

FMLA/CFRA Administration Checklist for District Employees

*** This is not a required form. The sole purpose of this form is informational. (Revised 11/13) ***

To effectively administer the Family and Medical Leave Act(FMLA)/California Family Rights Act(CFRA) to District employees, this checklist was created to help managers and supervisors when a potential need for FMLA/CFRA arises. FMLA/CFRA provides 12 weeks of job protection, while Pregnancy Disability provides 4 months (or 18 weeks). *For detailed information about FMLA/CFRA or Pregnancy Disability please visit <http://fmla.lausd.net>.*

1. If an employee has a potential need* for FMLA/CFRA, the Supervisor ***must*** discuss and offer FMLA/CFRA.

2. Has the employee been with the District for at least 12 months at any time? Did the employee work at least 130 days** in the past 12 months?

Yes	No

Does the employee meet the eligibility requirements?

3. FMLA/CFRA time can be taken continuously or intermittently.

(Continuous absences are taken in an extended block of time, while intermittent absences of are taken in separate, occasional, and/or recurrent blocks of time due to a single qualifying reason. An eligible employee is allowed up to 12 work weeks or 60 work days of protected leave per FMLA year with proper medical certification.)

What type of leave is the employee requesting?

Continuous	Intermittent
Yes	No

Will the leave last longer than 20 working days?***

4. The next section will help determine what type of leave the employee might be eligible for.

(Please note: this list includes the most common reasons for FMLA/CFRA but other conditions/situations may also apply.)

- Does employee or family member have ongoing health care providers' appointments or absences for a chronic or ongoing condition that causes periods of incapacity? Incapacity means being unable to work, attend school or perform normal daily activities.
- Does the employee need to care for a family member with a serious health condition? FMLA/CFRA defines Family Member as a spouse, parent, domestic partner or child (and child of a domestic partner) under age 18 or adult child incapable of self-care (as defined by ADA).
- Is the Employee pregnant and does she have associated health care provider appointments?
Is the Employee pregnant and are her absences associated with her pregnancy?
- Is the employee taking time off to bond with a newborn, newly-adopted, or foster-placed child within the first year of the child's arrival in the employee's home? Is the employee in the process of adopting or fostering a child?
- Is the employee or family member requesting FMLA/CFRA for a military reason such as a qualifying military exigency or to care for a military member with a serious health condition?

*Potential need includes but are not limited to: more than three days of absence; chronic medical conditions; hospitalization or surgery; pregnancy; family member's illness; multiple medical appointments; medical reason for arriving late/leaving early

** The requirement is 1,250 hours for School Police, Skilled Crafts, and Playground Aides. There is no minimum work time requirement for Pregnancy Disability Leave.

***All Employees must comply with District leave policy for absences of more than 20 work days

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5. The following is the proper FMLA/CFRA protocol for employees with a potential need for FMLA/CFRA protection.

Step One: Within 5 business days of knowledge of the need for FMLA/CFRA, issue the FMLA-1a "Notice of Eligibility and Employee Rights & Responsibilities". Additional forms will be attached as follows:

Employee/Family member Illness: Attach the appropriate "Certification of Health Care Provider" form.

Child Bonding: No other form is required but the Employee must provide a copy of the child's birth certificate attached to the Certification of Absence. Please note, if the employee is currently on pregnancy leave, they must provide a release to return to work by their health care provider before they can start Child Bonding Leave

Qualifying Exigency Leave: Attach "Certification of Qualifying Exigency for Military Family leave"

******If any of these absences are 20 consecutive days or longer, provide the employee with the appropriate leave of absence packet.***

Step Two: Check the employee's eligibility. If the employee has not met the minimum work-time requirement for FMLA/CFRA, issue FMLA-1c "Designation Notice – FMLA/CFRA Not Approved". Please note: There is no minimum work-time requirement for Pregnancy Disability Leave.

Step Three: Upon the receipt of the documentation from the employee and the information on the certification is complete and concise, issue FMLA-1b "Designation Notice FMLA/CFRA Approved." If there are any questions about the form or issuing the notice, contact the FMLA office at (213)241-3954 for assistance.

******If the employee does not return the form timely and/or has not requested an extension after several follow-up attempts, issue FMLA-1c to deny FMLA/CFRA. Please exercise caution when denying FMLA for this reason.***

Step Five: Forward any leave of absence requests to the appropriate HR or Personnel Commission office. Keep copies of all forms received.

Step Six: Report all FMLA/CFRA absences accordingly and keep track of FMLA usage. Your employee should indicate which of his/her absences are due to the FMLA/CFRA qualifying condition

All forms and letters mentioned in this section are available at <http://fmla.lausd.net>

6. Paid options:

FMLA/CFRA for employee illness: Any accrued Illness time or Vacation time, otherwise the time is unpaid.

FMLA/CFRA for family's illness: Kin Care, Personal Necessity, Vacation, otherwise the time is unpaid.

Child Bonding/Military Exigency: Personal Necessity, Vacation, otherwise time is unpaid.

Questions? Contact Us!

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