

Leave of Absence FAQ

1. Where can I find information and apply for leave under the Family Medical Leave Act (FMLA)?

You can find the FMLA request form and information on the Benefits webpage under Family Medical Leave Act (FMLA) Information. <https://www.sdccd.edu/about/departments-and-offices/human-resources/benefits/benefit-forms.aspx>

2. What is the Family and Medical Leave Act (FMLA)?

The Family and Medical Leave Act is a federal law that entitles eligible employees to take unpaid, job protected leave for specified qualifying events for up to 12 weeks in a 12-month period.

3. What is the California Family Rights Act (CFRA)?

The California Family Rights Act is a state law that entitles eligible employees the same unpaid, benefit protected and job-protected leave for specified qualifying events as FMLA. When an employee is on medical leave due to their own pregnancy (PDL), CFRA allows them to take an additional 12 weeks of unpaid leave for the purposes of bonding with the child.

CFRA for bonding must be taken within 12 months of the child's birth or date of placement if adoption/foster care.

4. What is Pregnancy Disability Leave (PDL)?

Pregnancy Disability Leave is a state law that entitles eligible employees up to four months (17 and 1/3 weeks) of unpaid, benefit-protected and job-protected leave for pregnancy related disability. There is no minimum service requirement for eligibility.

5. I have reviewed the eligibility requirements for FMLA and do not meet one of the criteria. Can I still take time off from work?

You may still have leave options available depending on your circumstances. Fill out a copy of our leave request form and send it to hrbenefits@sdccd.edu and notify your supervisor. A Leaves Coordinator will review your request and inform you of any leave options that may be available to you.

6. How are FMLA, CFRA and PDL different?

FMLA and CFRA run concurrently, except when taking leave for a pregnancy disability, in which case CFRA begins after PDL/FMLA.

- FMLA runs concurrently with PDL.
- For bonding unrelated to PDL, FMLA and CFRA run concurrently.

7. Is FMLA/CFRA paid leave?

No. However, you may use your accrued leave balances to receive pay.

8. How can I receive a fiscal year advancement of sick leave or a half-salary sick leave bucket?

Please fill out the form linked below and email it to hrpayroll@sdccd.edu and copy your supervisor.
<https://www.sdccd.edu/docs/HumanResources/payroll/forms/Leave%20Prior%20to%20Accrual%20Request%20Agreement.pdf>

9. Does my health insurance coverage continue under FMLA/CFRA/PDL?

Yes! While on an approved FMLA/CFRA/PDL, your health insurance will continue under the same terms and conditions as if you had not taken leave. The employee is required to pay any out-of-pocket expenses under their current plan while on leave.

10. When should I request a leave of absence?

You should request a leave of absence as soon as you know you are going to be away from work for more than 5 consecutive days due to a FMLA/CFRA qualifying event.

11. I need to take leave for my own serious illness. What do I do?

Fill out a copy of our [leave request form](#) and send it to hrbenefits@sdccd.edu. Copy your supervisor, as they will be included on our communications.

12. What proactive steps can I take to request a medical leave of absence?

You must provide your department with a Request for Family Medical Leave and Medical Certification Form 30 days prior to your leave date. Forms are on the [Leave of Absence website](#).

13. How much leave am I entitled to under FMLA?

If you are an eligible employee, you are entitled to up to 12 weeks of FMLA leave for qualifying family and medical reasons during a 12-month period.

14. How do I know if I am an eligible employee for FMLA?

To be eligible for FMLA, you must meet ALL of the following criteria:

- Be either a full-time or part-time permanent employee with SDCCD; and
- Have 12 months of service with the SDCCD; and
- Have worked at least 1,250 hours in the 12-month period preceding the date the leave begins.

15. What is an FMLA qualifying event? A qualifying event is any one of the following:

- A serious health condition that makes the employee unable to perform the essential functions of his or her job;
- 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, or parent who has a serious health condition;
- Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty";
- To care for a covered servicemember with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin.

16. I'm pregnant. Do I still need to request FMLA?

Yes. The request process for Pregnancy Disability Leave is the same for FMLA and CFRA. Note that PDL and FMLA run concurrently. Contact your leave coordinator for more information.

17. How is the 12-month period calculated under FMLA at SDCCD?

A 12-month period is measured backward from the date you first go out on FMLA.

18. I have enough sick/vacation leave balances and do not want to use FMLA/CFRA/PDL. Can I opt out?

When SDCCD becomes aware of a potential FMLA/CFRA qualifying event, we are required to provide you with an FMLA/CFRA packet. Additionally, under the collective bargaining agreement (CBA), any absence of more than five consecutive days requires a medical certification.

If your leave qualifies for FMLA/CFRA protection, the leave will be designated based on the medical information and timeframe provided by your healthcare provider.

19. My doctor says I can return to work WITHOUT restrictions. What do I do?

You MUST provide your leave coordinator with a doctor's return to work note that says you are clear to return to work without restrictions. If you return to work without a doctor's note, you will be asked to leave until the department has received your doctor's note clearing you to return to work.

20. My doctor says I can return to work WITH restrictions. What do I do?

You MUST provide your leave coordinator with a doctor's return to work note that says you are clear to return to work with restrictions. The doctor's note must indicate what the restrictions are.

Contact your leave coordinator immediately if you know you are going to return to work with restrictions. An Interactive Process meeting will be required upon your return to discuss the impact your restrictions will have on your work.

21. I have been on leave for 12 weeks for my own illness under FMLA, but my doctor will not release me to work. What do I do?

You will be asked to complete a [Reasonable Accommodation Request Form](#) located on the HR forms webpage. You must also provide documentation from your doctor with your new return to work date. Both the form and documentation from your doctor should be sent directly to your leave coordinator.