

What's Family Medical Leave Act

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave in a single 12-month period to eligible employees.

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

View leave entitlement details for [Military Family Leave](#).

Eligibility Requirements

You are considered to be an eligible employee of a covered employer if you meet ALL of the following conditions:

1. You have been employed by your employer for at least 12 months. (The 12 months of employment need not be consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement stating the company's intention to rehire the employee after the service break.)
2. You have worked for at least 1,250 hours during the 12-month period immediately before your leave began.
3. You are employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite.

Definitions

FMLA 12 Month Period- An employer is permitted to choose one of the following methods for determining the "12-month period" in which the 12 weeks of leave entitlement occurs:

- The calendar year
- Any fixed 12-month leave year, such as a fiscal year
- The 12-month period measured forward from the date any employee's first FMLA leave begins
- A rolling 12-month period measured backward from the date an employee uses any FMLA leave

The County of San Bernardino uses the rolling 12-month period measured *backward* for the FMLA circumstances described in the above table, and the rolling 12-month period measured *forward* for military caregiver leave.

Serious Health Condition- A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.



Eligible Events

| Event | Details |
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| <p>Birth of a son or daughter and to care for the newborn child</p> | <p>This applies to both the mother and the father. The expectant mother may take FMLA leave for prenatal care or if the pregnancy makes her unable to work prior to the actual birth of the child.</p> |
| <p>Placement with the employee of a son or daughter for adoption or foster care</p> | <p>This leave must be given before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed.</p> |
| <p>Care for a relative in the event of serious health condition</p> | <p>Care for the employee's spouse, son, daughter or parent (not parent-in-law) with a serious health condition.</p> |
| <p>Serious health condition that makes the employee unable to perform the functions of his/her job</p> | <p>Under FMLA, a serious health condition is an illness, injury or conditions that involves inpatient care in a hospital or medical care facility. Continuing treatment by health care provider would be considered a serious health condition if it cause incapacity for more than three (3) consecutive days with:</p> <ul style="list-style-type: none"> ▪ The first treatment takes place within 7 days of the onset of incapacity, and ▪ A second visit within 30 days of the incapacity <p>For chronic conditions requiring periodic health care visits, such visits must take place at least twice a year.</p> |
| <p>Qualifying exigency that arises out of the fact that employee's spouse, son, daughter or parent is on active duty in the military or has been notified of an impending call to active duty in support of a contingency operation of the Armed Forces</p> | <p>This leave may commence as soon as the individual receives the call-up notice. A qualifying exigency must be one of the following:</p> <ul style="list-style-type: none"> ▪ Short-notice deployment ▪ Military events and activities ▪ Child care and school activities ▪ Financial and legal arrangements ▪ Counseling ▪ Rest and recuperation ▪ Post-deployment activities ▪ Additional activities that arise out of active duty, provided that the County and you agree, including agreement on timing and duration of the leave |