

FAMILY MEDICAL LEAVE ACT (FMLA)/CALIFORNIA FAMILY RIGHTS ACT (CFRA) PROCESS

No. 148 December 2010

The Department (*generally the employee's manager/supervisor*) becomes aware of a situation that may qualify for FMLA/CFRA leave in one of the following ways:

- 1) The employee submits an Employee Request for Family or Medical Leave (PO-21) to his or her supervisor.
- 2) The employee notifies the manager/supervisor, verbally or in writing, of a need for leave that may qualify under the FMLA/CFRA.
- 3) The employee has been absent from work for more than three calendar days for a reason that may qualify for FMLA/CFRA.

The manager/supervisor provides the employee with the Notice of Eligibility and Rights and Responsibilities (PO-22), an Employee Request for Family Medical Leave Act/California Family Rights Act (PO-21) (*if one was not completed by the employee initially*), and whichever of the following that apply to the situation: (1) Certification of Health Care Provider for Family Member's Serious Health Condition (PO-16), (2) Certification of Qualifying Exigency for Military Family Leave (PO-17), (3) Certification for Serious Injury or Illness of Covered Servicemember for Military Family Caregiver Leave (PO-18), and/or (4) Certification of Health Care Provider for Employee's Own Serious Health Condition (PO-20), and forwards copies of these documents to the Classification and Pay (C&P) Analyst if Headquarters or the Administrative Officer (AO) or designee if Region/Unit. (*Response and certification must be provided to the employee within five business days of the date the supervisor became aware the need for leave.*)

The employee returns the PO-16, PO-17, PO-18, PO-20, or equivalent substantiation, the PO-21, and/or proof of adoption to the C&P Analyst or AO. (*If substantiation is not required, also proceed to the next box under YES.*)

YES

NO

C&P Analyst/AO reviews certification/substantiation and employee meets criteria for FMLA/CFRA:
 - Qualifying hours and State service
 - Qualifying event (see [1000 Handbook Section 1038.4](#) for listing of qualifying events).

C&P Analyst/AO sends a Designation Notice (PO-23) (*15 days after first response letter*), **AND** if a completed PO-16, PO-17, PO-18, PO-20, or equivalent substantiation is subsequently submitted by the employee.

YES

YES

NO

NO

Employee is sent a PO-23 informing he or she of approval for leave.

C&P Analyst/AO sends a PO-22 or PO-23 explaining the reasons for denial **OR** a request for additional information/clarification in order to determine eligibility. (*For guidance on requesting additional information/clarification from employees please contact your C&P Analyst or AO*)

Employee is sent another PO-23 (*7 days after first PO-23*) informing he or she that FMLA/CFRA leave will be denied and the employee's leave will not count as FMLA/CFRA until certification/substantiation is received and eligibility is approved.

Notice of approval for FMLA/CFRA is forwarded to the Personnel Specialist (PS) and manager/supervisor. (*The PS tracks the leave usage/entitlement, ensures health benefit maintenance, and notifies the employee and manager/supervisor when the FMLA/CFRA has been exhausted.*)