

City of Red Bluff
Administrative Policies & Procedures – Personnel Manual

Subject: Family Medical Leave Policy		Number: 22-38
		Effective Date: 01/01/2024
Departments Affected: All		Supersedes (Number/Date): AP&P 22-38 10/17/2023
Authority: Section 2.82-A. Red Bluff City Code	File References:	
	Approved: Approved by City Council on: 12/19/2023	

Overview: The City of Red Bluff will grant eligible employees leaves of absence pursuant to federal, state, and local laws.

Applicable to: All City of Red Bluff Employees who meet the minimum eligibility requirements.

Guidelines: The Family Medical Leave Act and the California Family Rights Act allow eligible employees to take up to 12 weeks (480 hours) in a 12-month period of unpaid job protected leave for family and medical reasons with continuation of group health insurance under the same terms and conditions as if the employee had not taken leave. California also protects leave up to 5 days for a reproductive loss event.

An employee may take FMLA/CFRA leave for any of the following reasons:

- An employee’s own serious health condition.
- The birth of a child and to care for or bond with such child.
- The placement of a child with the employee for adoption or foster care.
- To care for an immediate family member with a serious health condition (spouse, registered domestic partner, child, parent, parent-in-law, sibling, grandparent, or grandchild.).
- Under CFRA only, a “designated person” can be chosen. A designated person is defined as: Any individual related by blood or whose association with the employee is the equivalent of a family relationship.

Leave may be taken intermittently or as a continuous block of time.

FMLA may run concurrently with other leaves, including industrial leave.

To be eligible for FMLA/CFRA, an employee must have worked for the City for at least 12 months and worked at least 1,250 hours in the 12 months immediately preceding the commencement of leave. If the need for leave is foreseeable, the employee must give 30 days prior notice. If the leave is not foreseeable, the employee must give notice as soon as practicable. If an employee qualifies for more than one statutory leave, all applicable leaves will run concurrently.

The City uses the 12-month measuring backward method to establish the 12-month period. For example, if an employee begins 12 weeks of leave on February 10, they

City of Red Bluff
AP&P 22-38 Family Medical Leave Policy

are not eligible for another 12 weeks of leave until February 11 of the following year. All requests for leaves of absence will not be unreasonably denied.

Intermittent Leave or a reduced schedule under FMLA allows an employee to take leave in separate blocks of time, rather than taking one continuous leave. Guidelines for intermittent FMLA are:

- All time must be taken for one single qualifying reason.
- Leave must be medically necessary (no voluntary treatments or procedures).
- Leave is subject to authorization under medical certification which specifically describes the conditions, duration, frequency, and medical necessity for intermittent leave or a reduced schedule (For example, a doctor may authorize four days per month for cancer treatments or a schedule reduced to three hours per day).
- If an employee's absences are longer or more frequent than originally authorized, or if there are safety concerns regarding the employee's ability to perform their duties due to the serious health condition, the City can request reauthorization and/or schedule an interactive process meeting.
- If the employee has taken intermittent leave for this medical reason prior to formal FMLA designation, the City may designate some of the leave retroactively (when allowed by FMLA).
- Employee must adhere to usual time off request procedures.
- Employee may be required to schedule planned treatments in a manner that does not unduly disrupt City operations.
- Employee may be reassigned to an alternative position for which they are qualified that has equivalent pay and benefits, and that better accommodates the employee's intermittent leave or reduced schedule.
- Unscheduled, sporadic absences that do not follow the terms of the medical authorization may not be protected under FMLA and may be subject to disciplinary action.
- Employees will be charged for the actual amount of leave taken, in 15-minute intervals.

To take FMLA/CFRA, the employee must:

- Make notification to their immediate supervisor or designee.
- Complete a Leave of Absence Request Form.
- Submit a completed Medical Certification form. The form must be completed in its entirety by the employee's physician or qualifying family member's physician within 15 calendar days of the request for leave. Incomplete certifications will be returned to the employee for follow up with the physician.
- If the leave is due to placement of a child for adoption or foster care, the employee will be required to provide a copy of the signed Adoption Order (Adopt 215) or placement authorization form in lieu of the Medical Certification form.
- Complete a Coordination of Benefits Form.
- Five calendar days prior to the employee's estimated return to work date, the employee will be required to submit a completed Physicians Return to Work Form. This is not applicable if the leave is for bonding or leave to care for a qualifying family member.

It is the employee's responsibility to complete these forms timely. Failure to provide

City of Red Bluff
AP&P 22-38 Family Medical Leave Policy

sufficient information needed to determine eligibility for protected leave may delay and/or cause the request for protected leave to be denied.

Upon receiving a Leave of Absence Request Form, the Human Resources Department shall confirm the employee's eligibility for FMLA/CFRA. Once eligibility has been confirmed, Human Resources shall immediately prepare a Designation of Leave Letter and make available to the employee the following forms and documents that are applicable to the requested leave:

- Medical Certification form for the Serious Health Condition of the Employee or the Employee's Family Member.
- Leave of Absence Request Form.
- Coordination of Benefits Form.
- Physician's Return to Work Form with an attached job description.
- Department of Fair Employment and Housing – CFRA Brochure.
- United States Department of Labor – FMLA Fact Sheet.
- Employment Development Department – SDI Brochure.
- Employment Development Department – PFL Brochure.

REPRODUCTIVE LOSS LEAVE

Reproductive Loss Leave provides an eligible employee, who has worked for the City of Red Bluff for at least thirty (30) days, up to five (5) days of leave following a reproductive loss event. A "reproductive loss event" means the day of, or, for a multiple-day event, or the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth or an unsuccessful assisted reproduction. This leave must be taken within three (3) months of the event. No more than twenty (20) days of reproductive loss leave can be taken in a 12-month period. Reproductive loss leave is not an additional bank of hours, rather a protected leave status allowing employees to utilize their leave in accordance with the City's existing leave policies.

References: California Family Rights Act; Govt. Code §12945 Pregnancy; Govt. Code §12945.1 – 12945.6 Calif Family Rights Act; Govt. Code §19702.3 Family Care Leave; Code of Regulations Title 2 §11087-11098 California Family Rights Act; United States Code Title 29 §2601-2654 Family and Medical Care Leave Act of 1993; Code of Federal Regulations Title 29 §825.100-825.800 Family and Medical Leave Act of 1993; California Civil Rights Department www.calcivilrights.ca.gov ; U. S. Department of Labor, FMLA www.dol.gov/whd/fmla