the employee is medically released to return to work.

How does this affect my County benefits?

Your flexible benefit plan dollars/premium subsidy will continue for the duration of your PDL. If you normally pay for part of your health insurance premiums above and beyond what your flexible benefit dollars or medical premium subsidy cover, you are required to continue to pay while you are out on leave.

What happens if I exhaust my PDL before I am medically released back to work?

The County will start your CFRA leave once your PDL has been exhausted, even if you are not medically released back to work. This protects your position while you are out on leave.

If all three leaves are exhausted, can I still take bonding time?

If you have exhausted your FMLA, CFRA, and PDL entitlements, additional family leave time for bonding is at the discretion of your supervisor.

For family leave, you must provide a "Health Care Provider Certification for Family Leave" form. This form should be completed by your family member's doctor. If you do not provide either of these certifications, your request for FMLA and/or CFRA leave may be denied.

What do I have to do when I am ready to come back to work?

In all cases, you must contact your supervisor before you return to work. You will need to be examined at the Center for Employee Health and Wellness before you return to work if you were off work for any of the following reasons:

- greater than 10 workdays due to a serious health condition
- if you have an occupational injury
- if you have a communicable disease
- if your medical provider has ordered any job modifications

You must provide your supervisor with a copy of your return to work order five (5) working days prior to reporting back to work so your supervisor can schedule your return to work appointment at the Center. Your return to work order should include any work restrictions or modifications that are necessary.

At the end of your examination, the Center will provide you with a "Notice of Medical Evaluation" form. This form will indicate if you are able to return to work and will list any work restrictions/modifications. The Center will send a copy to your department, but you will need to take your copy to your supervisor.

Where do I go for more information?

You can contact your immediate supervisor, manager, payroll specialist, or Human Resources Officer with questions or for additional information.

