



County of San Diego Leave of Absence Toolkit



TABLE OF CONTENTS

INTRODUCTION	3	Department Notice	13
FMLA, CFRA and PDL OVERVIEW	4	Disability Plans	13
The Law	4	Injury Leave Exclusion	13
County of San Diego Ordinance and Policies	4	Use of Accrual Balances During Leave of Absence	13
FMLA/CFRA Leave	6	Leave Integration/Buyback.....	13
FMLA/CFRA Eligibility.....	6	Employee Health and Life Insurance Benefits	14
Reasons for Leave.....	6	Exhausted Leave Entitlement	14
What is a Serious Health Condition?	6	Recordkeeping.....	14
Definition of Health Care Provider.....	7	Benefit Payments Upon Return-to-Work	15
Employee Responsibility	7	Reinstatement.....	15
Department Responsibility	7	Return to Work Certification	15
Employee Responsibility	8	DISABILITY INCOME PROTECTION PROGRAMS	16
FMLA/CFRA Recertification.....	8	Payment While on Leave.....	16
FMLA/CFRA Extensions.....	8	County Paid Long Term Disability Insurance	17
FMLA/CFRA Tracking Calendar Method	9	Employee Checklist for Leaves of Absences	18
PREGNANCY DISABILITY LEAVE BASICS	10	Supervisor Checklist	20
Reasons for Pregnancy Disability Leave (PDL)	10	DHRO/Leave Coordinator Checklist:	21
Length of Leave	10	EMPLOYEE BENEFITS CHECKLIST	22
Eligibility	10	FMLA/CFRA NOTICE OF EMPLOYEE RIGHTS AND OBLIGATIONS	23
PDL Coordination with Other Leaves.....	10	FREQUENTLY ASKED QUESTIONS: FAMILY MEDICAL LEAVE ACT (FMLA), CALIFORNIA FAMILY RIGHTS ACT (CFRA)	25
Employee Responsibility	10	PDL NOTICE OF EMPLOYEE RIGHTS AND OBLIGATIONS	27
Department Responsibility	10	FREQUENTLY ASKED QUESTIONS: PREGNANCY DISABILITY LEAVE (PDL)	28
PDL Certification	11	APPENDIX	31
PDL Extensions.....	11	COUNTY OF SAN DIEGO COMPENSATION ORDINANCES AND POLICIES	31
PDL Tracking Method	11	FORMS	31
ORGAN AND BONE MARROW DONATION LEAVE	12	REFERENCES	31
Reasons for Organ and Bone Marrow Donation Leave.....	12	DISABILITY PLANS.....	31
Length of Leave (Organ Donation).....	12		
Length of Leave (Bone Marrow Donation)	12		
Eligibility	12		
MANAGING PROTECTED LEAVES	13		



INTRODUCTION

Changes to Federal and State legislation periodically result in the need for updates to the County of San Diego's Policies and Compensation Ordinance regarding leaves of absence. The purpose of this manual is to introduce regulations, policies and provide guidance to supervisors when administering leaves.

Every effort has been made to ensure that the information contained in this guide is accurate as of January 1, 2023; however, regulations and policies can change rapidly. This manual is a tool, not a policy, and it should not be cited as an authoritative resource. Please refer to the Department of Human Resources homepage located on the County's Intranet to view any new Policy or Comp Ordinance changes.



FMLA, CFRA AND PDL OVERVIEW

The Law

The laws below address medical and family care leave for most California employers, including the County of San Diego:

- **The Federal Family and Medical Leave Act (FMLA) of 1993**
- The California Fair Employment and Housing Act (FEHA)
 - **California Family Rights Act (CFRA)**
 - **Pregnancy Disability Leave (PDL) modified by statute January 2012**

County of San Diego Ordinance and Policies

The details of Family Medical Leave and Pregnancy Disability Leave administration may be found in the Department of Human Resources Policy and Procedures Manual and the Compensation Ordinance:

- Department of Human Resources Policy and Procedures Manual – Policy #505
- Department of Human Resources Policy and Procedures Manual – Policy #511
- Compensation Ordinance of the County of San Diego – Article 4.3, Section 4.3.1

Generally, the intent of these laws and policies are to allow eligible employees to balance their work and family lives by taking reasonable unpaid leave. Under FMLA, CFRA and PDL:

- No adverse action may be taken against an employee who requests and/or takes FMLA, CFRA or PDL
- Group health plan coverage must be maintained under the same conditions as if the employee had not taken leave
- Upon return from FMLA, CFRA or PDL, an employee must be restored to the same or equivalent position with equivalent pay, health insurance and other employment terms

Family Medical Leave Act (FMLA)

Requires employers to provide unpaid leave due to a qualifying reason:

- Not able to perform the essential functions of their job
- To care for your spouse, child, or parent with a serious health condition
- For the birth, adoption or foster placement of a child

Military Family Leave Entitlements

Under the National Defense Authorization Act of 2008, FMLA is extended for Military Families to:

- Provide 12 weeks of FMLA leave due to any qualifying urgent need arising out of the fact that a covered family member of the employee is on active duty or has been notified of an impending call or order to active duty or deployment in the Armed Forces
- Provide up to 26 weeks of FMLA leave to care for a spouse, child or parent that suffered injury or illness in the line of duty; CFRA allows up to 12 weeks and includes domestic partners
- Military caregiver leave is available once per veteran, per serious injury or illness. However, an eligible employee may take an additional 26 weeks of leave in a different 12-month period to care for the same veteran if the veteran has another serious illness or injury



California Family Rights Act (CFRA)

CFRA requires the County to grant leave under the following circumstances:

- To care for their own serious health condition
- To care for child, spouse, parent, parent-in-law, grandparent, grandchild, sibling, or a designated person's serious health condition
- To bond with a new child (by birth, adoption, or foster placement)
- To attend to a qualifying exigency due to a covered family member being on active military duty or called to active military duty including short-term deployment, military events and activities, childcare or school arrangements, financial and legal arrangements, counseling, rest and recuperation, and post-deployment activities

Pregnancy Disability Leave (PDL)

PDL provides up to 17 1/3 weeks of leave during the time an employee is disabled and unable to perform their job due to pregnancy, childbirth, or related medical conditions.



FMLA/CFRA LEAVE

FMLA/CFRA Eligibility

Any full-time, part-time, temporary, or seasonal employee who meets all these conditions:

- Has at least 12 months of County service within the previous seven years counts
- Worked at least 1,250 hours during the 12 months immediately preceding the leave request
 - Paid leave, such as vacation, sick leave or CTO, does not count toward the 1,250-hour requirement as hours worked
 - National Guard or Reserve military obligation shall be credited with the hours of service that would have been performed, excluding sick or vacation
 - PDL shall count as hours worked when determining eligibility for a related pregnancy FMLA/CFRA leave request
 - CFRA regulations state that the time during which the employee is on leave counts towards the length of service requirement, but not towards hours worked
- The employee has not exhausted their 12 weeks (26 weeks under Military Caregiver Leave) of leave under the current FMLA/CFRA calendar

Reasons for Leave

- An employee's own serious health condition
- The serious health condition of the employee's covered family member or designated person
- To attend to a qualifying exigency due to a covered family member being on active military duty or called to active military duty

What is a Serious Health Condition?

A serious health condition is an any illness, injury, impairment or physical or mental condition that requires either:

- Inpatient care, which includes either;
 - An overnight stay in a hospital, hospice, or residential care facility, or
 - Or any subsequent treatment in connection with such inpatient care
- Continuing treatment by a Health Care Provider involving a period of incapacity of more than three consecutive days, and:
 - Treatment two or more times within 30 days of the first day of incapacity, or
 - Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider
 - Both treatments require in-person visits to a health care provider and the first visit must take place within seven days of the first day of incapacity
- Incapacity due to:
 - Pregnancy or prenatal care
 - A chronic serious health condition which is under the supervision of a health care provider
 - Long-term or permanent due to a condition for which treatment may not be effective
- Any period of absence to receive multiple treatments (including a period of recovery) for either:
 - Restorative surgery after an accident or injury, or
 - Restorative dental or plastic surgeries after an injury or removal of cancerous growth can be considered a serious health condition
 - A condition that would likely result in a period of incapacity of more than three days in the absence of medical treatment



- Filling in for others who are caring for the family member, or to make arrangements for changes in care, such as transfer to a nursing home

A serious health condition does not include minor illnesses, such as the common cold, flu, earaches, upset stomach, or routine dental problems, orthodontic treatments, or periodontal disease.

Cosmetic treatments (such as most treatments for acne or plastic surgery) are not “serious health conditions” unless inpatient hospital care is required, or complications develop.

Definition of Health Care Provider

The FMLA/CFRA defines a health care provider as a doctor of medicine or osteopathy licensed in the State in which they are practicing. It also includes the following:

- Podiatrists, dentists, clinical psychologists, optometrists, and to limited extent, chiropractors
- Nurse practitioners, nurse-midwives, clinical social workers and physician assistants
- Christian Science Practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts
- A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country

The health care provider must be licensed or otherwise authorized to diagnose and treat physical or mental health conditions within the scope of their practice and in the State or Country in which they are practicing.

Employee Responsibility:

When the need for FMLA/CFRA is foreseeable, the employee is required to give 30 days’ advance notice.

If the need for leave is unforeseeable, the employee must provide notice as soon as practicable.

- The employee must notify their supervisor that they need to take leave
- Complete the FMLA/CFRA Leave Request, and
- Have their health care provider complete the FMLA/CFRA Leave Medical Certification (The underlying diagnosis should not be on the certification.)

The Employee must provide the request form and certificate with proof of a serious health condition to their Departmental Human Resources Officer (DHRO) or Leave Coordinator within the 15-calendar day timeline set by the Department of Labor and the Department of Fair Employment and Housing.

Department Responsibility

Supervisor:

When an employee notifies the supervisor that they need to be off work for more than 3 consecutive days, the supervisor will contact the DHRO and ask that the FMLA/CFRA Leave Request be sent to the employee.

If the supervisor is not notified prior to the employee being off work for more than 3 consecutive days, on the fourth (4th) day of absence, the supervisor will:

- Contact the employee to provide preliminary approval of FMLA /CFRA leave by reading the “Supervisor’s Statement” to the employee
- Complete the Supervisor’s section on the FMLA/CFRA Leave Request
- Forward the FMLA/CFRA Leave Request to the DHRO



Departmental Human Resources Officer (DHRO):

- Will coordinate the leave with the employee
- Forward the FMLA/CFRA Leave Request and FMLA/CFRA Leave Medical Certification (Employee) or FMLA/CFRA Leave Medical Certification (Family Member) to the employee to complete and return
- Once the signed forms are returned, complete the DHRO section and review for accuracy
- Notify the employee that their FMLA/CFRA leave has been provisionally granted or denied
- Prepare and maintain the FMLA/CFRA Tracking Form throughout the leave period and enter the leave on the FML Tracking panel and if necessary the Job Data panel.
- Email the completed forms to the Department of Human Resources, Employee Benefits Division within 24 hours of receipt

If an employee does not provide FMLA/CFRA leave forms but does provide a doctor's note or verbal notice of a qualifying event, the Department will complete the FMLA/CFRA Leave Request form on behalf of the employee and forward it, with any supporting documentation, to the Department of Human Resources, Employee Benefits Division.

- An employee does not have to use the specific words "Family Medical Leave" or "California Family Rights Act" to be eligible for FMLA/CFRA. When an employee requests leave, it is the department's responsibility to notify the employee of their rights and obligations under FMLA/CFRA, and to ascertain sufficient information to determine whether the leave could be designated as FMLA/CFRA

Granting FMLA/CFRA to an employee is mandatory unless the employee does not qualify.

If an employee fails to provide required medical documentation, then FMLA/CFRA may not be granted.

Employee Responsibility

FMLA/CFRA Recertification

Under certain circumstances, recertification of a serious health condition may be required.

FMLA/CFRA Extensions

(Not exceeding the 12-week limit)

In the event an employee is requesting an extension to their current approved FMLA/CFRA, the employee will be required to submit a doctor's certification to their department for review.

- An FMLA/CFRA extension does not require re-qualification if it pertains to the currently approved leave reason
- If the additional leave is requested for a different reason than the original leave, the employee must re-qualify

(Exceeding the 12-week limit)

In the event the employee is requesting an extension of their current approved FMLA/CFRA, and they have exceeded their 12-week limit, the extension request will be denied, but may be coordinated by the department under a non FMLA/CFRA approved leave.



FMLA/CFRA Tracking Calendar Method

FMLA/CFRA tracking starts on the first day that leave is taken and stretches forward 12-months. All FMLA/CFRA leave taken during that 12-month period will be counted toward the employee's annual FMLA and/or CFRA entitlement.

When the current 12-month period expires, the employee's FMLA/CFRA entitlement resets, provided eligibility requirements are met.

Ensure that **every** entry for the rolling calendar is entered on the FMLA and CFRA Balance Tracking Form.

[Provide a copy of the FMLA and CFRA Balance Tracking Form with each FMLA/CFRA request.](#)

County of San Diego FMLA and CFRA Balance Tracking Form										
EMPL ID:										
NAME:										
DEPARTMENT:										
Eligibility		Rolling Calendar Start		FMLA		CFRA		Leave Balance Order Usage		
Hire Date:		Rolling Calendar End						Priority #1: Vacation		
Hours Worked:		Starting Balance						Priority #2:		
Standard Hours:		Hours Used		0.00		0.00		Priority #3:		
Hours Entitled: 0.00 (Standard Hours x 12)		Ending Balance		0.00		0.00		Priority #4:		
								Priority #5:		
Request #	Request Type	Request Status	Request Reason	Leave Type	Date Range of Request(s)		Hours Available (Date Range)	Total Hours Requested	Total Hours Granted	Outside of Rolling Calendar
Request #1					Start Date	End Date				
Request #2										
Request #3										
Request #4										
Request #5										
Request #6										
Request #7										
Request #8										
Request #9										
Request #10										
								0.00	0.00	
Entry required for anything in this color block.										
Comments:										
Request Form Hour Tracker by Request Pay Code Reference FMLA CFRA Reference										

Example: Anna is approved for FMLA/CFRA to care for her mother. She takes her first day of leave on April 13, 2023. All FMLA time she uses from this date through April 12, 2024, will count toward the same maximum total. If Anna reaches her maximum at any time before April 12, 2024, no additional time will become available until on or after April 13, 2024.

**County of San Diego
FMLA and CFRA Balance Tracking Form**

EMPL ID: 333333
 NAME: Anna Benefits
 DEPARTMENT: HHS

Eligibility		FMLA	CFRA	Leave Balance Order Usage			
Hire Date:	9/6/2017	Rolling Calendar Start	4/13/2023	Rolling Calendar End	4/12/2024	Priority #1:	Vacation
Hours Worked:	1,366.00	Rolling Calendar End	4/12/2024	Starting Balance	480.00	Priority #2:	
Standard Hours:	40.00	Hours Used	0.00	Ending Balance	480.00	Priority #3:	
Hours Entitled:	480.00 (Standard hours x 12)	Ending Balance	480.00	Priority #4:		Priority #5:	

Request #	Request Type	Request Status	Request Reason	Leave Type	Date Range of Request(s)		Hours Available (Date Range)	Total Hours Requested	Total Hours Granted
					Start Date	End Date			
Request #1	Intermittent	Granted	FMLA/CFRA - Care of Parent	FML/CFRA	4/13/2023	4/12/2024	2,096.00	2,096.00	0.00
Request #2									
Request #3									
Request #4									
Request #5									
Request #6									
Request #7									
Request #8									
Request #9									
Request #10									
								2,096.00	0.00

Entry required for anything in this color block.

Request Form | Hour Tracker by Request | Pay Code Reference | FMLA CFRA Reference

The proper entry should be completed on row 19 to show the complete start and end date, which will also be reflected in the FMLA/CFRA Tracking panel.

PREGNANCY DISABILITY LEAVE

Reasons for Pregnancy Disability Leave (PDL)

Employee may request PDL leave for time off needed for prenatal care, severe morning sickness, doctor-ordered bed rest, and recovery from childbirth.

Length of Leave

PDL provides up to 17 1/3 weeks (the equivalent of 693 hours for employees scheduled to work 40 hours per week) of unpaid leave per pregnancy disability caused by the employee's pregnancy, childbirth, or a related medical condition. PDL is available on an intermittent or continuous basis, upon proper certification by the health care provider.

- PDL leave time is pro-rated according to the employee's established work schedule

Eligibility

Employees are eligible to take Pregnancy Disability Leave upon the date of hire, regardless of the number of hours worked.

PDL Coordination with Other Leaves

Pregnancy disability leave beyond PDL, may also qualify under FMLA/CFRA as a serious health condition.

Employee Responsibility

An employee should request PDL from their supervisor when they become aware a leave of absence is necessary.

- The employee must complete the Pregnancy Disability Leave Request form and obtain Certification from their Healthcare Provider
- Completed forms should be submitted to the Department Human Resources Officer (DHRO) within 30 days of a foreseeable events

For unforeseeable events, employee needs to verbally notify the DHRO as soon as they learn of the need for the leave.

Department Responsibility

Supervisor:

When an employee notifies the supervisor that they need to be off work for more than 3 consecutive days, the supervisor will contact the DHRO and ask that the Pregnancy Disability Leave Request form be sent to the employee.

If the supervisor is not notified prior to the employee being off work for more than 3 consecutive days, on the fourth (4th) day of absence, the supervisor will contact the employee to provide preliminary approval of PDL leave by reading the "Supervisor's Statement" to the employee.

- Complete the Supervisor's section on the Pregnancy Disability Leave Request form
- Forward the Pregnancy Disability Leave Request form to the DHRO



Departmental Human Resources Officer (DHRO):

- Will coordinate the leave with the employee
- Forward the Pregnancy Disability Leave Request form and Medical Certification to the employee to complete and return
- Once the signed forms are returned, complete the DHRO section and review for accuracy
- Notify the employee that their PDL leave has been provisionally granted or denied
- Enter the leave on the Job Data page in the PeopleSoft system
- Email the completed forms to the Department of Human Resources, Employee Benefits Division within 24 hours of receipt

If an employee does not provide PDL forms but does provide a doctor's note or verbal notice of a qualifying event, the Department will complete the Pregnancy Disability Leave Request form on behalf of the employee and forward it, with any supporting documentation, to the Department of Human Resources, Employee Benefits Division.

If an employee fails to provide required medical documentation, then PDL may not be granted.

PDL Certification

The employee should provide a completed PDL Request Form and a medical certification from their health care provider to their department within **15 days** of receiving the form.

PDL Extensions

In the event an employee is requesting an extension to their current approved PDL, the employee will be required to submit a doctor's certification to their department for review.

The department may line through the previous end date, insert the new date and initial the change on the request form. The request and updated medical certification may be submitted to Benefits for review.

PDL Tracking Method

Benefits maintains the PDL Tracking log and submits an email verification of approvals or denials to the department.

PDL tracking starts on the first date that PDL leave is taken and stretches forward for 17 1/3 weeks (the equivalent of 693 hours for employees scheduled to work 40 hours per week).

A new 17 1/3-week period of PDL entitlement will begin due to a new pregnancy, even if it is within the same calendar year.



ORGAN AND BONE MARROW DONATION LEAVE

Reasons for Organ and Bone Marrow Donation Leave

- Employee may request leave to serve as an organ or bone marrow donor when there is a medical necessity for the donation

Length of Leave (Organ Donation)

Organ Donation provides up to sixty (60) business days of leave for the purpose of an organ donation.

If the employee has exhausted all available sick leave accruals, the County shall pay for a maximum of up to the initial thirty days (30) business days, or equivalent hours, for the leave of absence so that they may donate their organ to another person for an organ transplant.

- Employee shall be required to use available sick leave balances concurrently with the additional 30 days for organ donation leave
- If sick leave balances are exhausted, employee shall be required to use other applicable paid leave balances concurrently with the additional 30 days for organ donation leave
- Employee's leave may not exceed sixty (60) business days for the purpose of organ donation in any 12-month period

Length of Leave (Bone Marrow Donation)

Bone Marrow Donation provides up to five (5) days of leave for bone marrow donation.

- If the employee has exhausted all available sick leave accruals, the County shall pay for up to five (5) business days, or equivalent hours, for the employee to take the leave of absence so that they may donate their bone marrow to another person

Eligibility

Must be an employee preceding the commencement of the leave. There is no length of service requirement.



MANAGING PROTECTED LEAVES

Department Notice

The department must provide provisional approval to the employee within **two** working days of the request for leave if the employee meets the eligibility requirements and provides appropriate documentation.

Disability Plans

Employees who go out on a leave of absence due to a non-work-related illness or injury may be eligible for an income supplement if they are enrolled in a Short-Term and/or Long-Term Disability plan.

Injury Leave

Time taken for a 4850 Injury Leave that is related to a Workers' Compensation claim shall count as hours worked when determining eligibility for FMLA/CFRA.

Union Leave

Hours worked for the Union may be counted towards hours worked when determining FMLA/CFRA eligibility.

Use of Accrual Balances During Leave of Absence

FMLA/CFRA

FMLA/CFRA is an unpaid leave of absence. An employee will be required to use available paid leave balances concurrently with the FMLA and CFRA leaves, except for the following:

- While on bonding leave, employees have the option to decline the use of sick leave balances
- Employees receiving SDI or PFL benefits through EDD have the option to decline the use of all County leave balances
Employees receiving benefits from the County short-term or long-term disability providers have the option to decline the use of all County leave balances

PDL

PDL is an unpaid leave of absence. An employee will be required to use available sick leave balances concurrently with PDL, except:

- Employees receiving SDI benefits through EDD have the option to decline the use of all County leave balances
- Employees receiving benefits from the County short-term or long-term disability providers have the option to decline the use of County leave balances

For all leaves, employees **MUST** notify their Departmental Human Resources Officer (DHRO) in advance if they decline the use of leave balances.

If no request is made, sick leave balances will be used prior to vacation leave balances.

Leave Integration/Buyback

Employees receiving SDI benefits in conjunction with paid leave are required to participate in the County's buyback/integration process.

Employees who are currently enrolled in any County offered short- or long-term disability benefits may not collect more than 100% of their pay while on leave.

Central Payroll Administration will ensure any leave hours paid in excess of 100% paid to the employee's paycheck will be reconciled.



Employee Health and Life Insurance Benefits

An employee's health and life insurance benefits are protected and remain in an active status while the employee is on approved FMLA/CFRA, and PDL regardless of whether or not the employee is using leave accrual balances (such as sick hours or vacation hours). The employee is responsible for their normal portion of the health and life insurance benefit costs incurred while on FMLA/CFRA, and PDL.

FMLA/CFRA and PDL — paid status (using available accrued balances)

The County will continue to pay its portion of the benefit costs and provide flexible credits. Health and life insurance premium deductions should continue to be deducted from the employee's paycheck according to the regular payroll cycle. If any deductions are missed while the employee is on FMLA/CFRA and PDL, they will be collected through payroll adjustments upon the employee's return from leave.

FMLA/CFRA and PDL — unpaid status (available accrued balances are not being used)

The County will continue to pay its portion of the benefit costs. However, since the employee is not receiving regular paychecks from the County, the flexible credits and insurance premium deductions cannot be processed according to the regular payroll cycle. The deductions and flexible credits will be applied through payroll adjustments upon the employee's return to work.

Exhausted Leave Entitlement

Employees who are placed on an unpaid Leave of Absence due to "Health," "Maternity/Paternity" or "Other" and who are not on PDL, FMLA/CFRA will have their benefits terminated and will have an opportunity to continue their medical benefits as mandated by the Affordable Care Act (ACA).

The employee has two options to continue their medical plan:

- Elect coverage through one of the High Deductible plans. A County offset will reduce the cost of this plan at the employee only level of coverage, or
- Elect a medical plan other than one of the High Deductible plans and pay 100% of the cost. If the employee is enrolled in dental and vision, they may continue coverage through COBRA (Consolidated Omnibus Budget Reconciliation Act)

The [Leave of Absence \(sandiegocounty.gov\)](http://sandiegocounty.gov) page has more information regarding benefits while on leave.

Recordkeeping

Accurate recordkeeping is essential for FMLA/CFRA or PDL administration. Departmental procedures may vary, but some general principles apply:

- All leave taken under FMLA/CFRA or PDL must be tracked
- Continuous leave is measured in full-day increments. The start date and end date of a continuous leave should match the Continuous FMLA/CFRA or PDL Request on file with the Department of Human Resources, Employee Benefits Division. Any changes in the leave dates must be communicated to the Department of Human Resources Employee Benefits Division via an amended leave request form
- All records concerning medical leaves of absence are confidential and the official copy of such records shall be retained by Employee Benefits Division and the Department Human Resources Officer (DHRO)/Leave Coordinator and must be maintained separately from the employee's regular personnel records



Benefit Payments Upon Return to Work

If an employee takes unpaid PDL, FMLA/CFRA leave, and misses one or more paychecks during their leave, their health care coverage will continue, however, any premiums paid by the County on the employee's behalf during the leave will remain their responsibility to pay and will be collected as follows:

- Upon employee return to work, any outstanding health care premiums will be deducted from future pay checks until outstanding premium balance is paid
- If the employee does not return to work, repayment will be coordinated by the employee's department and obtained through Revenue & Recovery

Reinstatement

Upon return from PDL, FMLA/CFRA leave, an employee is entitled to return to the same position the employee held when the leave commenced, or to an equivalent position, pay, benefits and working conditions. An equivalent position should involve the same or substantially similar duties and responsibilities and be located at a geographically proximate work site.

Return to Work Certification

A return-to-work certification is required from the employee's health care provider if the employee has been on leave due to their own serious health condition. It should include a statement by the health care provider indicating the employee's ability to perform the essential functions of the position.

Please refer to Pregnancy Disability Leave and Family Medical Leave Act and California Family Rights Act policies for complete provisions. In the event of a discrepancy, the Compensation Ordinance and County's Leave of Absence Policies shall prevail.



DISABILITY INCOME PROTECTION PROGRAMS

	Payment While on Leave						
	California State Provided Leave Payment		Voluntary Disability				County Paid Disability
Type of payment:	California State Disability Insurance	California State Disability Insurance Paid Family Leave	Lincoln Short Term Disability with CA SDI	Lincoln Short Term Disability without CA SDI	Lincoln Paid Family Leave without CA SDI	Lincoln Long Term Disability	MetLife Tong Term Disability
Payment runs concurrent with:	FMLA, CFRA and/or PDL	FMLA and/or CFRA	FMLA, CFRA and/or PDL	FMLA, CFRA and/or PDL	FMLA and/or CFRA	FMLA and/or CFRA	FMLA and/or CFRA
Employees eligible for leave:	<ul style="list-style-type: none"> - Earned at least \$300 from which SDI deductions were withheld during previous period - Must be under the care and treatment of a licensed physician/practitioner or accredited religious practitioner during the first eight days of their disability - Must remain under care and treatment to continue receiving benefits 		All Eligible Employees with CA SDI	All Eligible Employees without SDI	All Eligible Employees without SDI	All Eligible Employees	All Eligible Employees in Class 1, 2 and 3
Reasons for leave:	The individual must be unable to do their regular or customary work	<ul style="list-style-type: none"> - Care for a seriously ill child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner.* - Bond with the employee's new minor child or the new minor child of the employee's spouse or registered domestic partner. - Bond with a minor child in connection with the adoption or foster care 	The individual must be unable to do their regular or customary work	The individual must be unable to do their regular or customary work	<ul style="list-style-type: none"> - Care for a seriously ill child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner.* - Bond with the employee's new minor child or the new minor child of the employee's spouse or registered domestic partner. - Bond with a minor child in connection with the adoption or foster care. 	The individual must be unable to do their regular or customary work	The individual must be unable to do their regular or customary work
Benefits during leave begin on:	8th Day of Disability	1st Day of Leave No waiting period	15th Day of Disability	8th Day of Disability	1st Day of Leave	181st Day of Disability	Days of Disability Class 1 - 30 Days Class 2 - 60 Days Class 3 - 90 Days
Maximum leave duration:	1 Year	8 Weeks	24 Weeks	3, 7, or 12 Weeks	8 Weeks	Normal Social Security Retirement Age	Normal Social Security Retirement Age
Payment during leave:	60 - 70% for a weekly maximum of \$1,620	60 - 70% of wages earned 5 to 18 months before your claim start date. Weekly maximum of \$1,620 for up to 52 weeks.	25% up to \$1,000 a week	60% up to \$1,620 a week	60-70% for a weekly maximum up to \$1,620	60% up to \$5,000 a month	Class 1 - 66.67% to \$12,000 Class 2 - 66.67% to \$12,000 Class 3 - 66.67% to \$8,000

*CA PFL definition of a family member was NOT amended by AB1041 to include designated person. Employees who are approved for CFRA for care of a designated person will not be eligible to receive CA EDD PFL or County PFL benefits.

EMPLOYEE CHECKLIST FOR LEAVES OF ABSENCES

Leave Request

- Notify your supervisor, manager, [DHRO and/or Leave Coordinator](#) of the need for a leave.
- Complete a [County of San Diego Leave Request Form](#) and Submit to your DHRO or Leave Coordinator.
 - For a bonding time, attach a copy of the child's record of birth/birth certificate
 - For an illness and/or injury, attach a copy of the medical certification form ([Forms](#))
- If electing to keep leave balances because you are receiving disability or paid family leave, sign and provide the [SDI and PFL Authorization Form](#) and/or [Integration Information and Salary Continuation Form \(LTD-Vol STD-PFL\)](#) to your DHRO/Leave Coordinator.

Before Your Leave of Absence:

- Before you leave the office, obtain a copy of your Benefits via PeopleSoft >Self Service>Benefits Details>View Current Benefit
- If you are currently contributing to a dependent daycare account, you are ineligible for reimbursement of claims incurred during your leave of absence. If you would like to stop your dependent daycare contributions, contact [Employee Benefits](#).

Filing for voluntary short-term or long-term disability benefits or County provided long-term disability

- Contact Lincoln (LFG) at 888-480-7810 to establish your claim. Provide Group ID#800020, Policy #01026914
- Email Employee Benefits at DHRBenefits.FGG@sdcounty.ca.gov to begin your MetLife LTD claim

Filing for EDD:

- If filing a claim to EDD through <https://www.edd.ca.gov/claims.htm> for Paid Family Leave (PFL) Claim and State Disability Insurance, you must use the **mailing address**: 5500 Overland Ave., Ste. 370, San Diego, CA 92123
- If you receive PFL/SDI Statements directly from EDD, fax them to the Auditor and Controller's Office at 858-694-2052 immediately

Communication

- Connect regularly with your DHRO to discuss leave status changes that may affect your benefits.
- If your physician extends your leave, notify your Supervisor/DHRO/Leave Coordinator to request an extension.
- Notify your Supervisor/Department and DHRO/Leave Coordinator to request a leave extension outside of an approved leave period.
- If you change your address/email/phone number, notify your DHRO to update PeopleSoft to ensure you receive timely communication.
- Review all mail from the County and insurance carriers. Complete and submit forms and payments by the listed deadlines for any coverage you want to continue while on leave.



Going on Leave Due to Pregnancy:

- Provide a copy of the medical certificate with the estimated date of delivery and estimated **start and end date of disability leave.**
- Notify DHRO/Leave Coordinator of delivery date and post-partum appointment date (make sure to request a medical release note stating the type of delivery).
- Provide a copy of the record of birth from the hospital.

Qualifying Life Event

- For [Qualifying Life Events](#) such as the birth of a baby, enrollment in a spouse's benefits, Medicare or Medi-Cal or removing a dependent from a plan, email Employee Benefits at DHRBenefits.FGG@sdcounty.ca.gov.

If you miss the 60-day window, you may have to wait for Open Enrollment to make changes.

Requesting Catastrophic Leave

- If electing to request [Catastrophic Leave Donations](#), please contact your DHRO or Leave Coordinator.

Returning from Leave

- Coordinate your return-to-work date with your DHRO/Leave Coordinator
- A return-to-work certification is required if you have been on leave due to their own serious health condition.



Things to Know

Health Benefits while on Leave

- Your health benefits will be maintained when you are placed on a protected leave of absence.
- If you have enough earnings to process benefit deductions, your benefit coverage will be maintained.
- You are responsible for paying any missed premiums upon your return from leave.

Health Benefits when you return from leave

- Any premiums owed will be deducted from future paychecks.
- Employee Benefits will email you with the amount owed and timeline of repayment.
- If your benefits terminated due to an Unprotected/Unpaid Leave, they will be reinstated the 1st of the month **after** your return and the enrollment will be based on the elections you had before you went out. However, any changes you emailed to Employee Benefits for Open Enrollment or for a Qualifying Life Event while you were on leave will be included.
- If you do not return to work, any amount you owe towards your benefits will be deducted from your final paycheck.

Buyback/Integrations

- You cannot receive more than 100% of your normal pay while on leave.
- Central Payroll Administration will ensure any leave hours paid in excess of 100% from your paycheck will be reconciled.

Unpaid/Unprotected Leaves

Employees placed on an unprotected and unpaid Leave of Absence due to “Health,” “Maternity/Paternity” or “Other” and who are not on PDL, FMLA/CFRA, will have their benefits terminated on the last day of the month following their status change. They will then have an opportunity to continue their medical benefits as mandated by the Affordable Care Act (ACA).

Medical

Eligible employees will be offered the option to continue their medical coverage during their leave. The Employee Benefits Division’s will mail an offer of medical continuation to eligible employees with the following options:

- Elect to continue your existing County medical plan and pay the full premium.
- Elect one of the High Deductible Health Plans and receive partial County paid premium assistance.

Extended medical plan administration and payments are handled by ASI COBRA. The deadline to elect coverage is 30 days from the date on the offer letter.

Dental and Vision

Eligible employees will be offered the option to continue their dental and/or vision coverage for up to 18 months at full cost plus a 2% administrative fee under COBRA. Continuation coverage details will be mailed by ASI COBRA to eligible employees.

Life and Accidental Death & Dismemberment (AD&D) Insurance

Continuation of Life and AD&D insurance is offered to eligible employees and can be continued for up to 6 months under the County’s group plan. MetLife will mail continuation and payment information to eligible employees. The deadline to enroll is 30 days from the date on the offer letter.



After 6 months MetLife will offer the employee an option to convert their County policy to an individual policy.

- If an employee is enrolled in Supplemental Life insurance and allows it to lapse for more than one month while on a LOA, the Supplemental Life insurance will not be restored upon return from leave. After their return to work, the employee will be emailed a *Statement of Health* for review by the underwriting department at MetLife. If MetLife approves the employee's *Statement of Health*, the Supplemental Life insurance will be reinstated on the 1st of the month following the approval.

None of the above will happen until your department inputs your unprotected/unpaid LOA in PeopleSoft. An update will be automatically sent to Employee Benefits and the insurance carriers after that occurs.

Spending Accounts

Health Care FSA (HCFSA)

You will have access to any HCFSA balance to make claims with ASI Flex during your LOA.

- Any missed contributions during a leave will be processed upon return from leave.
- Out of pocket contributions that are collected in the next calendar year will be collected after-tax.

If you are on an unpaid leave of absence or paid injury leave, you may be able to terminate or lower your HCFSA election during your LOA by emailing your request to Employee Benefits at DHRBenefits.FGG@sdcountry.ca.gov.

If you elect to terminate your HCFSA while on LOA:

- You would not be eligible to submit claims for expenses incurred during your LOA.
- Upon return, you can either increase your deduction to keep the annual pledge the same or keep the deduction the same and lower the annual pledge.

Dependent Care FSA (DCFSA)

Dependent care expenses that you incur during LOA will not be eligible for reimbursement due to IRS rules.

- Any missed contributions during LOA will be processed upon return from leave.
- All claims must be submitted by March 31st of the following year. If there are not enough funds in the account at the time that a claim is submitted, the claim will be held in pending status until the funds are contributed.

If you are on an unpaid leave of absence, you may be able to terminate or lower your DCFSA election during your LOA by emailing your request to Employee Benefits at DHRBenefits.FGG@sdcountry.ca.gov. Email your request prior to your LOA.

Reinstatement of Terminated Benefits

If your benefits are terminated during an unpaid, unprotected LOA, benefits will be reinstated, after the department enters your return from leave (RFL) date in PeopleSoft.

Health plan coverages will be reinstated the first of the following month after your RFL date, as shown in the following examples:

- Employee returns to work on July 1. Health insurance is effective August 1.
- Employee returns to work on July 15. Health insurance is effective August 1
- Employee returns to work on July 31. Health insurance is effective August 1.



Supplemental Life Insurance

If you were enrolled in supplemental life insurance prior to the unprotected and unpaid LOA, and did not pay life premiums while on LOA, MetLife will require you to re-apply by completing a Statement of Health (SOH).

If coverage lapsed for less than one month, or if you paid the life insurance premiums while on leave of absence, supplemental life insurance will be reinstated the first of the month following your RFL date.

Need Help?

Please direct any questions about taking a leave of absence to your Departmental Human Resources Office (DHRO)/Leave Coordinator. Not sure who your DHRO/Leave Coordinator is? Please ask your supervisor.

For questions about your benefits please contact the Department of Human Resources, Employee Benefits Division at 888-550-2203.



SUPERVISOR CHECKLIST

When an employee notifies the supervisor that they need to be off work for more than 3 consecutive days, the supervisor will:

- Contact the DHRO and ask that the Leave Request form be sent to the employee

If the supervisor is not notified prior to the employee being off work for more than 3 consecutive days, on the fourth (4th) day of absence, the supervisor will:

- Contact the employee to read the “Supervisor’s Statement” to the employee
- Complete and sign the Supervisor’s section on the Leave Request form
- Forward the Leave Request form to the DHRO

[FMLA/CFRA Supervisor Statement](#)

[PDL Supervisor Statement](#)

[County of San Diego Leave Request Form](#)



DHRO/LEAVE COORDINATOR CHECKLIST:

The DHRO will coordinate the leave with the employee and will:

- Verify the Eligibility for the leave
- Communicate with the Employee regarding:
 - Length of Leave/Expected return to work date
 - Protections for the type of leave requested
 - Discuss use of accrual balances while on leave
 - Eligibility for disability and/or paid family leave
 - Health benefits status based on leave protections, paid or unpaid leave
 - Health benefits out of pocket cost and repayment
 - What to do if a Life Event occurs
- Provide the Leave Request form to the employee
- And the Medical Certification, if required
- Notify department payroll/personnel of the leave
- Create a new leave request in the PS system
- Track the leave balances to make sure maximums are not exceeded
 - Ensure the start and end date for the leave match the leave request form
 - Report total hours used for intermittent leave at the end of the leave

Once the leave and/or medical forms are returned:

- Complete the DHRO section
- Review the Leave Request form for accuracy
- Notify the employee that their leave has been provisionally granted or denied.
- Email the completed forms to the Department of Human Resources, Employee Benefits Division within 1 business day.

If an employee does not provide Leave Request forms but does provide a doctor's note or verbal notice of a qualifying event:

- The Department will complete the Leave Request form on behalf of the employee
- Follow the checklist above
- Forward the Leave Request any supporting documentation, to the Employee Benefits Division

When the Employee Returns to Work:

- Post the return from leave action in PS
- Notify employees that had unprotected/unpaid leave that all benefits will be reinstated the first of the following month
 - Note: supplemental life insurance will only be reinstated if the employee continued to pay premiums while on leave



EMPLOYEE BENEFITS CHECKLIST:

Processing of Family Medical Leave Act (FMLA), California Family Rights Act (CFRA) and Pregnancy Disability Leave (PDL)

- Review the Request Form and Medical Certification for completeness and accuracy
- Review the FMLA/CFRA Tracking Form
 - If necessary, update the PeopleSoft FMLA Tracking panel with intermittent hours used
- Review entries made to the tracking system
- Push back any incomplete or inaccurate requests to departments
- Approve or deny completed requests
- Mail the official FMLA/CFRA designation (or denial) notice to the employee
- A COBRA notice will be sent to the employee as well as communication from the Employee Benefits Division if all leave entitlements are exhausted.

Return to Work after taking Family Medical Leave Act (FMLA) and California Family Rights Act (CFRA) or Pregnancy Disability Leave

- Employee Benefits Division will review a “Return from Leave” report daily
- If necessary, reinstate benefit elections
- Communicate with the employee via email advising them of the reinstatement of benefit elections and necessary payroll adjustments



FMLA/CFRA NOTICE OF EMPLOYEE RIGHTS AND OBLIGATIONS

This is a notice to employees eligible for leave under the federal Family Medical Leave Act (FMLA) and California Family Rights Act (CFRA) of their specific rights and obligations [pursuant to 29 C.F.R. Section 825.301(c)]. The County's FMLA/CFRA policies and procedures are more fully set forth in County Compensation Ordinance Section 4.3.1 and Department of Human Resources Policy 505.

- The FMLA/CFRA leave you take will be deducted from your annual FMLA/CFRA allotment. This notice refers to family medical leave taken under these acts.
- FMLA/CFRA may be taken continuously or intermittently in separate blocks of time or by reducing the time the employee works each day/week for a single qualifying reason. If FMLA/CFRA is taken intermittently, you are required to report to your supervisor when the leave is related to your FMLA/CFRA situation.
- If you are taking FMLA/CFRA due to your own serious health condition or a serious health condition of a covered family member or designated person, you must provide medical certification. If you do not submit a medical certification, FMLA/CFRA may not be granted. Under certain circumstances, re-certification of the serious health condition may be required. Certification is not required for the purposes of bonding leave when taken during the initial one-year bonding period following the adoption, birth, or placement of a child.
- FMLA/CFRA is an unpaid leave of absence. You will be required to use any available paid leave balances concurrently with the FMLA/CFRA, except for the following:
 - While on bonding leave, employees have the option to decline the use of sick leave balances.
 - If you are receiving SDI or PFL benefits through EDD, you have the option to decline the use of all County leave balances.
 - If you are receiving benefits from the County short-term or long-term providers, you have the option to decline the use of all County leave balances.
- You MUST notify your Department Human Resources Officer (DHRO) or Leave Coordinator in advance if you wish to decline the use of leave balances. If no request is made, sick leave balances will be used prior to vacation leave balances.
- If you are receiving SDI benefits in conjunction with FMLA/CFRA, then you are required to participate in the County's buyback/integration process.
- If you are currently enrolled in any short- and long-term disability plans, you may not collect more than 100% of your pay while on leave. Central Payroll Administration will ensure any leave hours paid in excess of 100% paid to the employee's paycheck will be reconciled.
- If you are taking FMLA/CFRA, you will be required to pay your regular share of the insurance premiums. If your FMLA/CFRA is unpaid, those payments will be collected by way of payroll adjustments upon your return to work.
- If you do not return to work after taking FMLA/CFRA, you will still be responsible for repayment of health insurance premiums that were paid by the County on your behalf. Your department will coordinate the collection of any amount owed through Revenue & Recovery.
- When you are returning to work from approved FMLA/CFRA for your own serious health condition, the department may request a note from your health care provider certifying that you are able to



return to work, the date you can return, any limitations or restrictions, and their anticipated duration.

- If you do not return to work by the first working day following the conclusion of your FMLA/CFRA, and you continue on some other form of County leave, the department may require you to complete a Fitness for Duty Evaluation by a County Evaluator prior to your return to work, pursuant to County Compensation Ordinance section 4.3.8.
- If you return to work by the first working day following the conclusion of your FMLA/CFRA, you are entitled to return to the same or an equivalent position. Should you exhaust your FMLA/CFRA and continue on some other form of County unpaid leave, you may not be entitled to return to your position.



FREQUENTLY ASKED QUESTIONS: FAMILY MEDICAL LEAVE ACT (FMLA), CALIFORNIA FAMILY RIGHTS ACT (CFRA)

1. What is FMLA and CFRA?

The Family Medical Leave Act of 1993 (FMLA) is a federal law that allows “eligible” employees to protect their job and benefits while on **unpaid** leave for up to twelve weeks in a twelve-month period. This leave may be taken for the employee’s serious illness that prevents them from performing the functions of their job. Or for the birth/care of a newborn child, adoption of a child, care of a covered family member – spouse, child, parent; CFRA also allows for domestic partner, child of any age, grandparent, grandchild, sibling, the parent-in-law of your spouse or registered domestic partner or a designated person with a serious health condition.

2. How do I know if I’m an eligible employee?

An employee is eligible for FMLA/CFRA Leave if they have worked for the County for at least 12 months AND have worked at least 1,250 hours during the past 12 months.

3. How do I apply for FMLA and/or CFRA?

Contact your Departmental Human Resources Departmental Human Resources Officer (DHRO)/Leave Coordinator to discuss your leave. The FMLA/CFRA forms are available on the County’s Intranet site in the Benefits section under **Family Medical Leave**, or they may be obtained from your Departmental Human Resources Officer (DHRO)/Leave Coordinator.

As a general rule, the Departmental Human Resources Departmental Human Resources Officer (DHRO)/Leave Coordinator will provide the FMLA/CFRA forms to you if you are absent from work for 3 or more consecutive days.

You will need to complete the employee section of the FMLA/CFRA Request Form if:

- You are requesting leave for a serious health condition; your physician will need to complete a FMLA/CFRA medical certification.
- You are requesting leave to care for a covered family member or designated person with a serious health condition; your family member’s physician will need to complete a FMLA/CFRA Certification form.

Submit the completed forms to your Departmental Human Resources Officer/Leave Coordinator.

4. What types of illnesses qualify for FMLA/CFRA leave?

- An employee’s own serious health condition.
- The serious health condition of the employee’s covered family member or designated person.

Some chronic conditions, such as Asthma or Migraine Headaches, which cause you to miss work when you have flare-ups, can qualify for FMLA/CFRA leave. Ongoing treatment, such as chemotherapy or treatment for cancer can also qualify.

5. Can FMLA/CFRA leave be used intermittently?

Yes, if the physician certifies that intermittent leave is appropriate.



6. Am I required to use my paid leave balances?

An employee will be required to use available paid leave balances concurrently with the FMLA/CFRA except for the following:

- While on bonding leave, employees have the option to decline the use of sick leave balances. If you are receiving SDI or PFL benefits through EDD, you have the option to decline the use of all County leave balances.
- If you are receiving benefits from the County short-term or long-term providers, you have the option to decline the use of all County leave balances.

You MUST notify your Departmental Human Resources Officer (DHRO) or Payroll Administrator in advance if you wish to decline the use of leave balances. If no request is made, sick leave balances will be used prior to vacation leave balances.

7. Are my Benefits maintained while I'm on leave?

Benefits are maintained while you are on an approved FMLA/CFRA leave.

If you do not have enough earnings to process benefit deductions during your leave, you are responsible for paying your out-of-pocket portion upon your return to work via payroll adjustments.

8. What happens if I use all of my FMLA and/or CFRA and cannot return to work?

Contact your Departmental Human Resources Officer (DHRO)/Leave Coordinator to find out what other types of County leave are available.

If you are on an unpaid leave and have used all your FMLA /CFRA leave, you will be offered two options to continue your medical coverage beyond this date:

- Elect coverage through one of the High Deductible plans. A County offset will reduce the cost of this plan at the employee only level of coverage, or
- Elect a medical plan other than one of the High Deductible plans and pay 100% of the cost. If the employee is enrolled in dental and vision, they may continue coverage through COBRA (Consolidated Omnibus Budget Reconciliation Act)



REPLACE with updated language for 2023 copy and paste PDL NOTICE OF EMPLOYEE RIGHTS AND OBLIGATIONS

This is a notice to employees eligible for leave under the County's policies and procedures as set forth in Department of Human Resources Policy 511.

- The pregnancy disability leave you take will be deducted from your per birth PDL allotment.
- PDL may be taken continuously or intermittently.
 - If PDL is taken intermittently, you are required to report to your supervisor when the leave is related to your PDL situation.
- If you are taking PDL you must provide medical certification from a physician.
 - Medical certification is required to determine the start and end dates of your Pregnancy Disability.
 - Under certain circumstances, re-certification may be required.
- PDL is an unpaid leave of absence. You will be required to use available sick leave balances concurrently with PDL, except:
 - If you are SDI benefits through EDD, you have the option to decline the use of County leave balances.
 - If you are receiving benefits from the County short-term or long-term disability providers, you have the option to decline the use of all County leave balances.
- If you are currently enrolled in any County short- and long-term disability plans you may not collect more than 100% of your pay while on leave. Central Payroll Administration will ensure any leave hours paid in excess of 100% from your paycheck will be reconciled. You must notify their Department Human Resources Officer (DHRO) or Payroll Administrator if you wish to decline the use of leave balances.
 - If no request is made, sick leave balances will be used prior to vacation leave balances.
- The County will continue to contribute payments toward your health insurance premiums during your PDL. Employees will be required to continue paying their share of insurance premiums via paycheck deductions.
 - If PDL is unpaid, insurance premiums will be collected by way of payroll adjustments upon your return to work.
 - If you do not return to work after taking PDL, you will still be responsible for repayment of health insurance premiums that were paid by the County on your behalf. Your department will coordinate the collection of any amount owed through Revenue & Recovery.
- When you are returning to work from a PDL, you must furnish medical certification releasing you from pregnancy disability, the date you can return, any limitations or restrictions, and their anticipated duration.
- If you return to work by the first working day following the conclusion of your PDL, you are entitled to return to the same or an equivalent position.
 - Should you exhaust your PDL and continue on some other form of County unpaid leave other than Family Medical Leave Act/California Family Rights Act (FMLA/CFRA), you may not be entitled to return to your same position.



PDL NOTICE OF EMPLOYEE RIGHTS AND OBLIGATIONS

This is a notice to employees eligible for leave under the County's policies and procedures as set forth in Department of Human Resources Policy 511.

- The pregnancy disability leave you take will be deducted from your PDL allotment.
- PDL may be taken continuously or intermittently.
 - If PDL is taken intermittently, you are required to report to your supervisor when the leave is related to your PDL situation.
- If you are taking PDL you must provide medical certification from a physician.
 - Medical certification is required to determine the start and end dates of your Pregnancy Disability.
 - Under certain circumstances, re-certification may be required.
- PDL is an unpaid leave of absence. You will be required to use available sick leave balances concurrently with PDL, except:
 - If you have SDI benefits through EDD, you have the option to decline the use of County leave balances.
 - If you are receiving benefits from the County short-term or long-term disability providers, you have the option to decline the use of all County leave balances.
- If you are currently enrolled in any County short- and long-term disability plans you may not collect more than 100% of your pay while on leave. Central Payroll Administration will ensure any leave hours paid in excess of 100% from your paycheck will be reconciled.
 - You must notify your Department Human Resources Officer (DHRO) or Payroll Administrator if you wish to decline the use of leave balances.
 - If no request is made, sick leave balances will be used prior to vacation leave balances.
- The County will continue to contribute payments toward your health insurance premiums during your PDL. Employees will be required to continue paying their share of insurance premiums via paycheck deductions.
 - If PDL is unpaid, insurance premiums will be collected by way of payroll adjustments upon your return to work.
 - If you do not return to work after taking PDL, you will still be responsible for repayment of health insurance premiums that were paid by the County on your behalf. Your department will coordinate the collection of any amount owed through Revenue & Recovery.
- When you are returning to work from a PDL, you must furnish medical certification releasing you from pregnancy disability, the date you can return, any limitations or restrictions, and their anticipated duration.
- If you return to work by the first working day following the conclusion of your PDL, you are entitled to return to the same or an equivalent position.



FREQUENTLY ASKED QUESTIONS: PREGNANCY DISABILITY LEAVE (PDL)

California's Fair Employment and Housing Act contains provisions for Pregnancy Disability Leave (PDL) that provide up to 17 1/3 weeks of unpaid leave and job protection for employees who are specifically disabled due to pregnancy-related conditions (e.g., prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, recovery from childbirth, or any related medical condition).

1. Who is eligible for Pregnancy Disability Leave?

You are eligible for Pregnancy Disability Leave if you are an employee who is pregnant, regardless of the time you have been employed with the County or the number of hours worked in the past year.

2. What would qualify me to take Pregnancy Disability Leave?

Pregnancy leave is available for an employee disabled by pregnancy or pregnancy-related conditions. This includes time off needed for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, recovery from childbirth, or any pregnancy related medical condition.

3. If I qualify, when can I use Pregnancy Disability Leave? Can it be on an intermittent basis? If I qualify, how much job protected time am I entitled to?

Leave can be taken before or after birth during any period of time you are physically unable to work because of pregnancy or a pregnancy-related condition. Leaves may be taken on a continuous or intermittent basis, up to a total of 17 1/3 weeks per pregnancy. All leave time taken in connection with a specific pregnancy counts toward computing the 17 1/3 weeks period.

4. How do I request Pregnancy Disability Leave?

Complete and provide the [Request for Pregnancy Disability Leave](#) form to your Departmental Human Resources Officer/Leave Coordinator. This form can be found on the County Intranet at the Benefits webpage. In most cases you will be expected to return the forms within 15 calendar days with a doctor's certification.

5. Do I need to provide medical certification of my need for Pregnancy Disability Leave?

Yes, medical certification is required from your health care provider for Pregnancy Disability Leave. For this purpose, the County has provided a Certification of Health Care Provider for Employee's Serious Health Condition form, available on the County Intranet at the Benefits webpage.

6. How much time in advance must I request Pregnancy Disability Leave?

You must give 30 days' advance notice for foreseeable leaves. If you have an emergency situation or your need for leave is otherwise unforeseeable, you must notify your supervisor and your Departmental Human Resources Officer/Leave Coordinator as soon as practicable, usually



within two business days. You must inform your department of the date you anticipate your pregnancy disability leave will begin and an estimation of the duration of your leave.

7. Who do I need to inform of changes to my Pregnancy Disability Leave?

It is important to communicate with your supervisor and your Departmental Human Resources Officer/Leave Coordinator while on leave, especially if your situation or conditions change. You are required to contact your supervisor and Departmental Human Resources Officer/Leave Coordinator when there is a change in the circumstances of your leave and for other required information.

8. What happens if I have used all my PDL and are still disabled?

Leaves for pregnancy-related or childbirth-related disability would qualify under FMLA leave as a serious health condition and may be counted against the 12 weeks of leave.

9. Will my job still be available when I am released to return to work?

You must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from FMLA/CFRA or PDL.

10. When am I required to return to work? What do I need to do prior to returning to work?

You are required to return to work on the date indicated by your health care provider on your medical certification form, or at the end of your protected leave time, if you have applied for additional leave time for bonding purposes. You may be required to provide your supervisor with a return-to-work statement from your health care provider, prior to being allowed to return to work.

11. What happens to my medical benefits during my Pregnancy Disability Leave?

While you are on PDL, the County is required to maintain your medical coverage under our group health plans, under the same conditions as coverage would have been provided if you had been continually employed during the entire protected leave period.

If you use your annual accruals (sick/vacation) while on PDL, your share of premiums will be deducted from your paycheck whenever possible. Whenever your insurance plan costs cannot be deducted from your paycheck, you will be required to pay your regular share of the insurance premiums.

If you fail to make your premium payments during your PDL, those payments will be collected by way of payroll adjustments upon your return to work.

12. What happens to my unpaid healthcare premiums if I choose not to return to work?

If your leave has exhausted and if you fail to return to work for a reason other than you or your immediate family member's or designed person's serious health condition or circumstances beyond your control, you will still be responsible for the payment of your health insurance premiums that were paid by



the County on your behalf. Your department will coordinate the collection of any amount owed through Revenue & Recovery.

13. What do I need to do to request time to bond with my newborn child?

Prior to starting bonding time, you will be required to submit a certification from your health care provider, showing that you are no longer disabled by pregnancy or childbirth. You may present the certificate along with the FMLA/CFRA Request form to your Departmental Human Resources Officer/Leave Coordinator.

14. Am I required to use my sick/vacation/holiday/annual leave accrual time?

In general, you are required to use your annual accruals while on leave due to pregnancy or pregnancy-related medical conditions. If you are receiving SD benefits through EDD or if you are receiving benefits from the County's disability providers, you have the option to decline the use of all County leave balances. You must notify their Department Human Resources Officer (DHRO) or Payroll Administrator if you wish to decline the use of leave balances. If no request is made, sick leave balances will be used prior to vacation leave balances.

**15. How long after the birth of my child do I have to add the child to my medical benefit plan?
What documentation is required to add my baby?**

In response to the national emergency, you have up to 1 year from the event date to provide documentation for the Qualified Life Event. When the national emergency ends, you will have 60 days from the date of a Qualifying Life Event to submit documentation and make changes to your benefit elections.

For initial enrollment, provide a copy of the hospital's record of birth and a completed Benefit Enrollment Change Form to DHRBenefits.FGG@sdcounty.ca.gov

For continued enrollment, you are required to turn in a copy of the certified birth certificate and provide the newborn's social security number, as soon as you have them.

Your new elections will be effective the first of the month after the newborn's date of birth, as the baby is generally covered automatically for the first thirty-one days under the mother's plan.



APPENDIX

COUNTY OF SAN DIEGO COMPENSATION ORDINANCES AND POLICIES

[FMLA/CFRA Policy #505](#)

[PDL Policy #511](#)

[Catastrophic Leave Policy #604](#)

[State Disability Insurance \(SDI\) Policy #504](#)

[Military Family Member Leave/Domestic Partner Leave \(MFL\) Policy #510](#)

[Compensation Ordinance — Article 4.3, Section 4.3.1](#)

[Organ and Bone Marrow Leave Policy #512](#)

FORMS

[FMLA/CFRA Leave Forms](#)

[PDL Leave Forms](#)

[Military Leave Forms](#)

[Benefits Enrollment/Change Form](#)

[SDI and PFL Authorization](#)

[Integration Information and Salary Continuation Form \(LTD-Vol STD-PFL\)](#)

[FMLA CFRA Tracking Form](#)

REFERENCES

[FMLA Act](#)

[CFRA Act](#)

[California—Pregnancy Disability](#)

[DHRO Share-Point](#)

DISABILITY PLANS

[California State Disability & Paid Family Leave Overview](#)

[Voluntary Short-Term Disability, Paid Family Leave and Long-Term Disability](#)

[County Provided LTD](#)

