

**FMLA FORMS
DESCRIPTION & FORM NUMBER**

V. FMLA IN GENERAL

***ADDITIONAL INFORMATION ABOUT FMLA
in which FMLA – 12 is a mandatory notification to all employees***

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[**Note:** these forms are for various purposes – some of which are to notify the employee, and some are information for management and the time reporter]

Forms are on the next few pages, scroll down

Los Angeles Unified School District

EMPLOYEE'S 'FACT SHEET' ABOUT FMLA and CFRA

INSTRUCTIONS TO EMPLOYEES: Read this material; obtain more facts under #3 below.

1. Should all LAUSD employees know what these letters, “FMLA” and “CFRA”, mean?

Yes. The Family and Medical Leave Act (“FMLA”) and the California Family Rights Act (“CFRA”) provide eligible District employees with twelve weeks of protected absence or leave per year when the employee or a covered family member experiences a “serious health condition,” or when an employee requests time to bond with a child after the child’s birth, adoption or foster care.

2. Do FMLA protections primarily concern job return, paid health benefits, and non-discrimination?

Yes. FMLA and CFRA regulations provide certain return rights to the same or equivalent position, employer-paid health benefits even if on unpaid leave, and rights to non-discrimination.

3. Does LAUSD provide additional information about FMLA/CFRA beyond this “Fact Sheet”?

Yes. More detailed information is on the District’s website at fmla.lausd.net or www.lausd.net (go to “Offices” and find “Risk Management and Insurance Services”, then click on the appropriate FMLA section) under FAQs” or “Services / Int. Disability Mgt”. A few excerpts within this website are attached to this “Fact Sheet”. **PLEASE READ THIS “EMPLOYEE FACT SHEET” AND THE ATTACHED EXCERPTS.** Also, the relevant regulatory notice informing employees of their rights under the FMLA and CFRA should be posted at each District site. The District additionally provides information about FMLA in the form of bulletins, training materials, personnel commission rules, board rules, collective bargaining agreements. You may also ask questions by calling the Office of Risk Management, FMLA Programs Section at (213) 241-3954.

4. Is there a reason that the District is emphasizing FMLA at this time?

Yes. The District, in an effort to reduce excessive absenteeism and its serious impact on District operations and instructional programs, intends to require employees to utilize such benefits under FMLA/CFRA and take concurrent absences/leaves to the fullest extent permitted under the law and District policies. The LAUSD also seeks to ensure that employees receive the protected absence and leave which they may use when the reason is a qualifying purpose. The District’s policy on Attendance Management promotes the goal of minimizing lost time (and resulting costs that arise from hiring substitutes or temporary help, as well as related costs) and addressing both attendance and absence management.

5. Is FMLA/CFRA leave always taken as an unpaid absence or leave?

No. FMLA/CFRA is taken as part of any other leave that the employee would otherwise be eligible. The District is permitted to designate such FMLA/CFRA leave time concurrently with other types of absences provided by the District – such as paid illness, personal necessity, paid vacation or workers’ compensation leave. In addition, under many circumstances, employers may require and mandate employees to utilize vacation or illness time, while taking an absence and/or leave under FMLA or CFRA. When an employee has no available paid time benefits to use as District leave, FMLA/CFRA leave time would run concurrently with a District unpaid leave.

6. Should employees exercise precise truthfulness in requesting eligibility for FMLA protections?

Yes. In accordance with FMLA and CFRA regulations, 2nd medical opinions can be requested to check any issues of validity. Additionally, the regulations prohibit fraud by any employee seeking to improperly or falsely use the rights provided under FMLA, and the District may initiate an inquiry and/or investigation into whether fraud has occurred. Such an inquiry and/or an investigation can occur when there is a reasonable basis to suspect the possibility of fraud, and shall not be deemed to be retaliatory in nature.

EMPLOYEE’S ‘FACT SHEET’ ABOUT FMLA and CFRA

When beginning a leave, points to know:

Twelve Weeks FMLA is the Family and Medical Leave Act. FMLA gives up to a maximum of 12 weeks of job-protected absences for employees for certain family and medical reasons. LAUSD uses what is called a “Variable Year Forward” for counting these 12 weeks. California Family Rights Act (CFRA) is similar. When caring for a family member injured in the military, the employee will be able to potentially take up to 26 weeks.

Eligibility LAUSD employees must have been employed with the District for at least 12 months (the months need not be consecutive) and have worked at least 130 workdays during the one year immediately preceding the effective date of each absence or leave. Temporary classified employees & employees in Units A, E & G must meet the legal requirement of 1,250 work hours (for the same previous 12-month period going backward).

Qualifying The qualifying reasons have to be a serious health condition; a new child in the family; or a qualifying family member being on active military duty. The FMLA process starts at the time that the employee provides sufficient information to indicate that the request for the absence is based on reasons that would qualify under FMLA/CFRA. It must be remembered that the qualifying FMLA information cannot be provided after two business days from the date of return to work; otherwise, the District can deny and decline to designate the absence, and the time off will not be protected.

Family Members FMLA/CFRA protects for the care of qualifying family members (the employee’s parent, spouse, child under 18, or Domestic Partner registered with the CA Secretary of State). When the care is for the member in U.S. military service, there are two more relationships: child of any age, and ‘next of kin’.

Advance Notice The employee needs to make a request for a foreseeable absence with at least 30 days of advance notice before FMLA/CFRA leave is to begin. If notice of 30 days is not possible (such as a sudden illness), notice needs to be given within two business days, or as soon as practicable. Whenever possible, if the need for leave is foreseeable, the employee must make a reasonable, good faith effort, subject to the approval of the employee’s or family member’s health care provider, to schedule the health treatment or health supervision to avoid disruption to the District’s operations. Notice must be provided to the employee’s immediate supervisor or other designee, in accordance with the rules of the employee’s site or office.

Certification The employer will normally require the employee to provide an FMLA Certification by a health care provider within 15 calendar days, and can also require 2nd/3rd medical opinions and recertification where permissible.

During leave , or when at the end of leave, more information:

Rights FMLA and CFRA are important because they provide rights of return to the job, rights of paid health benefits, and rights to ensure that there is no loss of any employment benefit that accrued prior to the start of the employee’s leave based on an FMLA absence.

Designate It is solely the employer’s responsibility to decide and designate leave as FMLA/CFRA, in compliance with government regulations. Even if an employee prefers or requests FMLA be saved and/or not be designated, the District on its own shall designate the absence as counting toward the 12 weeks that an employee may use when information confirms that the time off is due to a reason qualifying as FMLA/CFRA. The designation can be verbal or written, and it should be done promptly. However, designation letters can be completed later in the absence.

Website For details on the definition of “serious health condition”, go to the District’s website at www.lausd.net. Proceed on to “Offices” and then “Risk Management and Insurance Services”. Click on the appropriate FMLA section “What’s New with FMLA.”

Letter During the leave or upon return, if the absence qualifies for FMLA, the employee should expect to receive a letter of designation identifying that the employee’s absences are counting as part of the employee’s 12-week maximum allotment under FMLA.

Concurrent Per FMLA, if an employee’s absence is being taken as illness leave/personal necessity/vacation, yet it also qualifies as a leave under the FMLA/CFRA, the District requires FMLA/CFRA to be taken concurrently. Conversely, when an employee has requested and is now taking FMLA/CFRA, the District shall require in all permissible circumstances the employee requesting FMLA to utilize illness time or vacation. For instance, when an employee takes an FMLA absence/leave for the employee’s own serious health condition, the District will require the employee to utilize accrued illness days for the leave, in lieu of unpaid time, in accordance with the laws.

Problems Any employee who has a question, or a problem under the District’s FMLA policy, may inquire and discuss these issues by calling the Division of Risk Management, FMLA Programs Section at (213) 241-3954. An investigation to correct the problem can be initiated. Employees can also file a complaint with the California Department of Fair Employment and Housing or the United States Department of Labor. If information is needed about certain addresses or phone numbers, call the Office of Risk Management, FMLA Programs Section at (213) 241-3954, (213) 241-2204, or (213) 241-1619.

**PREGNANCY DISABILITY LEAVE
and FAMILY CARE AND MEDICAL LEAVE (CFRA LEAVE)**

[Page 3 of 5 in this Fact Sheet]

If you become pregnant and are disabled by pregnancy, childbirth or related medical conditions, you are entitled to take a pregnancy disability absence/leave. The leave offers certain job protections. The length of time for this protected leave is that period during which you are certified by your health care provider as disabled based on your actual disability. You may also have certain rights to take both a pregnancy disability leave and a then a bonding leave under the California Family Rights Act (CFRA) for reason of the birth of your child, if and only if you are CFRA-eligible. Both leaves contain several protections for reinstatement to the same or to a comparable position at the end of the leave, subject to any defense allowed under the law.

Fathers or adopting/foster-care parents can also take a bonding leave. Under the California Family Rights Act of 1993 (CFRA), if you have more than 12 months of service with the District and have worked at least 130 workdays (or 1,250 work hours for certain specified employees) in the 12-month period before the date you want to begin your leave, you may have a right to an unpaid family care or medical leave (CFRA leave) for bonding with a new child. This leave may be up to 12 workweeks in a 12-month period for the birth, adoption, or foster care placement of your child or for your own serious health condition or that of your child, parent or spouse.

If possible, you must provide at least 30 days advance notice for foreseeable events (such as the expected birth of a child or a planned medical treatment for your self or of a family member). For events which are unforeseeable, we need you to notify your management at your site, at least verbally, as soon as you learn of the need for the leave.

Failure to comply with these rules requiring notice is grounds for, and may result in, deferral of the requested leave and irrevocable reversal of the job protections. Job protections might resume for the time period after you comply with this notice policy.

We require certification from a health care provider to justify the protections of a leave for pregnancy disability, or your own serious health condition, or care of your child, parent, or spouse (or registered domestic partner) who has a serious health condition. When medically necessary, leave may be taken on an intermittent or a reduced work schedule.

If you are taking a leave for the birth, adoption or foster care placement of a child, the basic minimum duration of the leave is two weeks. You must conclude the leave within one year of the birth or placement for adoption or foster care.

Taking time off, particularly if unpaid, may impact certain of your benefits and your seniority date. Adding the protections provided by a family care or pregnancy disability leave is not a factor in these issues. If you want more information regarding your eligibility for a leave and/or the impact of the leave on your seniority and benefits, please contact your Supervisor, Time Reporter or the FMLA Programs Section at (213) 241-3954, (213) 241-1619 or (213) 241-3079.

SELECTED 'FMLA' EXCERPTS FROM THE ORMIS WEBSITE

Do the FMLA/CFRA protections routinely continue for a long-term absence?

No. The length of absence/leave under FMLA/CFRA, together with any previous and/or recurring absence under FMLA/CFRA, shall not exceed the number of days/hours equivalent to a total of twelve (12) normally scheduled workweeks in a fiscal year. These absences/leaves may be taken in one or more periods. Absence or leave, with respect to the birth, adoption, or foster care under FMLA/CFRA, shall be concluded within 12 months of the birth, adoption, or placement.

May an employee take leave under FMLA and CFRA at anytime?

No. Where the need for the leave is foreseeable based upon an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or of a covered family member (such as a planned surgery), an employee is required to provide the District at least 30 days advance notice before FMLA/CFRA leave is to begin. If notice of 30 days is not possible (such as a sudden illness), notice should be given with as much advance notice as possible, but, at the least, within two business days of learning of the need for the leave, or as soon as practicable. Whenever possible, if the need for leave is foreseeable due to a planned medical treatment or supervision, the employee must make a reasonable, good faith effort, subject to the approval of the employee's or family member's health care provider, to schedule the health treatment or health supervision to avoid disruption to the District's operations. Notice must be provided to the employee's immediate supervisor or other designee, in accordance with the rules of the employee's site or office. In giving notice, the employee must include general information about the qualifying event for which the leave is needed, such as birth of a child, or a serious health condition.

Is the FMLA Certification of Health Care Provider needed when requesting FMLA?

Yes. This FMLA Certification of Health Care Provider is needed when an employee requests absence for a serious health condition. This form asks for some of the following information: (1) Certification that the medical reason qualifies as a "serious health condition"; (2) The date on which the serious health condition commenced; (3) The probable duration of the condition; (4) Identification if additional treatment is required; (5) Explanation as to whether the employee is unable to perform one or more of the essential functions of the employee's job, or the employee's leave warrants the participation and is needed to care for the family member who has a serious health condition; (6) Confirmation that there is a medical necessity for a reduced or intermittent schedule, if a reduced or intermittent schedule is applicable.

Does LAUSD have a time limit for when this FMLA Certification shall be submitted?

Yes. The "FMLA Certification of the Health Care Provider" must be submitted no later than fifteen calendar days after the District's first request for this certificate was made to the employee. A delay in submission will be accepted only if all three of the following conditions apply: the employee has made good faith efforts to have the FMLA Certification completed; the employee's submission of the certification on time is not practicable to do so; and these facts are known to the District. If the timeframe by which the employee is to submit the FMLA Certification is after the leave has started, the employee will be provisionally considered to have taken FMLA. However, this provisional designation is conditional upon the District's receipt of the properly completed FMLA Certification. If the employee fails to provide the proper FMLA Certification within the timeframe identified, and an extension is not reasonable, the District shall decide whether the employee's absence or leave will be excluded from FMLA and CFRA, and thereby not qualifying for the protections of FMLA and CFRA.

If the employee wants to decline FMLA, will the employee's preference be accepted?

No. In accordance with state and federal laws, if the District has knowledge that an employee's absence is for a protected reason under the FMLA and/or CFRA, the District shall require that the employee take such an absence with FMLA/CFRA protection and that the employee supply the appropriate form, FMLA Certification of Health Care Provider. Regardless of whether the employee prefers to take FMLA leave, the District will nevertheless designate the absence as protected so long as the employee has provided sufficient information to indicate that the reason for the leave is, in fact, FMLA- and/or CFRA-qualifying. Even if the employee would prefer or requests that FMLA/CFRA be saved and not be designated, the District on its own shall designate the absence as counting toward the 12 weeks that the employee may use when information confirms that the time-off is due to a reason qualifying under FMLA and/or CFRA.

May an employee retroactively request protections under FMLA at some later time?

No. In accordance with state and federal regulations, an employee may not request FMLA leave after returning from absence or leave, with one exception. If an employee upon returning from leave provides, within two (2) business days, new and sufficiently clear information that the reason for the recent absence or leave was qualifying under FMLA, then the employee's otherwise qualifying leave shall be designated. If the employee provides qualifying information under FMLA/CFRA after two business days from the date of return to work, the District can deny and decline to designate the absence, and the time off will not be protected.

Will LAUSD mandate that an employee's District leave concurrently run with FMLA?

Yes. Per the regulations of FMLA and CFRA, if an employee's leave constitutes a protected leave under the FMLA and/or CFRA and also constitutes a basis for another type of District leave, such as illness leave, personal necessity leave, workers' compensation leave, or vacation leave, the District will require the employee to take FMLA/CFRA concurrently with the District leave. In the reverse situation, when an employee has requested and is now taking FMLA/CFRA, the District shall require the employee requesting FMLA to utilize illness time or vacation, whenever permissible under the law. This procedure complies with both FMLA and CFRA. For an employee who takes an absence/leave for the employee's own serious health condition, the District shall require the employee to utilize accrued illness days for the leave, in lieu of unpaid status. In addition, for any employee who has accrued vacation, when that employee who takes an absence/leave for bonding or for a serious health condition (either employee's or qualifying family member's), the District shall require the employee to utilize vacation for this purpose, in lieu of unpaid status. Instructions for proper payroll codes to reflect these concurrent leaves are to be separately disseminated by the District's payroll branch. There are certain limited circumstances where the laws identify different requirements; more information can be obtained on the District's FMLA website.

Can the District alter the work to be performed during an intermittent absence?

Yes. First, employees have the obligation to attempt to minimize disruption to District operations by scheduling the intermittent time off or the reduced work schedule in a way that will minimize or reduce the disruption to the District, if such scheduling is possible and if the employee's health care provider approves. If an intermittent absence (or reduced work schedule) under FMLA/CFRA creates difficulties for the work site, the District has the right to temporarily transfer the employee to an available position for which the employee is qualified and which better accommodates recurring periods of absence during the duration of the intermittent or reduced-schedule absence. The position to which the employee is transferred must have the equivalent pay and benefits but does not have to contain equivalent duties. Upon conclusion of the intermittent or reduced-schedule absences, the District will return the employee to the original job or an equivalent position.

Suggested School Form for Recording Absences (multiple employees)

{ FMLA – 13 }

Los Angeles Unified School District (Site or Office: _____)

<u>Date/ Time of Contact</u>	<u>Name of Employee</u>	<u>Dates of Expected Absence</u>	<u>Other Information Provided (Use Quotes; Again, Use Quotes; Use Quotes)</u>	<u>Any mention of a Chronic Condition? (details?)</u>	<u>If more than 3 consecutive days, any mention of two treatments?</u>	<u>Other FMLA Pathways?</u>	<u>Initials; & Pay Code if known</u>

If questions arise in regard to recording information about absences or leaves with respect to FMLA, you may call the Office of Risk Management-FMLA Programs Section at (213) 241-3954.

Suggested Office Form for Recording Absences (single employee)

{ FMLA – 14 }

Los Angeles Unified School District (Site or Office: _____)

<u>Name of Employee</u>		
<u>A. Date/Time of Contact (initial occurrence)</u>		
<u>Dates of Expected Absence</u>		
<u>Other Information Provided</u>		
<u>Possible Pay Code if known</u>		<u>Initials</u>
<u>B. Date/Time of Contact (another occurrence)</u>		
<u>Dates of Expected Absence</u>		
<u>Other Information Provided</u>		
<u>Possible Pay Code if known</u>		<u>Initials</u>

* * *

If questions arise in regard to recording information about absences or leaves with respect to FMLA, you may call the Office of Risk Management-FMLA Leaves at (213) 241-3954.

New Payroll Codes for FMLA

A. THE LIST of FMLA TIME CODES (use LIST B for pregnancy disability)

Time Codes - Section 1 (FMLA and/or CFRA, where designation occurred promptly)

- “**F C I L**” is the new code for “**C I**” = CFRA/FMLA (or CFRA/noFMLA) + Illness
- “**F C V A**” is the new code for “**C V**” = CFRA/FMLA (or CFRA/noFMLA) + Vacation
- “**F C P N**” is the new code for “**C P**” = CFRA/FMLA (or CFRA/noFMLA) + Personal Necessity
- “**F C K C**” is the new code for “**C K**” = CFRA/FMLA (or CFRA/noFMLA) + Kin-care
- “**F C U P**” is the new code for “**U C**” = CFRA/FMLA (or CFRA/noFMLA) + unpaid absence
- “**F C H O**” currently doesn’t work; was intended as **BTS code for CFRA/FMLA + paid holiday**
- (the code of “**FCIH**” isn’t used by time reporter for CFRA/FMLA + ½ Pay Illness)

Reason for ‘Time Codes - Section 2’ (FMLA protections exist, yet weren’t designated)

NOTE: THIS SITUATION IS TO BE AVOIDED. Use of Time Codes in Section 2 would normally mean that there was an error in forgetting to designate. If there is an occasional slip, FMLA protections would need to be applied retroactively (without deducting any portion of the 12 weeks of FMLA).

In these cases, the FMLA designation letter (FMLA – 1) was NOT delivered on time, specifically not within the 2-business-day grace period, and the three common exceptions do not apply. These exceptions include:

- pregnancy disability was taken;
- FMLA qualifying information from the employee was delayed, with the employee providing this information no later than 2 business days upon the employee’s return; or
- verbal designation was made within the 2-day grace period with written designation completed shortly thereafter, typically in the same pay period.

If one or more of these exceptions pertain, or if designation was promptly completed with FMLA – 1, then the paragraph below is not relevant. Instead, use the Time Codes in Section 1 above.

In an FMLA situation where there was no designation (and the exceptions don’t apply), there needs to be protection. Yet NO deductions of the 12 weeks should be made. Accordingly, special time codes referred to as “non-deduct” (see below, Section 2) need to be used instead of the new codes above. In other words, if designation was forgotten, use Section 2. If designation was properly completed, skip Section 2, and use Section 1.

Once the sending of the designation letter occurs, usage of the codes above (Section 1) should simultaneously start, and the non-deduct codes should be stopped on the day of designation (FMLA – 1).

Time Codes - Section 2 (“non deduct”, if there was no FMLA/CFRA designation)

- “**F N I L**” is new for “**C I**” = CFRA/FMLA (no FMLA designation letter) + Illness
- “**F N V A**” is new for “**C V**” = CFRA/FMLA (no FMLA designation letter) + Vacation
- “**F N P N**” is new for “**C P**” = CFRA/FMLA (no FMLA designation) + Personal Necessity
- “**F N K C**” is new for “**C K**” = CFRA/FMLA (no FMLA designation) + Kin-care
- “**F N U P**” is new for “**U C**” = CFRA/FMLA (no FMLA designation) + unpaid absence
- “**H O**” will remain the code for a paid holiday with CFRA/FMLA (no FMLA designation)
- (code of “**FCIH**” isn’t used by time reporter for CFRA/FMLA (no designation) + ½ Pay Illness)

B. THE LIST of PREGNANCY TIME CODES (use LIST A for non-pregnancy)

Time Codes - Section 3 (Pregnancy Disability: PDL with FMLA eligibility)

WITH FMLA ELIGIBILITY (such as having 130 workdays and 12 months of LAUSD work)

- “**P F I L**” is the **new** code for “**P F**” = Pregnancy disability/FMLA + Illness
- “**P F V A**” is the **new** code for “**V F**” = Pregnancy disability/FMLA + Vacation
- “**P F U P**” is the **new** code for “**P U**” = Pregnancy disability/FMLA + unpaid (disability) absence
- “**P F H O**” currently doesn’t work; was intended as **BTS** code for Preg. dis./FMLA + paid holiday
- (the code “**PFIH**” isn’t used by time reporter for Pregnancy disability/FMLA + ½ Pay Illness)

Time Codes - Section 4 (Pregnancy Disability: PDL with NO FMLA eligibility)

WITHOUT FMLA ELIGIBILITY (LESS than 130 workdays, or LESS than 12 months of LAUSD work, or HAVING used 12 FMLA weeks already)

- “**P D I L**” is alternatively the **new** code for “**P F**” = Pregnancy disability/NoFMLA + Illness
- “**P D V A**” is alternatively the **new** code for “**V F**” = Pregnancy disability/NoFMLA + Vacation
- “**P D U P**” is alternatively the **new** code for “**P U**” = Pregnancy dis/NoFMLA + unpaid absence
- “**P D H O**” currently doesn’t work; was intended as code for Preg. dis./No FMLA + paid holiday
- (the code “**PDIH**” isn’t used by time reporter for Pregnancy disability/NoFMLA + ½ Pay Illness)

C. Using the New Codes

*On Certification/Request of Illness/Family Illness/New Child, these time codes would **TYPICALLY** be used:*

- A) Personal Illness/Injury/Disability/Medical Appt. if CFRA/FMLA, **use “FCIL”**; if not designated, **“FNIL”**
B) Occupational Illness/Injury or Act of Violence..... consult payroll instructions, but **use “WC”**
[Note: If absence is Worker’s Compensation, it should normally be counted and deducted as FMLA unless the duration of the absence is so short that it does not qualify for FMLA, such as incapacity for a non-chronic injury of 3 days or less.]
C) Pregnancy-related Illness/Disability.....if FMLA, **use “PFIL”**; if not FMLA, **use “PDIL”**
D) Accident Involving My Person.....if CFRA/FMLA, **use “FCIL”**; if not designated, **“FNIL”**
E) Illness/Injury/Disability–Family (relation _____) ...if CFRA/FMLA, **use “FCKC” or “FCPN” or “FCUP”**
F) Accident Involving Family (relation _____)if CFRA/FMLA, **use “FCKC” or “FCPN” or “FCUP”**
G) Time-off for New-Born/Newly adopted/New foster care.....if CFRA/FMLA, primarily **use “FCUP” or “FCPN”**
[Note: FMLA code for vacation, “FCVA”, should be required of an employee when caring for family, in lieu of unpaid status.]

D. Previous Codes (no longer to be used, effective January 1, 2007)

Coding the Payroll and Making Leaves Concurrent has entailed using the following codes:

- “**C I**” = CFRA/FMLA (or CFRA/noFMLA) + Illness
- “**C H**” = CFRA/FMLA (or CFRA/noFMLA) + ½ Pay Illness
- “**C V**” = CFRA/FMLA (or CFRA/noFMLA) + Vacation
- “**C P**” = CFRA/FMLA (or CFRA/noFMLA) + Personal Necessity
- “**C K**” = CFRA/FMLA (or CFRA/noFMLA) + Kin-care
- “**U C**” = CFRA/FMLA (or CFRA/noFMLA) + unpaid absence
- “**P F**” = Pregnancy disability/FMLA (or PregDis/noFMLA) + Illness
- “**H F**” = Pregnancy disability/FMLA (or PregDis/noFMLA) + ½ Pay Illness
- “**V F**” = Pregnancy disability/FMLA (or PregDis/noFMLA) + Vacation
- “**P U**” = Pregnancy disability/FMLA (or PregDis/noFMLA) + unpaid (disability) absence

Los Angeles Unified School District

RAMON C. CORTINES
Superintendent of Schools

[Redacted]

[Redacted]

DATE: [Redacted]

TO: [Redacted]

Employee # [Redacted]

FROM: [Redacted]

Location [Redacted]

SUBJECT: IT IS MANAGEMENT'S RESPONSIBILITY TO DESIGNATE FMLA/CFRA

RE: Your Absence starting [Redacted] through [Redacted].

You have notified the District of your need for absence from work. You have indicated that you would prefer not to receive FMLA/CFRA protections at this time. However, your preference cannot be granted.

The reason for your absence qualifies for protection under the Family and Medical Leave Act ("FMLA"); the California Family Rights Act ("CFRA"); and/or the California Pregnancy Disability Leave Act ("PDL"). Since the absence qualifies under FMLA, the District is designating (and will retain the designation of) your absence as FMLA and/or CFRA and will count your absence toward the maximum of 12 weeks that you may use under FMLA/CFRA. Governmental regulations specify: "In all circumstances, it is the employer's responsibility to designate leave, paid or unpaid, as FMLA-qualifying . . ." The District has designated FMLA/CFRA based on qualifying information that you provided, even though you may not have requested FMLA/CFRA. The laws and District rules permit LAUSD to designate absences as FMLA/CFRA concurrently with other types of absence, such as illness, personal necessity, kin-care, vacation, or workers' compensation.

If you have not already done so, you must submit (in 15 days or less from the date that the District first requested that you provide a health certification) LAUSD's "FMLA Certification of Health Care Provider". The form is to be completed by a health care provider. This requirement is mandatory if your absence is for a serious health condition for either yourself or a qualifying family member. A health certification is also normally mandatory if your absence exceeds 5 consecutive working days, or is otherwise required by the administrator. This form, FMLA Certification of Health Care Provider, is not necessary for those who are taking FMLA/CFRA leave to bond with a new child. Failure to complete this FMLA Certification form properly, and make sure that this form has been submitted by your health care provider on a timely basis, can result in the denial of your request for paid absence and/or denial of protection.

A copy of your rights and requirements under FMLA/CFRA is available upon your request. If you would like a copy, or if you have any questions, please contact the designated person at your site who handles absence-related issues. More detailed information is on the District's website at www.lausd.net. Go to "Offices" and then find "Risk Management and Insurance Services". Click on the appropriate FMLA section. You may also call the Office of Risk Management-FMLA Programs Section at (213) 241-3954, -3079, or -1619.

CONFIRMATION OF DELIVERY

This letter of explanation was delivered to employee by: [Redacted]

(Explain confirmation of two lines above: either (A) HAND-DELIVERED, with employee's initials, or date/circumstance; (B) VIA REGULAR MAIL, identifying mailing date; (C) VIA CERTIFIED MAIL, identifying Certified Mail #; or (D) OTHER, with details.)

Los Angeles Unified School District

Intermittent FMLA / CA Family Rights Act / Pregnancy Disability (RULES for EMPLOYEES)

Intermittent absences are occasional or part-time absences that allow you to continue a partial schedule of work. Absences qualifying under FMLA/CFRA/PDL may be taken, when necessary, intermittently, or on a reduced work schedule. However, there are 10 rules:

Rule #1: INFORM THE SUPERVISOR It is your responsibility to promptly inform the supervisor when taking any absence, even when late to work, in accordance with all of the District rules that apply to your position. You also have a second responsibility if there are FMLA protections – to provide sufficient facts so that FMLA/CFRA/PDL can be recognized. You must “clearly” provide this information. Management has the right to inform you that just referencing “FMLA” is not sufficient detail. It is not the responsibility of the supervisor to guess about the FMLA facts, nor to inquire about which FMLA you are taking if you have more than one FMLA on file.

Rule #2: TWO-DAY RULE It is your responsibility to give the facts for FMLA from Rule #1 to your supervisor promptly, or if it’s a short absence, no more than two business days after your return from the absence. (Note: you’re not required to reveal the diagnosis when providing the FMLA facts involving your absence.) Providing these FMLA facts after two business days of your return will mean that the absence shall be considered as unprotected and will not be considered under FMLA/CFRA/PDL.

Rule #3: ABSENCE FORM You must complete the form “Certification/Request of Absence for Illness, Family Illness, New Child”, which as a courtesy may be attached. In order to ensure that you receive appropriate protections, complete this form (including answering Questions 5a and 6) for all absences, and return it to the worksite as soon as possible, but no later than two business days of returning from each absence. You must also follow other procedures that your school or site has set up or requested. For example, the site may ask you to report your absence and any information relating to FMLA directly to your supervisor’s phone # only.

Rule #4: RE-ELIGIBILITY When a new FMLA/CFRA year changes, there is a need for all employees to be “re-eligible” for FMLA. In this context, “re-eligibility” means that once more you will need to meet the threshold of “130 workdays” all over again. You have to be re-eligible even if you were on intermittent absences from the previous FMLA year and continuing into the new FMLA year. PDL has no eligibility requirements, so there is no need to be re-eligible for PDL.

Rule #5: MINIMIZE DISRUPTION When intermittent absences are taken to receive treatments by your health provider, you have the obligation to minimize disruption to District operations by scheduling the intermittent time off and treatments in a way that will reduce this disruption to the District. If your Health Care Provider can accommodate a less disruptive scheduling, you must revise the time of the treatments. Your own preference as to time for the treatments is not a factor in the decision. The employer has the right to make a written request of you to have your health provider clarify when the treatments could be alternatively scheduled.

Rule #6: TRANSFER In most situations when you take intermittent absences or reduced schedule, in accordance with applicable laws, you can be required to temporarily transfer to an altogether different job if the new position has equivalent pay and benefits. FMLA permits this transfer to occur even if the transfer is to another job with different duties outside of your job classification.

Rule #7: BONDING For your bonding with a new child, there is a two-week limitation for the minimum length of leave, with two instances allowing for an exception with a shorter time.

Rule #8: CLARIFICATION If your manager has doubts or questions about the frequency of the intermittent absences or about other unclear information provided by your Health Care Provider, the manager can require you to obtain written clarification from your Health Care Provider. The request will typically be made in writing; your manager will be using a form provided by the FMLA Programs Section. (Your manager can contact District’s FMLA Programs Section for assistance in this area.)

Rule #9 RECERTIFICATION The FMLA permits the District to require recertification by your Health Care Provider at least once every year with the FMLA Certification form. For many employees, recertification will occur even more frequently than one time per year. First, your site could have a legitimate business reason to double-check your Certification. Or your site could have received from you a new extension of leave. Additionally, your absence could extend beyond the date that the Health Care Provider identified as the expected duration of incapacity. Recertification for intermittent absences can be required as frequently as once every month (but no more frequently than once each month, unless there is suspicion of FMLA abuse). Recertification should be routinely requested at least every year of all employees who are using intermittent FMLA, typically at the beginning of each fiscal or school year.

Rule #10: SIXTY DAYS Regardless as to whether FMLA/CFRA is taken in separate periods of time or taken consecutively, these protections will not exceed a total of 60 workdays, assuming that you work 5 days per week (irregular weekly hours are averaged over 5 days/week). For those individuals utilizing time off in consecutive weeks, twelve workweeks are typically counted.

IF YOU HAVE QUESTIONS Ask your site administrator or designee. Or examine more detailed information on the District’s website at www.lausd.net. Go to “Offices” and then find “Risk Management and Insurance Services”. Also consider calling the Office of Risk Management–FMLA Programs Section at (213) 241-3954, or 241-1619, or 241-3079.