Overview of Leave of Absence
(FML, CFRA, PDL)

Staff and Academic Employees

(Military Leaves Not Included – Contact Human Resources for Assistance)

Mission
We provide HR leadership and expertise to create and support a high-performing, inclusive workplace which advances UCR’s mission and strategic objectives.

Vision
UCR HR is the benchmark in higher education for visionary and innovative HR strategies and exemplary service delivery.
Overview

- Basic Requirements of the FML Act
  - CA Family Rights Act (CFRA)
  - Pregnancy Disability Leave (PDL)
- UCR Procedures
  - Staff (Local Procedure 43) and Academic procedures
- Updating PPS
Basic Provisions of FML

- Assures reinstatement of the employee to the same or an "equivalent" position upon completion of FML
- Provides benefit continuation during the FML absence (previously had to pay COBRA once paid leave ended)
- Prohibits employers from considering the use of FML as a negative factor in any employment action
Basic Requirements of FML

- Designating FML
- Employee Eligibility
- Reasons for Leave
  - Eligible Family Members
  - Serious Health Condition Factors
- Duration of Leave
  - Pregnancy/Parental Leave
- Reinstatement upon Return from Leave
Key Point to Remember

- The department is responsible for designating FML, it is not the employee's responsibility to specifically request/mention FML.

- Leave may be designated by the University as FML if you have knowledge or reason to believe a serious health condition exists, for example, the employee:
  - Has been off on sick leave, which is then identified as a serious medical condition; or
  - Has been hospitalized; or
  - Is off work due to an occupational injury; or
  - Has communicated to you that the need for time-off is to care for their own or a family member's serious medical condition.
Why Must FML be Designated?

- It is critical that the University designate qualifying leave as FML:
  - To ensure that the employee gets the benefit and protection of the laws; and
  - To establish that we have complied with our notice and designation obligations; and
  - To make sure that we are not obligated to give additional family and medical leave during that leave year simply because of a failure to properly designate the original leave.
Who is Eligible for FML?
Eligibility

- An employee is eligible for FML if the employee:
  - Has at least 12 months of UC service (need not be continuous); and has actually worked 1,250 hours during 12-month period prior to FML start date (excludes paid leave).

TIP
Departments should assume exempt employees are eligible if they have 12 or more months of University service.
Eligibility

- All prior University service and military leave granted by the University, including service with and military leave granted by the Department of Energy Laboratories (need not be continuous) count towards the 12 months of cumulative service.

- If an employee requests a second FML leave during the same year for the same event, the employee does not have to re-qualify.
For What Reasons Can FML Be Taken?
Reasons for Leave

- Parental (Baby Bonding) Leave
  - For the birth of a son or daughter, and to care for the newborn child;
  - For placement with the employee of a son or daughter for adoption or foster care;
  - Note: If the mother & father are both UC employees, both are eligible for 12 weeks of Parental Leave & have up to one year from the birth or placement to use it.

TIP
The right to take FML for parental bonding applies equally to male and female employees.
Reasons for Leave

- Employee's Own Illness or Family Illness
  - Because of a serious health condition that makes the employee unable to perform the functions of his or her job; or
  - To care for the employee's spouse, same- or opposite-sex domestic partner, son, daughter, or parent with a serious health condition (excludes "in-laws")
For Whom Can Care Be Provided?
Eligible Family Members

- A child who is a biological, adopted or foster child, a stepson or stepdaughter, a legal ward, or a child for whom the employee has day to day responsibility to care and financially support (i.e. loco parentis status).

- The child must be under 18 or else incapable of self-care due to a mental or physical disability.
Eligible Family Members

- A parent is a biological, adopted or foster parent, a stepparent, a legal guardian, an individual who assumed the day to day responsibility to care for and financially support the employee while he/she was a child (i.e. loco parentis status).
- "Parent" does not include a parent-in-law.
Eligible Family Members

- The department may require (HR encourages) a Declaration of Relationship for FML when leave requested is due to the serious medical condition of an eligible family member.
Key Point to Remember

- Employers have 5 business days to designate FML after the employer learns of the FML qualifying condition.
- Under limited circumstances, FML can be retroactively designated, contact Human Resources prior to establishing a retroactive FML beginning date.
What Qualifies As A Serious Health Condition?
Serious Health Condition

A “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves one of the following:

1. Inpatient Care
2. Incapacity of More Than 3 Consecutive Days Plus Continuing Treatment by a Health Care Provider
3. Pregnancy-Related Disabilities
4. Chronic Conditions Requiring Treatment
5. Permanent/Long-Term Conditions Requiring Supervision
6. Multiple Treatments (Non-Chronic Conditions)

Additional clarification on Serious Health Conditions can be found here.
How Is A Serious Health Condition Determined?
Certification of Health Care Provider

- It is UC's practice that the determination of a serious health condition is reserved for the treating health care provider.
- Health Care Providers who may make this determination include:
  - Doctors of medicine or osteopathy, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners, nurse midwives, clinical social workers, and physician's assistants.
Certification of Health Care Provider

- For FML, the department should request the employee his/her medical provider complete the applicable Certification of Health Care Provider form. There are three forms to choose from:
  - an employee's own serious health condition*
  - a family member's serious health condition*
  - an employee's pregnancy disability*

* In lieu of the certification, a doctor’s note should be considered acceptable if it contains the required information (see the following two slides)
Certification of Health Care Provider (cont.)

A doctor’s note should be considered acceptable if it contains the following information.

1. Employee’s Own Serious Health Condition, including Pregnancy Disability
   - A statement or sufficient information to conclude the employee has a Serious Health Condition, as defined earlier in this presentation
   - A statement that the employee is incapable of performing one or more essential assigned functions of his/her job (the function the employee is unable to perform must be included)
   - The date on which the employee's serious health condition began
   - The employee’s probable date of return
   - If applicable, a statement indicating the employee should take leave intermittently or work on a reduced work schedule and the probable duration of such schedule
   - If applicable and the condition is chronic, the duration and frequency of episodes of incapacity
2. Employee’s Family Member

- A statement indicating the employee’s family member has a serious health condition, as defined earlier in this presentation
- A statement indicating the family member's serious health condition warrants the participation of the employee to provide supervision or care during a period of the treatment or incapacity or psychological comfort
- If applicable, a statement indicating the employee’s family member will need care intermittently or work on a reduced work schedule and the probable duration of such schedule
Certification of Health Care Provider

- If an employee submits a Medical Certification/Doctor’s note that is incomplete or requires additional clarification, the employee must be provided 7 calendar days to cure the deficiencies and/or authorize the campus' Disability Management Coordinator to contact the health care provider.

- Under no circumstances can an employee’s supervisor contact the health care provider.
Certification of Health Care Provider

- An employer who has reason to doubt the validity of a medical certification or doctor’s note for the employee's own illness may require the employee to obtain a second opinion at the employer's expense (contact ELR for guidance).

- Pending receipt of the second (or third) medical opinion, the employee is provisionally entitled to the benefits of the Act, including maintenance of group health benefits.
Certification of Health Care Provider

- Labor Relations must be contacted prior to requesting a second opinion.

- No second opinions on the serious health condition of the employee's family members are permitted under California law.
Certification of Health Care Provider

- Employees should provide at least 30 days notice before FML begins, whenever possible. When less than 30 days notice is provided:
  - the employee should provide notice of the need for leave as soon as practicable.
  - the employee has 15 calendar days to provide a completed certification (some medical providers are known to take longer, the employee should communicate any difficulties in obtaining the completed certification to the departmental contact).
Certification of Health Care Provider

- Recertification may be required:
  - Upon the expiration of the leave period, if the employee is requesting additional leave, or
  - Every 30 days, if the health care provider indicated on the certification that the duration of the leave was "indefinite" and it is in connection with an absence (Previously the practice was to recertify every new calendar year)
  - Any re-certification requested by the employer shall be at the employee's expense.

**Note:** Departments have the option of adopting a consistent practice of accepting a doctor's note extending FML vs. requiring recertification, if a medical certification is already on file.
Follow Up If Certification Is Not Returned

- If the department does not receive a completed Certification within 15 days, the department should:
  - complete the entire Leave of Absence Request form as best as possible; and
  - send a copy to the employee with a follow-up letter and a blank Certification form
- Contact Labor Relations if the follow up does not result in a completed Certification form from the Health Care Provider within 15 days.
Certification and Privacy Considerations

- The department is not entitled to the diagnosis, but only to the estimated duration of the leave, including dates.
- If a diagnosis is provided by the doctor, black out prior to processing.
What Is The Duration of FML?
Amount and Type of Leave

- For FML leave, employees may take up to 12 workweeks of *unpaid leave* in a 12 month period.
  - Supplemental (*unpaid*) disability leave for up to 12 additional workweeks may be available. Refer to applicable policies and contracts.
  - At UC, the leave year is based on the calendar year.
Amount and Type of Leave

- FML may take the form of:
  - a continuous leave of absence,
  - a reduced work schedule, or
  - intermittent leave.

Notes:
1. Once FML is exhausted, reasonable accommodation may be necessary (contact the Disability Management Coordinator).
2. Flexible scheduling to allow an employee to attend medical appointments cannot be counted as intermittent FML leave.
3. These types of leaves should be designated in writing and the hours applied toward FML must be tracked manually.
Key Point to Remember

› For intermittent and reduced schedule leaves, an employee must make a "reasonable effort" to schedule treatment/visits so as not to unduly disrupt the employer's operation.

› The employee is responsible for notifying the department that the requested time off is due to his/her FML serious medical condition vs. a regular sick day.
Overlap Between FML and State Leave Laws Pertaining To Pregnancy/Parental Leave
Federal and State Leave Laws

- Three separate entitlements interact and overlap with each other:
  - Family Medical Leave (FML - Federal)
  - CA Family Rights Act (CFRA - CA)
  - Pregnancy Disability Leave (PDL - CA)
California Law

- CA Family Rights Act (CFRA)
  - Generally provides the same eligibility and protections as FML;
  - Leave is unpaid; and
  - Runs concurrently with FML; EXCEPT
    - does not provide leave for disability due to pregnancy, childbirth, or related medical conditions (this is covered by PDL).
California Law

- Pregnancy Disability Leave (PDL)
  - Fair Employment and Housing Act (FEHA)
  - No eligibility requirements
  - 4 months of job-protected but unpaid leave when the employee is actually disabled due to pregnancy-related condition (*do not have to meet the FML/CFRA eligibility requirements*).
  - PDL is concurrent with FML but NOT with CFRA
Pregnancy/Parental Leave

- Pregnancy disability leave (PDL) allows up to four months of leave due to pregnancy related conditions. The first 12 workweeks of PDL runs concurrently with FML, when the employee is eligible for FML.

- Upon termination of PDL, an additional 12 workweeks of CFRA leave is allowed for any covered reason (e.g., bonding with child after birth, adoption, or placement through foster care) except pregnancy.
Pregnancy/Parental Leave (Example)

**PDL (Up to 4 months):**
Applied only to pregnancy-related disability leave

**CFRA (Up to 12 workweeks):**
Applied to non-pregnancy related disability leave, including baby-bonding leave

**Federal FML (Up to 12 workweeks):**
Applied to pregnancy-related medical leave and baby-bonding leave

Total leave taken should not exceed 7 months in a year.
**Example:** Employee placed off work June 1, even though the due date is July 1. Medical Certification indicates the pregnancy-related disability will end September 14. Employee then requests 12 weeks of continuous parental leave to bond with the child. *Departments need to document when each leave begins & ends.*
California Law — Intermittent Parental Leave

- Leave for baby bonding or placement of a child in foster care or adoption need not be taken all at once.
- Minimum duration of intermittent baby bonding leave is two weeks.
  - Exception: A request for leave which is for less than two weeks shall be granted on any two occasions.
Substituting Paid Leave while on FML

- **Vacation Leave:**
  - **Medical Leave.** Employee's option for own serious health condition.
  - **Family Illness Leave.** Accrued vacation during a family illness except that an employee shall be required to use at least 10 percent of accrued vacation prior to taking a family illness leave without pay, if the employee's vacation accrual balance is at the maximum.
  - **Parental Leave for Bonding Purposes.** Accrued vacation during a family and medical leave granted to care for a newborn, adopted or foster child, except that an employee shall be required to use at least 10 percent of accrued vacation prior to taking a parental leave without pay, if the employee's vacation accrual balance is at the maximum.

*Note: Varies by Bargaining Unit*
Substituting Paid Leave while on FML

- **Sick Leave:**
  - **Medical Leave.** *Employee's option* for own serious health condition.
  - **Family Illness Leave.** Up to 12 weeks of accrued sick leave *may be used* during a family and medical leave granted to care for a child, spouse, domestic partner or parent with a serious health condition.
  - **Parental Leave (Baby Bonding):** Up to 30 days of accrued sick leave may be used during a parental leave.

*Note: Varies by Bargaining Unit*
Substituting Paid Leave while on FML

- **Comp Time**: Can be used concurrently with FML.

- **LWP**: If the academic employee does not accrue sick and/or vacation leave, the Chancellor (or designee) may approve leave with pay for up to 12 workweeks.

*Note*: Varies by Bargaining Unit
Reinstatement

- Employee is entitled by law to return to the same position or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.
- Departments wishing to reinstate an employee to an equivalent position should contact Labor Relations.

**TIP**
An employee is not entitled to reinstatement if his or her appointment end date occurs before the return date from FML.
Notice Requirements

- The University must provide more than one type of notice with respect to FML
  - A "General Notice" requirement
    - Met by workplace posters and policies
  - An "Eligibility Notice" requirement
    - Met by providing the Notice of Eligibility and Rights & Responsibilities form
  - A "Designation Notice" requirement
    - Met by providing the Designation Notice form
Initial FML Packet

- The initial FML Packet should consist of:
  - Leave of Absence Request Form
  - The appropriate Certification of Health Care Provider Form – (The department completes the contact information in the introduction and Section I)
    - Certification of Health Care Provider for Employee's Serious Medical Condition
    - Certification of Health Care Provider for Family Member's Serious Medical Condition
    - Certification of Health Care Provider for Employee's Pregnancy Disability

NOTE
Some medical providers indicate an end date that is actually the date of the employees next appointment & not an official RTW date. Communication between the department & the employee on the meaning of the end date can resolve any confusion.
Initial FML Packet (continued)

› *The Notice of Eligibility and Rights & Responsibilities form* — (The department completes in it's entirety)

› *The FML Benefits Checklist*

› *The Declaration of Relationship* — (The department complete the employee name and department information in the introduction)
  
  › To be provided if the leave is to care for a family member or for parental leave
Responding to the Completed Certification of Health Care Provider

Once the employee returns the completed Certification, provide the following within three (3) business days:

- A Designation Notice Cover Letter
- The signed and completed (section II) Leave of Absence Request Form
- A Designation Notice
- A Return to Work Certification (if applicable)
Key Points to Remember

- Once the employee has been placed on Leave:
  - Update PPS
  - Develop a Leave tracking practice
  - Appropriately maintain all related documentation
10 minute break
FML For Academic Employees
Academic Positions

- An academic appointee is defined as one who is engaged primarily in one or more of the following: teaching, research, and public service, and whose duties are closely related to the University's instructional and research functions. Included in this group are academic administrative officers, faculty, student appointees, medical residents, research appointees, Cooperative Extension and University Extension appointees, and librarians.
FML For Academic Employees

- How does the Family & Medical Leave Act affect academic employees?
- The Basic Requirements and Campus Guidelines of the Family & Medical Leave Act apply to all UCR academic employees who meet the eligibility requirements.
Does this include academic employees (who do not accrue sick leave)?

- Yes. FML policy for academic employees can be found in APM 715

- APM
  - Academic Personnel Manual
  - Systemwide policy for non-represented academic employees
  - Maintained by the Office of the President

**NOTE**
Academic employees represented by a bargaining unit have contracts which contain the policies that govern them. These are Unit 18 or Lecturers, Librarians and Academic Student Employees (ASEs).
Is FML paid or unpaid for academics?

- If the academic employee accrues sick and/or vacation leave, accrued paid leave may be substituted for unpaid leave (APM 710-38 and APM 715-20-b). The guidelines outlined on the UCR Human Resources website under "Section H, Paid vs. Unpaid FML" apply.

- If the academic employee does not accrue sick and/or vacation leave, the Chancellor (or designee) may approve leave with pay for 12 workweeks (APM 715-20-b and APM 710-38). See also APM 710-11 regarding the maximum amount of paid medical leave.
What is the department's responsibility?

- Policy requires that the department (or other specified unit) must designate the leave as qualifying for FML and provide the appointee with written notice of eligibility and designation (APM 715-30-b).
- Departments are the first ones to know when a faculty member or other academic appointee requests a leave.
Major Difference Between FML for Academics and Staff

- One major difference between academic leave policy and staff leave policy, is that academic leaves are **approved** by the Vice Provost for Academic Personnel* and staff leaves are normally approved at the department level.

- This difference in **approval authority** for the academic employees requires some minor differences in the processing of the FML paperwork.

- AP modified some of the FML documents to account for these differences and assist in processing FML for academic employees.

*Ladder rank faculty only; all others are approved at the Dean's level.*
Identify FML

- Additionally for Academic Employees:
  - Review Academic Personnel Manual leave policies. Refer to AP Leave Policy Table, a roadmap to the leave policies
  - Check Delegation of Authority Chart for approval authority on leaves.
  - Review Contract for academics covered by bargaining units
  - Review AP Addendum to HR Basic Requirements/Campus Guidelines
  - Determine if the academic employee accrues sick and/or vacation leave.
    - Leave Accrual Chart
Academic Employees — Providing FML Notice

- The **cover memo** provisionally designating the leave as FML is slightly modified from the staff form letter in order to clarify that the leave still requires approval by the Vice Provost for Academic Personnel.

- Academic Leave Form (**UPAY 573**) is also required.
Academic Employees — Providing FML Notice

- Since the Vice Provost must approve academic leaves of absence, the following completed forms must be forwarded to Academic Personnel, through the appropriate dean's office, for consideration of the leave request:
  - Leave of Absence Request form
  - Appropriate Medical Certification form
  - Academic Leave Form (UPAY 573)
  - Notice of Eligibility & Rights & Responsibilities
  - Declaration of Relationship (if applicable)
- Upon consideration of the leave request, AP returns the UPAY 573 form and provides VPAP letter to the employee, department and the dean.
Academic Employees — Providing FML Notice

- The follow-up memo for academic employees is slightly modified from the staff form letter.

- A modified Checklist for Academic Employees form tracks academic processing.
Resources for Academic Appointees

- Academic Personnel Manual (APM)
  - APM 715-Family & Medical Leave
  - APM 710-Leaves of Absence/Sick Leave
  - APM 730-Leaves of Absence/Vacation Leave
  - APM 760-Leaves of Absence/Childbearing Leave, Parental Leave, & Active Service Modified Duties
- Bargaining Contracts (Unit 18 or Lecturers, Librarians, Academic Student Employees (ASEs), contact Labor Relations (Marianne Beckett ext 2-2847)
- FML Leave Policy on [AP Web site](#)
  - FML FAQs for Academic Employees
  - Addendum to UCR Basic Requirements/Campus Guidelines
  - Leave Policy Table
  - Academic Leave Form
  - Sample FML Forms/Letters
- Leave Accrual Chart for Academics
Academic Student Employees
Academic Student Employees

- Academic Student Employees (“ASE”) are eligible for family-related leaves of absence for personal illness/injury, disability, birth, adoption, or care of a child or family member:
  - Short-Term Family-Related Leave
    - Should be requested as soon as it is known, but no later than one day in advance, if possible.
  - Long-Term Family-Related Leave
    - Should be requested 30 days in advance if possible.
  - If an ASE is receiving paid accommodation or leave for child birth, illness or injury for any other source within the University, the ASE is not eligible to receive leave pursuant to the Agreement. **Example:** ASE was formerly employed in another position which was eligible to purchase disability insurance and the eligibility period overlaps with the ASE appointment.

**NOTE:**
- ASEs are eligible for Pregnancy Disability Leave (“PDL”).
- The approval period for leave (paid or unpaid) should not exceed the end of the appointment period.
ASE Short-Term Family-Related Leave

- Leave of absence is paid for a salaried ASE.
  - The duration for paid leave is no more than 2 days per quarter for an ASE appointed at 50%.
  - For ASEs appointed for other than 50%, the amount of paid leave is prorated.

- Leave of absence is unpaid for an hourly ASE.

- Leave does not carry over to the next quarter.
ASE Long-Term Family-Related Leave

Upon request from an ASE, University will grant a reasonable request for a long-term leave of absence for:

- **Childbearing**
  - A salaried ASE is eligible to receive up to 4 weeks of paid leave for childbirth or related medical condition for the period prior to, during, or after childbirth.

- **Bonding with the ASE’s newborn or newly adopted child.**
  - A salaried ASE is eligible to receive up to 2 weeks of paid leave.

- **Serious health condition as defined under the FML, of the ASE or the ASE’s family member (mother, father, sister, brother, parent-in-law, spouse, domestic partner, parent of domestic partner, grandparent, grandchild, child, step or foster child – including of domestic partner).**
  - A salaried ASE is eligible to receive up to 2 weeks of paid leave.

**NOTE:**
The leaves described above may be combined for a **maximum of 4 weeks of leave per Academic Year**.
Other ASE Leave Related Considerations

› Though the paid leave period is capped at a maximum of 4 weeks per academic year, an ASE who is eligible for Pregnancy Disability Leave (“PDL”) should be approved for additional time off if the absence is due to a PDL qualifying condition.

› An eligible ASE who provides an off work order which exceeds 4 weeks, shall only receive 4 weeks paid leave and the remaining time shall be without pay.
   › The ASE cannot return to work prior to the end date of the off work order unless a return to work authorization has been provided.

**NOTE:** While PDL can be a maximum of 16 weeks, the approval period for leave (paid or unpaid) should not exceed the end of the appointment period.

An ASE is not likely to be eligible for FML/CFRA; however, if you believe an ASE is eligible and is requesting leave pursuant to the FML/CFRA, please contact Labor Relations. Example: The ASE held another position with the University where eligibility was attained.
Coordination of FML with Workers' Compensation
FML and Workers' Compensation

- FML should be designated for serious health conditions covered by Workers' Compensation.
- FML can run concurrently with an illness or injury covered by Workers' Compensation.
- Disability leave provided by Workers' Compensation entitles the injured worker to job protections beyond the 12-week FML entitlement.
Updating PPS Records for Leaves of Absence
Update PPS

**ELVE (Leave of Absence Data)**

<table>
<thead>
<tr>
<th>ID:</th>
<th>Name:</th>
<th>SSN:</th>
<th>Userid:</th>
<th>Pri Pay:</th>
</tr>
</thead>
</table>

Leave of Absence Action Code: 07
Leave of Absence Begin Date: 07/01/01, Return: 08/15/01, Type: 15

Last Sabbatical Credit Balance: __
Sabbatical Credit Date: ____
Sabbatical Credit Accrued: __
Sabbatical Credit Accrued Thru Date: ____
Sabbatical Credit Used: __
Total Sabbatical Credit Balance: __

Next Func: ___ ID: _______ Name: _____________ SSN: ________

ABC

F: 1-Help 3-PrevMenu 4-Print 5-Update 9-Jump 12-Exit
Update PPS

- ELVE — Enter data in the following fields, as applicable
  - Leave of Absence Action Code — code indicating the type of leave being processed
    - 07 - Leave with pay
    - 08 - Leave without pay
  - Leave of Absence Begin Date — date the leave will begin/began, in the format: mmddyy
  - Return Date — date the employee is expected to return to work
  - Type — code indicating the type of leave taken by the employee. For a list of codes use F-1 help
Update PPS

- Update PPS to reflect the leave of absence with one of the LOA Type codes as indicated.
- If eligible for FML.
  - "15" for FML without pay; or
  - "16" for FML with pay
- If not eligible for FML.
  - "05" for extended illness
- If an employee is on a Pregnancy Disability Leave use the following:
  - "04"-Pregnancy Disability-Until the disability benefits end
- If an employee is on a Workers' Compensation Leave use the following:
  - "09" for workers' compensation leave
- The rest of the fields in this screen do not need to be completed.
- Update PPS-Press F5
Intermittent Leave/Reduced Work Schedule

- On a intermittent leave/reduced work schedule make sure employee is currently on pay status on the ELVE screen to reflect period of FML.
- Please use the following code in the ELVE screen for reduced work schedule/intermittent leave:
  - 16-For FML with pay
- To record partial regular/FML hours taken while on FML use the Time Record sheet.
- The ELVE screen is designed to record only full day increments.
- The time roster in PPS needs to be reviewed to make sure the reduced time or duration is reflecting the Time Record accordingly.
Benefit Premium Payment for Employees Eligible for FML, PDL & CFRA

- UC contributions for Medical, Dental and Vision will continue for 3 months or 12 workweeks while on FML.
- UC contributions for Medical, Dental and Vision will continue for up to 4 months maximum while on Pregnancy Disability Leave (PDL).
- UC contributions for Medical, Dental and Vision will continue for 3 months or 12 workweeks while on CFRA.
Benefit Premium Payment Process - Employees Eligible for FML, PDL & CFRA

- Employees are responsible for their portion of the premium while on FML & PDL & CFRA. This process should be followed:
  - Department completes Parts 1 & 2 of the Disability Benefits Form (DBF) and submits it to Benefits.
  - Benefits reconciles the DBF with the UC Statement & forwards to Payroll.
  - Payroll completes Part 3 of the DBF, which provides employee premium responsibility, and mails two copies to the employee (one must be returned to Payroll)
UC Contribution Limitations

- **Additional Medical Contributions**
  - UC contributions for Medical Only will continue while an employee is on an approved supplemental leave up to:
    - 3 months/12 workweeks for FML; or
    - 4 months for PDL (dental and vision included for PDL)

- **After Exhausting UC contributions**
  - Once the employee is not eligible for any UC contributions, he/she must pay the employer and employee contributions in order to continue coverage.
  - For more detail information on additional benefit continuation while on FML please log on to: [http://ucnet.universityofcalifornia.edu/forms/pdf/family-medical-leave.pdf](http://ucnet.universityofcalifornia.edu/forms/pdf/family-medical-leave.pdf)
Benefit Premium Payment for Employees Not Eligible for FML

- UC Contributions for medical only and can continue for a maximum of 6 months while on disability.
- Not eligible for UC contributions for the dental and vision premiums except PDL.
- Employee must pay other employee paid premiums.
Tracking FML

- Departments should use the UCR Time Record (UPAY 100R) / Time & Attendance Recording System (TARS) to:
  - Record actual paid and unpaid FML taken; and
  - Record hours of leave under appropriate column (e.g., sick leave) and record "FM" under the "Other Leave" column.
  - When a UCR Time Record is not generated automatically by Payroll, complete a blank UCR Time Record form.

- Track intermittent/reduced FML time for exempt employees using the:
  - Exempt Employee Workweek Agreement for FML Leaves Taken on a Reduced Schedule or Intermittent Basis
What Records Should be Kept?

- Copies of employee's notice(s) of leave furnished to the department, if in writing
- The Leave of Absence Request form
- Records and documents relating to health care provider certifications and recertifications
- The **UCR Time Record** forms showing dates/hours FML is taken. Leave must be designated in these records as FML. If leave is taken in increments of less than one (1) full day, the hours of the leave must be recorded (including exempt employees)
- All cover letters
- The Exempt Employee Workweek Agreement for FML Leaves Taken on a Reduced Schedule or Intermittent Basis for Exempt Employees form, if applicable
- The Declaration of Relationship (for Family and In Loco Parentis Medical Leave Purposes) form, if applicable
- Records of any dispute between the employee and department regarding designation of leave as FML
Office of Record

The Home department shall be the “Office of Record” for FML records.

FML records must be kept for **at least three (3) years** and, upon request, be made available for inspection, copying and transcription by representatives of the Department of Labor.

These documents shall be maintained as confidential records in a file **separate from the employee's personnel file**.
Online Resources

- Human Resources’ Web Site
  http://humanresources.ucr.edu

- Academic Personnel Web Site
  http://academicpersonnel.ucr.edu/

- UCR Local Procedure # 43 Website
  http://humanresources.ucr.edu/policies/policiesandcontracts/ppsm43pro.html
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