

CHAPTER 8
LEAVE OF ABSENCE
REVISED MAY 2020
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CHAPTER 8
LEAVE OF ABSENCE

1. GENERAL INFORMATION.

- a. Types of Leave. This chapter provides policy and procedures regarding discretionary and nondiscretionary leaves of absence for eligible employees.
- b. Represented Employees. Refer to the employee's bargaining unit (BU) agreement. If leaves of absence are not contained in the agreement, refer to the procedures in this chapter.
- c. Discretionary Leave. An unpaid leave may be granted to an employee if approved by the employee's commander or the appropriate Commissioner, depending on the type of leave. An employee is not entitled to discretionary leave as a matter of right.
 - (1) The following are discretionary leaves:
 - (a) Regular Leave of absence (reasons listed in paragraph 2.d.).
 - (b) Adoption Leave.
 - (c) Temporary Leave of absence.
 - (d) Informal Leave.
 - (2) Determining factors to be considered in granting discretionary leave are:
 - (a) Purpose or reason for the leave.
 - (b) The employee's service record.
 - (c) Whether the employee's plan is to return to work at the expiration of the leave.
 - (d) The effect the employee's absence will have on the command operations.
 - (e) The possibility and feasibility of filling the position while the employee is on a leave of absence.

d. Nondiscretionary Leave. When an employee meets the eligibility criteria as specified by the Government Code (GC), California Department of Human Resources (CalHR) rules, BU agreement, or federal or state law, the employee is entitled to the leave as a matter of right. The following are nondiscretionary leaves:

- (1) Pregnancy or Parental Leave.
- (2) Veterans' Educational Leave.
- (3) Military Leave.
- (4) Spousal Military Leave.
- (5) Family and Medical Leave Act (FMLA)/California Family Rights Act (CFRA) Leave.
- (6) Nonindustrial Disability Insurance (NDI) Leave.
- (7) State Disability Insurance (SDI) Leave.

e. Return of State Property. State property shall be surrendered as outlined in Chapter 18, Departmental Identification Cards, of this manual and Highway Patrol Manual (HPM) 11.2, Materials Management Manual, Chapter 20, State-Issued Badge Repair and Replacement. Cases involving employees on FMLA/CFRA should be reviewed on a case-by-case basis before requiring the return of state property.

f. Attendance Reporting During Unpaid Leave of Absence. Attendance reporting is not required for the period the employee is off-duty without pay on an approved Regular, Pregnancy or Parental, Adoption, Veterans' Educational, or Military Leave of absence. Refer to the attendance reporting instructions within this chapter for all other leaves of absence.

- (1) Attendance reporting shall be resumed when the employee is reinstated and returns to duty.
- (2) The number of regular days off the employee is entitled is equivalent to the number of Saturdays and Sundays in the pay period before and after the leave.

g. Tenure of Positions for Absent Commanders. In an effort to ensure continuity of a command and maintain its operational efficiency, when a commander is absent from the command for an extended period of time, the position will be considered for refill after 6 continuous months. Exceptions to this policy may be granted by the Commissioner, and the Commissioner reserves the right to refill any command

vacancy at any time to preserve the best interest of the Department. A returning commander whose prior position has been refilled will be reassigned based on the best interest of the Department and in accordance with applicable state rules and regulations.

h. Uniformed Employees-Training Required Upon Return from an Approved Leave of Absence.

(1) Uniformed employees who are on an approved leave of absence for less than 1 year shall be retrained and recertified at their assigned commands.

(2) Uniformed employees who are on an approved leave of absence for 12 continuous months to 2 years are required to complete Refresher Training at the Academy prior to resuming field-related duties at their assigned commands.

(3) Uniformed employees who are on an approved leave of absence for over 2 years are required to complete Reinstatement Training at the Academy prior to resuming field-related duties at their assigned commands.

2. REGULAR LEAVE OF ABSENCE.

a. Purpose. The purpose of a regular leave of absence is to provide an employee with a guaranteed right of return to the employee's former position upon expiration of the leave. A regular leave of absence is without pay and allows an employee to be away from the job for an extended period of time. The employee shall be offered the opportunity to continue medical benefits during the unpaid leave through the "direct pay" process. (Refer to Chapter 19, Employee Benefits, of this manual, for direct payment procedures.)

b. Authority. Government Code Section 19991.1 provides, subject to CalHR rule, an appointing power may grant a leave of absence without pay to any employee under that jurisdiction for a period not exceeding 1 year. An extension to an unpaid leave of absence for up to 1 additional year may be granted by the appointing power prior to the expiration date of the initial leave of absence.

c. Eligibility.

(1) An appointing power may grant a leave of absence without pay to an employee who has permanent status with no break in continuity of state service due to permanent separation, a probationer who has completed 6 months of service in a classification having a longer probationary period, or a probationer who was prevented from completing the probationary period because of entry into the United States (U.S.) military service.

(2) California Code of Regulations (CCR), Title 2, Section 599.781 provides that a leave of absence shall not be granted to any employee who is accepting some other position in state service, or who is leaving state service to enter other employment except as herein provided, or who does not intend to nor can reasonably be expected to return to state service on or before the expiration of the leave.

d. Reasons for Leave.

(1) To attend school or college, or to enter training to improve the quality of the employee's service.

(2) Temporary incapacity due to illness or injury. (Not applicable when on SDI or NDI.)

(3) Loaned to another governmental agency for the performance of a specific assignment.

(4) To seek or accept other employment during a layoff situation or otherwise lessen the impact of an impending layoff.

(5) Family illness or obligation. (Not applicable when on FMLA/CFRA leave.)

(6) Union activity.

(7) Victim of domestic violence, sexual assault, or stalking. (Refer to Chapter 26, Miscellaneous Absences With Pay, of this manual.)

(8) For some other reason equally satisfactory as determined by the appointing power.

e. Length of a Regular Leave. A leave for up to 1 year, for reasons identified in paragraph 2.d., may be granted by the appropriate Commissioner. A 1-year leave may be extended up to 1 additional year if approved by the appropriate Commissioner prior to the expiration of the original 1-year leave. Requests for extensions shall be routed through channels to the appropriate Commissioner at least 60 days in advance of the effective date of the extension. It is Executive Management's practice to recommend and grant leaves and extensions in full-month increments. Human Resources Section (HRS) will forward a copy of the approved memorandum to CalHR.

f. Use of Leave Credits. Leave credits may be used prior to the effective date of leave or remain for the employee's use upon their return to work. Sick leave credits cannot be used unless the leave is for medical reasons as substantiated by a physician's statement.

g. Procedure to Request a Regular Leave of Absence-All Employees.

(1) The employee shall submit a CHP 737, Leave of Absence Request, to the commander prior to going on a leave of absence. The CHP 737 shall include the reason for the leave, the period of time requested, and the amount and type of leave credits to be used (if the leave of absence is with pay). The CHP 737 is available on the California Highway Patrol (CHP) Intranet site under Forms. If the request is for medical reasons it must also include the amount of sick leave to be used in accordance with the employee's applicable BU agreement, whether or not NDI or SDI benefits will be requested, and any elections to supplement under the employee's applicable BU agreement. A physician's statement is required to substantiate any leave of absence for medical reasons for the time requested. In addition, the request must indicate whether or not the employee wishes to continue some or all of their health, dental, vision, and medical reimbursement account benefits. (Refer to Chapter 19, of this manual, for direct payment procedures.)

(a) A medical leave qualifying as a serious health condition under FMLA/CFRA shall run concurrently with NDI or SDI. Supervisors shall check eligibility of the employee and, if eligible, designate the leave under FMLA/CFRA. (Refer to Chapter 45, Family and Medical Leave Act/California Family Rights Act, of this manual, for use of leave credits.)

(2) The immediate commander shall recommend approval or disapproval of the employee's request and the request shall be forwarded through channels to the appropriate Commissioner with the recommendations of each command.

(a) If approved by the appropriate Commissioner, the request will be forwarded to HRS to notify the employee and the employee's immediate commander. Human Resources Section will process the necessary documents to effect the leave.

(b) If disapproved by the appropriate Commissioner, the request will be returned to the employee's immediate commander to notify the employee in writing of the reason(s) for denial. The employee shall also be advised of the right to appeal the decision through a grievance or complaint procedure appropriate to the employee's BU agreement.

3. ADOPTION LEAVE.

a. Government Code Section 19991.6(c)(3) provides an appointing power may grant a permanent employee's request for a leave of absence without pay for the adoption of a child for a period not to exceed 1 year.

b. Procedure to Request an Adoption Leave.

(1) The employee shall submit a CHP 737, with substantiation attached, to the commander stating the reason for the leave, the period of time requested, and the amount and type of leave credits to be used prior to going on leave without pay. In addition, the request must indicate whether or not the employee wishes to continue health, dental, vision, and/or medical reimbursement account benefits. (Refer to Chapter 19, of this manual, for direct payment procedures.)

(2) The immediate commander shall approve or disapprove the employee's request.

(a) If approved, the command shall forward the request to HRS to process documents to effect the leave.

(b) If disapproved, the immediate commander shall notify the employee in writing of the reason(s) for the denial. The employee shall also be advised of the right to appeal the decision through the grievance or complaint procedure appropriate to the employee's BU agreement.

(c) The command shall forward a copy of the request to the employee's Division commander.

4. TEMPORARY LEAVE OF ABSENCE.

a. Maximum Length of Temporary Leave. Commanders may grant a temporary leave of absence without pay to any employee for a period not to exceed 30 calendar days. (A temporary leave of absence may also be granted to an employee who does not have permanent status.)

b. Procedure to Request a Temporary Leave of Absence.

(1) The employee shall submit a CHP 737 to the commander stating the reason for the leave, the period of time requested, and the amount and type of leave credits to be used prior to going on a leave without pay. If the request is for medical reasons, it must also include the amount of sick leave to be used and whether or not NDI or SDI benefits will be requested prior to a leave without pay. A physician's statement is required to substantiate a leave for medical reasons for the time requested. In addition, the request must indicate whether or not the employee wishes to continue health, dental, vision, and/or medical reimbursement account benefits. (Refer to Chapter 19, of this manual, for direct payment procedures.)

(2) The immediate commander shall approve or disapprove the employee's request.

(a) If approved, the request will be forwarded to HRS to process documents to effect the leave.

(b) If disapproved, the immediate commander shall notify the employee in writing of the reason(s) for the denial. The employee shall also be advised of the right to appeal the decision through the grievance or complaint procedure appropriate to the employee's BU agreement.

(c) The command shall forward a copy of the request to the employee's Division commander.

c. Attendance Reporting. Absences for temporary leave are processed and reported as dock. Once on dock status, an employee cannot use credits until after physically returning to work, unless on an FMLA/CFRA leave. (Refer to Chapter 25, Absence Without Pay [Dock], of this manual.)

5. INFORMAL LEAVE.

a. Maximum Length of Informal Leave. Commanders may grant an informal leave of absence without pay for a period not to exceed 11 working days in a 22-day pay period or 10 working days in a 21-day pay period or 11 consecutive working days between pay periods. A holiday is counted as a working day. The commander shall not grant paid absences to break the continuity of a leave of absence without pay.

b. Procedure to Request an Informal Leave. Procedures for an employee to request an informal leave of absence are the same as the procedures to request a temporary leave of absence. (Refer to paragraph 4.b.)

c. Attendance Reporting. Absences for this type of leave are processed and reported as dock. Once on dock status an employee cannot use credits until after physically returning to work, unless on an FMLA/CFRA leave. (Refer to Chapter 25 of this manual.)

6. PARENTAL LEAVE OF ABSENCE.

a. This section does not address leave under the FMLA/CFRA, or pregnancy disability leave available to eligible employees. Government Code Section 19991.6 provides an employee with permanent status may request and shall be granted an unpaid leave of absence for purposes of pregnancy, childbirth, the recovery

therefrom, or care for the newborn child for a period as determined by the employee not to exceed 1 year. A spouse or domestic partner or parent who is a permanent employee shall be granted an unpaid leave of absence for a period not to exceed 1 year to care for the newborn child. Subsequent to the initial approval of Parental Leave, any requests to change either the period or length of the leave will not be effective unless approved by the commander and HRS. During the period of time an employee is on Parental Leave, they shall be allowed to continue their health, dental, and vision benefits. The cost of these benefits shall be paid by the employee at the group rate. (Refer to Chapter 19, of this manual, for direct payment procedures.)

b. Notice to Commander and Health Care Provider's Statement-All Pregnant Employees. When an employee first becomes aware of their pregnancy, they shall notify their commander and submit a statement from their health care provider regarding their ability to perform full or limited duties. An estimated date of delivery must be included in the statement. The health care provider's statement is required whether or not the employee plans to request a leave of absence. A limited-duty assignment may be considered for a pregnant employee in accordance with the provisions of HPM 10.7, Injury and Illness Case Management Manual, Chapter 8, Limited Duty/Return-To-Work. In addition, all pregnant uniformed employees, and those pregnant nonuniformed employees who perform duties associated with firearms training, shall submit a CHP 209, Advisory: Potential Fetal Health Hazards Associated with Firearms Training, signed by their health care provider.

c. Procedure to Request a Pregnancy or Parental Leave-All Employees.

(1) The employee shall submit a CHP 737 to their commander stating the reason for the leave and the period of time requested, prior to going on the unpaid leave. In addition, the request must indicate whether or not the employee wishes to continue some or all of their health, dental, vision, and medical reimbursement account benefits after going on an unpaid leave under this section. Continuation of the employee's benefits during this period of time will be at the employee's expense.

(2) The immediate commander shall approve or disapprove the employee's request.

(a) If approved, the request will be forwarded to HRS to process the necessary documents to effect the leave.

(b) If disapproved, the immediate commander shall notify the employee in writing of the reason(s) for the denial. The employee shall also be advised of the right to appeal the decision through the grievance or complaint procedure appropriate to the employee's BU agreement.

(c) The command shall forward a copy of the request to the employee's Division commander.

7. VETERANS' EDUCATIONAL LEAVE.

a. Eligible Employees. Government Code Section 19991.9 provides that any permanent employee, or an employee serving under another appointment who previously had permanent status and who, since that permanent status, has no break in the continuity of state service, who served in the armed forces, and who is eligible because of that service for education or training under applicable state or federal law shall, upon application, be granted an educational leave of absence without pay for the period during which the employee receives that education or training and for 3 months thereafter.

b. Requirements. The employee must enroll for a minimum of 10 credit hours of post-high school or the equivalent amount of work at high school level each school year. Such leave shall remain in effect for no longer than 4 years and 3 months of school attendance.

c. Procedure to Request a Veterans' Educational Leave.

(1) The employee shall submit a CHP 737 to their commander stating the reason for the leave, the period of time requested, and the amount and type of leave credits to be used prior to going on leave without pay. Sick leave credits cannot be used. In addition, the request must indicate whether or not the employee wishes to continue some or all of their health, dental, vision, and medical reimbursement account benefits after going on leave without pay. (Refer to Chapter 19, of this manual, for direct payment procedures.) The employee shall also submit verification of service in the armed forces and that the employee meets the enrollment requirements in paragraph 7.b. above.

(2) The immediate commander shall approve or disapprove the employee's request.

(a) If approved, the request will be forwarded to HRS to process the necessary documents to effect the leave.

(b) If disapproved, the immediate commander shall notify the employee in writing of the reason(s) for the denial. The employee shall also be advised of the right to appeal the decision through the grievance or complaint process appropriate to the employee's BU agreement.

(c) The command shall forward a copy of the request to the employee's Division commander.

8. MILITARY LEAVE.

a. Short-Term Military Leave (Government Code Section 19772).

(1) Definition. Short-term military leave is leave for 6 months (180 calendar days) or less.

(2) Eligibility. A permanent, probationary, limited-term, or temporary employee is entitled to a short-term military leave of absence for ordered active military duty, for 6 months (180 calendar days) or less, in the U.S. Armed Forces, National Guard, or Naval Militia.

(a) Government Code Section 19771.5 provides that members of the State Military Reserve shall be granted leave for military service, rights and benefits accrued during that service, and reinstatement after that service by their appointing power on the same basis as members of the National Guard or other military reserve personnel.

(3) Annual Training. A short-term military leave is granted for annual training, such as active duty military training, encampment, naval deployments, and special exercises. (Refer to GC Section 19775.1.)

(4) Inactive Duty. Inactive duty, such as scheduled weekly or monthly reserve drill periods, qualifies for an unpaid short-term military leave. Such absences may be charged to leave credits, with the exception of sick leave or dock.

(5) Effective Date of Short-Term Military Leave. The effective date of the leave must begin within 10 calendar days after the last day the employee physically worked or the last day the employee used leave credits before the active duty date. (Refer to GC Section 19780.)

(6) Qualifying for State Salary and Benefits.

(a) An employee who has had 12 qualifying pay periods of state service without a break in service immediately prior to the active duty date, or has a combination of pay periods of such state service and calendar time spent in the military service which equals 1 year, is entitled to pay for the first 30 calendar days (172 hours) of a short-term military leave of absence. "Qualifying pay periods" are defined in Chapter 6, Salaries, of this manual.

(b) Military service, which may be combined with state service in computing the qualifying service, is any full-time active military duty served in the U.S. Armed Forces, regardless of when it was served, prior to entrance into state service. Service with the National Guard, and the

National Guard of California, is included, since it is a reserve component of the U.S. Armed Forces, except when the service is under the provisions of GC Section 19773.

(7) Payment for First 30 Days (172 Hours). An employee who meets the requirements is entitled to state salary for the first 30 calendar days (172 hours) in any one fiscal year. When an active duty assignment covers 2 fiscal years, the employee is entitled to their state pay for the first 30 calendar days, which is accounted for in the fiscal year in which the active duty commenced. The grant of the 30 calendar day entitlement is not apportioned between the 2 fiscal years even though the military leave extends over 2 fiscal years. Accordingly, the first grant of 30 calendar days is credited to the first year in which the leave commenced. In the event that active duty overlaps 2 fiscal years, the employee would then be entitled to an additional 30 calendar days of paid leave in the second fiscal year if they returned to work and thereafter was ordered to active duty in the second fiscal year.

(8) Length of Short-Term Military Leave. The length of a short-term military leave is for the period of active duty plus 1 day for travel going to and one day for travel returning from such duty, unless other provisions are included in the orders for additional travel time. If traveling on a regular scheduled work day, the employee may use any leave credits with the exception of sick leave.

(9) Use of Leave Credits. An employee who is absent longer than 30 days (172 hours) in 1 fiscal year may use any leave credits, with the exception of sick leave, to cover an absence that extends beyond 30 days (172 hours). Leave credits not used prior to the effective date of the leave are retained for the employee to use upon return.

(10) Leave Credits Upon Return from Short-Term Military Leave. An employee returning from short-term military leave shall:

(a) An employee who meets the conditions of short-term military leave under GC Sections 19775 or 19775.1, or who is granted an emergency military leave, shall receive the same vacation and sick leave benefits as though they remained in their position and have not been on military leave with the exception of no more than 6 months of leave credits being granted.

(b) Employees on military leave pursuant to GC Section 19775.17 or 19775.18 will continue to accrue leave benefits up to 24 months, based on the length of leave. These additional credits are applied at the accrual rate that would have applied had the employee remained on the job.

(11) Reinstatement.

(a) A limited-term or temporary employee ordered to active duty for 30 days or less must return to state service within 10 calendar days after the end of the military leave or within 30 calendar days after any rehabilitation afforded by the state or the U.S. following military service. (Refer to GC Section 19782 and 38 United States Code [USC] § 4312.)

(b) A limited-term or temporary employee ordered to active duty for more than 30 days, but less than 180 days, must return to state service within 14 calendar days after the end of the military leave or within 30 calendar days after any rehabilitation afforded by the state or the U.S. following military service. (Refer to GC Section 19782 and 38 USC § 4312).

(c) A permanent or probationary employee ordered to active duty must return to state service within 14 calendar days after the end of the military leave, following any period of rehabilitation afforded by the U.S. military or after the termination of the state military emergency ordered by the Governor. (Refer to 38 USC § 4312.)

(11) Attendance Reporting for Military Leave of Absence With Pay.

Attendance reporting is required for routine military leaves of absence with pay for 30 calendar days (172 hours) or less. (Refer to Chapter 28, Attendance Reporting, of this manual.)

b. Long-Term Military Leave (Government Code Section 19775).

(1) Definition. Long-term military leave is leave for more than 6 months (180 calendar days).

(2) Eligibility. An employee who has permanent or probationary status is entitled to a long-term military leave for active duty service in the U.S. Armed Forces when the orders are for a period over 6 months, but not exceeding 5 years. "U.S. Armed Forces" are the federal military forces of the U.S. They consist of the Army, Navy, Marine Corps, Air Force, and the Coast Guard.

(3) Proof of Active Duty For More Than 6 Months. Before a long-term military leave of absence can be granted, the employee must present a copy of military orders as proof the employee is being ordered to report for active duty for a period of more than 6 months. A copy of the orders are retained by the Department. (Refer to GC Section 19771.5.)

(4) Effective Date of Long-Term Military Leave. The effective date of the leave must be within 90 calendar days after the last day the employee physically worked or the last day the employee is on leave credits prior to the

active duty date. Sick leave credits cannot be used prior to the active duty date except for medical reasons. (Refer to GC Section 19780.)

(5) Qualifying for State Salary and Benefits.

(a) An employee who has 12 qualifying pay periods of state service without a break in service immediately prior to the active duty date, or has a combination of pay periods of such state service and calendar time spent in the military service which equals 1 year, is entitled to pay for the first 30 calendar days (172 hours) of long-term military leave of absence. Qualifying pay periods are defined in Chapter 6 of this manual.

(b) Military service, which may be combined with state service in computing the qualifying service, is any full-time active military duty served in the U.S. Armed Forces, regardless of when it was served, prior to entrance into state service. Service with the National Guard (which includes the National Guard of California) is included, since it is a reserve component of the Armed Forces of the U.S., except when the service is under the provisions of GC Section 19773.

(6) Five-Year Limit. Long-term U.S. military leave cannot exceed 5 years. Federal 38 USC Section 4312 (C) provides for an exception to the 5-year limit under special circumstances.

(7) Eligibility for Payment for First 30 Days (172 Hours) of Leave. Payment may be received for the first 30 calendar days (172 hours) of long-term military duty on the same basis as outlined for short-term military duty. (Refer to paragraph 8.a.[2].)

(8) Length of Long-Term Military Leave. The length of a long-term military leave is for the period of active duty plus one day for travel going to and one day for travel returning from such duty, unless other provisions are included in the orders for additional travel time.

(9) Vacation/Annual Leave and Other Accrued Credits. An employee may elect to be paid for any vacation/annual leave or other accrued credits at the time a long-term military leave is granted.

(10) Certification of Completion. Upon completion of a long-term military leave, an employee shall submit a certification of completion signed by the commanding officer.

(11) Leave Credits Upon Return from Long-Term Military Leave. An employee returning from long-term military leave shall:

(a) An employee who meets the conditions of long-term military leave under GC Sections 19775 or 19775.1, or who is granted an emergency military leave, shall receive the same vacation and sick leave benefits as though they remained in their position and not on military leave with the exception of no more than 6 months of leave credits being granted.

(b) Employees on military leave pursuant to GC Section 19775.17 or 19775.18 will continue to accrue leave benefits up to 24 months, based on the length of leave. These additional credits are applied at the accrual rate that would have applied had the employee remained on the job.

(c) Employees placed on long-term military leave are eligible for a lump-sum payment for leave credits (excluding sick leave). Employees who have leave credits on the books may draw from their bank of leave credits anytime during their military leave (38 USC Section 4316 [d]). The HRS shall be notified in order to process the employee's request. The State Controller's Office (SCO) has indicated these payment requests shall be submitted on a STD. 674, Payroll Adjustment Notice. For employees who use their leave credits, the pay difference, health benefits continuance provisions, or both, pursuant to GC Section 19775.18, do not begin until after the use of leave credits.

(12) Reinstatement.

(a) An employee who wishes to reinstate after a long-term military leave shall contact the commander to request reinstatement upon release from active duty.

(b) An employee shall return to state service within 6 months after the end of long-term military leave.

c. Emergency Military Leave (Government Code Section 19773).

(1) Definition. Emergency military leave is a leave for members of the National Guard during such time as the Governor may have issued a proclamation of a state of extreme emergency or insurrection under the provisions of the Military and Veterans Code Sections 143 or 146, or during such time as the National Guard may be on active duty for one or more situations in the Military and Veterans Code Section 146.

(2) Eligibility. An employee who is a member of the National Guard is entitled to an emergency military leave for ordered active military duty in response to the Governor's proclamation of a state of extreme emergency or insurrection under the provisions of the Military and Veterans Code Sections 143 or 146. (This also includes such time as the National Guard may be on active duty for

one or more situations described in the Military and Veterans Code Section 146.)

(3) Length of Emergency Military Leave. The length of an emergency military leave is for the period of active duty plus one day for travel going to and one day for travel returning from such duty, unless other provisions are included in the orders for additional travel time.

(4) Effective Date of Emergency Military Leave. The effective date of the leave must be within 10 calendar days after the last day the employee physically worked or the last day the employee is on leave credits prior to the active duty date. Sick leave credits cannot be used prior to the active duty date except for medical reasons.

(5) Conditions for Salary Payment. An employee on emergency military leave is entitled to payment of salary for the period of active duty and travel time. However, the payment cannot exceed 30 calendar days granted for each emergency military leave. For paid leave, in excess of the 30 calendar days, the employee may elect to use vacation/annual leave or other accrued credits, except sick leave.

(6) Reinstatement.

(a) A permanent or probationary employee must return to state service within 14 calendar days after the end of the military leave, following any period of rehabilitation afforded by the U.S. or the state or after termination of the state military emergency ordered by the Governor.

(b) A limited-term or temporary employee must return to state service within 10 calendar days after the end of the military leave, or 30 calendar days after the end of the state military emergency ordered by the Governor.

(c) The time period between the employee's release from active military duty and reinstatement to state service is without pay.

d. War or National Emergency Leave (Government Code Section 19775.15 through 19775.18).

(1) Definition. War or National Emergency Leave is a leave when the President has determined it is necessary to augment the active forces for any operational mission, or in time of a national emergency declared by the President or Congress.

(2) Eligibility. An employee who is a member of the National Guard or U.S. military reserve organization is entitled to a war or national emergency military leave for ordered active military duty by the President or Congress.

(3) Length of War or National Emergency Leave. The length of a leave for war or a national emergency is for the period of active duty plus one day for travel going to and one day for travel returning from such duty, unless other provisions are included in the orders for additional travel time.

(4) Effective Date of War or National Emergency Leave. The effective date of the leave must be within 10 calendar days after the last day the employee physically worked, or the last day the employee is on leave credits prior to the active duty date. Sick leave credits cannot be used prior to the active duty date except for medical reasons.

(5) Conditions for Salary Payment.

a) Presidential Determination of National Emergency Following the September 11, 2001, Attack—Government Code Section 19775.17.

In addition to the benefits provided for short-term military leave and/or long-term military leave, GC Section 19775.17 allows any state employee who is ordered to active duty by a Presidential determination that it is necessary to augment the active forces for any operational mission, or when a time of national emergency is declared by the President, or otherwise authorized by law pursuant to GC Sections 12302 and 12304 of Title 10, USC, to receive from the state, for a period not to exceed 180 calendar days, the difference and allowances between the amount of the employee's military pay and the amount the employee would have received as a state employee as well as all benefits the employee would have received had the employee not served on active duty. The 180 calendar days are in addition to the 30 calendar days (172 hours) of state pay per fiscal year as described in paragraph 8.a.(7) above.

(b) War on Terrorism—Government Code Section 19775.18. In addition to the benefits provided for short-term military leave and/or long-term military leave, GC Section 19775.18 allows any state employee who, while on active duty pursuant to Sections 12302 and 12304 of Title 10, USC, to receive from the state, for the duration of the event known as "War on Terrorism," but not for a period to exceed 365 calendar days, the difference and allowances between the amount of the employee's military pay and the amount the employee would have received as a state employee, and all benefits that the employee would have received had the employee not served on active duty. The 365 calendar days are in

addition to the 30 calendar days (172 hours) of state pay per fiscal year as described in paragraph 8.a.(7) above.

(c) Executive Order D-65-02. Extends the supplemental pay and benefits up to an additional 365 days, for a cumulative total of 730 calendar days for employees called to active duty on or after September 11, 2001, as a result of the War on Terrorism. The 730 days are in addition to the 30 calendar days (172 hours) of state pay per fiscal year provided for active military duty as described in paragraph 8.a.(7) above.

(d) State Salary. On or after September 11, 2001, any state employee, who is ordered to active duty for the War on Terrorism, for the duration of the event up to 730 calendar days, is entitled to receive from the state:

1 The difference between the employee's military pay and allowances (not including hazardous duty pay, hostile fire pay, or imminent danger pay) and the amount the employee would have received as a state employee, including any merit raises that would have been granted during the time the employee was on active duty.

2 All benefits the employee would have received if the employee had not been called to active duty.

(6) Procedures for Claiming Pay and Benefits.

(a) To receive the difference between military pay and state pay, employees shall provide a copy of their military pay records and complete a Military Leave Work Sheet. The Military Leave Work Sheet is available on the CalHR Web site at: <http://www.calhr.ca.gov/Documents/military-leave-worksheet.pdf>. If an employee is unable to document military earnings, an estimate will suffice.

(b) The Military Leave Work Sheet **must** be signed by the employee. If the employee is not available and has designated a power of attorney, that signature is acceptable. Once completed, the Military Leave Work Sheet shall be sent to HRS with a copy of the employee's military orders and military pay records.

(c) If an employee has already been called to active duty, commanders shall notify the employee or power of attorney of the provisions of GC Sections 19775.17 and 19775.18, and obtain a completed work sheet and military orders. Without the necessary signatures or authorization, the adjusted salary cannot be issued until the employee returns.

(d) Employees who elect to retain their military pay (their military pay may be larger than their state pay) must also complete a Military Leave Work Sheet. Although the employee will not receive a state check, the deductions included in the state-provided benefit package (health, dental, vision, and/or medical reimbursement) will be continued at the employee's option. The state will authorize the continued payment of these premiums via an accounts receivable process. The employee-paid premium payments will be collected upon the employee's return.

(e) A copy of the Military Leave Work Sheet will be returned to the employee after processing by HRS. Adjusted checks will be issued monthly after payday.

(f) Upon return from active duty, the employee must request verification from the employee's military finance center and provide a copy of the military pay records to HRS. A military-issued leave and earning statement is needed for each month the employee received supplemental pay. Human Resources Section must reconcile the employee's military leave pay and the state-issued supplemental pay on a month-by-month basis to determine if monies are owed to the employee or the state.

(7) After 730 Days.

(a) The employee on active duty for the War on Terrorism is entitled to 730 days of pay. The employee also receives the first 30 calendar days (172 hours) of pay as provided under GC Section 19775.

(b) After the employee has exhausted the 760 days, the employee can use vacation/annual leave and/or other accrued leave credits to cover the absence per 38 USC § 4315 (d), or can request a Regular Leave of Absence.

e. Procedures–Military Leave of Absence. The following procedures shall be followed in submitting a request for a military leave of absence:

(1) The employee shall notify the commander of a military leave at least 30 days prior to the date of the leave.

(2) The employee can obtain additional information regarding military leave for state employees at CalHR's Web site: <http://www.calhr.ca.gov/employees/Pages/military-leave.aspx> or via the CHP Intranet site under Organization; Assistant Commissioner, Staff; Office of Employee Safety and Assistance; Employee Assistance Unit.

(3) The employee shall submit orders to the commander as soon as received. Military leave cannot be officially approved prior to the submission of orders. The Military Leave Work Sheet shall be completed and returned to HRS.

(4) Requests for long-term and short-term military leaves, including routine long-term and short-term military leaves, and routine annual leaves, shall include accompanying orders and be submitted by the commander directly to HRS. An STD. 686, Employee Action Request, and STD. 634, Absence and Additional Time Worked Report, are not required.

(5) When an employee is approved for military leave and the military duty is subsequently canceled and/or the employee does not report as previously scheduled, the employee shall notify the commander and report for the normally scheduled work day or request to use leave credits or dock. Sick leave credits cannot be used.

(6) An employee who voluntarily requests and obtains an extension of the original term of enlistment, service, or tour of duty may jeopardize the right of reinstatement following the employee's military service.

f. Employee Responsibilities to Return to State Service.

(1) An employee seeking to return to state service after completing military leave must contact the commander to request reinstatement and provide a copy of the military separation document.

(2) The separation document may be:

(a) The Department of Defense Form 214 (DD-214), Certificate of Release or Discharge from Active Duty; or

(b) Any other correspondence which identifies the employee's branch of service or is printed on official letterhead from the branch of the military service.

(3) The military separation document must provide the following:

(a) The condition of the employee's release from the military service (e.g., under honorable or general conditions).

(b) The date the employee entered active duty.

(c) The date the employee was released from duty.

(4) The employee will not be denied or the reinstatement date delayed if the previous information does not exist or is not readily available. However, the employee shall provide this information as soon as it becomes available.

g. Employee Responsibility When Not Returning to State Service. An employee deciding not to return to state service shall contact HRS to clarify the employee's status.

h. National Guard Duty (Government Code Section 19774).

(1) Weekly or monthly drills required to maintain an employee's reserve status are considered inactive military duty. Members of reserve military units and the National Guard required to attend scheduled reserve drill periods or perform other inactive duty reserve obligations shall be granted military leaves of absence without pay as provided by federal law. In lieu of a leave without pay, employees may, at their option, elect to use leave credits, with the exception of sick leave, to attend scheduled drills or perform other inactive duty reserve obligations.

(2) Short-term military leave may be granted to a reservist while engaged in active military duty ordered for military training. (Refer to paragraphs 8.a.[1] and [2].)

(3) An employee is entitled to pay for the first 30 calendar days during a state of emergency or public calamity proclaimed by the Governor on the same basis as outlined under paragraph 8.a.(2).

(4) Short-term or long-term military leave may be granted only if the unit is ordered to active federal military duty.

(5) A regular leave of absence may be granted for extended active duty (more than 6 months) when the unit is not ordered to active federal military duty.

i. Summer Reserve Training. Military leave may occasionally pose staffing problems for commanders. To avoid serious staffing and departmental deployment problems due to military commitments (especially during the months of June, July, and August), commanders should coordinate with the appropriate reserve commanders.

j. Unpaid Spousal Military Leave.

(1) Eligible employees whose spouse is on a leave from a period of military conflict will be allowed to take up to 10 days of unpaid leave. Available leave credits (excluding sick leave) may be used to receive payment.

(2) Eligibility.

- (a) The employee must work an average of 20 or more hours per week.
- (b) The employee's spouse must be a member of the U.S. Armed Forces, National Guard, or military reserves who has been deployed in support of a military operation in a combat zone as designated by the Executive Order of the President.

(3) Qualified Leave.

- (a) If the employee's spouse is a member of the U.S. Armed Forces, the spouse must be on a break during deployment.
- (b) If the employee's spouse is in the National Guard or military reserves, the spouse must be on a mid-tour leave or end-of-tour leave during deployment.

(4) Procedures.

- (a) The employee shall notify their commander of their intent to take leave within two business days of receiving official notice the employee's spouse will be on leave from military deployment.
- (b) The employee shall complete a CHP 211A, Request for Spousal Military Leave. The CHP 211A is an electronic form available on the CHP Intranet site under Forms. The completed CHP 211A shall be forwarded to the employee's commander.
- (c) The commander shall sign the CHP 211A and forward it to HRS with a copy of the official notice of the spouse's leave from active duty.
- (d) Human Resources Section will verify the employee's eligibility and return a copy to the employee and the command. Commands shall place a copy in the command's confidential general personnel file.

k. Military Leave Payments–Tax Information.

- (1) Pursuant to the Heroes Earnings Assistance and Relief Tax Act of 2008, military leave payments issued by the SCO will be subject to Federal, California State, Social Security/Medicare, and SDI taxes and will be reported on the Form W-2, Wage and Tax Statement.

(2) Employees who have pretax deductions for benefits such as health, dental, and vision care will retain their benefits and premium amounts will not change.

(3) Voluntary pretax deductions such as 401(k), 457, 403(b), and retirement buy-back deductions can be withheld from military leave payments. If the employee chooses to resume these deductions, a new Military Leave Work Sheet must be completed.

(4) Medical reimbursement accounts may be continued through the Consolidated Omnibus Budget Reconciliation Act (COBRA) regulations, or deductions will stop for the duration of the leave.

I. Savings Plus Program.

(1) Pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), an employee who returns from qualified military service has the right to make up missed Savings Plus Program contributions.

(2) Employees who have an outstanding 401(k)/457 loan(s) balance are eligible under USERRA, the Servicemembers Civil Relief Act of 2003, Internal Revenue Code 72(p), and the Soldiers' and Sailors' Civil Relief Act of 1940 to special repayment options.

(3) Employees who elect to make up missed contributions should contact Savings Plus and request a Qualified Military Service Make-up Deferral Application. The employee may make up missed contributions over a period up to 3 times the length of military service, but no longer than 5 years. For more information regarding available loan repayment options contact CalHR's Savings Plus Program (www.savingsplusnow.com) at their toll free number (855) 616-4776.

(4) Employees with a 403(b) tax-sheltered annuity should contact their annuity provider.

m. Salary Issues.

(1) Employees on military leave and receiving pay pursuant to GC Section 19775.17 or 19775.18 will continue to receive any General Salary Increases (GEN), Merit Salary Adjustments (MSA), or Special In-Grade Salary Adjustments (SISA), regardless of whether the leave is short-term or long-term.

(2) Employees on long-term military leave who are no longer eligible for the provisions of GC Section 19775.17 or 19775.18 will have any GEN, MSA, or SISA reflected upon their return to state service.

(3) Total state pay is based on the salary for the classification the employee was in prior to military leave, plus any differential or supplemental pay the employee was receiving as a result of the duties being performed on a continuous basis in the position. This would include items such as bilingual pay, physical performance incentive pay, shift pay, educational pay, and any recruitment/retention differentials. Pay differentials such as van pool and out-of-class shall **NOT** be included in the total pay. Further, those receiving a nonreceipted uniform allowance would continue to accrue qualifying pay periods while under GC Section 19775.17 or 19775.18.

n. Leave Credits.

(1) Employees on military leave and receiving pay pursuant to GC Section 19775.17 or 19775.18 will continue to accrue leave credits for up to 24 months.

(2) Employees who have leave credits on the books may draw from their bank of leave credits anytime during their military leave (38 USC § 4316 [d]), limited to the number of accumulated hours on the books. The HRS must be notified in order to process the employee's request.

(3) For employees who use their leave credits, the pay difference, health benefits continuance provisions, or both, pursuant to GC Section 19775.17 or 19775.18, do not begin until after the use of leave credits.

(4) Employees placed on long-term military leave are eligible for lump-sum payment for leave credits (excluding sick leave).

o. Benefit Issues.

(1) It is the employee's option to elect to continue health, dental, and vision plans. In those instances where the employee pays a benefit premium, but is not receiving a pay warrant, the state will authorize the continued payment of these premiums via the accounts receivable process.

(2) Employees enrolled in the Flex Elect Program with the Cash Option in lieu of health coverage, dental coverage, or both will continue to receive the Cash Option, regardless of whether they receive an adjusted state warrant or opt to retain their military pay.

(3) Employees enrolled in the medical reimbursement account may elect to continue their coverage via COBRA, or their deductions will stop for the duration of their leave.

(4) The pretax health premium is considered a benefit tied to health coverage and will also be continued. If the employee opts to retain their military pay, the amount of employee-paid premium will be recovered by establishing an accounts receivable when the employee returns to full-pay status.

(5) The pretax deductions into medical and/or dependent care reimbursement accounts are considered voluntary deductions that will no longer be taken when the employee does not receive sufficient state pay to continue the deduction. These deductions will automatically resume once the employee returns to full-pay status.

(6) Supervisor/manager life insurance policies exclude any payment while the employee is on any active duty other than "temporary" duty. Temporary refers to short training exercises (e.g., 2-week summer duty). Given the circumstances of the War on Terrorism, this coverage is not in effect for those on extended duty. These same exclusions apply to any supplemental coverage the employee may have purchased by payroll deduction. It is the employee's responsibility to cancel the voluntary deduction if the employee wishes to avoid paying a premium without receiving the full benefit.

(7) If the employee elects to discontinue these voluntary deductions, reenrollment will be required upon reinstatement to state service before coverage can begin. It should also be noted that discontinuance of supplemental coverage would also discontinue spousal/dependent coverage.

(8) Voluntary long-term disability plans also exclude payment for any disability caused by any act of war. If the employee elects to discontinue these voluntary deductions, reenrollment will be required upon reinstatement to state service before coverage can begin.

p. Probationary Period Extensions and Experience for Deep Class Range Changes. The following provides clarifying information regarding probationary periods and range changes for employees who have been on military leave:

(1) A probationary employee who is returning from a military leave will have the probationary period extended pursuant to CCR, Title 2, Section 321. The probationary period shall be extended by the length of their employment absences, and no more than 6 months of leave credits shall be granted. (Refer to GC Section 19775.3.)

(2) An employee who is returning from a military leave will have the service in the armed forces credited as experience toward meeting minimum qualifications for examinations and deep class alternate range criteria movement on exactly the same basis as if the employee had remained in the position held at the time the employee went on the military leave. Any criteria that requires the completion of an apprenticeship program is not included in this allowable movement.

q. Retirement.

(1) Retirement credit for military duty is provided under the provisions of GC Section 20990 and 20998. The state is responsible for the payment of the employer and employee contributions as prescribed in GC Section 20990.

(2) Retirement contributions are deducted when the employee receives full pay for the first 30 calendar days of military leave. This deduction will continue for those employees who remain on the payroll by use of applicable leave credits following any pay provisions for the first 30 calendar days.

(3) However, retirement contributions are not deducted from the employee's state-issued supplemental pay while serving on active military duty for the War on Terrorism. In accordance with GC Section 20630, which defines compensation, the California Public Employees' Retirement System (CalPERS) has determined such payments are not reportable for retirement purposes.

(4) The credit toward retirement is applied when the employee has returned from a military leave of absence, and the employer begins reporting payroll to CalPERS. For restoration of retirement credits, the employee must submit a request to CalPERS with a copy of their DD-214 showing the dates of active military service.

(5) To be eligible for credit for a noncompensated absence or a special compensated absence, a CalPERS member must have:

(a) Been in the employment of a CalPERS-covered agency which includes the state or another agency contracting with CalPERS prior to entering military service;

(b) Been granted a military leave or have resigned from employment for the purpose of entering active duty in the armed forces;

(c) Entered active duty within 90 days after leaving employment; and

(d) The credit toward retirement is applied when the employee has returned from their military leave of absence and the employer begins reporting payroll to CalPERS. For restoration of retirement credits, the employee must submit a request to CalPERS with a copy of their DD-214 showing the dates of active military service.

(e) Please note that members who meet qualifications 8.q.(5)(a) through 8.q.(5)(c) but do not return to employment within 6 months will not qualify for military leave credit, but may be eligible to purchase military service credit under other provisions of the law.

r. Military Credit for Retirement.

(1) Under specific conditions, GC Sections 20990 and 20997 provide CalPERS members with service credit for military leaves of absence at no member cost, with employer-paid contributions.

(2) The Department is also required to inform employees at the time of hire of their right to purchase service credit for past active duty military service served prior to establishing CalPERS membership. California Public Employees' Retirement System has created a new member publication titled A Guide to Your Military Service Credit Options (Publication 15). For additional information, refer to the CalPERS Web site at: <https://www.calpers.ca.gov/docs/forms-publications/military-service-credit-guide.pdf>.

(3) Retirement credit may be requested by using the CalPERS Service Credit Cost Estimator. This online calculator is available on the CalPERS Web site at: <https://www.calpers.ca.gov/page/active-members/retirement-benefits/service-credit/service-credit-cost-estimator>.

9. PREGNANCY DISABILITY LEAVE. Effective January 1, 2013, the California Pregnancy Disability Leave (PDL) regulations were changed with the intent of augmenting the FMLA and CFRA regulations.

a. General. In addition to leave taken under the provisions of FMLA/CFRA, an employee who is disabled due to pregnancy, childbirth, or related medical conditions is entitled to take unpaid PDL for the period of the actual disability up to four months (17.33 weeks), per pregnancy, as medically needed.

b. Eligibility.

(1) An employee who works for an employer with 5 or more employees.

(2) There is no length of service requirement.

c. Coordinating Pregnancy Disability Under the Family and Medical Leave Act. Pregnancy Disability Leave runs concurrently with any leave the employee is eligible for under the FMLA.

d. Health Benefits. The state will continue the state's portion of the employee's health benefits for up to 17.33 weeks under PDL, overlapping with FMLA's 12 weeks, and 12 weeks of CFRA, for a total of 29.33 weeks of continued health benefits.

e. Calculation of Benefit Entitlement. Four months is defined as 1/3 of a year or 17.33 weeks. Full-time employees working 40 hours a week are entitled to 693 hours of leave. Part-time employees working 20 hours per week are entitled to 346.6 hours of leave.

f. Coordinating Pregnancy Disability Under the California Family Rights Act. An employee's PDL is separate and distinct from their leave under CFRA. Pregnancy Disability Leave and CFRA leaves run consecutively, not concurrently.

(1) Family and Medical Leave Act and PDL run concurrently for pregnancy disability.

(2) California Family Rights Act (and any remaining FMLA) runs concurrently for baby bonding.

(3) Benefits are maintained for up to 12 weeks of FMLA, concurrently with up to 17.33 weeks of PDL.

(4) After PDL, 12 weeks of benefits remain under CFRA.

g. Definition of "Disabled" by Pregnancy. The regulations define disabled by pregnancy as:

(1) Severe morning sickness.

(2) Gestational diabetes.

(3) Pregnancy-induced hypertension.

(4) Preeclampsia.

(5) Postpartum depression.

(6) Prenatal or postnatal care.

- (7) Bed rest.
- (8) Childbirth.
- (9) Loss or end of pregnancy.
- (10) Recovery from childbirth or loss or end of pregnancy.
- (11) Lactation conditions (medical condition related to pregnancy).

h. Health Care Providers. The type of health care providers who can determine what is “medically advisable” are:

- (1) Marriage and family therapists.
- (2) Acupuncturists.
- (3) Midwives.
- (4) Chiropractors.
- (5) Clinical social workers.

i. Reasonable Accommodation.

- (1) An employee may be eligible for more than 4 months for PDL as a reasonable accommodation for a disability.
- (2) An employee on PDL must be reasonably accommodated, as medically advisable.

j. Reinstatement Rights. An employee returning from PDL must be returned to their exact same position that they had before their leave. If the same position is not available, the employee is entitled to return to a comparable position.

k. California Family Rights Act Bonding Leave. Once a child is born, an employee is entitled to choose to utilize CFRA leave immediately or continue on PDL for the period of actual disability after birth (generally 6 to 8 weeks) and then commence an additional 12 weeks of unpaid bonding with their baby under the CFRA. The CFRA bonding leave need not be taken right after the baby is born, but it must conclude within 1 year of the child’s birth. (Refer to Chapter 45 of this manual.)

10. NONINDUSTRIAL DISABILITY INSURANCE—EXCLUDED AND RANK-AND-FILE EMPLOYEES IN BARGAINING UNITS 2, 5, 6, 7, 8, 9, 10, 12, 13, 16, 18, AND 19.

Eligibility. An employee who becomes disabled may be eligible to receive NDI benefits if the employee meets all of the following conditions:

- (1) Is a current active member of the CalPERS, State Teachers' Retirement System, or a state officer or employee of the Legislature.
- (2) Is a permanent or probationary employee with a full-time, part-time, or intermittent time base.
- (3) Is on pay status (not separated by formal leave of absence).
- (4) Filed a Form DE 8501, First Claim for Nonindustrial Disability Insurance (NDI), which has been completed by HRS and their physician, and verified and accepted by the Employment Development Department's (EDD) NDI office physician.
- (5) If applicable, has exhausted Industrial Disability Leave, Temporary Disability benefits, and 4800.5 time.

b. Payment Process. The EDD NDI office determines the period of eligibility and authorizes payment on claims. Human Resources Section requests payment from SCO based on the authorization issued by the NDI office. Payments may be authorized for a maximum of 26 weeks for one continuous period of disability, which is equivalent to 182 calendar days.

c. Payment Amount.

(1) Employees who are in the vacation/sick leave program are entitled to receive payment in an amount equal to one-half full pay, but not to exceed \$250 per week.

(2) Enhanced Nonindustrial Disability Insurance. Employees who are in the annual leave program, and eligible for Enhanced Nonindustrial Disability Insurance (ENDI), receive 50 percent of their gross pay. This amount may be supplemented with leave credits up to 75 percent or 100 percent of full pay. Catastrophic donations may also be used to supplement up to 75 percent or 100 percent of full pay, provided the criteria for eligibility is met as outlined in Chapter 13, Transfer of Leave Credits, of this manual.

d. Deductions from Nonindustrial Disability Insurance Payment. Federal taxes, state taxes, social security, and Medicare contributions are deducted from the NDI payment. Voluntary deductions, such as credit union loans, bonds, etc., will be

made to the extent possible dependent on sufficient funds to cover the deductions. If the employee continues to have health benefits deducted, the state employer's contribution will also continue. No retirement contributions or survivor benefits will be withheld nor will state contributions be made.

e. Use of Leave Credits. Except as provided for in some BU contracts, employees are not required to use any leave credits before being eligible to receive NDI. They may elect to use all or part of their leave credits prior to receiving NDI if they wish. Once the NDI payment begins, an employee may, at any time, switch from NDI to leave credits; however, the employee may not return to NDI until the leave credits are exhausted.

f. Waiting Period.

(1) There is a 7-calendar-day waiting period before NDI payments commence for each disability.

(2) The waiting period may be waived if the employee is confined to a hospital or nursing home as a bed patient. Emergency room care does not constitute hospitalization and will not waive the waiting period. Any required waiting period may be served while the employee is on leave credits.

g. Pregnancy Benefits. Claims filed for pregnancy benefits will be treated in the same manner as any other disability claim.

h. Return to Partial Work Status. Employees may, at the Department's discretion, and upon medical certification, return to partial work status. An employee may work as many hours as specified in the medical certification. The NDI benefit and the employee's partial work payment combined may not exceed the employee's regular full pay. If it does, the NDI payment will be reduced so that the total does not equal more than the employee's full pay. Refer to the represented employee's BU agreement for specific requirements regarding return to partial work status while receiving NDI benefits.

i. Procedure to Request a Nonindustrial Disability Insurance Leave.

(1) To request NDI benefits the employee shall submit a CHP 737 to the commander. The request must indicate if leave credits are to be utilized prior to applying for NDI. Employees eligible for ENDI must select payment amount of 50 percent with no supplementation of leave credits, 75 percent with supplementation of leave credits, or 100 percent with supplementation of leave credits. In addition, the request must indicate whether or not the employee wishes to continue their health, dental, vision, and/or medical reimbursement account.

(2) Upon the employee's last day physically worked, the CHP 71, Attendance Report, or attendance screen for employees on automated attendance shall be forwarded to HRS. Leave credits shall be reflected on the CHP 71 or attendance screen beyond the last day the employee worked, if applicable.

(3) A DE 8501 and a DE 8502, Nonindustrial Disability Insurance Provisions, will be initiated by HRS upon receipt of the request for NDI leave, the CHP 71, or attendance screen. The HRS will forward the DE 8501 to the employee to be completed by the employee and their physician. It is the employee's responsibility to ensure the claim is completed and forwarded to the EDD NDI office for approval.

(4) If the employee returns to work and has a recurrence of the injury/illness, the procedures to request an NDI leave would be the same as outlined above.

j. Attendance Reporting. Absences shall be reported and charged to leave credits or dock as appropriate. A STD. 634 shall continue to be submitted.

k. Exhausting Leave Credits. Upon exhausting leave credits, attendance reporting will not be required unless there is an industrial injury case pending or catastrophic leave is being utilized.

l. Expiration of Nonindustrial Disability Insurance Benefits. If the employee is unable to return to work after NDI benefits have been exhausted, the Department may grant a leave of absence without pay for illness. (Refer to paragraph 2.) When the employee is able to return to work, the Department may return the employee to the original position. However, if the employee is unable to perform the work of the original position, but is capable of performing the work of another position, including one of a lesser time base, the appointing power may demote or transfer the employee. If the employee is unable to perform the work of the original position or any other position, and has waived the right or is ineligible for disability retirement, the Department may terminate the appointment of the employee. Nonindustrial Disability Insurance benefits are not payable for any day on or after death, separation, or retirement from state service.

m. Nonindustrial Disability Insurance Prior to Retirement. Employees who may be disabled for 6 months or longer after the exhaustion of sick leave credits, or employees who are ready to retire from service, must determine whether NDI or a retirement benefit would be better. Because it normally requires several months for CalPERS to process a disability retirement, employees should file well in advance of the possible retirement date. The retirement date can be adjusted in accordance with the period of NDI, if any, as long as the retirement has not yet occurred. Retirement benefits and NDI cannot be paid concurrently, nor can a retirement status be suspended to allow the payment of NDI.

11. STATE DISABILITY INSURANCE—REPRESENTED EMPLOYEES IN BARGAINING UNITS 1, 3, 4, 11, 14, 15, 17, 20, AND 21.

a. General. The SDI Program is a wage continuation program that pays part of an eligible employee's wages if the employee is required to be absent from work due to a nonwork-related illness or injury or qualifying family leave. It is paid by employee contributions through automatic payroll deductions and is administered by EDD. The SDI program has the following two components which cannot be received simultaneously:

(1) Disability Insurance. Disability Insurance (DI) is a wage continuation program for up to 52 weeks for employees who incur a nonwork-related injury or illness.

(2) Paid Family Leave. Paid Family Leave (PFL) is extended compensation for employees to take time off work to care for a seriously ill child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner, or to bond with a new child, adopted child, or foster care placement. It is limited to a 6-week paid benefit within a 12-month period. California Unemployment Insurance Code Sections 2655.1 and 3300 through 3306 remove the 7-day waiting period for PFL. This applies to claims with a start date on or after January 1, 2018. (Refer to GC Section 3303.1.) For further information regarding PFL, refer to EDD's Web site at: http://www.edd.ca.gov/Disability/About_PFL.htm.

(3) For further information regarding SDI, refer to CalHR's Web site at: <http://www.calhr.ca.gov/employees/Pages/state-disability-insurance.aspx> or EDD's Web site at: http://www.edd.ca.gov/disability/FAQ_DI_State_Employees.htm or <http://www.edd.ca.gov/disability/FAQs.htm>.

b. Eligibility. Employees represented by Bargaining Units 1, 3, 4, 11, 14, 15, 17, 20, and 21 are eligible to receive SDI benefits instead of NDI or ENDI benefits.

c. Process. To receive SDI payments, the employee must meet the following conditions:

(1) Earn at least \$300 in wages that are subject to SDI deductions (during the 12-month base period of the SDI claim).

(2) Submit a claim for SDI benefits to the EDD SDI office. Employees may file a claim through EDD's SDI Online or by mail. For more information, employees may use EDD's SDI Automated Phone Information System at 1-800-480-3287 or refer to EDD's Web site at: http://www.edd.ca.gov/Disability/SDI_Online.htm.

(3) Obtain an approved leave of absence from the commander. (Refer to paragraph 11.d.)

(4) Serve a 7-calendar-day waiting period (nonpayable by SDI benefits), which includes holidays that fall within the waiting period. During the waiting period, the employee may request to use available leave credits, be placed on an unpaid leave, or use a combination of leave credits and unpaid leave.

Exception: A new waiting period is not required when an employee is on a pregnancy-related disability under DI and then files a PFL claim for bonding.

d. Procedure to Request a State Disability Insurance Leave of Absence.

(1) To request a SDI leave, the employee shall submit a CHP 737, through channels, to the commander with their physician's or licensed practitioner's medical certification. The request shall state the reason for the leave and include the following additional information:

- (a) The date the disability or illness commenced.
- (b) The estimated duration of the leave.
- (c) A telephone number where the employee can be reached.
- (d) Employee is filing or has filed for SDI benefits.
- (e) The election of leave credits to cover the SDI waiting period.
- (f) The election to supplement up to 40 hours of leave credits with SDI benefits. (Refer to paragraph 11.f. below.)
- (g) The employee's election to continue or not continue their health, dental, vision, and/or medical reimbursement account.

(2) The leave of absence may be granted for the length of the SDI claim or longer if the illness or injury continues to exist after the SDI benefits ends.

(3) The leave of absence may be terminated on the expiration date of the leave or by the employee when medically certified to return to full employment.

(4) If HRS receives a request for a leave of absence from an employee, HRS will send the employee a CHP 498, State Disability Insurance (SDI) Employee Options. The CHP 498 must be completed by the employee and returned to HRS within 10 working days. The CHP 498 identifies the options available to the employee regarding the usage of leave credits for the mandatory waiting

period and supplementation, and provides verification to HRS of the employee's option selections.

(5) If HRS receives notification from EDD that an employee has filed a claim and the employee has not requested a leave of absence, HRS will notice the employee that a leave of absence must be applied for. While the employee is off work pending the receipt by HRS of an approved leave of absence, the employee will be placed on off-pay status.

e. Payment Process. The EDD determines the period of eligibility and makes disability payments directly to the employee.

f. Supplementing Leave Credits. An employee may use up to a maximum of 40 hours of leave credits per month to supplement SDI benefits. This is separate and does not include any leave hours used to cover the employee's waiting period. Compensation of the leave credits combined with SDI benefits cannot exceed the employee's monthly gross salary.

(1) The amount of hours used for supplementation may change each month during the SDI leave, but shall be determined at the beginning of the leave.

(2) In order to receive timely supplementation payments, copies of the following documents shall be submitted to HRS:

(a) State Disability Insurance check stubs.

(b) Copy of the SDI Notice of Computation that provides potential award information.

(c) Notice of Determination providing eligibility information.

g. Working While Receiving State Disability Insurance Benefits.

(1) An employee may work while receiving SDI benefits if authorized by their physician or licensed practitioner. While working and receiving SDI benefits, the employee may not use leave credits for absences relating to the SDI benefit. The employee may, however, use leave credits for absences that are unrelated to the SDI benefit.

(2) Time worked combined with the SDI benefit amount cannot exceed the employee's total gross salary. If time worked plus the SDI pay exceeds the employee's total gross salary, the SDI benefit will be reduced.

(3) It is the employee's responsibility to notify EDD of any pay received for time worked and/or use of leave credits.

h. Voluntary Deductions and Union Dues.

(1) When an employee receives pay for working while on SDI, or supplementation of leave credits, the employee's voluntary deductions and union dues will be deducted providing there is sufficient net pay.

(2) If an employee is receiving SDI benefits and is not receiving pay for working while on SDI, or supplementation of leave credits, the employee's deductions and union dues will stop. The employee may pay voluntary deduction(s) directly to the carrier(s), and union dues or fair share directly to the union until the employee returns to active employment.

i. Health, Dental, and Vision Coverage.

(1) Pursuant to provisions of the BU contracts, the state will maintain up to 26 weeks of health, dental, and vision coverage while the employee is receiving SDI benefits.

(2) The Department will continue to pay its share of an employee's health, dental, and vision benefits.

(3) Employees enrolled in a reimbursement account or cash option will have their enrollment stop while they are on leave. If they return to pay status in the same Flex Elect plan year, their enrollment will resume. If they are enrolled in the medical reimbursement account and wish to continue to submit claims for services provided during their unpaid leave of absence, they may elect to continue making contributions through COBRA.

(4) Employees who make monthly contributions toward their health, dental, and vision insurance premiums are responsible for repaying their portion of the monthly premium when they return to active employment.

(a) An accounts receivable will be established for the employee's share of the premium.

(b) Employee Benefit Services will send a notice to the employee with the amount owed.

(c) The accounts receivable will be collected by payroll deduction upon the employee's return to work.

(d) When an employee receives pay for working while on SDI, or supplementation of leave credits, the employee's share of the premium will be deducted from the pay received, providing there is sufficient net pay.

(5) Once the employer-maintained benefits have been exhausted, the employee has the following options:

(a) Elect not to maintain health, dental, or vision insurance programs. The insurance program(s) will suspend until the employee returns to active employment.

(b) Elect to maintain health, dental, and vision insurance programs by making direct payments to the carrier(s).

j. Family and Medical Leave Act/California Family Rights Act. An employee may be eligible to receive FMLA/CFRA while receiving SDI benefits. The employer's 12-week requirement to provide health insurance benefits is also counted toward the 26 weeks of coverage provided while the employee is receiving SDI. (Refer to Chapter 45 of this manual.)

ANNEX A

YOUR RIGHTS AND OBLIGATIONS AS A PREGNANT EMPLOYEE

THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING



YOUR RIGHTS AND OBLIGATIONS AS A PREGNANT EMPLOYEE

If you are pregnant, have a related medical condition, or are recovering from childbirth, please read this notice.

California law protects employees against discrimination or harassment because of an employee's pregnancy, childbirth or any related medical condition (referred to below as "because of pregnancy"). California law also prohibits employers from denying or interfering with an employee's pregnancy-related employment rights.

YOUR EMPLOYER HAS AN OBLIGATION TO:

- Reasonably accommodate your medical needs related to pregnancy, childbirth or related conditions (such as temporarily modifying your work duties, providing you with a stool or chair, or allowing more frequent breaks);
- Transfer you to a less strenuous or hazardous position (where one is available) or duties if medically needed because of your pregnancy; and
- Provide you with pregnancy disability leave (PDL) of up to four months (the working days you normally would work in one-third of a year or 17 1/3 weeks) and return you to your same job when you are no longer disabled by your pregnancy or, in certain instances, to a comparable job. Taking PDL, however, does not protect you from non-leave related employment actions, such as a layoff.
- Provide a reasonable amount of break time and use of a room or other location in close proximity to the employee's work area to express breast milk in private as set forth in the Labor Code.

FOR PREGNANCY DISABILITY LEAVE:

- PDL is not for an automatic period of time, but for the period of time that you are disabled by pregnancy. Your health care provider determines how much time you will need.
- Once your employer has been informed that you need to take PDL, your employer must guarantee in writing that you can return to work in your same position if you request a written guarantee. Your employer may require you to submit written medical certification from your health care provider substantiating the need for your leave.
- PDL may include, but is not limited to, additional or more frequent breaks, time for prenatal or postnatal medical appointments, doctor-ordered bed rest, severe morning sickness, gestational diabetes, pregnancy-induced hypertension, preeclampsia, recovery from childbirth or loss or end of pregnancy, and/or postpartum depression.
- PDL does not need to be taken all at once but can be taken on an as-needed basis as required by your health care provider, including intermittent leave or a reduced work schedule, all of which counts against your four month entitlement to leave.
- Your leave will be paid or unpaid depending on your employer's policy for other medical leaves. You may also be eligible for state disability insurance or Paid Family Leave (PFL), administered by the California Employment Development Department.
- At your discretion, you can use any vacation or other paid time off during your PDL.

ANNEX A

YOUR RIGHTS AND OBLIGATIONS AS A PREGNANT EMPLOYEE (*continued*)

- Your employer may require or you may choose to use any available sick leave during your PDL.
- Your employer is required to continue your group health coverage during your PDL at the same level and under the same conditions that coverage would have been provided if you had continued in employment continuously for the duration of your leave.
- Taking PDL may impact certain of your benefits and your seniority date; please contact your employer for details.
- If possible, you must provide at least 30 days' advance notice for foreseeable events (such as the expected birth of a child or a planned medical treatment for yourself). For events that are unforeseeable, we need you to notify us, at least verbally, as soon as you learn of the need for the leave. Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until you comply with this notice policy.

NOTICE OBLIGATIONS AS AN EMPLOYEE:

- Give your employer reasonable notice. To receive reasonable accommodation, obtain a transfer, or take PDL, you must give your employer sufficient notice for your employer to make appropriate plans. Sufficient notice means 30 days advance notice if the need for the reasonable accommodation, transfer, or PDL is foreseeable, otherwise as soon as practicable if the need is an emergency or unforeseeable.
- Provide a Written Medical Certification from Your Health Care Provider. Except in a medical emergency where there is no time to obtain it, your employer may require you to supply a written medical certification from your health care provider of the medical need for your reasonable accommodation, transfer or PDL. If the need is an emergency or unforeseeable, you must provide this certification within the time frame your employer requests, unless it is not practicable for you to do so under the circumstances despite your diligent, good faith efforts. Your employer must provide at least 15 calendar days for you to submit the certification. See your employer for a copy of a medical certification form to give to your health care provider to complete.
- Please note that if you fail to give your employer reasonable advance notice or, if your employer requires it, written medical certification of your medical need, your employer may be justified in delaying your reasonable accommodation, transfer, or PDL.

ADDITIONAL RIGHTS UNDER CALIFORNIA FAMILY RIGHTS ACT (CFRA) LEAVE:

You also may be entitled to additional rights under the California Family Rights Act of 1993 (CFRA) if you have more than 12 months of service with us and have worked at least 1,250 hours in the 12-month period before the date you want to begin your leave. This leave may be up to 12 workweeks in a 12-month period for the birth, adoption, or foster care placement of your child or for your own serious health condition (not related to pregnancy) or that of your child, parent or spouse. While the law provides only unpaid leave, employees may choose or employers may require use of accrued paid leave while taking CFRA leave under certain circumstances. For further information on the availability CFRA leave, please review your employer's Notice regarding the availability of CFRA leave.

This notice is a summary of your rights and obligations under the Fair Employment and Housing Act (FEHA). For more information about your rights and obligations as a pregnant employee, contact your employer, visit the Department of Fair Employment and Housing's Web site at www.dfeh.ca.gov, or contact the Department at (800) 884-1684 (voice or via relay operator 711), TTY (800) 700-2320, or [contact.center@dfeh.ca.gov](mailto:center@dfeh.ca.gov). The text of the FEHA and the regulations interpreting it are available on the Department of Fair Employment and Housing's Web site at www.dfeh.ca.gov.

DFEH-E09P-ENG / June 2017

ANNEX B

FAMILY CARE AND MEDICAL LEAVE (CFRA LEAVE) AND PREGNANCY DISABILITY LEAVE

THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

FAMILY CARE AND MEDICAL LEAVE (CFRA LEAVE) AND PREGNANCY DISABILITY LEAVE



Under the California Family Rights Act of 1993 (CFRA), if you have more than 12 months of service with us and have worked at least 1,250 hours in the 12-month period before the date you want to begin your leave, you may have a right to family care or medical leave (CFRA leave). This leave may be up to 12 workweeks in a 12-month period for the birth, adoption, or foster care placement of your child or for your own serious health condition or that of your child, parent or spouse. While the law provides only unpaid leave, employees may choose or employers may require use of accrued paid leave while taking CFRA leave under certain circumstances.

Even if you are not eligible for CFRA leave, if you are disabled by pregnancy, childbirth or a related medical condition, you are entitled to take a pregnancy disability leave of up to four months, depending on your period(s) of actual disability. If you are CFRA-eligible, you have certain rights to take BOTH a pregnancy disability leave and a CFRA leave for reason of the birth of your child. Both leaves contain a guarantee of reinstatement—for pregnancy disability it is to the same position and for CFRA it is to the same or a comparable position—at the end of the leave, subject to any defense allowed under the law.

If possible, you must provide at least 30 days' advance notice for foreseeable events (such as the expected birth of a child or a planned medical treatment for yourself or of a family member). For events that are unforeseeable, we need you to notify us, at least verbally, as soon as you learn of the need for the leave. Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until you comply with this notice policy.

We may require certification from your health care provider before allowing you a leave for pregnancy disability or for your own serious health condition. We also may require certification from the health care provider of your child, parent or spouse, who has a serious health condition, before allowing you a leave to take care of that family member. When medically necessary, leave may be taken on an intermittent or reduced work schedule.

If you are taking a leave for the birth, adoption, or foster care placement of a child, the basic minimum duration of the leave is two weeks, and you must conclude the leave within one year of the birth or placement for adoption or foster care.

Taking a family care or pregnancy disability leave may impact certain of your benefits and your seniority date. If you want more information regarding your eligibility for a leave and/or the impact of the leave on your seniority and benefits, please contact _____.

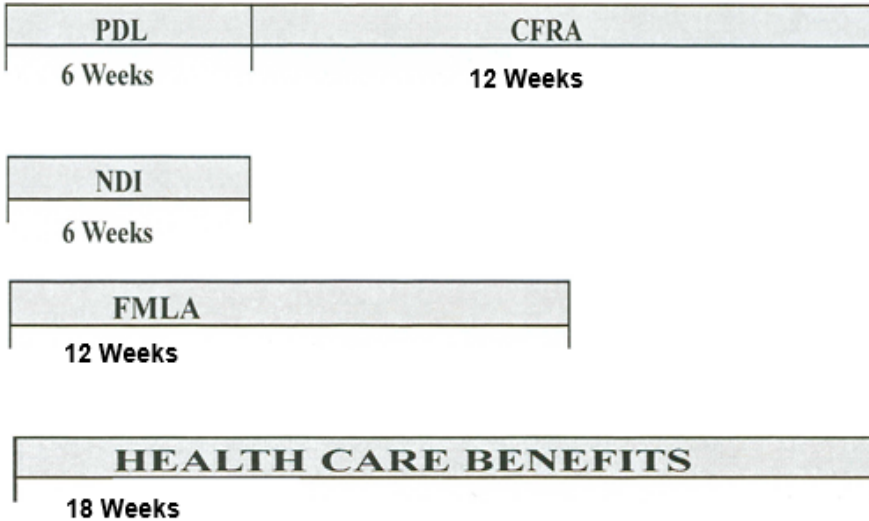
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ANNEX C

COORDINATION OF PREGNANCY DISABILITY LEAVE/FAMILY AND MEDICAL LEAVE ACT/CALIFORNIA FAMILY RIGHTS ACT LEAVE, HEALTH CARE BENEFITS, AND NONINDUSTRIAL DISABILITY INSURANCE

The example below represents a “normal” PDL of six weeks, followed by a CFRA bonding leave of 12 weeks.



Pregnancy Disability Leave for employee’s period of actual disability caused by pregnancy, childbirth, or related medical conditions (up to a maximum of four months, as medically needed). In this example, the employee’s pregnancy disability is six weeks. After PDL leave, an employee may also be entitled to 12 weeks of CFRA leave to bond with the child.

Six weeks of NDI benefits during pregnancy disability leave.

The FMLA overlap of six weeks for the PDL/NDI leave with a balance of six weeks FMLA. Employer health care benefits for the first 12 weeks of the employee’s FMLA/PDL leave (Which also includes the NDI disability period.)

Both CFRA and FMLA require that the employer continue paying for the employee’s “group health care” benefits. This obligation is only for a total of 12 work weeks of leave, whether taken under FMLA or CFRA or both. There is not a 12-week obligation to continue health care benefits under FMLA and then a separate 12-week obligation under CFRA.

Effective 12/30/12, the employer is required to continue paying for the employee’s “group health care” benefits for up to 17.33 weeks.

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ANNEX D

STATE DISABILITY AND OTHER LEAVE PROGRAMS

STATE DISABILITY AND OTHER LEAVE PROGRAMS

Below are various leave programs with definitions and timeframes that coordinate with the SDI Program. The following provides examples and scenarios of how these programs interact with each other.

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
-----	-----	-----	-----	-----	-----	-----	-----	------	-----	-----	-----

LOA

Leave of Absence (LOA) - Up to one year.

FMLA

Family Medical Leave Act (FMLA) - 12 weeks of job-protected coverage in a 12-month period for employee's own illness; family members' illness; or for bonding.

CFRA

California Family Rights Act (CFRA) - 12 weeks of job-protected coverage in a 12-month period for employee's own illness; family members' illness; or for bonding.

PDL

Pregnancy Disability Leave (PDL) - Up to a maximum of 4 months (17.33 weeks) for a pregnancy disability/birth.

DI*

Disability Insurance (DI) - Up to 52 weeks.

PFL*

Paid Family Leave (PFL) - 6 weeks in a 12-month period.

Health Care Benefits**

Health Care Benefits - Up to 12 weeks of employer-covered benefits under FMLA/CFRA. Up to 17.33 weeks under PDL. Up to 26 weeks of employer-covered health care benefits per the SEIU MOU. (Employee must be on the SDI Program.)

* DI and PFL = SDI Program

** Both CFRA, PDL and FMLA require that the employer continue paying for the employee's "group health care" benefits. This obligation is only for a total of 12 work weeks of leave, whether taken under FMLA or CFRA or both. When leave is taken under PDL, the obligation for the employer to continue paying for the employee's "group health" benefits is for up to 17.33 weeks. There is not a 12-week obligation to continue health care benefits under FMLA and then a separate 12-week obligation under CFRA.

NOTE: Per the MOU for SEIU-represented employees, the employer is required to continue paying for health care benefits up to 26 weeks.

ANNEX D

STATE DISABILITY AND OTHER LEAVE PROGRAMS *(continued)*

EXAMPLE #1 - NORMAL PREGNANCY

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
-----	-----	-----	-----	-----	-----	-----	-----	------	-----	-----	-----

LOA
18 weeks

FMLA
12 weeks

PDL 6 weeks | CFRA 12 weeks for Bonding

DI 6 weeks | PFL 6 weeks

Health Care Benefits
18 weeks

SCENARIO:

This employee is off work due to a normal pregnancy/birth of a child and has requested time off for bonding. The employee is also under the SDI Program. The following conditions apply to this employee:

- On a leave of absence for 18 weeks due to pregnancy/birth of a child;
- On FMLA for 12 weeks;
- On a PDL for 6 weeks;
- Bonding for an additional 12 weeks under CFRA;
- On DI for 6 weeks;
- On PFL for 6 weeks; and
- Covered for employer-paid health care benefits for 18 weeks under CFRA and PDL.

**ANNEX D
STATE DISABILITY AND OTHER LEAVE PROGRAMS (continued)**

EXAMPLE #2 - DISABILITY AFTER BIRTH OF CHILD

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
-----	-----	-----	-----	-----	-----	-----	-----	------	-----	-----	-----

LOA
27 weeks

FMLA
12 weeks

PDL 15 weeks | CFRA 12 weeks for bonding

DI 15 weeks | PFL 6 weeks | LOA 6 weeks

Health Care Benefits
27 weeks

SCENARIO:

This employee is off work due to a pregnancy/birth of a child and has a physician certification for additional time off work due to illness. This employee is also under the SDI Program. The following conditions apply to this employee:

- On a leave of absence for 27 weeks due to pregnancy disability/birth of a child;
- On FMLA for 12 weeks;
- On a PDL for 15 weeks;
- Bonding for an additional 12 weeks under CFRA;
- On DI for 15 weeks;
- On PFL for 6 weeks;
- On a leave of absence for 6 weeks; and
- Covered for employer-paid health care benefits for 18 weeks under CFRA and PDL.

The LOA, FMLA, employer-covered health care benefit, PDL and DI all run concurrently.

ANNEX D

STATE DISABILITY AND OTHER LEAVE PROGRAMS (continued)

EXAMPLE #3 - EMPLOYEE DISABILITY (e.g. Surgery)

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
-----	-----	-----	-----	-----	-----	-----	-----	------	-----	-----	-----

LOA 12 weeks	
FMLA 12 weeks	
DI 6 weeks	DI/WOR 6 weeks ½ work ½ DI
Health Care Benefits 12 weeks	

Employee is now permitted to use leave credits for absences unrelated to the disability. In addition, the employee may supplement up to 40 hours of leave credits.

SCENARIO:

This employee is offwork due to surgery and has a physician certification to work 4 hours per day. This employee is also under the SDI Program. The following conditions apply to this employee:

- On a leave of absence for 12 weeks;
- On FMLA for 12 weeks;
- On DI for 6 weeks;
- On DI for 6 more weeks half time while working half time; and
- Covered for employer-paid health care benefits for 12 weeks under FMLA, MOU, and SEIU provisions.

The LOA, FMLA, employer-covered health care benefits, and DI all run concurrently.