

# **FAMILY MEDICAL LEAVE/CALIFORNIA FAMILY RIGHTS ACT FREQUENTLY ASKED QUESTIONS**

**Q: What is Family Medical Leave (FMLA)/California Family Rights Act (CFRA)?**

A: It is leave taken for the birth of a newborn child or adoption/foster care of a child; to care for an immediate family member with a serious health condition; medical leave when the employee is unable to work because of his/her own serious health condition; employee's immediate family member is on or called to active duty in support of a contingency operation; to care for a child, spouse, parent, or "next of kin" of a service member of the United States Armed Forces and National Guard or Reserves who has a serious health condition incurred in the line of active duty.

**Q: When do I apply for the use of FMLA/CFRA?**

A: You are required to provide a 30-day advance notice of the need to take FMLA when the need for leave is foreseeable. If unforeseen, you must provide notice as soon as possible.

**Q: How do I apply for FMLA/CFRA?**

A: Contact Kathy Dongelmans @ 714-765-4379 for an application. You will be notified by letter, of the results of your application.

**Q: Who is eligible for Family Medical Leave (FMLA/CFRA)?**

A: All full time and part time employees who have been continuously employed with the City of Anaheim for more than 12 months and worked 1,250 hours in the 12 month period before the leave begins.

**Q: How much time are we eligible to take off work on FMLA/CFRA?**

A: Employees are eligible to take off up to 12 weeks of FMLA in one year, except in the case of Military leave to care for a service member who has a serious health condition, you may be granted this leave for up to 26 weeks.

**Q: Is FMLA a paid leave?**

A: No, it is an unpaid leave. But, if you are a full time employee with paid leave on the books, you are required to exhaust all paid leave while utilizing FMLA.

**Q: What if I am off work due to my own disability, is there any other paid disability program I can apply for?**

A: Yes, the City's Short Term Disability Program. All full time employees who have been employed with the City of Anaheim for six months are eligible to apply. See FAQ on the Short Term Disability program, or contact the Human Resources Department.

**Q: What happens if I run out of paid leave?**

A: You will be placed on Leave Without Pay, no salary continuation will be paid by the City.

**Q: Do my health plans remain intact and are paid for while on FMLA?** A: Yes, your health coverage will continue and City-paid while on FMLA. But, while utilizing paid leave, your regular payroll deduction for your health plans will be deducted.

**Q: Is pregnancy covered under the FMLA/CFRA program?**

Yes, under the FMLA your disability period due to your pregnancy is recognized by the FMLA, but pregnancy is not recognized as a disability under CFRA.

**Q: If I am pregnant, exactly how much time am I eligible to take off work?**

A: Twelve weeks for the pregnancy/disability period (FMLA) and an additional 12 weeks to bond with the child (CFRA) once you are released to return to work.

**Q: If my spouse has a baby, can I take time off to bond with my newborn baby?**

A: Yes, this is a qualifying event and you can apply to take up to twelve weeks off to bond with your child.

**Q: What if my spouse works for the City of Anaheim also, will this affect the amount of time I may take off to bond with my baby?**

A: Yes, because you are both employed with the same employer, you must split the 12 weeks between the two of you.

**Q: We are planning on adopting a baby. Am I eligible to take time off for the process of the adoption and to bond with our adopted child?**

A: Yes, this is a qualifying event and you can apply to take up to a total of twelve weeks off to bond with your child and for any appointments during the adoption process.

**Q: My aunt is seriously ill. Can I take time off to help care for her?**

A: No. You can only take time off to care for your immediate family member, i.e., spouse, parent, and child.

**Q: If I am a registered domestic partner, am I eligible to take time off to care for my partner?**

A: Yes, you are eligible to take off up to twelve weeks off in a 12 month period.

**Q: What is a registered domestic partner?**

A: For a definition please visit the website: <http://www.sos.ca.gov/dpreistry/>

**Q: Can I take intermittent leave to care for an immediate family member?**

A: Yes. You will need to provide medical certification from your family member's treating physician indicating the need for intermittent care of your family member.

**Q: Can I take intermittent leave due to my own serious medical condition?**

A: Yes. You will need to provide medical certification from your treating physician indicating the need for intermittent leave.

**Q: In order to take Military Family Leave, what type of certification must I provide to care for a covered service member?**

A: You must provide medical certification from an authorized health care provider of the covered service member.

**Q: What documentation must I submit to take Military Family Leave due to an immediate family member being on or being called to active duty?**

A: The employee must provide a copy of the active duty orders and/or other documentation from the military certifying the family member is on or called to active duty.

**Q: Is my job protected while out on FMLA?**

A: Yes, you will be returned to your original job or to an equivalent job with equivalent pay.