

Family Care and Medical Leave Eligibility

Employees who have more than 12 months of service, who have worked at least 1,250 hours during the previous 12-month period before the date the leave is to begin, and who are employed by the Mt. San Jacinto Community College District (the District), are eligible under the federal Family Medical Leave Act (FMLA) and state California Family Rights Act (CFRA) family leave laws to take up to a maximum of 12 workweeks of unpaid family care and medical leave within a rolling 12-month period for either FMLA or CFRA. In circumstances where a leave qualifies for both FMLA and CFRA leave, the leaves will run concurrently for a total of 12 weeks. FMLA may be approved up to 26 weeks with military caregiver leave.

Please contact Human Resources as soon as you realize the need for family care and medical leave under one of the following qualifying events:

- Serious health condition of the employee
- Pregnancy Disability Leave for the employee
- Serious health condition of the employee's covered family member (child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, domestic partner, or designated person)
- Birth of a child, adoption, or foster care placement
- Military Exigency Leave or Military Caregiver Leave

Covered Family Members

A covered family member under the Family Medical Leave Act (FMLA) includes a spouse, child, or parent. FMLA may be taken for the employee's child's birth, adoption, or foster care placement. A covered family member under the California Family Rights Act (CFRA) includes an employee's child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, domestic partner or designated person. An eligible MSJC employee is limited to one designated person per 12-month period. Employees must identify the designated person at the time leave is requested.

Notification of Calculation Methods

Eligible employees are entitled up to 12 workweeks of family care and medical leave (FMLA or CFRA or concurrent leave) in any 12-month period, calculated as a "rolling" 12-month period, beginning with the first date of family care and medical leave, moving forward.

- 12 weeks means the equivalent of 12 of the employee's normally scheduled workweeks. For eligible employees who work less than five (5) days a week, or less than eight (8) hours per day, the number of working days that constitutes 12 weeks is calculated on a pro rata or proportional basis.
- If an employee takes leave on an intermittent or reduced work schedule, only the amount of leave actually taken will be counted toward the 12 weeks of leave to which the employee is entitled.
 - For example, if an employee needs physical therapy which requires an absence from work for two (2) hours a week, only hours of leave will be counted as the employee's family care and medical leave entitlement.

No carryover of unused FMLA or CFRA from one 12-month period to the next 12-month period is permitted.

Request for Leave

Employees requesting family care and medical leave (continuous or intermittent) are required to provide at least 30-day advance notice when the need is foreseeable and such notice is practical. If the leave is foreseeable less than 30 days in advance, the employee must provide notice as soon as practical. Absent unusual circumstances, employees must comply with the District's usual and customary notice and procedure for requesting leave.

The employee must contact their supervisor regarding scheduling of any planned medical treatment in order to minimize disruption to the operations of the District. Any such scheduling is subject to the approval of the health care provider of the employee or employee's covered family member. If the employee cannot provide 30 days' notice, the District must be informed as soon as possible.

Medical Certification by Health Care Provider Policy

The District requires an employee to provide medical certification from their health care provider within 15 days of any request for family care and medical leave, unless it is not practical to do so. **Please ensure that no information pertaining to any medical condition, diagnosis, or treatment plan is shared with the District.**

The District may require recertification from the health care provider if additional leave is needed. The District may request periodic updates (not less than 30 day increments) to determine the employee's intention to return to work or review reasonable accommodations to support the employee's return to work.

- If an **employee** cites their own serious health condition as a reason for a leave, the employee must provide a medical certification from their health care provider stating:
 - Date of commencement of the serious health condition;
 - Probable duration of the condition; and
 - Inability of the employee to work at all or to perform any one or more of the essential functions of their position due to a serious health condition.

- If the family care and medical leave is needed to care for a **child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, domestic partner, or designated person**, the employee must provide a medical certification from the covered family member's health care provider stating:
 - Date of commencement of the serious health condition;
 - Probable duration of the condition;
 - Estimated amount of time for care by the health care provider ; and
 - Confirmation that the serious health condition warrants the participation of the employee.

Additional Requirements for Serious Health Condition

If the leave request is due to an employee's own serious health condition, the District may require, at its expense, a second opinion from a health care provider that the District chooses. The health care provider designated to provide a second opinion will not be one who is employed on a regular basis by the District. If the second opinion differs from the first opinion, the District may require, at its expense, the employee to obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee. The opinion of the third health care provider shall be considered final and binding on the District and the employee.

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Pregnancy Disability Leave (PDL)

Time off from work for an employee’s pregnancy disability, childbirth, or related medical condition may be considered Pregnancy Disability Leave (PDL). For eligible employees, PDL runs concurrently with FMLA. Employees requesting PDL should contact Human Resources at least 30 days prior to leave commencement.

Once an employee is released from PDL to return to work, with or without work restrictions, the employee is required to provide an updated health care provider medical certification to Human Resources prior to returning to work.

Parental Leave (PL)

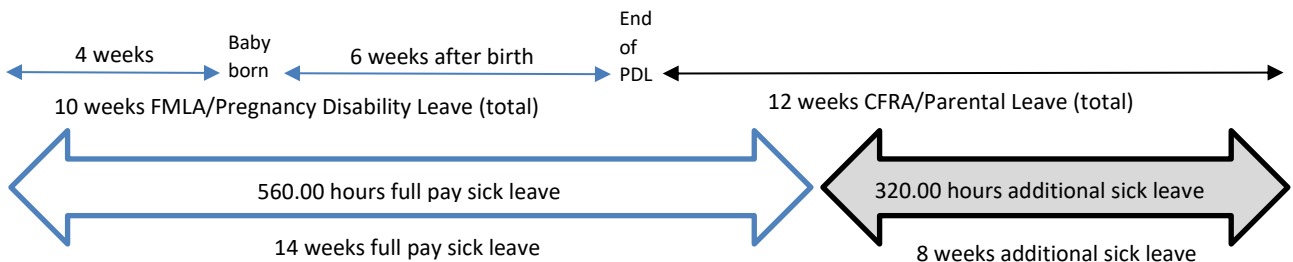
An employee may be eligible for up to 12 workweeks of Parental Leave (PL) to bond with their child upon being employed by the District for 12 months, regardless of hours worked in the last 12 months. For eligible employees, PL runs concurrently with CFRA. Parental Leave may be requested for the birth of a child of the employee, adoption, or foster care placement of child with the employee, at least 30 days prior to leave commencement.

Any leave taken for the birth, adoption, or foster care placement of a child does not have to be taken in one continuous period of time. Parental Leave may be granted in minimum amounts of two (2) weeks. However, the District may grant a request for a PL of less than two (2) weeks’ duration on any two (2) occasions. Any leave taken for birth, adoption or foster care must be concluded within one year of birth or placement date.

How Pregnancy Disability (PDL) and Parental Leave (PL) Work Together

Example – Pregnant employee eligible for parental leave:

A pregnant employee is temporarily disabled for 10 weeks (4 weeks before birth, 6 weeks after birth)(FMLA/PDL) and is eligible for 12 workweeks of parental leave (CFRA/PL). This employee has 560.00 hours of full pay sick leave available and works 40 hours per workweek.



Military Family Leave / Qualified Exigency Leave (FMLA)

The military family leave provisions of FMLA entitle eligible employees to take FMLA leave for any “qualifying exigency” arising from the foreign deployment of the employee’s spouse, child, or parent with the Armed Forces, or to care for a service member with a serious injury or illness if the employee is the service member’s spouse, child, parent or next of kin.

Military Caregiver Leave

If the leave is needed for military family leave, the employee must provide a medical certification for serious injury or illness of covered service member via [DOL form WH-385](#). The following information must be provided on the form:

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- Date of commencement of the serious health condition;
- Probable duration of the condition;
- Estimated amount of time for care by the health care provider ; and
- Confirmation that the serious health condition warrants the participation of the employee

Employees may be granted up to **26 workweeks** of unpaid job-protected leave during a “single 12-month period” for Military Caregiver Leave.

Qualifying Exigency Leave

If the leave is needed for qualifying exigency leave, the employee must provide a medical certification of qualifying exigency via [DOL form WH-384](#). The following information must be included:

- Date of commencement of exigency;
- Probable duration of exigency;
- Estimated amount of time needed for leave including whether continuous or intermittent; and
- Covered military member’s active duty orders or other documentation issued by the military that indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the covered military member’s active duty service.

Employees may be granted up to **12 workweeks** of unpaid job-protected leave for Qualified Exigency Leave.

Bereavement Leave for Family Member

AB 1949 provides that eligible employees who have been employed for at least 30 days may take up to 5 days of unpaid leave related to the death of a family member. A family member is defined as a spouse, child parent, sibling, grandparent, grandchild, domestic partner, or parent-in-law. Employees may request to utilize available paid bereavement leave, personal necessity, sick leave, or vacation balances.

Coordination with Health Insurance

An employee approved for FMLA, CFRA, PDL, or PL will be allowed to continue participating in any health and welfare benefit plans in which they were enrolled before the first day of leave (while on an approved FMLA, CFRA, or PDL) at the level, and under the conditions of coverage, as if the employee had continued in employment for the duration of such leave. The District will continue to make the same premium contribution as if the employee continued working. The continued participation in health benefits begins on the date leave first begins under FMLA, CFRA or PDL. In some instances, the District may recover from an employee premiums paid to maintain health coverage if the employee fails to return to work from leave.

Sick Leave and Paid Leave Time Usage

Eligibility for paid leave balances will be approved via the Human Resources office and processed via Payroll.

- **Employee’s own serious health condition**
Accrued sick leave will be utilized for an employee's own serious health condition. An eligible employee may elect to utilize available leave balances (vacation, comp time, etc.) with an approved FMLA, CFRA or PDL once their accrued sick leave balances exhaust. Employees must provide written authorization to utilize other leave balances to Human Resources prior to leave commencement.

Once available sick leave balances have been exhausted, eligible employees may be provided with up to

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5-month/100 day additional sick leave (part time employees - pro rata) which runs concurrently with available paid leaves. Please consult with Human Resources for eligibility.

- **Serious health condition of covered family member**

An eligible employee may elect to utilize available leave balances (vacation, comp time, etc.) with an approved FMLA or CFRA or concurrent leave for a covered family member or designated person. Employees must provide written authorization for other leave balances to Human Resources prior to leave commencement. If no written authorization is received, accrued sick leave will be utilized. If no leave balances are available, the leave may be **unpaid**.

- **Parental Leave (PL)**

Eligible Academic Employees will utilize accrued sick leave while on an approved CFRA leave and/or Parental Leave (PL) to bond with their child for birth, adoption, or foster care placement for up to 12 weeks within the first year of birth. Once the accrued sick leave balances exhaust, an Academic Employee may be eligible for additional sick leave (60% pay) while on an approved Parental Leave. Eligible Classified Professionals will utilize accrued sick leave while on an approved CFRA leave and/or Parental Leave (PL) to bond with their child for birth, adoption, or foster care placement for up to 12 weeks within the first year of birth. Eligible Classified Professionals may elect to utilize available leave balances (vacation, comp time, etc.) with an approved PL once accrued sick leave balances exhaust. Once the accrued sick leave balance exhausts, a Classified Professional may be eligible for additional sick leave (50% pay) while on an approved Parental Leave.

Employees on leave will not continue to accrue vacation, sick leave, paid time off during **unpaid** FMLA, CFRA, or PDL. An employee on **unpaid** leave will not earn service credit in the employee's respective retirement plan (CalPERS, CalSTRS).

Medical Certification for Return to Work

The District will require medical certification by the employee's health care provider that the employee is fit to return to their job, with or without work restrictions, prior to the employee's return to work.

Failure to provide medical certification by the health care provider of the employee's fitness to return to work will result in denial of reinstatement for the employee until the medical certification is obtained. If an employee is returned to work with work restrictions, Human Resources will contact the employee and the department to review reasonable accommodations or provide an additional leave of absence.

Return from Family Care and Medical Leave

Under most circumstances, upon return from FMLA, CFRA, or PDL, an employee will be reinstated to their original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if they had been continuously employed rather than on leave.

For example, if an employee on family care and medical leave would have been laid off had they not gone on leave, or if the employee's job is eliminated during the leave and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement. In addition, an employee's use of family care and medical leave will not result in the loss of any employment benefit that the employee earned before using leave.

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American Fidelity - Voluntary Disability Income Protection Plans

Employees that have elected American Fidelity Voluntary Disability Income Protection Plans on an employee-paid basis may visit www.americanfidelity.com or call to (800) 365-9108 ext. 336 for questions or to file a claim.

Eligible employee may enroll in American Fidelity plans at each year during Open Enrollment.

For additional information about eligibility for family care and medical leave (FMLA or CFRA or concurrent), Pregnancy Disability Leave (PDL), or Parental Leave (PL), please contact the Human Resources assigned Leave Specialist or call 951-487-3161.

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