



**CITY OF CARSON**  
**INTEROFFICE MEMORANDUM**

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**TO: CITY OF CARSON EMPLOYEE**  
**FROM: FAYE MOSELY, DIRECTOR OF HUMAN RESOURCES & RISK MANAGEMENT**  
**SUBJECT: YOUR RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT (FMLA) OF 1993**  
**DATE: MAY 2018**

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These are the federal regulations concerning FMLA:

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to “eligible” employees for certain family and medical reason. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months. The 12-month period means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave taken.

In most cases, an employee’s leave entitlement for 12 weeks of FMLA/CFRA leave will run concurrently (see attached memo re: California Family Care and Medical Leave Act and Pregnancy Disability Leave).

- 1. REASONS FOR TAKING LEAVE:** FMLA unpaid leave must be granted for any of the following reasons:
  - To care for the employee’s child after birth; or placement for adoption or foster care;
  - To care for the employee’s spouse, son or daughter, or parent, who has a serious health condition; or
  - For a serious health condition that makes the employee unable to perform the employee’s job
  
- 2.** At the employee’s or employer’s option, certain kinds of paid leave may be substituted for unpaid leave. If an employee takes a leave of absence for any reason which is FMLA/CFRA-qualifying, the City of Carson may designate that non-FMLA/CFRA leave as running concurrently with the employee’s 12-week FMLA/CFRA leave entitlement. The only exception is for peace officers who are on leave pursuant to Labor Code 4850.

While on leave under this policy an employee may elect to concurrently use paid accrued leaves. Similarly, the City of Carson may require an employee to concurrently use paid accrued leaves after requesting FMLA and/or CFRA leave, and may also require an employee to use family and medical care leave concurrently with a non-FMLA/CFRA leave which is FMLA/CFRA-qualifying.

**3. ADVANCE NOTICE AND MEDICAL CERTIFICATION:** The employee is required to provide advance notice and medical certification. Taking of leave may be denied if requirements are not met.

- The employee ordinarily must provide 30 days' advance notice when leave is foreseeable,
- The City of Carson requires medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness-for-duty report to return to work. In the event the leave is for the employee's dependent, a medical verification is required.

**4. JOB BENEFITS AND PROTECTION:**

- For the duration of FMLA/CFRA leave, the employer must maintain the employee's health coverage under any group health plan.
- Upon return from FMLA/CFRA leave, most employees must be restored to their original or equivalent positions with equal pay, benefits, and other employment terms.
- The use of FMLA/CFRA leave cannot result in the loss of employment benefit that accrued (vision, medical, dental) prior to the start of an employee's leave.

Leave under this policy is unpaid. While on leave, employees will continue to be covered by the City of Carson's group health insurance to the same extent that coverage is provided while the employee is on the job. However, employees will not continue to be covered under the City of Carson's group term life insurance, supplemental group term life insurance, and long term disability (LTD) insurance plans.

Employees may make the appropriate contributions for continued coverage under the preceding non-health benefits plan by payroll deductions or direct payments made to these plans. Depending on the particular plan, the City of Carson will inform you whether the premiums should be paid to the carrier or to the City of Carson. Your coverage on a particular plan may be dropped if your premium payment is not paid by a certain date. Employee contribution rates are subject to change in rates that occurs while the employee is on leave.

If an employee fails to return to work after his/her leave entitlement has been exhausted or expires, the City of Carson shall have the right to recover its share of health plan

premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his/her family member which would entitle the employee to leave, or because of circumstances beyond the employee's control. The City of Carson shall have the right to recover premiums through deduction from any sums due to the City of Carson (e.g. unpaid wages, vacation pay, etc.).

Taking a family care or pregnancy disability leave may impact certain benefits of yours (such as Long Term Disability and life insurance) and your seniority date. If you want more information regarding your eligibility for a leave and/or the impact of the leave on your seniority and benefits, please contact me.

## 5. REQUIRED FORMS:

Employees must fill out the applicable forms in connection with leave under this policy:

1. "Request for Family or Medical Leave Form" prepared by the City of Carson to be eligible for leave. **NOTE: EMPLOYEES WILL RECEIVE A CITY OF CARSON RESPONSE TO THEIR REQUEST WHICH WILL SET FORTH CERTAIN CONDITIONS OF THE LEAVE. ALL FORMS MUST BE RETURNED TO HUMAN RESOURCES;**
2. Medical Certification – either for the employee's own serious health condition or for the serious health condition of a child, parent, or spouse; and
3. Authorization for payroll deductions for benefit plan coverage continuation.

To the extent not already provided under current leave policies and provisions, the City of Carson will provide family and medical care leave for eligible employees as required by state and federal law. The preceding provisions set forth certain of the rights and obligations with respect to such leave. Rights and obligations which are not specifically set forth are set forth in the Department of Labor regulations implementing the Federal Family Leave and Medical Leave Act of 1993 (FMLA) and the regulations of the California Family Rights Act (CFRA). Unless otherwise provided by this article, "Leave" under this article means leave pursuant to the FMLA and CFRA.

Any period of incapacity due to pregnancy or for prenatal care entitles the employee to FMLA leave, but not CFRA leave. Under California law, an employee disabled by pregnancy is entitled to pregnancy disability leave.