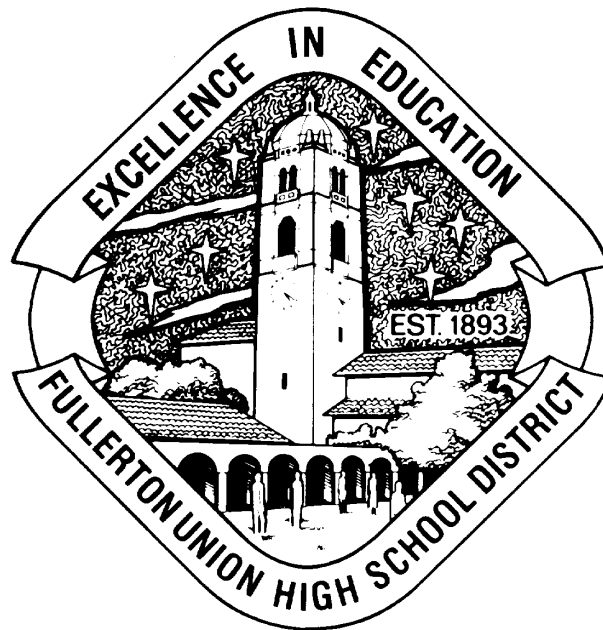


## FULLERTON JOINT UNION HIGH SCHOOL DISTRICT

# EMPLOYEE LEAVES



### Human Resources Contact Numbers

Ed Atkinson, Assistant Superintendent of HR:	714/870-2883
Carl Erickson, Director of HR:	714/870-2907
Melinda Rodriguez, Administrative Secretary	714/870-2881
Barbara Middleton, Classified Personnel:	714/870-2829
Wendy Chavez, Health Insurance:	714/870-2887
Joni Best, Certificated Personnel:	714/870-2882

## **PREGNANCY AND MATERNITY/PATERNITY OR BONDING LEAVES**

Three types of leaves cover District employees who require a leave from work duties due to pregnancy, a pregnancy related condition, and bonding with a newborn or adopted child:

Pregnancy Disability Leave (PDL)  
Family Medical Leave Act (FMLA)  
California Family Rights Act (CFRA)

### **Pregnancy Disability Leave (PDL)**

PDL is for any period(s) of actual disability caused by pregnancy, childbirth or related medical condition/s up to four months (or 88 work days for a full-time permanent employee) per pregnancy. Leave can be taken before or following birth during any period of time you are unable to work because of pregnancy or a pregnancy-related condition.

Disability due to pregnancy or related medical condition includes time off needed for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, recovery from childbirth, or any related medical condition. PDL does not need to be taken in one continuous period of time but can be taken on an as-needed basis as certified by your health care provider ("Doctor's Note").

The District requires that you use any available sick leave during your PDL. If you exhaust all available sick leave, **at your option** you can use any accrued vacation or other accrued time (comp-time) off as part of your pregnancy disability leave before taking the remainder as an unpaid leave. You may also be eligible for private disability insurance you have purchased for the unpaid portion of your leave.

To be placed on PDL by the District, you must submit a Doctor's Note certifying your pregnancy disability. Notice must be given as soon as practicable. The leave may be modified as your changing medical condition and Doctor's Note dictate.

The Doctor's Note for PDL must include:

- 1) The date on which you become disabled (unable to perform the essential functions of your job) due to pregnancy;**
- 2) The probable duration of the period(s) of disability;**
- 3) A statement that, due to the disability, you are unable to work.**

Upon the submission to the District of your Doctor's Note with the elements listed above, you will be placed on PDL and FMLA (PDL and FMLA run concurrently) for the duration indicated by your physician. If your PDL condition changes (extension, reduction, or termination of your PDL by your physician) you must submit an updated Doctor's Note to the District.

## **Family Medical Leave Act (FMLA) & California Family Rights Act (CFRA)**

To be eligible for either FMLA or CFRA an employee must have worked for the District for at least 12 months, *and* have worked at least 1,250 hours in the year prior to the beginning of the requested leave. The 12 months of employment need not be consecutive. The 1,250 hour requirement means hours at work and does not include paid or unpaid time off, holidays, etc.

If you are eligible and the leave you request qualifies under FMLA or CFRA, you can use up to a total of 12 work weeks in a calendar year for the following reasons:

- Your own serious health condition
- Bonding with a newborn child, newly adopted child, or care of a child newly placed in foster care;
- The care of a spouse, registered domestic partner, child, or parent with a serious health condition.

FMLA and CFRA define “serious health condition” as a condition resulting in more than 3 consecutive days of incapacity and treatment by a healthcare professional. Disabilities due to pregnancy or pregnancy-related conditions are covered under FMLA, but not CFRA. In California, pregnancy and pregnancy-related disabilities are covered under Pregnancy Disability Leave (PDL).

You may take leave either intermittently (working sporadically/reduced leave schedule) or consecutively (a block of time off). Leave granted under FMLA runs concurrently with CFRA unless the employee is disabled by pregnancy.

If both parents are employed by the District, the total amount of leave available for bonding (Maternity and Paternity leave) is a combined 12 weeks. The parents may divide this leave in any way; for example, the father and mother may each take 6 weeks, or the father may take 8 weeks and the mother 4 weeks.

Written medical certification from a health care provider is required for your own serious health condition or the serious health condition of your family member. If you wish to take FMLA or CFRA for yourself, or to care for your child, parent, registered domestic partner, or spouse, certification by a health care provider is required. The District may require periodic re-certification of your own serious health condition or the serious health condition of your family member.

### **PDL, FMLA, and CFRA are unpaid leave, except:**

- You may request or be required to substitute paid leave (accrued vacation, comp-time, sick leave, or substitute differential/Half-pay) for all or a portion of the unpaid leave. To use sick leave and differential or Half-pay leave, you must be absent for your own serious health condition. Sick leave and differential or Half-pay leave run concurrently with unpaid PDL, FMLA, and CFRA taken for your own condition.

- You may use up to half of one year's allotment of sick leave (which will be deducted from your Personal Necessity leave) to care for an ill family member, per Labor Code § 233. Substitute differential and Half-pay leave are not available for this purpose.
- An employee who is eligible for FMLA/CFRA bonding leave (commonly called Maternity/Paternity leave) will receive "Half Pay Leave" for up to 12 weeks during the leave per Education Code § 44977.5.
- If you have requested FMLA or CFRA for your own serious health condition, you may be eligible during the unpaid portion of your leave for disability payments under any private disability insurance you have purchased.

### **Maternity and Paternity Leave for Baby Bonding (Education Code § 44977.5)**

- When an employee takes Bonding Leave (Maternity or Paternity Leave) under FMLA or CFRA, the employee may use, concurrently with the unpaid FMLA and/or CFRA leave entitlement, up to 12 workweeks of "Half Pay Leave".
- "Maternity or Paternity leave" means CFRA child bonding or child care leave taken in the first 12 months after the birth of a child of the employee or the placement for adoption or foster care of a child by the employee.
- To receive "Half Pay Leave" during the leave, the employee must meet the FMLA/CFRA eligibility requirements.

### **Frequently asked questions regarding leaves related to pregnancy or child bonding:**

#### **How does my newborn receive health insurance coverage?**

Both the mother and the newborn baby are covered under the mother's health insurance plan for the first 30 days after delivery. The newborn must be formally placed on the District employee's health insurance plan within 30 days of birth to be eligible for District health insurance coverage.

To enroll a newborn, contact the District's health insurance representative in Human Resources at 870-2871 to obtain all necessary insurance forms and signatures. Birth of a child is a "qualifying event" that allows the employee to change insurance coverage (from PPO to HMO for example) if they so desire. Failure to enroll the newborn in the District insurance plan within 30 days of birth may make the baby ineligible for District health insurance coverage until the next open enrollment period.

#### **Is my health insurance coverage maintained while I am on PDL, FMLA, or CFRA?**

Yes, coverage under any group health plan (medical, dental, vision) will be maintained during any leave covered by FMLA or CFRA (up to a total of 12 weeks) and during PDL (up to a total of 16 weeks). The coverage would be maintained (paid by the District) as if you had been actively at work during the leave period. If any portion of your leave is unpaid, you are responsible for continuing to make any employee contributions toward your insurance premiums.

Once you are no longer eligible for leave or begin an unpaid personal leave of absence, the District no longer will cover your health benefits. If you wish to remain on the

District's benefit plan, you must apply for COBRA continuation coverage and pay the full premium until you return to work or for the maximum COBRA period.

If the District covers your health insurance during FMLA/CFRA leave and you do not return to work for reasons unrelated to a new, continued, or recurring serious health condition, the District may recover from you its share of the health plan premiums paid during your leave.

**What is the difference between FMLA and CFRA?**

These two types of leaves are nearly identical; in fact, they have the same eligibility requirements, types of use, and they run concurrently (meaning CFRA and FMLA are used at the same time). The only exception is in the case of pregnancy disability, discussed above. After PDL is exhausted, CFRA time could remain available to use for bonding, whereas FMLA time would have been used at the same time as your PDL and may be exhausted.

**How do I transition from PDL to FMLA or CFRA leave?**

PDL is a separate leave classification from FMLA but it runs concurrently with FMLA, meaning that your FMLA is used at the same time as your PDL. If you have FMLA time remaining after ending your PDL you may use the remainder of your FMLA along with your CFRA for bonding with the child.

You must notify the District as soon as practicable that you have been released from PDL and wish to begin CFRA/FMLA bonding leave, beginning on a specified date and the expected duration (up to 12 weeks of CFRA and the remainder of your 12 weeks of FMLA).

If you are using FMLA/CFRA for a qualifying serious health condition not related to pregnancy or childbirth (e.g., your own unrelated condition or a family member's condition), a Doctor's Note is required by the District.

**What do I need to provide the District so I can return to work after my leave has ended?**

When you are able to return to work and/or your FMLA, CFRA, or PDL time has ended per your Doctor's Note, you must submit an updated certification from your physician clearing you to return to work. The certification should specify whether you have any work restrictions and, if so, identify the restrictions and their expected duration. Depending on the nature of the restrictions, the District may engage in an interactive process with you to identify reasonable accommodations.

**SERIOUS HEALTH CONDITION LEAVES NOT RELATED TO PREGNANCY**

Two types of leaves cover District employees who require a leave from work duties due to a serious health condition for themselves (not related to pregnancy or childbirth) or for an immediate family member:

Family Medical Leave Act (FMLA)  
California Family Rights Act (CFRA)

As indicated above, **Family Medical Leave Act (FMLA) & California Family Rights Act (CFRA)**, eligibility for either FMLA or CFRA an employee must have worked for the District for at least 12 months, *and* have worked at least 1,250 hours in the year prior to the beginning of the requested leave. The 12 months of employment need not be consecutive. The 1,250 hour requirement means hours at work and does not include paid or unpaid time off, holidays, etc.

If you are eligible and the leave you have requested qualifies as FMLA or CFRA, you can receive up to a total of 12 work weeks in a calendar year for the following reasons:

- Your own serious health condition
- Bonding with a newborn child, newly adopted child, or care of a child newly placed in foster care;
- The care of a spouse, registered domestic partner, child, or parent with a serious health condition.

FMLA and CFRA define “serious health condition” as a condition resulting in more than 3 consecutive days of incapacity and treatment by a healthcare professional. As discussed above, disabilities due to pregnancy or pregnancy-related conditions are covered under PDL and FMLA; these conditions are not covered under CFRA.

You may take FMLA/CFRA leave either intermittently (working sporadically/reduced leave schedule) or in a single block of time off. Leave granted under FMLA runs concurrently with CFRA unless the employee is disabled by pregnancy.

A Doctor’s Note from a health care provider is required for your own serious health condition or the serious health condition of your family member. If you wish to take FMLA or CFRA for yourself, or to care for your child, parent, registered domestic partner, or spouse, certification by a health care provider must be submitted to the District. The District may require periodic re-certification of your own serious health condition or the serious health condition of your family member.

**With certain exceptions, FMLA and CFRA are unpaid leaves.** You may request or be required to substitute paid leave (accrued vacation, comp-time, sick leave, substitute differential, or Half-pay) for all or a portion of the unpaid leave.

For example, if the leave is for your own serious health condition, your available sick leave (current and accrued) will run concurrently with the unpaid FMLA/CFRA leave. If you remain unable to work after exhausting available sick leave, any differential or Half-pay leave you have available will run concurrently with the remainder of your FMLA/CFRA leave. You may have differential or Half-pay leave remaining after you exhaust FMLA/CFRA leave.

If you have requested FMLA or CFRA for your own serious health condition, you may be eligible during the unpaid portion of your leave for disability payments under any private disability insurance you may have purchased.

**Frequently asked questions regarding leaves related to serious health conditions other than pregnancy:**

**What is the difference between FMLA and CFRA?**

These two types of leaves are nearly identical; in fact, they have the same eligibility requirements, types of use, and they run concurrently (meaning CFRA and FMLA are used at the same time). The only exception is in the case of pregnancy disability, discussed above.

**Do my health benefits continue throughout my leave?**

As long as you are eligible for leave, which includes sick leave, vacation leave and Half-pay leave, or you are on FMLA or CFRA leave, your health benefits will continue and be paid by the District. If any portion of your FMLA/CFRA leave is unpaid, you are responsible for continuing to make any employee contributions toward your insurance premiums. Once you are no longer eligible for leave or begin an unpaid personal leave of absence, the District no longer will cover your health benefits. If you wish to remain on the District's benefit plan, you must apply for COBRA continuation coverage and pay the full premium until you return to work or for the maximum COBRA period.

If the District covers your health insurance during FMLA/CFRA leave and you do not return to work for reasons unrelated to a new, continued, or recurring serious health condition, the District may recover from you its share of the health plan premiums paid during your leave.

**What do I need to provide the District so I can return to work after my leave has ended?**

When you are able to return to work and/or your FMLA or CFRA leave has ended per your Doctor's Note, you must submit an updated certification from your physician clearing you to return to work. The certification should specify whether you have any work restrictions and, if so, identify the restrictions and their expected duration. Depending on the nature of the restrictions, the District may engage in an interactive process with you to identify reasonable accommodations.

**What happens when I return? Will I return to my same class or assignment? My same job?**

When you return from your leave, you will need to submit a doctor's release certifying your ability to resume the functions of your assignment. Upon being released to return to work, you are eligible to return to the same or comparable position at the same rate of pay. Based upon the needs of the District you may be assigned to another job site; however, your terms and conditions of employment would not change.