

Week 3

# PROTECTED LEAVES

## FMLA, CFRA, & PDL

This week's newsletter focuses on helping you prepare for a leave of absence due to pregnancy disability, baby-bonding, and bonding following surrogacy, foster care, or adoption. In Week One's edition of this newsletter we focused on the different leave types that are available to our employees, including the Family and Medical Leave Act (FMLA), the California Family Rights Act (CFRA), and the California Pregnancy Disability Leave (PDL). While each law has its benefits and offers specific protections for pregnancy and baby-bonding, these three laws work together to help support leave of absence related to these needs.

### Preparing for Pregnancy Disability Leave or Baby-Bonding Leave

Learning that you are about to become a parent can be exciting and nerve-wracking! There are a million things to do and plan for, but worrying about taking a leave of absence to prepare for this life-changing experience does not need to be one of them.

Here is a checklist to help you navigate this process:

- First things first. When you are ready, talk to your Leave Coordinator or contact the leave management unit in your department. Click [HERE](#) for your department's leave management email address.

Questions you may want to ask your Leave Coordinator include:

- Am I eligible to take protected leave?
- Are there any forms I need to complete to request leave due to pregnancy, foster care, adoption, or baby-bonding?
- How much time can I take off for pregnancy and bonding with my newborn or, newly adopted child, or foster child?
- What accrued benefits can I use to have a "paid status" while I'm on leave?
- How are my benefits affected while I am on leave?
- What are the next steps leading up to my leave start date?
- How do I request bonding leave after my child is born?
- What happens if I need to extend my leave of absence?



- Determine how much time to request for your delivery and recovery. Your health care provider will complete a form indicating when you are scheduled to start your leave, and when you are expected to return after your recovery. These dates may change for a number of reasons, but you will always need to provide a note from your health care provider to support these changes.



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- **Determine how much time to request for baby-bonding.** While your health care provider is the one who determines the leave time you will need for delivery and recovery, it is up to you to determine how much time you will request for baby-bonding. You may be able to take up to 12-workweeks if you are eligible, (see the section below on *Entitlements and Qualifying Reasons due to Pregnancy Disability*). You can estimate this timeframe by finding out how much benefit time you have accrued in order to be in a paid status while on leave, and using that information to determine the length of your leave of absence.

- **Use of Pregnancy Disability Leave.** If you have medical conditions such as morning sickness or pregnancy-related medical issues, or if you have medical appointments that you need to attend related to your pregnancy, you may be able to use PDL leave prior to the delivery of your child. If you are eligible, you can take this leave as needed, in increments of time as small as 15 minutes. Likewise, if you have legal appointments related to the adoption or foster placement of a child you may be able to use protected time off. You do need to know that use of this time will dip into your overall protected leave entitlement. If you want to maximize your leave entitlement, we encourage you to schedule your prenatal or other appointments outside of your regular working hours so you can have as much protected leave available to take your baby-bonding leave.



**Tip!**

Talk to your supervisor about the availability of alternate work schedule, such as the 9/80 work schedule. This schedule would allow you the flexibility to schedule appointments on a regularly scheduled day off (RDO) and you could minimize the use of leave time for this purpose.

- **Determine if you want to be in a paid status during your protected leave.** If you decide to be in a paid status, you may use your available accrued benefit leave time. Give yourself enough time prior to your leave start date to review your accrued leave balances and provide your supervisor with instructions on how to code your timesheet while you are on leave. Remember, payroll policies do apply, so if needed, reach out to your timekeeper or payroll unit to ensure you are following timecode policies when mapping out how you want to use your benefit time.



**Caution!**

If you decide to take an unpaid protected leave, your health benefits will be discontinued if you remain in an unpaid status for more than one (1) full calendar month. If your benefits are discontinued, contact your payroll unit for additional information about timecode policies to ensure that your benefits are not impacted.

- **Prepare for your absence from your job.** You should not be doing any work while you are on a protected leave of absence, and you should not worry about the status of the work that you are responsible for while you are out on leave. Be sure to meet to your supervisor to go over your pending assignments and give them the information they need to ensure the work will be handled while you are out.



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- **Take your leave with peace of mind!** While you are out on leave, we want you to take the time you need to recover and/or bond with your child. Your manager should not be reaching out to you during this period of time.

However, you may be contacted by your Leave Coordinator during your leave to discuss your return from leave so that your transition back to the workplace can be seamless for you and your unit. Please be responsive to a communication from your Leave Coordinator so that they can best support your leave of absence.

- **Prepare for your return to the office.** As your leave end date approaches, you can lessen your anxiety about going back by proactively preparing for your return. We encourage you to contact your Leave Coordinator prior to your return from leave to obtain a medical release if necessary, or to address any restrictions that your health care provider may have issued. This is also a great time to get information about your department's lactation room, and how you can make arrangements to use the room. Additional information about the County's Lactation Program can be accessed by clicking [HERE](#).

## Entitlements and Qualifying Reasons due to Pregnancy Disability

FMLA and CFRA laws apply to leaves taken for baby-bonding. Just like FMLA, CFRA grants up to 12-workweeks, or up to 480 hours of leave time to eligible employees. FMLA and CFRA also run concurrently, and count together when this time is used for bonding with your child.

For example, Sally previously used ten (10) weeks of FMLA and PDL for her pregnancy-related leave. She returned to work when her doctor released her six (6) weeks post-delivery. How many weeks of protected leave does Sally have available for baby-bonding?

**Answer:** She has a total of 12-workweeks available. If she takes continuous leave, the first two weeks of her time off will be protected under FMLA and CFRA. The remaining 10-workweeks of her leave will be protected under CFRA only, and will need to be completed on or before the child's first birthdate.

Once again, as with all leaves, there are qualifying reasons that must be met in order to take leave for the purpose of baby-bonding:

- You are expecting a child by surrogacy. If eligible, you may request leave to bond with your child for up to 12-workweeks; if eligible, this leave time is available for you to take until your child's first birthdate.
- You are fostering or adopting a child. If eligible, you may request leave to bond with your child for up to 12-workweeks; if eligible, this leave time is available for you to take until one year from the date the child was placed under your care. Tip! You may apply to take protected leave prior to your child's date of placement to attend any appointments pertaining to the foster care and adoption process.
- You are expecting a child. If eligible, you may request leave to bond with your child for up to 12-workweeks; if eligible, this leave time is available for you to use until your child's first birthdate.



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## Eligibility for PDL and Bonding Leave

In order to be eligible for protected time under PDL, FMLA, and CFRA, certain conditions need to be met:

For FMLA and CFRA – You must have worked 1,250 hours in the past 12 months, prior to the start of your leave. In addition, you must have completed 12 months of County service in the past seven (7) years. For example, if you worked for the County for two (2) years continuously, left County service and returned to County Service three (3) years later, the prior two (2) years of County service would meet the 12-month eligibility.

PDL – You are eligible on your first day of employment with the County; no other conditions apply.

## Resources Available to Me

If you are a non-Megaflex employee and you don't qualify for the short-term disability benefit offered by the County, you can explore purchasing a short-term disability insurance policy from a third-party vendor. The County is not affiliated with any insurance vendors, and it does not vet or endorse any third-party disability insurance products. If this type of insurance protection is something you'd like to learn more about, we encourage you to go online and see what options might be available to you.

**Caution!** Disability insurance will need to be purchased before you become pregnant in order for the benefit to provide supplemental income while you are on leave due to pregnancy disability.



## In the last issue of the Protected Leaves Newsletter series:

We will share information about Military Exigency Leave, leave qualifying reasons, leave entitlements, and what documents are needed to support these types of leave requests.



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