

## Family and Medical Leave Act (FMLA)/California Family Rights Act (CFRA)



### NOTICE OF ELIGIBILITY AND NOTICE OF EMPLOYEE RIGHTS & RESPONSIBILITIES For Classified Employees

#### **NOTICE OF ELIGIBILITY**

You have notified the District of your need for absence or leave from work. In addition to the leave policies set forth in the Merit System Rules and Regulations and/or an applicable collective bargaining agreement, if you are eligible, your absence also appears to qualify for protection under the federal Family and Medical Leave Act ("FMLA") and/or the California Family Rights Act ("CFRA"). To be eligible for an FMLA/CFRA protected leave, an employee must have worked for PVSD for at least 12 months (52 weeks) and have worked at least 1,250 hours in the 12 months preceding the leave.

If you have questions, please contact:

Classified Human Resources Department  
600 Temple Avenue  
Camarillo, CA 93010  
(805) 445-8663; FAX: (805) 445-8612

#### **EMPLOYEE RIGHTS AND RESPONSIBILITIES FOR TAKING FMLA/CFRA LEAVE**

For us to determine whether your absence qualifies as FMLA/CFRA leave, you must return a Certification of Health Care Provider form to your worksite or the Classified Human Resources Department within 15 calendar days of receiving this notice. The certification form must contain sufficient information to support your request for FMLA/CFRA leave.

**If required information is not provided in a timely manner, your leave may not be protected by FMLA/CFRA. Unprotected absences may be counted against you in your attendance and/or work performance evaluation.**

Once we obtain the information from you as specified above, we will inform you, within 5 business days, whether your leave will be designated as an FMLA/CFRA protected leave and count towards your FMLA/CFRA leave entitlement.

#### **Employee Responsibilities**

If your leave qualifies as an FMLA/CFRA protected leave, you will have the following responsibilities while on FMLA/CFRA Leave:

1. Provide 30 days advance notice of the need to take FMLA/CFRA when the need is foreseeable.
2. When 30 days advance notice is not possible, provide notice as soon as practical.
3. Comply with your worksite's normal call-in and reporting procedures, and post your absence in Frontline if you require substitute coverage.
4. Make reasonable effort to schedule treatment so as not to disrupt operations.
5. If you do not return to work following FMLA/CFRA leave for a reason other than 1) circumstances beyond your control or 2) the continuation, recurrence, or onset of a serious health condition of you or your family member, or 3) a serious injury or illness of a covered servicemember that would otherwise entitle you to leave under FMLA/CFRA, you may be required to reimburse the District for health insurance premiums paid on your behalf while on FMLA/CFRA leave.

## **Employee Rights**

If your leave qualifies as FMLA/CFRA protected, you will have the following rights while on FMLA/CFRA leave:

1. You have a right under FMLA/CFRA for up to twelve (12) weeks of unpaid leave in a 12-month period. You have a right under FMLA for up to twenty-six (26) weeks of unpaid leave in a single 12-month period to care for a covered military service member with a serious injury or illness. The 12-month period shall be a rolling year where each time an employee takes FMLA/CFRA leave the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months. However, you are not entitled to more than twenty-six (26) weeks in a 12-month period. For example, if you take twelve (12) weeks of FMLA leave for your own serious health condition and subsequently require leave as a military caregiver, you are only entitled to fourteen (14) additional weeks of FMLA leave.
  - a. If your FMLA/CFRA leave is for child bonding leave, and you have worked for the district for at least 12 months, you are also eligible for Education Code parental/bonding leave for a maximum of 12 workweeks. You must exhaust all accrued sick leave, and then are entitled to 50% differential pay for the remainder of the 12 workweeks. This parental leave will be protected leave and run concurrently with your FMLA/CFRA leave.
2. If both parents of a child work for PVSD, FMLA/CFRA leave related to birth or placement of a child shall be limited to a combined total of 12 weeks. This restriction shall apply regardless of the legal status of both parents' relationship.
3. Your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work.
4. You must generally be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from FMLA/CFRA- protected leave. However, a layoff that would have led to separation of your employment if you had not taken an FMLA/CFRA protected leave will still lead to separation of your employment. (If your leave extends beyond the end of your FMLA/CFRA entitlement, you do not have return rights under FMLA/CFRA)
5. If you do not meet the requirements for taking a paid leave, you may take an unpaid FMLA/CFRA protected leave.
6. If your FMLA/CFRA absence is for your own serious health condition, you may use any available accrued sick leave, extended sick leave (if sick leave is exhausted) or vacation time.
7. If your FMLA/CFRA absence is to care for your family member, you may use available family sick leave, Personal Necessity, or vacation time. All other time is unpaid.

For more information regarding conditions applicable to sick/vacation leave usage, please refer to the Merit System Rules and Regulations or your Collective Bargaining Agreement (if applicable). These documents are available on the PVSD website or at the Classified Human Resources Office.