

PROTECTED LEAVES 101

The Department of Human Resources (DHR) is excited to announce that the County of Los Angeles has declared the month of February as **Protected Leaves Awareness Month**. In keeping with this recognition, during the month of February DHR will publish weekly newsletters sharing valuable information and resources on topics related to protected leaves of absence.

The first newsletter, Protected Leaves 101, goes over the basics of the protected leave process.



What are protected leaves and why should I know about them?

The State of California is one of the most generous states in the country in terms of the types of protected leaves offered to eligible employees under state and federal laws:

- California Family Rights Act (CFRA)
- Crime Victims Leave
- Family & Medical Leave Act (FMLA)
- Jury Duty
- Leaves for Victims of Domestic Abuse, Sexual Assault, and Stalking
- Military Service Leave
- New Parent Leave Act
- Organ & Bone Marrow Donation Leave
- Pregnancy Disability Leave (PDL)
- School Appearance & Activities Leave
- Voting Leave
- Witness Leave

Time off taken under these leaves of absence is “protected” because the employer is prohibited from discriminating against, retaliating against, or otherwise taking an adverse action against an employee for requesting or taking a protected leave of absence. In addition, these protections guard against wrongful termination, wrongful demotion, wrongful refusal to promote, threats, harassment, intimidation, or coercion.

What else do I need to know about protected leaves?



Each law has specific eligibility rules; for example, leave under the PDL is available from an employee’s first day of employment; but leaves under FMLA and CFRA require that an employee has worked for 1,250 hours in the past 12 months, and has completed 12 months of County service in the past seven (7) years.



The amount of leave allowed, also known as "leave entitlements," varies based on each leave law; the amount of leave entitlement is also based on an employee's work schedule.

Each person's leave entitlement period will be applied according to the law(s) that cover eligibility, the qualifying leave reason, and the employee's work schedule. Leave can be taken as follows:

- Continuous – time taken with no break in hours or days. For example, pregnancy disability leave is typically taken from the day the doctor certifies the leave until six (6) or eight (8) weeks post-delivery.
- Intermittent – the doctor certifies leave time needs to be taken on specific days or "as needed" for a defined number of hours or days and the duration of the leave. Example: "My patient needs to be off work one (1) time per week for up to two (2) hours for the next six (6) months to attend appointments."
- Reduced Schedule – The doctor certifies you need to work less than a full workday or workweek. Example: "My patient can work no more than six (6) hours per day for the next three (3) months."

It is important to note that when a single qualifying reason is covered by multiple laws, the leave entitlement period will run concurrently, meaning that the time runs "together" and not consecutively. Click [HERE](#) for an example.

What else do I need to know about protected leaves?

While some protected leaves only grant unpaid time off, you may choose to use your available accrued benefit time, such as sick and vacation time, to cover your leave of absence. Your department's Leave Coordinator can help you determine how to use your accrued benefit time.



Get the Details!

Click on the links below for more information about each protected leave law:

Family and Medical Leave Act
<https://bit.ly/3AD3dMP>

California (CFRA) Family Rights Act
<https://bit.ly/3FXF7gU>

CA Pregnancy Disability Leave
<https://bit.ly/3G2pNQg>

CA Labor Code 233 (Kin Care) and Labor Code 246
<https://bit.ly/3rNcEW2>

CA Family School Partnership Act
<https://bit.ly/3g2X5nL>

CA Domestic Violence Personal Protected Leave
<https://bit.ly/3o0bwgM>



There is so much to know... how can I be sure I am applying for the right type of leave?

Sometimes, employees feel intimidated about requesting a leave because there is so much information to go through; in some cases, employees become so frustrated with the “legal” jargon that they might think that they are ineligible for a leave of absence. The good thing is that you don’t have to figure this out alone!

Each department has a Leave Management team or assigned Leave Coordinator that is trained on the different leave laws and can help you figure out which leaves are available for your specific needs. In addition, the DHR has certified leave specialists on staff that can help you and your department specialists with any leave-related questions or needs.



How can I request a protected leave of absence?

When you learn that you will need to take a leave of absence, notify your immediate supervisor or contact your department's Leave Management Unit.

How can I reach my department's Leave Coordinator?

Easy! No matter what department you are in, you can reach your Leave Coordinator for assistance by simply sending an email! Click [HERE](#) for your department's leave management unit email address.

Click [HERE](#) for a step-by-step video of the protected leave process.



More Resources

You can access additional information related to protected leaves of absences on the MyHR-Leave website at: <https://employee.hr.lacounty.gov/leave/> or email DHR's certified leave specialists at ProtectedLeaves@hr.lacounty.gov.

In the next edition of the Protected Leaves Newsletter series:

In the next issue, we will share information on the different types of protected leaves of absence. We will include tips on best practices while on a protected leave, including certification requirements and additional resources to make taking a leave of absence a stress-free process.

