



SANTA BARBARA COUNTY FAMILY & MEDICAL LEAVE CHECKLIST

The following types of leave are covered under the federal Family and Medical Leave Act (FMLA) and/or the California Family Rights Act (CFRA). The checklist below indicates the forms and steps needed for each type of leave. Check the FMLA policy for more details and leave requirements for each type of leave.

If an employee will be absent from work for **more than one week** due to a qualifying family or medical leave reason, regardless of whether the employee has applied for a leave of absence, the following forms should be used as indicated. Please note: Pregnancy disability is not a covered serious illness under the CFRA statute, however, an employee must submit a Medical Certification form to indicate leave is for maternity. Once a mother would be able to return to work but requests additional leave time, the CFRA leave period can begin (see FMLA/CFRA policy for more information).

1. **Medical Leave (work or non-work-related) for own serious illness or injury (as defined by FMLA/CFRA), including pregnancy:**

- i. *Employee Request For Family/Medical Leave* – Employee completes this form and returns to their department 30 days in advance of their expected leave unless unforeseeable emergency.
- ii. *Medical Certification - Employee's Serious Health Condition* – Employee should return this to department at time of request or within 5 business days but prior to the leave period. If leave is unforeseeable, employee must provide this no later than 15 days after department's request.
- iii. *Permission to Contact Personal Health Care Provider* – Department to provide this form to employee in order for department to determine seriousness of condition (not diagnosis), length of leave necessary and any work accommodations required; contact with health care provider cannot be made by supervisor.
- iv. *Notice of Eligibility and Rights & Responsibilities under FMLA/CFRA* – Department completes this form and returns to employee within 5 business days of leave request (State Disability Insurance (SDI) application information should also be provided, if applicable).
- v. *Designation Notice (FMLA/CFRA)* – Department returns this form to employee to approve or deny employee's leave request.
- vi. *Fitness for Duty to Return from Leave Certification* – Employee to provide this form to department prior to returning to work, consistent with department policy.

Please Note: Employees in "safety classifications" cannot be placed on family leave if they are receiving disability pay in lieu of workers' compensation temporary disability payments under provisions of California Labor Code Section 4850.

2. **For Family Leave to bond with newborn or adopted child or placement of foster child:**

- i. *Employee Request For Family/Medical Leave* – Employee completes this form and returns to their department 30 days in advance of their expected leave unless unforeseeable emergency.
- ii. *Notice of Eligibility and Rights & Responsibilities under FMLA/CFRA* – Department completes this form and returns to employee within 5 business days
- iii. *Designation Notice (FMLA/CFRA)* – Department returns this form to employee to approve or deny employee's leave request.

3. **For Family Leave to take care of seriously ill child, parent, spouse or (California state registered) domestic partner:**
 - i. *Employee Request For Family/Medical Leave* – Employee completes this form and returns to their department 30 days in advance of their expected leave unless unforeseeable emergency.
 - ii. *Notice of Eligibility and Rights & Responsibilities under FMLA/CFRA* – Department completes this form and returns to employee within 5 business days.
 - iii. *Medical Certification - Employee's Family Member's Serious Health Condition* – Employee must return this to department if not already provided with Employee's leave request. Employee must provide this prior to the start of the leave or, if this is not possible, no later than 15 days after department's request.
 - iv. *Designation Notice (FMLA/CFRA)* – Department returns this form to employee to approve or deny employee's leave request.

4. **Qualifying Exigency Leave** - To assist a child, spouse, or parent who is a member of the National Guard or Reserves with a "qualifying exigency" related to active duty or a call of active duty status in support of a contingency operation:
 - i. *Employee Request For Family/Medical Leave* – Employee completes this form and returns to their department as soon as leave is foreseeable.
 - ii. *Active Duty Orders or Call to Active Duty status documentation* – Employee to provide to department with leave request.
 - iii. *Notice of Eligibility and Rights & Responsibilities under FMLA/CFRA* – Department completes this form and returns to employee within 5 business days.
 - iv. *Certification – Qualifying Exigency* – Employee must return this to department if not already provided with Employee's leave request. Employee must provide this prior to the start of the leave or, if this is not possible, no later than 15 days after department's request.
 - v. *Designation Notice (FMLA/CFRA)* – Department returns this form to employee to approve or deny employee's leave request.

5. **Military Caregiver Leave** - To care for a child, spouse, parent or "next of kin" service member of the United States Armed Forces who has a serious injury or illness incurred in the line of duty while on active duty (up to 26 weeks of leave).
 - i. *Employee Request For Family/Medical Leave* – Employee completes this form and returns to their department 30 days in advance of their expected leave unless unforeseeable emergency.
 - ii. *Notice of Eligibility and Rights & Responsibilities under FMLA/CFRA* – Department completes this form and returns to employee within 5 business days.
 - iii. *Medical Certification – Serious Injury or Illness of Covered Service member for Military Family Leave (FMLA)* – Employee must return this to department if not already provided with Employee's leave request. Employee must provide this prior to the start of the leave or, if this is not possible, no later than 15 days after department's request.
 - iv. *Designation Notice (FMLA/CFRA)* – Department returns this form to employee to approve or deny employee's leave request.

Final Forms & Notes

- Personnel Change Form (not included) - Use this form to place employee on either “P” status (employee using paid leave balances) or “L” status (no paid balances to be used) while on leave. Employee can be started in “P” status then changed to “L” when balances are exhausted. (Employees in “L” status for over 30 days will need to have their anniversary date changed when they return from leave.) Indicate reason code of either maternity, work or non-work related illness/accident or family leave as indicated in policy. Please note: California does not recognize pregnancy disability as qualifying for family leave, therefore, use maternity code for period of pregnancy disability (up to 4 months with physician’s certificate) and family leave for bonding period (up to 3 months) after pregnancy disability. You will need to track family leave separately to determine if 12 weeks has been used in last 12 months. Family leave code is also used for care of seriously ill family member and for employee’s own serious illness.

- Family Leave Tracking Form - Use this form to track the amount of family leave taken to see if employee has already used their maximum 12 weeks or 26 weeks entitlement (depending on type of leave) during the last 12 months. If they have taken their full leave entitlement, this does not mean that they cannot continue on a leave of absence, only that their leave time is not subject to required federal or state leave entitlements. Place form in employee departmental personnel file and track all future family leave taken. This would include all medical leave that qualifies for family leave under serious illness definition for themselves or care of family members as well as family leave, but in either case employee must have been notified that they were using family leave. The initial period of pregnancy disability does not count towards family leave usage under California Family Rights Act.

- Department Posting of State and Federal Family Leave Notice -This is an ongoing obligation of each department to post family leave availability. Attached to the Family Leave Policy are the current federal and state FMLA and CFRA notices that can be printed and posted.