



# Protected Leaves & Absences ADMINISTRATION WORKSHEET

## Integrated Disability Management

November 2019



### FMLA/CFRA/PDL/PPL Administration Worksheet

Complete this worksheet to determine employee eligibility and entitlement and to document initial notifications and designation determinations. Copies of all issued and submitted documents related to an employee's FMLA/CFRA/PDL/PPL request are to be kept on file.

Begin the Process...

- 1) Initial Notification: Within five (5) working days of notification/request for a protected absence or leave provide the employee an Eligibility & Entitlement and Rights & Responsibilities notice and request certification or issue a denial with a copy to file. Employee has fifteen (15) calendar days to submit certification.

- Eligibility & Entitlement and Rights & Responsibilities (FMA-2) Provided \_\_\_/\_\_\_/\_\_\_
  - Employee SHC: Certification (FMLA-1) Requested \_\_\_/\_\_\_/\_\_\_ Certification Due \_\_\_/\_\_\_/\_\_\_
  - Family SHC/Servicemember: Certification (FMLA-1) Requested \_\_\_/\_\_\_/\_\_\_ Certification Due \_\_\_/\_\_\_/\_\_\_
  - Parental Leave (Bonding): Evidence of Relationship (FMLA-8) Requested \_\_\_/\_\_\_/\_\_\_ EOR Due \_\_\_/\_\_\_/\_\_\_
  - Qualifying Military Exigency: Certification (FMLA-9) Requested \_\_\_/\_\_\_/\_\_\_ Certification Due \_\_\_/\_\_\_/\_\_\_
  - Employment/Worktime Requirements Not Met: Designation Not Approved (FMLA-4) Issued \_\_\_/\_\_\_/\_\_\_
  - No Entitlement Remaining: Designation Not Approved (FMLA-4) Issued \_\_\_/\_\_\_/\_\_\_

If certification is not received by the due date or a reasonable explanation provided, issue a Designation Not Approved notice with a copy to file.

- Certification Not Received: Designation Not Approved (FMLA-4) Issued: \_\_\_/\_\_\_/\_\_\_

- 2) Starting Absence Date \_\_\_/\_\_\_/\_\_\_; Days/Hours Worked \_\_\_\_\_; >=12 Months Employment?  YES  NO  
Is the employee Eligible?  YES  NO If no, STOP. Go to Initial Notification and Issue FMLA-2 & Designation Notice and Issue FMLA-4.

Has FMLA/CFRA/PPL been used during this 12-month period?  YES  NO If yes,

- Current FMLA/CFRA/PPL Year From \_\_\_/\_\_\_/\_\_\_ Through \_\_\_/\_\_\_/\_\_\_;
- Remaining Entitlement \_\_\_\_\_ Days/Hours

If Remaining Entitlement is Zero, STOP. Go to Initial Notification and Issue FMLA-2 & Designation Notice and Issue FMLA-4.

- 3) Upon Receipt of Certification: Within five (5) working days of submission, review documentation to ensure you have a complete and sufficient certification.

- Certification Received \_\_\_/\_\_\_/\_\_\_

Select Appropriate Leave Reason:

- Employee's Own Personal or Occupational (Workers' Compensation) Illness/Injury/Disability: FMLA/CFRA
- Employee's Pregnancy-related Illness/Disability: PDL (No Worktime or Service Requirement for PDL)
- Parental Leave: FMLA/CFRA and/or PPL (Birth; Newly Adopted/Foster Care) Birth/Placement Date \_\_\_/\_\_\_/\_\_\_
- Illness/Injury/Disability—Employee's Family Member: FMLA/CFRA (relation \_\_\_\_\_)
- Qualifying Exigency Leave—Employee's Family Member: FMLA (relation \_\_\_\_\_)
- Covered Servicemember Leave—Employee's Family Member: FMLA (relation \_\_\_\_\_)

Reason and Family Member covered?  YES  NO If no, STOP. Go to Designation Notice and Issue FMLA-4. Copy to File.

Select Appropriate Leave Type:

- Continuous: From \_\_\_/\_\_\_/\_\_\_ Through \_\_\_/\_\_\_/\_\_\_  
More than 20 Working Days  YES  NO If Yes, Provide Formal Leave of Absence Packet.
- Reduced Work Schedule: \_\_\_\_\_ Hours per day; \_\_\_\_\_ Days per week; From \_\_\_/\_\_\_/\_\_\_ Through \_\_\_/\_\_\_/\_\_\_
- Medical Appointments/Treatment: Frequency \_\_\_\_\_ times per \_\_\_\_\_; Duration \_\_\_\_\_ per episode
- Intermittent: Frequency \_\_\_\_\_ times per \_\_\_\_\_; Duration \_\_\_\_\_ per episode

- 4) Designation Notice: Within five (5) working days of receipt of documentation provide employee with a Designation notice with a copy to file.
- Designation Issued \_\_\_\_/\_\_\_\_/\_\_\_\_
    - Leave Reason Does Not Apply to FMLA/CFRA/PDL/PPL: Designation Not Approved (FMLA-4)
    - Incomplete/Insufficient Certification: Designation Not Approved (FMLA-4). Employee has seven (7) calendar days to provide complete/sufficient information. Certification Due \_\_\_\_/\_\_\_\_/\_\_\_\_
    - Complete & Sufficient Certification: Designation Approval Notice (FMLA-3)
- 5) During Leave: Once approved for a particular qualifying, job-protected reason, employees are required to reference that leave reason or the FMLA/CFRA/PDL/PPL when reporting absences or requesting additional leave.
- Is employee complying with the usual and customary call-in and reporting procedures?
    - Communicate the requirement to coordinate planned absences in advance.
    - Ensure the employee complies with the District requirement of completing the Absence Certification (60.III or 60.Non-III) forms when requesting or certifying any absences.
  - Are the employee's absences consistent with certification?
    - Use the Tracking Worksheet (FMLA-6 form) to record absences and track usage.
    - Compare reported absences to the certification. If the employee's absences are significantly exceeding the estimated frequency and duration on the certification, recertification may be appropriate.
- 6) End of Leave: The employee's job-protected leave will end the earliest of end of certification, end of current FMLA/CFRA year, or exhaustion of entitlement.
- Has the employee's current certification ended prior to exhaustion of entitlement and/or the current FMLA/CFRA year?
    - If the employee indicates additional leave is needed, proceed to Step 2 and request certification. The employee is still eligible and entitled and there is no need to issue the FMLA-2 form at this time.
    - If the employee has not indicated additional leave is needed, the leave has ended.
  - Has the employee's current FMLA/CFRA year ended?
    - If the employee indicates additional leave is needed and an eligibility check is required, proceed to Step 1.
    - If the employee indicates additional leave is needed and an eligibility check is not required, but a certification is required, proceed to Step 2 and request certification. There is no need to issue the FMLA-2 form at this time.
    - If the employee indicates additional leave is needed, there is a valid certification on file, and an eligibility check is not required, proceed to Step 4. Complete the Supervisor section and issue the Designation Approved (FMLA-4 form) for the new FMLA/CFRA year.
    - If the employee has not indicated additional leave is needed, the leave has ended.
  - Has the employee exhausted the 12 workweeks of FMLA/CFRA/PPL (18 workweeks of PDL) job-protected leave entitlement?
    - If so, within five (5) working days of the exhaustion complete the Supervisor section and issue the Exhaustion of Protected Absence (FMLA-5 form).

# FMLA/CFRA/PDL/PPL Administration Worksheet INSTRUCTIONS

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Begin the Process...

- 1) Initial Notification: Within five (5) working days of notification/request for a protected absence or leave provide the employee an Eligibility & Entitlement and Rights & Responsibilities notice and request certification or issue a denial with a copy to file. Employee has fifteen (15) calendar days to submit certification.

Complete the Supervisor section and issue the [FMLA-2 form](#), Eligibility & Entitlement and Rights & Responsibilities notice for each qualifying reason and/or event to fulfill the District's legal obligation of providing an Eligibility notice, including an employee's rights and responsibilities.

DO NOT request certification but do complete the Supervisor section and issue the [FMLA-4 form](#), Designation Not Approved if the employee is not eligible and/or not entitled to FMLA/CFRA/PDL/PPL.

Complete the Supervisor section and issue the [FMLA-1 form](#), Health Care Provider Certification; [FMLA-8 form](#), Evidence of Relationship Information Sheet; or [FMLA-9](#), Certification of Qualifying Exigency when an employee is eligible and entitled. Set yourself a reminder to follow up with the employee in fifteen (15) calendar days. Reasonable extensions are permissible. If certification is received, proceed to step 3 and review for completeness and sufficiency. If certification is not received, complete the Supervisor section and issue the [FMLA-4 form](#), Designation Not Approved for non-receipt of certification.

- 2) The employee must have an Absence Start Date in order to determine FMLA/CFRA eligibility.

The employee must meet the eligibility requirement based on the Absence Start Date of each qualifying reason.

**FMLA/CFRA Eligibility:** At least 12 months of District employment at any time within the 7 years prior to the starting absence date AND at least 130 days (1250 hours for units A, E, G, & Classified Substitutes) within the 12 months immediately preceding the starting absence date. Utilize the [FMLA/CFRA Eligibility Job Aid](#) to determine the worktime requirement.

**PDL Eligibility:** There is no service or worktime requirement; however, employees who are eligible for FMLA/CFRA and continue to be absent due to disabilities related to pregnancy after exhausting the 18 workweeks of PDL, will continue to be job-protected for up to an additional 12 workweeks under CFRA.

**PPL Eligibility:** At least 12 months of District employment at any time within the 7 years prior to the starting absence. There is no worktime requirement; however, PPL runs concurrent with FMLA/CFRA when employees meet the worktime requirement. Only classified and certificated employees are eligible for PPL.

**FMLA/CFRA Entitlement:** Employees are entitled to up to 12 workweeks in a 12-month period measured forward from the first starting absence date that establishes the current FMLA/CFRA year. Utilize the [FMLA/CFRA Year Job Aid](#) to determine the current FMLA/CFRA year.

**PDL Entitlement:** Employees are entitled to up to 18 workweeks per pregnancy.

**PPL Entitlement:** Employees are entitled to up to one 12-workweek period during any 12-month period. PPL runs concurrent with FMLA/CFRA and is reduced by any FMLA/CFRA time used in the same FMLA/CFRA year.

- 3) Upon Receipt of Certification: Within five (5) working days of submission, review documentation to ensure you have a complete and sufficient certification.

**Determine whether leave is for a qualifying reason.**

**Family Care Leave:** Leave for the birth or the placement of a child through adoption or foster care with an employee or to care for a child, parent, spouse, domestic partner (CFRA only) of the employee who has a serious health condition.

**Medical Leave:** Leave for an employee's own serious health condition that makes the employee unable to work at all or unable to perform any one or more of the essential job functions of the employee's position (job).

**Military Caregiver:** Leave to care for the employee's son, daughter, parent, spouse, or next of kin who is undergoing medical treatment, recuperation, or therapy, or is otherwise on the temporary disability retired list for a serious injury or illness while on active military duty in the Armed Forces (FMLA only).

**Qualifying Exigency:** Leave arising out of the employee's son's, daughter's, parent's, or spouse's active duty in the United States Armed Forces (or if such eligible family member has been notified of an impending call or order to active duty) in support of a contingency operation (FMLA only).

**Serious Health Condition:** An illness, injury (including, but not limited to, on-the-job injuries and pregnancy), impairment or physical or mental condition that involves inpatient care or a regimen of continuing treatment by a health care provider.

**Determine whether leave is for a qualifying family member.**

**Domestic Partner (CFRA Only):** A registered domestic partner within the meaning of California Family Code sections 297 through 297.5.

**Parent:** Biological, adoptive, step or foster father or mother, or any other individual who stood *in loco parentis* to the employee when the employee was a son or daughter as defined below. This term does not include parent-in-law.

**Son or Daughter:** Biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis* who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability.”

**Spouse:** Husband or wife. This definition includes an individual in a same-sex or common law marriage entered into in a State that recognizes such marriages.

Administrators/Supervisors cannot contact providers directly about insufficient certification. The employee has the burden to provide complete and sufficient certification supporting the need for FMLA/CFRA, PDL, or PPL. A complete and sufficient medical certification need only include: Medical Facts, Amount of Leave Needed, and Health Care Provider Verification. You are only entitled to sufficient responses to questions on the certification.

**Medical Facts (Health Care Provider Certification):**

Confirm the health care provider indicated a serious health condition exists.

Employee’s serious health condition must create periods of incapacity that prevent the employee from performing one or more of the essential job functions.

Family member’s serious health condition must require care from the employee.

**Determine Leave Type (Amount of Leave Needed).**

A start and end date are required for continuous leaves and reduced work schedules. A schedule is required for reduced work schedules.

An estimated frequency and duration is required for medical appointments/treatment and intermittent absences/leaves.

For absences of 20 consecutive working days or less, certification remains at the employee’s site.

For absences of more than 20 consecutive working days, a District formal Leave of Absence is required. Certificated employees complete [form 1065](#). Classified employees complete [form PC 5006](#).

**Health Care Provider Verification:**

Make sure contact information has been provided and the certification is signed by a licensed professional who can certify FMLA/CFRA/PDL/PPL.

In accordance with the Genetic Information Non-Disclosure Act of 2018 (GINA), and HIPAA privacy laws, medical information received is to be kept completely **confidential and separate** from the employee’s personnel file.

- 4) Designation Notice: Within five (5) working days of receipt of documentation provide employee with a Designation notice with a copy to file.

Complete the Supervisor section and issue the [FMLA-4 form](#), Designation Not Approved, if the leave reason does not apply or the family relationship is not covered under FMLA/CFRA/PDL/PPL.

Complete the Supervisor section and issue the [FMLA-4 form](#), Designation Not Approved, if certification is incomplete. Communicate deficiencies to employee and request completed certification be returned within 7 calendar days. Reasonable extensions are permissible.

Complete the Supervisor section and issue the [FMLA-3 form](#), Designation Approval notice if the certification is complete and sufficient.

- 5) During Leave: Once approved for a particular qualifying, job-protected reason, employees are required to reference that leave reason or the FMLA/CFRA/PDL/PPL when reporting absences or requesting additional leave.

Set the expectation that the employee provide advance notice if the need for leave is foreseeable or as soon as reasonably possible if the need for leave is unforeseeable. This includes any scheduled medical appointments or procedures.

Set the expectation that the employee comply with usual and customary call-in and reporting procedures in accordance with their work location and Collective Bargaining Agreement and complete the required Absence Certification ([60.III](#) or [60.Non-III](#)) forms.

Set the expectation that the employee make a reasonable effort to schedule planned medical treatment so as to not unduly disrupt the District’s operations.

Use the [FMLA-6 form](#), Tracking Worksheet to accurately track the employee's absences.

Request additional medical (recertification) if the employee's absences significantly exceed the frequency and duration estimated on the complete and sufficient certification on file.

- 6) End of Leave: The employee's job-protected leave will end the earliest of end of certification, end of current FMLA/CFRA year, or exhaustion of entitlement.

Complete the Supervisor section and issue the [FMLA-5 form](#), Exhaustion of Protected Absence if the employee exhausts 12 workweeks of FMLA/CFRA/PPL (18 workweeks of PDL) entitlement.

If the employee exhausts entitlement before the end of the FMLA/CFRA year, the employee will not be entitled to additional job protected time until the first absence after the current FMLA/CFRA year had ended and only if the employee meets the eligibility requirements.