



HR EXPERTISE (HR KNOWLEDGE)

TRAINING

HUMAN
RESOURCES

POTENTIAL



Risk Management Medical Liaison Unit **Protective Leaves**



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Workers Compensation

WC

Paid Unpaid Leave

FMLA, PDL, SDI Paid Family Leave
Catastrophic Leave

Safety

Departmental Safety Procedures Cal/OSHA
WSSH

Who's your DHRO?

QUARTERLY TRAINING REVIEWS

April 2019 (V1,I1): Cal/OSHA Reporting Notification Requirements

Workers' Comp Process

PDL/FML Flow Process



Family Medical Leave (FML)

[FML County P&P #505](#)

[FML FACT SHEET](#)

[FML FACT SHEET FOR SPOUSES WORK](#)

[Kronos FML Codes](#)

[QUICK REF SHEET FOR ALL LEAVE TYPES](#)

[WSSH Training FMLA 2011](#)

Forms needed:

[Authorization to use leave balances](#)

[FML Intermittent Tracking Form](#)

[FML Request Form \(EB10\)](#)

[Medical Certificate for Family Member](#)

[Medical Certificate for Self](#)

[Supervisor's Statement - FML](#)



Pregnancy Disability Leave (PDL)

[Kronos PDL Codes](#)

[PDL COUNTY P&P #511](#)

[PDL/BONDING FAQ](#)

[PDL FACT SHEET](#)

[PDL LTR w/SDI INFO](#)

Forms needed:

[Auditor & Controller - Integration Auth. Form](#)

[PDL Request \(EB11\)](#)

[Medical Certificate for Self](#)

[Supervisor's Statement - PDL \(EB31\)](#)



Catastrophic Leave Program (CAT)

[CAT Leave P&P #604](#)

Forms needed:

[CAT Leave Release Authorization](#)

[CAT Leave Vac/Sick Transfer Authorization](#)



Military Family Member Leave (MFL)

[MFL County P&P #510](#)

[Checklist of Leave Forms](#)

[SDI DHR P&P 504](#)

[Types of Leave Flyer](#)



[+](#) new link or edit this list

✓ URL

[County of San Diego - Risk Management/Workers' Compensation](#) ...

[San Diego County Employees Retirement Association \(SDCERA\)](#) ...

[County of San Diego - DHR/Benefits Division](#) ...

[Workers' Compensation - State of California](#) ...

[CA State Disability Insurance \(SDI\) - EDD](#) ...

[Family Medical Leave Act \(FMLA\) - U.S. Dept of Labor](#) ...

[Paid Family Leave \(PFL\) - EDD](#) ...

[US Healthworks](#) ...

[The Counseling Team](#) ...

[CDC - Travel Healthy & Safety](#) ...

[California Law Enforcement Association \(CLEA\)](#) ...

[Employment Development Department \(EDD\)](#) ...

[What is Integration/Buyback?](#) ...

[Dept. of Industrial Relations](#) ...

Training Objectives

- **Leave of Absence**
- **FML/PDL**
- **Protected/Unprotected Leave**
- **Roles and Responsibilities**

It is essential for all supervisors to know and understand how to comply with the protected leave options.

Give some reasons an employee may request a leave of absence?

What are the 2 types of leave of absence?

Pregnancy Disability Leave
PDL DHR 511

Family Medical Leave
DHR Policy 505

Military Related Leave
DHR Policy 601

- California Fair Employment and Housing Act (**CFEHA**)
 - Pregnancy Disability Leave (**PDL**) - County
- The Family and Medical Leave Act (**FMLA**) – Federal
 - The California Family Rights Act (**CFRA**) – State
 - Family Medical Leave (**FML**) – County
- Uniformed Services Employment and Reemployment Rights Act (**USERRA**)
 - Military Related Leave (**MRL**) - County

Pregnancy Disability Leave (PDL) grants time off for unpaid leave, protects health benefits, and protects the employee's right to return to a job.

- ⇒ Provides up to 17 1/3 weeks of unpaid pregnancy-related leave.
- ⇒ Reasons are prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, recovery from childbirth, and any other related medical condition.
- ⇒ Eligibility requires no minimum length of employment or hours worked.
- ⇒ Available on a continuous/unbroken or intermittent/incremental basis.
- ⇒ Doctor's medical certification required.

PREGNANCY DISABILITY LEAVE (PDL)

- Allows up to 17 1/3 weeks of unpaid leave
- Continuous or intermittent
- Requires a Doctor's note
- Use sick balances first – may elect to use other balances or not
- Kronos codes - K (pg. 13)

Family Medical Leave (FML) grants time off for unpaid leave, protects health benefits, and protects the employee's right to return to a job.

Length is up to 12 weeks of unpaid leave within a 12 month period. Reasons are 1) care for self due to employee's health condition, 2) care for a family member, 3) bond with a newborn, adopted, or foster child. Eligible if a County employee for the past 12 months and worked a minimum of 1,250 regular hours. Types available are continuous/unbroken or intermittent/broken time.

FML—Care for Self or Family Member

- ◊ Medical certification required.
- ◊ Authorized to use sick balances.

FML—Bonding

- ◊ Begins on the child's birth date for 1 full year.
- ◊ Proof of birth required.
- ◊ VAC/CTO leave balances only.
- ◊ Minimum of 2 week increments, with shorter increments allowed on 2 separate occasions.

FML—Military member or veteran.

- ◊ Military member is called to "covered active duty" or
 - ◊ A covered veteran needing care due to an injury or illness suffered or aggravated by service.
 - ◊ Up to 26 weeks within a 12 month period.
-

FAMILY MEDICAL LEAVE (FML)

- Provides up to 12 weeks
- 12 month rolling calendar
- Continuous/Intermittent
- Care for self or other
- Bonding - Rule
- Employee for past 12 months
- 1250 regular hours
- Kronos codes – F (pg.13)

PDL Forms

- Supervisor's Statement for PDL (pg. 61)
- Pregnancy Disability Leave Request (pg. 63)
- Employee will provide the Dr.'s note
- Intermittent - Tracking Log (pg.65)

FML Forms

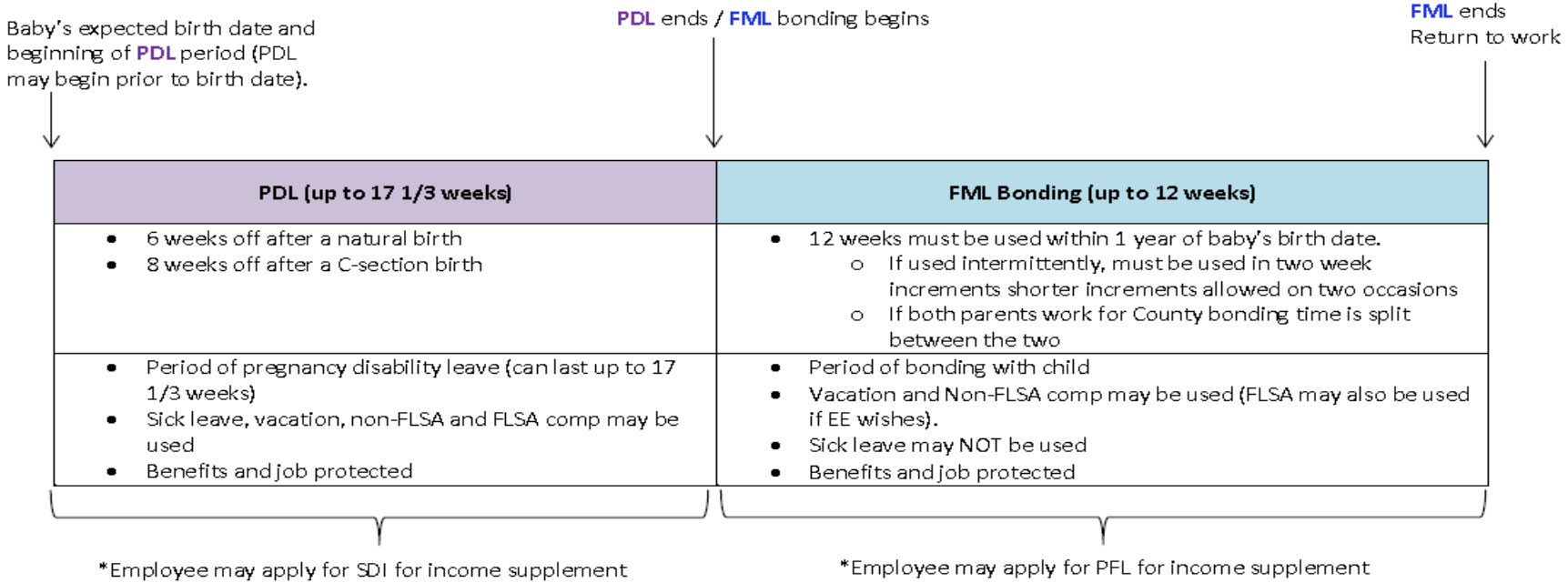
- Supervisor's Statement for FML (pg. 47)
- Family and Medical Leave Request (pg.49)
- Medical Certificate:
 - Care for self (pg. 51), Care for other (pg. 55)
 - Dr.'s note
 - Birth Certificate
- Authorization to use leave balances (pg.59)
- Intermittent - Tracking Log (pg. 65)

Protected Leaves

Leave Type	Eligibility	Coverage
Pregnancy Disability Leave (PDL)	<ul style="list-style-type: none"> No minimum length of employment or hours worked Continuous/Intermittent 	Up to 17 1/3 weeks if medically necessary.
Family Medical Leave (FML)	<ul style="list-style-type: none"> County employee for the past 12 months Minimum 1250 regular working hours Continuous/Intermittent 	12 weeks
Military Caregiver	<ul style="list-style-type: none"> Care of family service member with a serious illness or injury incurred in the line of duty. 	Up to 26 weeks
Military Related Leave (MRL)	<ul style="list-style-type: none"> Called to active duty 	Absent from employment by reason of military leave

FML & PDL Timeline

PDL & FML Timeline



*These job classifications pay into SDI/PFL: AE, CE, CL, CM, CNM, CR, FS, HS, MM, PO, PS, RN, SR5, SD6, SO, SS, SW

- Continuous – Off work in a continuous/unbroken time.

- Intermittent – Bonding time or Dr.'s note states Frequency/Duration.
 - To care for Self
 - To care for Other
 - Bond with child
 - Intermittent Tracking Log

**Employee approved for intermittent FML leave
to care for self from 5/10/19 through 11/9/19
has an estimated frequency of**

2 times per month, 1 day per episode.

Your employee was off 2 times per week for the past 3 weeks.

Your employee is off for 1 straight month.

What do you do?

**Tom's regular days off are Saturday/Sunday.
He submits his PR1s for Thursday/Friday off for
the next 4 months to bond with his daughter.**

Hold him accountable to the bonding rule – 2 wk
Increments with 2 instances that are less than 2 wks

What do you do?

David sent you a Dr.'s note placing him off work for 8 days.

Can the Department protect David with FML without his authorization?

YES. The employer is responsible for designating FML if the employee is out for more than 3 days.
(Not optional)

- On the 4th day off sick leave – Read Supervisor Statement
- Provide FML/PDL forms / send to MLU
- Take note of requested time
- Keep track of approved date range
- Monitor intermittent time out - Intermittent tracking log
- Review intermittent patterns
- Enter/approve Kronos codes (pg.13)
- Know who should be returning to work or not

What is unprotected leave?

- An employee who is not eligible for PDL or FML
- An employee that exhausted PDL and FML protection
- An employee that exhausted all paid leave balances
- Any time an employee is on a Leave of Absence (LOA) without protection or pay (LWOP)

Affects of Leave of Absence (LOA) without Pay

- If unpaid on the 1st day of the month, benefits are interrupted
- Affects step increase, holiday pay, and retirement credits
- All Leave of Absences without pay (LOA/LWOP) must be preapproved by HRB Command

Sick Leave

- Sick leave balances are used concurrently with PDL and FML when caring for self or other.
- Employees are not required to use FLSA-Comp but may elect to.

Vacation and Comp Leave

- Employees are required to use paid vacation and comp leave balances concurrently with FML to bond with a child.
- Paid sick leave balances may not be used to bond.

Modified Duty

- Employee provides a doctor's note placing them on Modified duty
- Supervisor notifies/forwards note to MLU
- Supervisor determines if the Department can accommodate
- Assignment; work within their restrictions
- Review updated work status notes every 45 days or sooner
- MLU maintains a modified duty list

Deputy McGruff fell off his roof and broke his right arm over the weekend. Monday morning he gives his supervisor his Dr.'s note placing him on modified duty with the following restrictions:

- No lifting over 10 pounds
- No repetitive movement with right arm
- No work at or above shoulder level
- No repetitive head/neck movement

What if the Department cannot accommodate?

- Notify MLU
- Employee is placed on the TTD List
- Employee may not return to work unless cleared by MLU
- Employee must continue to provide updates of their current work status every 45 days or sooner

Detentions Deputy Snow submitted a Dr.'s note dated 6/1/19 for modified duty through 2/1/20 stating the following restrictions:

- No inmate contact
- Is there a problem with this note?
- The next appointment is on 9/1/19 - a new note can be provide then.
- 9/1/19 note extends modified duty to June 1, 2020.

Modified Duty Policy

Limited Duty is defined as any employee with a medical restriction(s) which **prevents them from performing one or more of the Essential Job Functions** of their job classification. The Department maintains **no permanent positions for limited duty personnel**. The allowable time in a limited duty status will be six months for a specific injury and/or body part. If special circumstances are presented, a written request from the employee for an extension will be reviewed by the Human Resource Services Bureau Assistant Sheriff. The maximum extension of limited duty time will be 6 months, the **maximum allowable time of 12 months** in a temporary limited duty status...

Luke was placed off work for 1 month because he injured his knee last weekend.

Luke feels great and wants to work tomorrow.

Luke must provide a new note.

You are working on the holiday vacation calendar for the facility.

Deputy Ham is approved for FML bonding through the beginning of the new year and is requesting FML leave around the Thanksgiving holiday.

Can you deny her request?

Most likely not – FML was approved for a period of time.

Martha is requesting 3 days or more off due to pregnancy related issues.

What do you do?

Read the Supervisor Statement and give her PDL papers.

Betty is on FML to care for mom through 2/10/19.

Mom passes away on 2/1/19.

Would you still code FML time?

NO – FML ends and Bereavement Leave Options begin.

Steve is approved for Intermittent FML to care for self / his frequency for flare-ups is 1 time per week.

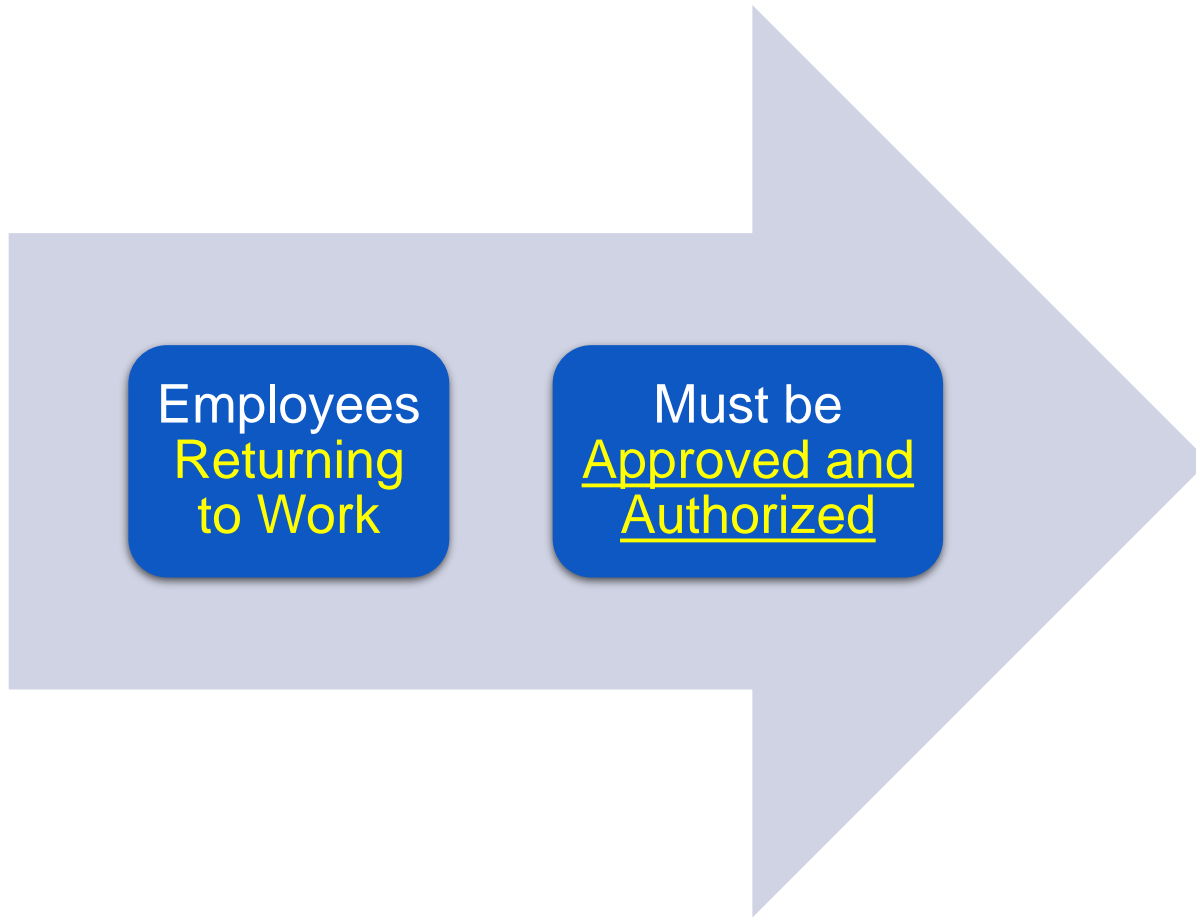
He submits a PR1 slip for next Friday and wants to use sick leave.

What do you do?

Qualified Disability Plans

- **Most professional staff**
 - State Disability Insurance (SDI)
- **Sworn DSA Members**
 - CA Law Enforcement Association (CLEA)
 - AFLAC
- **Management/Unclassified Classifications**
 - Long Term Disability - MetLife
 - Benefits may begin 30, 60, or 90 days after disability commences, depending on job classification
- **Voluntary Benefits – Dependent on job classification**
 - Short Term Disability/Long Term Disability - Cigna
 - Leave balances are exhausted

- Return from leave.
- Return to full duty from modified.



- Determine Accommodation
- Work employee within restrictions
- Monitor updated work status note
- Keep track of employees out on TTD or LD
- Modified Duty Policy
- Monitor Frequency/Duration
- Sworn Qualification Period - waivers
- Confirm return from leave date

QUESTIONS

A group of ten hands, each holding up a large, three-dimensional blue letter to form the word "QUESTIONS". The hands are wearing various colored sleeves, including dark grey, light blue, and white. The background is plain white.

Sheriff's Department

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