



FREQUENTLY ASKED QUESTIONS EMPLOYEE LEAVE OF ABSENCES & BENEFITS

(Q) What is FMLA?

FMLA provides up to 12-weeks (480 hours) of unpaid job and benefit protected leave (continuous or intermittent) due to:

- To care for your own serious health condition
- the birth of a child and to care for the newborn child within one year of birth;
- the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- to care for the employee's spouse, child, parent, or in-loco parentis who has a serious health condition.
 - In loco parentis means in place of a parent, essentially referring to someone who takes on the role of a parent for a child without a legal or biological relationship.
- Any qualifying exigency arising out of the employee's spouse, son, daughter, or parent that is covered by a military member's active-duty status or call to active duty in support of a contingency operation or deployment to a foreign country.
- Any qualifying exigency arising out of the employee's spouse, son, daughter, or parent that is a covered military member's active-duty status or call to active duty in support of a contingency operation or deployment to a foreign country.

(Q) What is CFRA?

The California Family Rights Act (CFRA) provides eligible employees with up to 12 weeks of unpaid job-protected leave (continuous or intermittent):

- to care for their own serious health condition
- the birth of a child and to care for the newborn child within one year of birth;
- the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- to care for the employee's spouse, child (including adult child), grandparent, grandchild, sibling, parent-in-law, registered domestic partner, adult parent or designated person who has a serious health condition.
- Any qualifying exigency arising out of the employee's spouse, son, daughter, or parent that is a covered military member's active-duty status or call to active duty in support of a contingency operation or deployment to a foreign country.

(Q) What is a serious health condition?

A serious health condition is an illness, injury, or physical or mental condition that involves either inpatient care or continuing treatment by a healthcare provider.

(Q) What is the difference between FMLA and CFRA?

- FMLA is a federal program, while CFRA is state based in California.
- In FMLA, the spouse, child (minor or dependent adult), and parent of the employee are all covered. However, CFRA also covers the employee's registered domestic partner, parent-in-law, sibling, grandparent, grandchild, and designated person (any person related by the employee and any person who is like family to the employee).
- The FMLA and CFRA both include same-sex marriages.
- The birth of a child for bonding purposes is a valid reason for taking leave under both FMLA and CFRA. However, only CFRA provides this benefit to individuals with a newborn child and a domestic partner.
- Pregnancy is a qualifying serious medical condition under FMLA. However, it is not under CFRA. Therefore, California views any pregnancy-related leave needs under the Pregnancy Disability Leave (PDL).

(Q) What eligibility requirements do you need to qualify for FMLA/CFRA?

- Must have been employed for a total of 12 months (the 12 months do not need to be consecutive).
- Must have worked 1,250 hours within the 12 months preceding the requested leave.
- For qualifying situations that do not meet the eligibility requirements for FMLA/CFRA, your leave may be considered through the Reasonable Accommodations Process.

(Q) Can I take FMLA/CFRA while on probation?

Maybe, you might be able to take FMLA/CFRA leave while on probation, as long as you meet the eligibility requirements.

(Q) Does the time I take off for vacation, sick leave, or paid time off count toward the 1,250 hours?

No, only worked hours are reported.

(Q) Does CFRA and FMLA run concurrently?

Yes, CFRA and FMLA typically run concurrently when both apply for the same leave, which is known as concurrent leave. When FMLA and CFRA are used together, an employee is entitled to 12 weeks of leave in total

(Q) Do I need to provide a medical certification?

Medical certification may be required for a serious health condition.

(Q) Will I lose my job while on FMLA/CFRA?

No. You will be reinstated to your same or comparable job, except in limited circumstances unrelated to your leave (such as layoffs). Upon return from FMLA/CFRA leave, an employee must be restored to their original job or an equivalent job with equivalent pay, benefits, and other terms and conditions of employment and an employee's use of FMLA/CFRA leave cannot be counted against the employee.

Pregnancy Disability Leave (PDL)

(Q) What is Pregnancy Disability Leave?

An employee disabled by pregnancy, childbirth, or a related medical condition is entitled to up to four months of unpaid leave per pregnancy. This includes time off needed for prenatal or postnatal care, severe morning sickness, doctor-ordered bed rest, childbirth, recovery from childbirth, loss or end of pregnancy, or any other related medical condition.

(Q) How long is Pregnancy Disability Leave?

Provides up to 4 months (17 1/3 weeks) of unpaid protected leave and runs concurrently with FMLA.

(Q) When does Pregnancy Disability Leave occur?

Leave can be taken before and after birth during any period of time the employee is physically unable to work because of pregnancy or a pregnancy-related condition. All leave taken in connection with a specific pregnancy counts toward computing the four-month period.

PDL is used for a singular event and would not usually be granted twice for the same qualifying event (e.g., the birth of twins) since it's considered a single medical situation. However, if the birth involves complications, the employee may be entitled to extended or additional leave based on those medical needs, but this would still fall under the same qualifying event.

(Q) Do I need to provide medical certification to qualify for PDL?

You will be required to provide written certification from the healthcare provider of the employee seeking PDL stating the reasons for the leave and the probable duration of the condition. However, the healthcare provider may not disclose the underlying diagnosis without the consent of the patient.

(Q) Is my employer required to pay me when I take FMLA/CFRA/PDL leave?

No, these leaves are unpaid.

Depending on the bargaining union, an employee may qualify for State Disability Insurance or Paid Family Leave, wage replacement benefits under these leaves. Please refer to the MOU contract for additional information.

You are also able to use your leave accruals in order to be paid.

If you decide to use any partial wage replacement benefits during your leave (e.g. SDI, PORAC, AFLAC), you may elect to use your available paid sick, vacation, or other accrued leave during your FMLA/CFRA/PDL leave to supplement your compensation. This is a one-time election that must be made prior to your leave start with a notification to HR, along with the order in which you would like your accrued leave to be used (to assist those completing your timecard during your leave).

For those employees covered under the POA, SMART-TD, and PALSSU bargaining units, you will not be required to exhaust your sick leave.

In either of the above two situations, any paid leave taken for this reason will count against your FMLA/CFRA/PDL leave entitlement. Please consult your bargaining unit's Memorandum of Understanding for your eligible benefits.

Bargaining units that offer State Disability Insurance (SDI): IBT, MEA, MTA-AFSCME, PALSSU, CUE, ATA, STA.

Bargaining Units that do not offer SDI: SMART-TD, EPP, POA, 1109, HERO, PAU, FEMA

(Q) What happens to my health benefits while on leave?

Employees enrolled in health insurance benefits are entitled to continue receiving this benefit during their pregnancy disability and family medical leave.

During your FMLA/CFRA/PDL leave, you will be responsible for any employee contributions to your medical insurance. If you are on paid status, your contribution will continue to be deducted from your paycheck. If you enter unpaid status during any portion of your leave, a Human Resources representative from the Benefits Unit will contact you to set up payment arrangements for your portion of the medical premiums. If your need for leave extends beyond FMLA/CFRA/PDL time, and if you exhaust your leave accruals and are on an unpaid status for 30 days or more, you may be contacted by the Benefits Unit regarding your benefits status.

Contact the benefits division for more information at benefits@santamonica.gov.

Santa Monica Paid Parental Leave (SMPPL)

(Q) What is Santa Monica Paid Parental Leave?

Santa Monica Paid Parental Leave (SMPPL) provides up to six weeks of fully paid parental leave to qualified full-time or part-time employees following the birth of an employee's child or the placement of a child with an employee in connection with adoption or foster care. The purpose of paid parental leave is to enable the employee to care for and bond with a newborn or a newly adopted or newly placed child.

In order to qualify for SMPPL you must qualify for Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA) leave, as applicable. For more information, please click the following: [AI_SMPPL](#).

Pregnancy Workers Fairness Act (PWFA)

(Q) What is Pregnancy Workers Fairness Act (PWFA)?

PWFA requires a qualified employee or applicant to be provided with "reasonable accommodation" for their known limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions unless the accommodation will cause the employer an "undue hardship."

(Q) What is Reproductive Loss Leave?

Provides up to 5 days of unpaid protected leave per reproductive loss event (miscarriage, stillbirth, failed adoption/surrogacy, unsuccessful assisted reproduction) for eligible employees, with confidentiality and anti-retaliation protections.

(Q) What is a reasonable accommodation under the PWFA?

"Reasonable accommodations" are changes in the work environment or the way things are usually done at work. Some examples of possible reasonable accommodations under the PWFA include:

- Additional, longer, or more flexible breaks to drink water, eat, rest, or use the restroom;
- Changing equipment, devices, or workstations, such as providing a stool to sit on, or a way to do work while standing;
- Leave for health care appointments; or
- Light duty or help with lifting or other manual labor.

For information, please contact the HR Analyst below responsible for your department:

DOT, HHS, CDD, Library, CAO

Mia Engel, Mia.Engel@santamonica.gov, 310.458.

PD, FIRE, RENT CONTROL, RAD, ISD

Oswaldo Avalos, Oswaldo.Avalos@santamonica.gov, 310.434.2669

CMO, HR, PW, FIN, CITY CLERK
VACANT

Human.Resources@santamonica.gov or 310.458.8246