

Requesting and Managing Protected Leaves



Help! I need to take a leave, but I don't know where to begin.

If you read last week's newsletter, you should be more familiar with the different types of protected leaves that are available to you as a County employee. In this week's newsletter, we want to guide you through the process of requesting a protected leave.

There are a lot of individuals who know about leaves of absence but would rather not apply for one. Some people are intimidated by the process, others may automatically assume that they are not eligible, and others still think that there is no point in applying for the protected leave time because in most cases, leave is unpaid. But there is a very valid and important reason to apply: the leave may be unpaid, but the time taken when you are on a protected leave cannot be counted as absenteeism in your performance evaluation and cannot be taken into consideration when you are applying for a transfer or a promotion. In addition, you are protected against any kind of harassment or retaliation for taking a protected leave, or even for asking about one.



Why did my Department send me "leave paperwork"? I've only been out sick for a few days!

If you've called off work for several days in a row, you should expect to hear from your departmental Leave Management Unit. The law requires that we send employees a packet with leave information in case their absences might be covered under a protected leave. If this doesn't apply to you, you don't need to do anything. But, if you have been out for a reason that is covered by a protected leave, you should connect with your departmental leave coordinator (DLC) to discuss the next steps, including information on using your accrued benefit time to cover your absence.

The first step is the most important: Apply for the leave!

As soon as you know that you will need to take a leave of absence, let your immediate supervisor know and contact your department's Leave Management Unit.

Don't automatically assume you are not eligible for a protected leave of absence. Don't know who your department's leave coordinator is? Click [HERE](#) to find your DLC email.



Here is a step-by-step guide through the protected leave journey

Step 1 - Connect

Once you know you will need time off, you should notify your supervisor and the Leave Management Unit as soon as possible so they can assist you with figuring out if there is a leave that covers your absence. We understand that you might not be able to give advance notice; if that's the case, make sure you connect with your departmental Leave Management Unit as soon as you know you need a leave.

Step 2 - Complete Forms

Your DLC will provide you the forms you need to fill out and the documents (if any) that you need to submit. If you are requesting a leave of absence due to personal health issues, or to care for a covered family member, you will need to complete the Certification of Health Care Provider (CHCP) form. You will have a period of 15 days to submit the CHCP form. In the event you need additional time to get the form completed, please reach out as soon as possible. The CHCP form does not ask for any protected medical or health information – you will never have to share any information about your diagnosis or treatment plan.

Step 3 - Review Notice of Approval or Denial

Once any required forms have been submitted, the DLC will be able to confirm if you are eligible for a protected leave, and will send you an approval or denial letter to confirm. This notice will also have information about the leave of absence type that you will be using (e.g., FMLA, CFRA, PDL, etc.). The DLC will also let your immediate supervisor know if your absence is covered by a protected leave or not. If your leave is approved, proceed to Step Four. If your leave is denied, your letter will include the reason for the denial. Talk to your DLC or your supervisor to determine if there are any other leave options to consider. Even if your leave is denied, you can still request personal time off and go unpaid, or use your benefit time to take a regular absence from work.

Step 4 - Tracking Your Absences

Whether your time off is continuous or intermittent, the County uses protected leave codes so that your leave time is accurately recorded and your payroll check is processed correctly. If there are any problems with your paycheck, immediately reach out to your payroll liaison.



How will I get paid while I am on leave?

It is important to talk to your supervisor and your DLC to decide which accrued benefit time (if any) you will be using to cover your absences. The DLC can also let you know if you are eligible for Short-Term Disability (STD) insurance benefits to minimize any gap in pay, and they can help you with starting the benefit application process. You have different options about which benefit time you can use, and how you want to use it. Your DLC can help you determine which option is best for you. Once you have decided what is best for you, your DLC will give this information to your payroll office. Contact your DLC if you want to make any changes regarding your pay while you are on leave. They will coordinate with the appropriate staff to make sure your timecard reflects your changes.

My leave time is ending but I need more time. What can I do?

There may be situations where you need additional leave time. For example, if you've been out on a medical leave and your health care provider has extended your disability period, or if you are caring for someone that needs you to be with them a little longer. No matter the reason, your DLC will help you with any changes or extensions to your leave. Please keep in mind that additional documentation may be needed to support the extension of the protected leave.



I'm coming back earlier than expected. Does my DLC need anything from me?

Yes, you will need to contact your DLC if you are able to return-to-work sooner than expected. They may need a medical certification from your health care provider stating that you are cleared to return to work. If you are caring for a family member, your DLC will not need a medical certification, but they will need advance notice so they can coordinate your return with your supervisor.



It's time for me to return to the workplace. What do I need to do?

Once again, your DLC is the person to contact to support you with any questions regarding your return-to-work. If your leave was due to your own medical condition, the DLC will verify all the necessary documents are in place and they will contact you should any additional documentation be needed. If your leave was due to an issue not related to a medical condition for yourself, no additional paperwork may be needed. However, your DLC will need to verify your return-to-work date and communicate it to your supervisor.

I've been out on a medical leave and my provider cleared me to come back, but they also gave me some restrictions. What do I do now?

Sometimes a health care provider will approve your return-to-work but will give you a set of expectations that have to be followed – these are referred to as “restrictions.” These restrictions should be shared with your DLC. Special Note: Sometimes health care providers will write protected and confidential medical information on a release – if the document you have includes this information, please cross out this information with a dark marker. As your employer, we don't ever want to receive any protected health or medical information. Any medical restrictions or disabilities are covered under two very important laws: the Federal Americans with Disabilities Act (ADA) and the State's Department of Fair Employment and Housing (FEHA). If you have received restrictions, your DLC will connect with someone in your department's Disability Management and Compliance (DMC) Unit, and they will reach out to you to discuss your restrictions and will walk you through the process for getting back to work. Because there is so much to know about ADA, FEHA, restrictions, and employer accommodations, we will be dedicating our last newsletter to this topic, and in July 2023 we will be dedicating the entire month to awareness and education about FEHA and ADA.

Best Practices for Intermittent Leaves

- If you are taking intermittent leave for planned medical appointments, we ask that you make every effort to schedule your appointments toward the beginning or end of your shift to minimize disruption to your department's operations. Talk to your supervisor about the best options for you and your unit.
- When using intermittent leave, be sure to comply with departmental attendance policies. For example, if you have a medical condition where you experience periodic flare-ups, you will still need to call out according to your department's policy to report your absence.
- When you call out sick, be sure to let your supervisor know you are calling out due to your approved leave reason. This will ensure your timesheet will be coded correctly to reflect the appropriate leave of absence codes.

What's Next?

The Week 3 newsletter will focus on leaves due to pregnancy disability, baby-bonding, and bonding related to surrogacy, foster care, and adoption.

Want to know more?

You can find additional information on the following sites:

<https://employee.hr.lacounty.gov/leave/>

<https://employee.hr.lacounty.gov/disability/>

