



- ◆ Family and Medical Leave Act (FMLA) ◆ California Family Rights Act (CFRA)
- ◆ California Pregnancy Disability Act (PDL)

COUNTY DEPARTMENT / HR LEAVE DESIGNEE RESPONSIBILITIES CHECKLIST

- ✓ **Discussion with Employee.** When an employee or department manager notifies you that the employee is requesting leave, you must have a discussion with the employee to provide relevant information and determine which forms are appropriate for the employee to submit.
- ✓ **Send a Leave Information Packet.** You must provide an information packet to the employee requesting leave or being placed on a leave within five (5) business days of notification or within two (2) business days for PDL. The employee has 15 calendar days to return the required forms for the leave provisions to apply. All leave forms are available from the HR Website/FMLA, CFRA, PDL and Other Leaves Page at: <http://www.rc-hr.com/HR-Services/Employee-Services/FMLA-CFRA-PDL-and-Other-Leaves>
- ✓ **Verify Eligibility.** You must check to be sure eligibility requirements are met for protected leave requests. When completing the *Notice of Eligibility and Rights & Responsibilities* form, you must state whether or not the employee is eligible for protected leave. Absent extenuating circumstances, this notice must be provided within five (5) business days after the employee requests a leave or within two (2) business days for PDL. If the employee is not eligible for FMLA and/or CFRA (e.g., if the employee has not worked 1,250 hours in the previous 12 months or has not worked the 12-month length service requirement), you must provide at least one reason for the ineligibility. **Note: For PDL, there are no employment eligibility requirements, and an additional notice is required when sending the notice of eligibility (see DFEH PDL “Your Rights and Obligations as a Pregnant Employee”, which is also located on the HR Website).**
- ✓ **Review Forms.** You must review the employee's leave forms for completeness and ensure a health care provider has certified the qualifying reason. If the form is incomplete or insufficient, a Designation Notice must be provided to the employee with an explanation of the information required. Absent extenuating circumstances, this notice must be provided within five (5) business days after the employee submits the insufficient or incomplete medical documentation for FMLA/CFRA leave or within two (2) business days for PDL. You must allow the employee seven (7) calendar days to correct any deficiencies in the insufficient documentation. If the employee does not cure the deficiencies within the seven (7) calendar day timeframe, the leave request can be delayed or denied.
- ✓ **Designate the Type of Leave(s).** Regulations require that, absent extenuating circumstances, a Designation Notice must be provided to the employee within five (5) business days after acquiring enough information to determine if the leave qualifies. If the request for leave is denied, you must send a Designation Notice explaining the reason(s) for the denial to the employee and department manager, and if appropriate, provide ADA/FEHA information. If additional time is required to determine if the leave qualifies, you may designate the leave at a later date, as long as the

employee is not harmed. If you have questions about this, please contact the Disability Access and Leave Management Office (DAO) at (951) 955-3510 or via email at ada@rc-hr.com.

- ✓ **Maintain Communication with the Department Manager.** It is essential that you inform the department manager of the employee's expected leave dates and, for intermittent leave, the estimated frequency and duration. You must keep the department manager involved in the process and informed of any updates regarding each employee's leave status and expected return date. Communicating vital information is necessary to ensure compliance and effective leave management, as well as consistency and accuracy of information provided to the employee.
- ✓ **Follow up regarding Employee's Protected Leave Status.** The Designation Notice will indicate if the employee has additional protected leave time under FMLA/CFRA/PDL and in the Return to Work section of this form, it clearly outlines the employee's leave expiration date, responsibilities and expected timeframes for response. If you and the supervisor have not received a response from the employee on or immediately after the expiration date of their previously approved leave, you should reach out to the employee for an update on their medical status.
- ✓ **Follow-up regarding Need for Additional Leave beyond FMLA/CFRA/PDL:** If it appears the employee may need additional leave time beyond the protected leave period, notify the DAO so that the Interactive Process can begin if applicable. Additionally, a *Notice of Exhaustion of Leave* letter (available from Human Resources) should be sent to the employee, which clearly outlines the employee's responsibilities in the leave of absence process as well as potential consequences of any failure to comply with the letter's instructions.
- ✓ **Employee's Return to Work:** When the employee returns to work, complete a Return from Leave form, and forward that form to County Human Resources Employee Services. This will ensure that the employee's leave status in PeopleSoft will be updated to reflect the employee's return from leave.
- ✓ **For Additional Information:** If you need additional information about FMLA/CFRA and/or PDL, please visit the HR Website/FMLA, CFRA, PDL and Other Leaves Page at: <http://www.rc-hr.com/HR-Services/Employee-Services/FMLA-CFRA-PDL-and-Other-Leaves>. This page offers numerous informational resources on FMLA, CFRA, PDL, and other pertinent leave topics. If you still have questions after visiting this web page, please consult with the DAO at ada@rc-hr.com or (951) 955-3510.