

APPENDIX C

FMLA/CFRA MED-CERT
Certification of Health
Care Provider
(Family and Medical Leave Act of 1993)

U. S. Department of Labor
Employment Standards Administration
Wage and Hour Division

1. Employee's Name

2. Patient's Name (if different from employee)

3. The attached sheet describes what is meant by a "serious health condition" under the Family and Medical Leave Act. Does the patient's condition¹ qualify under any of the categories described? If so, please check the applicable category.

(1) _____ (2) _____ (3) _____ (4) _____ (5) _____ (6) _____ or None of the Above _____

4. a. State the approximate **date** the condition commenced, and the probable **duration** of the condition (and also the probable duration of the patient's present **incapacity** if different):

b. Will it be necessary for the employee to work only **intermittently** or to work on a **less than full schedule** as a result of the condition (including for treatment described in Item 5 below)?

If yes, give the probable duration: _____

c. If the condition is a **chronic condition** (condition #4) or **pregnancy**, state whether the patient is presently incapacitated² and the likely duration and frequency of **episodes of incapacity**²:

5. a. If additional **treatments** will be required for the condition, provide an estimate of the probable number of such treatments:

If the patient will be absent from work or other daily activities because of **treatment** on an **intermittent or part-time** basis, also provide an estimate of the probable number and interval between such treatments, actual or estimated dates of treatment, if known, and period required for recovery, if any:

b. If any of these treatments will be provided by **another provider of health services** (e.g., physical therapist), please state the nature of the treatments:

c. If a **regimen of continuing treatment** by the patient is required under your supervision, please indicate the estimated number of doctor's visits, and/or estimated duration of medical treatment, either by the health care practitioner or another provider of health services, upon referral from the health care provider.

¹Here and elsewhere on this form, the information sought relates **only** to the condition for which the employee is taking FMLA leave.

²"**Incapacity**" for purposes of FMLA is defined to mean inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom.

APPENDIX C

6. a. If medical leave is required for the employee's absence from work because of the employee's own condition (including absences due to pregnancy or a chronic condition, is the employee unable to perform work of any kind? _____

b. If able to perform some work, is the employee unable to perform any one or more of the essential functions of the employee's job (the employee or the employer should supply you with information about the essential job functions)? _____ If yes, please list the essential functions the employee is unable to perform:

c. If neither a. nor b. applies, is it necessary for the employee to be absent from work for treatment? _____

7. a. If leave is required to care for a family member of the employee with a serious health condition, does the patient require assistance for basic medical or personal needs or safety, or for transportation? _____

b. If no, would the employee's presence to provide psychological comfort be beneficial to the patient or assist in the patient's recovery? _____

c. If the patient will need care only intermittently or on a part-time basis, please indicate the probable duration of this need: _____

(Signature of Health Care Provider)

(Type of Practice)

(Address)

(Telephone number)

To be completed by the employee needing family leave to care for a family member:

State the care you will provide and an estimate of the period during which care will be provided, including a schedule if leave is to be taken intermittently or if it will be necessary for you to work less than a full schedule:

(Employee Signature)

(Date)

APPENDIX C

A "Serious Health Condition" means an illness, injury, impairment, or physical or mental condition that involves one of the following:

1. Hospital Care

Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity² or subsequent treatment in connection with or consequent to such inpatient care.

2. Absence Plus Treatment

- (a) A period of incapacity² of **more than three consecutive calendar days** (including any subsequent treatment or period of incapacity² relating to the same condition), that also involves
- (1) **Treatment³ two or more times** by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or
 - (2) **Treatment by a health care provider on at least one occasion** which results in a **regimen of continuing treatment⁴** under the supervision of the health care provider.

3. Pregnancy

Any period of incapacity due to pregnancy, or for prenatal care.

4. Chronic Conditions Requiring Treatments

A chronic condition which:

- (1) Requires **periodic visits** for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
- (2) Continues over an **extended period of time** (including recurring episodes of a single underlying condition); and
- (3) May cause **episodic** rather than a continuing period of incapacity² (e.g., asthma, diabetes, epilepsy, etc.).

5. Permanent/Long-Term Conditions Requiring Supervision

A period of incapacity² which is **permanent or long-term** due to a condition for which treatment may not be effective. The employee or family member must be **under the continuous supervision of, but need not be receiving active treatment by, a health care provider**. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

6. Multiple Treatments (Non-Chronic conditions)

Any period of absence to receive **multiple treatments** (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for **restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity² of more than three consecutive calendar days in the absence of medical intervention or treatment**, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

³ Treatment includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.

⁴ A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bedrest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.

APPENDIX D

DEPARTMENT OF GENERAL SERVICES

Notice-Request Family and Medical Leave Act/California Family Rights Act (FMLA/CFRA) Leave

Attendance Clerk Route completed form to your Personnel Transaction Specialist

Notice-Supervisor complete lines 1, 3, 4, 5, and 6. Request-Employee complete lines 2, 4, 5, and 6.

1. Supervisor notice employee of designation of FMLA/CFRA LEAVE
Date _____
2. Employee request FMLA/CFRA LEAVE
Date _____
3. Supervisor response to employee request
Date _____
4. Employee Name _____
5. Employee Position Number _____
6. Employee Social Security Number _____ providing this number is voluntary in accordance with the Privacy Act of 1974 (PS93-579)

THE DEPARTMENT ALLOWS ELIGIBLE EMPLOYEES TO TAKE UP TO TWELVE (12) WORKWEEKS OF PAID/UNPAID FMLA/CFRA LEAVE DUE TO
Notice-Supervisor complete; Request-Employee complete

- _____ The birth of the employee's child; or the placement of a child with the employee for adoption or foster care;
- _____ A serious health condition that makes employee unable to perform the essential functions of his or her job;
- _____ A serious health condition affecting the employee's spouse,
- _____ child,
- _____ parent, for which the employee is needed to provide care.

Employee Eligibility: Supervisor complete

Employee is eligible, Notice-Request-for FMLA/CFRA leave is provisionally granted

Employee is not eligible, Request for FMLA/CFRA leave is denied _____
Reason for denial _____

APPENDIX D

LEAVE REQUEST DATES Notice: Supervisor complete, Request: Employee complete

- _____ FMLA/CFRA leave beginning date
- _____ FMLA/CFRA leave ending date
- _____ FMLA/CFRA incremental or reduced schedule
- _____ Total unpaid FMLA/CFRA leave requested
- _____ Total paid FMLA/CFRA leave requested

PAYMENT OF BENEFITS DURING UNPAID FMLA/CFRA LEAVE
Notice: Supervisor complete, Request: Employee complete

- _____ Health Plan
- _____ Dental Plan
- _____ Vision Plan
- _____ No continuation of benefits is requested

_____ I understand that by electing to continue these benefits during my unpaid FMLA/CFRA leave, I am assuming responsibility for the agency collection accounts receivable that will be established to pay for any portion of premium payments normally paid by me to maintain such coverage. I further acknowledge that should I fail to return to work or return to work for less than thirty (30) days, following my FMLA/CFRA leave, for a reason other than (1) the continuation, recurrence, or the onset of a serious health condition, affecting either myself or eligible family member, which would otherwise entitle me to FMLA/CFRA leave; (2) retirement, (3) or other circumstances beyond my control, I may be required to reimburse the Department for its share of health insurance premiums paid during my FMLA/CFRA leave.

WHEN EMPLOYEES WILL BE REQUIRED TO PROVIDE MEDICAL INFORMATION
Supervisor check applicable line on items 1-5

1. The Department will allow eligible employees who have a qualified FMLA/CFRA reason to use up to twelve (12) workweeks of paid accrued leave, e.g. annual, personal leave, sick leave and vacation, under the guidelines of the FMLA/CFRA. Until such certification is provided, the paid leave will be provisionally counted as FMLA/CFRA leave. Employees must provide medical certification (*FMLA/CFRA Med-Cert*) from their health provider within fifteen (15) days of the leave request. Failure to provide this certification within fifteen (15) days of the leave request may result in the employee being unable to use accrued leave under the guidelines of the FMLA/CFRA.

Must provide _____ Non-applicable _____

2. The Department will allow eligible employees who have a qualified FMLA/CFRA reason, to use up to twelve (12) workweeks of unpaid job-protected leave with employer-paid health, dental, and vision benefits. Employees must provide medical certification (*FMLA/CFRA Med-Cert*) from their health care provider within fifteen days. Until such certification is provided, the unpaid leave will be provisionally counted as FMLA/CFRA leave. Failure to provide this certification within fifteen (15) days of the leave request may result in denial of the FMLA/CFRA leave.

Must provide _____ Non-applicable _____

Your Rights Under The Family and Medical Leave Act of 1993

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons.

Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

Reasons For Taking Leave:

Unpaid leave must be granted for *any* of the following reasons:

- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

At the employee's or employer's option, certain kinds of *paid* leave may be substituted for unpaid leave.

Advance Notice and Medical Certification:

The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable."
- An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.

Job Benefits and Protection:

- For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."

- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Unlawful Acts By Employers:

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA;
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement:

- The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
- An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

For Additional Information:

Contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor.

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division
Washington, D.C. 20210

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