

Week 4

PROTECTED LEAVES

Military Exigency Leaves

In the fourth and final issue of the Protected Leaves Newsletter series, we will be exploring the different leaves of absence that are available to employees who have a family member in the military, and need time off due to military exigencies (translated, that means due to military urgency or need). Military personnel and their families serve a valuable role to our Country and in the County's workforce, but can find themselves facing great challenges. Caring for an injured servicemember, arranging for alternative childcare when a spouse is deployed, or attending ceremonies when a loved one returns from a deployment may present family members with difficult decisions about time spent at work versus with family. The County supports our military families, and we want to ensure you have the resources to manage any challenges that may arise.

If you have a family member who serves in the military or in the reserves, there are a number of leave options that are available to you. Both the Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) allow eligible employees to take protected leave for any qualifying reason related to or resulting from the deployment of a spouse, domestic partner, child, or parent that serves with the Armed Forces (Army, Navy, Air Force, Marines, etc.).



Eligibility, Entitlement, and Pay While on Leave

In order to take military exigency leave, you must first meet the eligibility criteria for FMLA and CFRA. This means, you must have worked 1,250 hours in the past 12 months prior to the start of your leave; and have 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.

If you do not meet eligibility criteria, talk to your leave coordinator about when you might qualify or what other leaves might be available to support your needs.



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Qualifying Reasons

The U.S. Department of Labor has identified nine (9) broad categories of qualifying reasons.

- Issues or needs arising from your family member's short notice deployment (i.e., deployment within seven (7) or less days of notice). An eligible employee may take qualifying exigency leave to address any issue that arises from the short-notice deployment for a period of up to seven (7) days from the day that your family member receives notice of deployment.

- Attending military events and related activities, such as official ceremonies, programs, events and informational briefings, or to attend family support or assistance programs that are sponsored by the military, military service organizations, or the American Red Cross that are related to supporting your family member following their deployment.



- Attending to certain childcare and related activities arising from your family member's covered active duty, including making arrangements for alternative childcare, providing childcare on a non-routine, urgent or immediate need basis, enrolling a child in a new school or day care facility, or transferring a child to a new school or day care facility. Child is defined as biological, adoptive, step or foster child, or any individual where you stood *in loco parentis* (in place of a parent) over a child.



- Attending to certain activities arising from your family member's covered active duty related to care of the military member's parent who is incapable of self-care, such as arranging for alternative care, providing care on a non-routine, urgent, immediate need basis, admitting or transferring a parent to a new care facility, and attending certain meetings with staff at a care facility, such as meetings with hospice or social service providers. Parent is defined as biological, adoptive, parent-in-law, step or foster parent, or any other individual who stood *in loco parentis* (in place of your parents) to you when you were a child.

- Making or updating financial and legal arrangements to address your family member's absence while they are on covered active duty, including preparing and executing financial or health care powers of attorney, enrolling in the Defense Enrollment Eligibility Reporting System (DEERS), or obtaining military identification cards.

- Attending counseling for yourself, your family military member, or the child of the military member when the need for that counseling arises from the covered active duty of the military member and is provided by someone other than a health care provider. Family member is defined as parent, child, or spouse.



- Taking up to 15 calendar days of leave to join your family member who is on short-term, temporary “Rest and Recuperation” leave during their deployment.

- Leave for this reason must be taken during the period of time that the military member is on Rest and Recuperation leave.

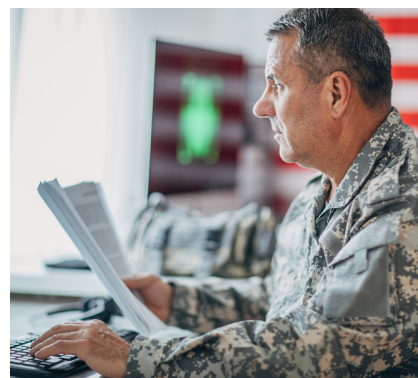
- Certain post-deployment activities within 90-days of the end of your family member's covered active duty, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military, or for addressing issues arising from the death of the military member, including attending their funeral or memorial services.

- Any other related event that you and your Departmental Human Resources Manager (DHRM) agree is a qualifying reason.

Certification Requirements for Family Military Exigency Leave

If you wish to apply for any of these military exigency leaves, you will be required to submit supporting certification for, including but not limited to a copy of the military member's active-duty orders. Your Leave Coordinator will let you know what forms are needed for completion.

You will also need to submit supporting documentation related to the particular qualifying exigency leave you are seeking. For example, if you require leave to meet with an alternate childcare provider or a financial consultant, you may need to provide a letter with the contact information of the third party with whom you are meeting. For leave due to Rest and Recuperation, you may be requested to provide a copy of the military member's Rest and Recuperation orders, or other documentation confirming the dates of the member's Rest and Recuperation leave.



Resources Available to Me

The resource link below will direct you to additional detailed information about Family Military Leave, including Military Caregiver Leave provisions that are not covered in this newsletter.

https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/FMLA_Military_Guide_ENGLISH.pdf

This was the last and final newsletter for Protected Leaves Awareness Month. We hope you found the information useful and feel more informed about protected leave of absences in general. It is our intention to make sure that you understand these programs and to ensure that you know who to contact for leave related matters. If you have any questions or concerns about leaves of absence or you need assistance with requesting a leave, you can reach out to your departmental Leave Coordinator. Click [HERE](#) to find your department's Leave Coordinator email. You can also contact DHR's Countywide Protected Leave team at ProtectedLeaves@hr.lacounty.gov.

Best regards,

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