



CITY OF CARSON
INTEROFFICE MEMORANDUM

TO: CITY OF CARSON - EMPLOYEE
FROM: HUMAN RESOURCES DEPARTMENT
SUBJECT: YOUR RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT (FMLA) OF 1993
DATE:

These are 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 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.

