

Absences & Leaves

Family and Medical Leave

The Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA) allow eligible employees to take up to 12 weeks per year of unpaid leave. Family and Medical Leave may be used for the birth, adoption, or foster care placement of a child; to care for a spouse, child, or parent with a serious health condition; for a serious health condition that renders the employee unable to perform the essential job functions of her/his position; for military caregiver leave as described below; or when a spouse, parent, or child has been called to active duty as described below.

Each employee with at least one continuous year of SCOE employment is entitled to unpaid Family and Medical Leave not to exceed 12 weeks within a 12-month period, unless a longer leave is approved by SCOE or the employee is eligible for military caregiver leave (described below). The 12-month period begins when the employee takes his/her first day of unpaid Family and Medical Leave.

SCOE will maintain an employee's health benefits, if any, during Family and Medical Leave on the same basis as if the employee was in paid status;

SCOE does not participate in the state disability insurance program, so employees are not covered by the state's Paid Family Leave Insurance program (also known as Family Temporary Disability Insurance) unless they are qualified through another employer.

FMLA and work-related injuries or illness

Family and Medical Leave runs concurrent with Workers' Compensation when an employee uses this type of leave due to a work-related injury or illness. For each day the employee is off work under Workers' Compensation, one day of Family and Medical Leave is subtracted from the 12-week maximum. Note that Family and Medical Leave is unpaid leave, but if an employee is off work due to an injury or illness that is determined to be work-related, SCOE pays the employee's salary for up to 60 days under the industrial injury/illness policy.

FMLA and military caregiver leave

If you are the spouse, parent, child, or next of kin (nearest blood relative) of a service member who has incurred a serious injury or illness while on active duty in the armed forces, you may take up to 26 weeks of leave in a single 12-month period to care for the injured service member. This "military caregiver leave" must be taken in combination with the Family and Medical Leave, which means that you would be eligible for a *total* of 26 weeks of leave.

FMLA during a family member's active duty

Employees with a spouse, parent, or child who is on or has been called to active duty in the armed forces may take up to 12 weeks of Family and Medical Leave per year.

Requests for such leave must be supported by certification showing that the service member has been called to active duty.

How to apply for Family and Medical Leave

To apply for leave under the Family and Medical Leave Act, complete an Extended Leave Request and forward the form to your supervisor, with a copy to Human Resources.