

Family Medical leave Act (FMLA)/CALIFORNIA FAMILY RIGHTS ACT (CFRA)

Policy It is the policy of the DGS to adhere to the FMLA in accordance with Federal law, which is administered by the U.S. Department of Labor (DOL) and the California Family Rights Act, which is administered by the Department of Fair Employment and Housing.

Basic Leave Entitlement The FMLA/CFRA entitles eligible employees up to twelve (12) workweeks of unpaid, job-protected leave each calendar year (January 1st – December 31st) for specified family and medical reasons. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 workweeks of leave to care for a covered serviceman during a 12 month period.

Employee eligibility Employees are “eligible” if they have worked for at least one year and for 1,250 hours over the previous 12 months with the same employer (State of California).

Reasons for taking FMLA/CFRA DGS must grant unpaid leave to an eligible employee for one or more of the following reasons:

- For the care of the employee’s child (birth, placement for adoptions, or foster care);
- For incapacity due to pregnancy, prenatal medical care or child birth;
- For the care of the employee’s spouse, son or daughter, or parent, who has a serious health condition;
- For a serious health condition that makes the employee unable to perform his/her job;
- For qualifying exigencies arising out of the fact that the employee’s spouse, son, daughter or parent (the covered military member) is on active duty or has been notified of an impending call or order to active duty in support of a contingency operation.

Process and procedure The FMLA/CFRA process and procedures are located on Human Resources Memoranda HR 00-032 and HR 02-021. These memoranda can be accessed at <http://www.dgs.ca.gov/ohr/Resources/HRPolicyMemos.aspx>

Continued on next page
54.0

Family Medical Leave Act (FMLA)/CALIFORNIA FAMILY RIGHTS ACT (CFRA), Continued

FMLA/CFRA decision tree The FMLA/CFRA decision tree (chart) can be found on the following page of this section.

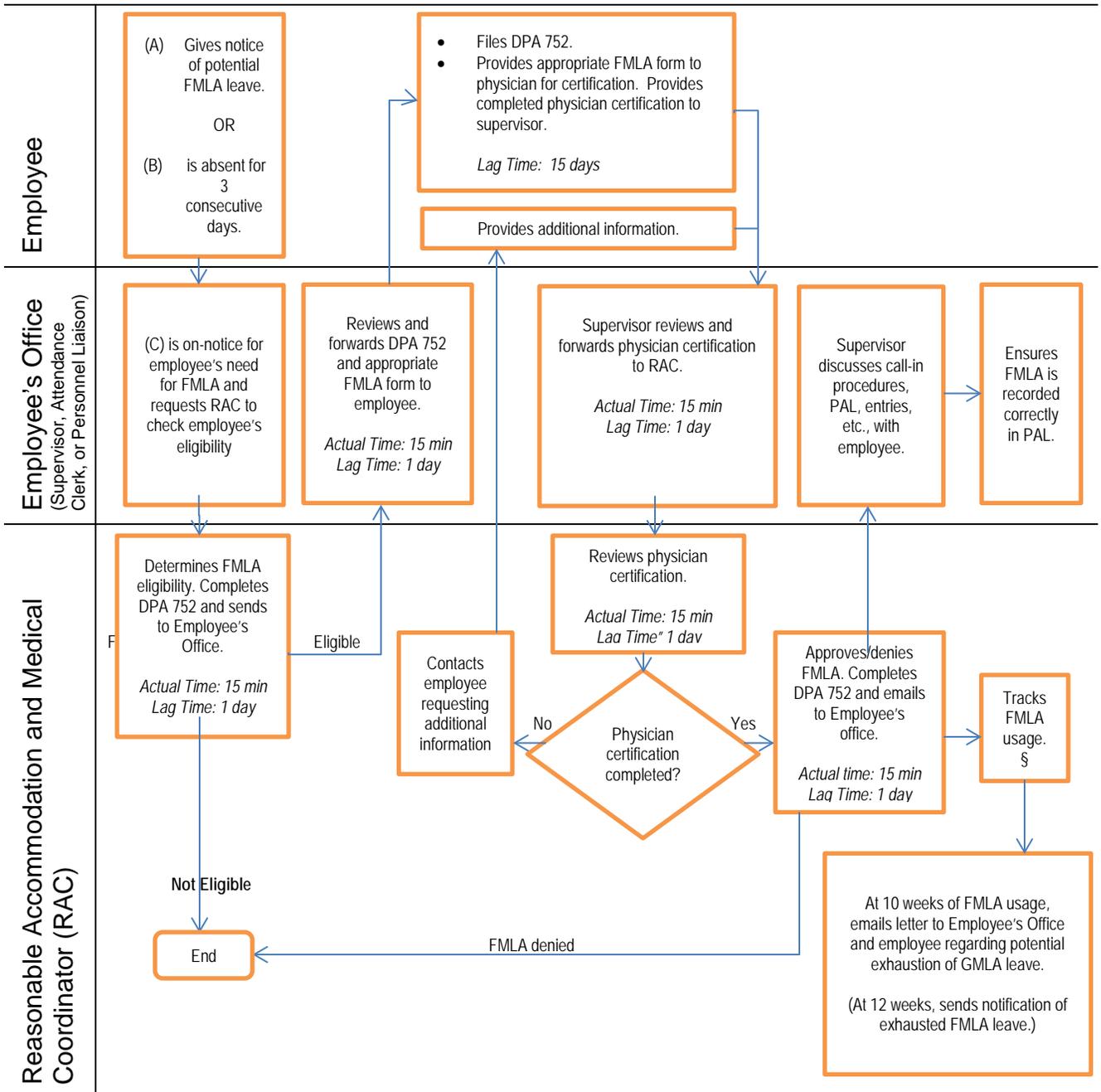
Resources The table below depicts the various resources available regarding FMLA/CFRA.

Resource	Section
Human Resources Memoranda http://www.dgs.ca.gov/ohr/Home/HRPolicyMemos.aspx	HR 11-028
Law and Regulation http://www.dol.gov/dol/cfr/Title_29/Chapter_V.htm http://leginfo.legislature.ca.gov/faces/codes.xhtml;jsessionid=ec740fb92d7f258ccc38ebd5c0c9	Code of Federal Regulation (CFR) 29 Government Code Section 12945.2
Responsible Control Agency and Program http://www.dol.gov/ http://www.calhr.ca.gov/Pages/home.aspx http://www.dfeh.ca.gov/Publications/CFRADefined.htm	Department of labor (DOL), CalHR Department of Fair Employment and Housing
DPA/SPB Policy Memos http://www.calhr.ca.gov/state-hr-professionals/Pages/policy-memos.aspx	PML 2002-041
Other:	
CalHR http://www.calhr.ca.gov/Pages/home.aspx DGS http://www.dgs.ca.gov/Default.aspx?alias=www.dgs.ca.gov/ohr	

Continued on next page

Family Medical leave Act (FMLA/CALIFORNIA FAMILY RIGHTS ACT (CFRA), Continued

Family Medical Leave Act / California Family Rights Act
 FMLA/CFRA Process for Employee's Serious Health Condition* **Total Lag Time:**
20 days (includes 15 days to obtain physician certification)



• Condition is not work-related, which is handled by Disability Transaction Unit (DTU) or CA Employment Development Department (EDD).
 § Not to exceed the 12-week FMLA entitlement.