

# Absence Management Program Handbook

## Family Leave Policy Guidelines

County of Ventura Human Resources Department  
A Division of the County Executive Office

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## Preface

Information in this handbook is based on the federal Family and Medical Leave Act (FMLA) and its implementing regulations issued by the United States Department of Labor (DOL), and the California Family Rights Act (CFRA) and California Pregnancy Disability Leave Law (PDL) and their implementing regulations issued by the California Civil Rights Department (CCRD) (formerly the Department of Fair Employment and Housing).

These statutes provide employees with reasonable job-protected paid and unpaid leave for medical reasons and specified family care. These laws are intended to afford employees the ability to balance workplace demands with the needs of their families.

Due to the complexity of these leave provisions, this handbook is not intended to be the sole source of information. The administrative provisions of the County of Ventura's leave policy and status of benefits are subject to change if contracts, laws, and/or mandates change. Employees should check the Memorandum of Agreement (MOA) or Management Resolution (MR) that covers their respective job classification for further benefits and provisions available during a leave of absence. Also, there are leaves provided by statutes other than the FMLA, CFRA and PDL but they are not discussed in this handbook.

It is important that employees, supervisors, and managers understand that there is a shared responsibility to comply with the regulations set forth under FMLA, CFRA, and PDL. Employees are expected to adhere to attendance policies in addition to the guidelines set forth in the leave laws. For questions regarding FMLA, CFRA, or PDL, the employee should contact their agency/department Human Resources Representative.

This handbook is intended to be a resource for informational purposes only. Its contents are not legally binding, nor should they be considered a substitute for the language of statutes or regulations.



## Introduction to Protected Leaves

### Family Medical Leave Act (FMLA)

The federal Family and Medical Leave Act requires employers to provide unpaid, job-protected leave, job restoration, and continuation of health benefits in the event an employee or an employee's covered family member has a qualifying health condition. In 2010, the amended FMLA regulations included two (2) military family leaves known as "Caregiver Leave" and "Qualifying Exigency Leave." These leave provisions are to care for a covered servicemember with a serious injury or illness, and/or any qualifying exigency for a covered military member.

### California Family Rights Act (CFRA)

The California Legislature established the California Family Rights Act which contains family care and medical leave provisions for California employees. Like FMLA, the act was established to ensure secure leave rights, and it provides eligible employees with unpaid, job-protected leave for medical reasons and specific family care. Unlike FMLA, CFRA does not provide leave for disabilities or related medical conditions due solely to pregnancy or childbirth. In most cases, CFRA and FMLA leaves will run concurrently.

### Pregnancy Disability Leave (PDL)

The California Civil Rights Department (CCRD) contains a provision related to pregnancy leave (PDL). PDL provides employees with unpaid, job-protected leave due to pregnancy, childbirth, or a related medical condition. PDL will run concurrently with an FMLA leave (if eligible). Employees are entitled to take PDL in addition to any leave entitlement they may have under CFRA.

If an employee is disabled as the result of a condition related to pregnancy, childbirth, or associated medical conditions, and requests reasonable accommodation upon the advice of the employee's health-care provider, the employer will explore reasonable accommodation provided it has the means to fulfill the employee's request.



*Note: For questions regarding the County's Reasonable Accommodation Policy, contact your agency/department Human Resources Representative.*

## Eligibility, Qualifying Reasons, and Leave Entitlement

The FMLA and CFRA allow an eligible employee to take a maximum of 12 workweeks of leave in one 12-month period for one or more FMLA and/or CFRA qualifying reasons. The 12-month period is measured backward, using the “rolling” method. Under the “rolling” 12-month period, each time an employee takes FMLA/CFRA leave, the remaining leave entitlement would be the balance of the 12 weeks that has not been used during the immediately preceding 12 months.

### Eligible Employees

To be eligible for a leave of absence with the County of Ventura under FMLA/CFRA, an employee must:

- Be employed as a full-time, part-time, or intermittent employee with the County;
- Have worked at least 12 months for the County; and,
- Have worked at least 1,250 hours (work hours) during the 12-month period immediately preceding commencement of the leave.

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*Note: Work hours are defined by the Fair Labor Standards Act (FLSA). Also, employees are not required to re-qualify with 1,250 work hours when leave is taken for child bonding immediately following pregnancy disability.*

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### Qualifying Reasons

An employee may qualify for FMLA, CFRA, or both, depending on the qualifying reason. Once an employee meets the FMLA and/or CFRA eligibility requirement, leave can be taken for any of the following reasons:

Qualifying Reason	FMLA	CFRA
An employee’s own serious health condition	✓	✓
The serious health condition of family members:		
Child, Parent, Spouse	✓	✓
Registered Domestic Partner		✓
Adult child and/or the child of registered domestic partner		✓
Grandparent, Grandchild		✓
Sibling		✓
Designated Person		✓
Pregnancy or prenatal care	✓	
Bond with a new child (birth, adoption, or foster placement) within 1 year	✓	✓
Care for injured service member	✓	✓
Military “qualifying exigency”	✓	



## Amount of Leave Entitlement

**Full-time employees:** An eligible employee's leave entitlement is limited to a total of up to 12 workweeks of unpaid leave during any 12-month period.

**Part-time/Intermittent employees:** An eligible employee's leave entitlement is on a proportional basis. The amount of leave entitlement is based on the number of hours worked during the 12 months preceding leave commencement.

## FMLA for Armed Forces Members and Caregivers

- 26 workweeks of leave for the spouse, child, parent or next of kin of an Armed Forces member who is recovering from illness or injury or for a veteran who is recovering from an injury sustained within the last five (5) years.
- 12 workweeks for any "qualifying exigency" arising from a spouse, child, or parent's call to active duty.

## Pregnancy Disability Leave (PDL)

PDL is available to employees who become disabled due to pregnancy, childbirth, or related medical conditions. The PDL, FMLA, and CFRA all interact when an employee takes leave due to pregnancy. PDL provides up to a maximum of four months of disability leave per pregnancy.



## PDL Eligibility

There is no length of service or hours-worked requirement for PDL. To qualify for PDL, an employee must be "disabled by pregnancy," which means that a health care provider must certify that the employee's pregnancy or a related medical condition makes them unable to perform one or more of the essential functions of their job.

## PDL Amount of Leave Entitlement

A qualified employee must be provided a maximum of four months (17 and 1/3 weeks) of PDL leave, as needed, for the duration of the time an employee is disabled by pregnancy.

- FMLA leave runs concurrently with PDL, but CFRA leave does not. CFRA leave starts when PDL ends. This means that an eligible employee can take additional leave under CFRA for baby bonding once they exhaust their entitlement to PDL.

## Industrial Leaves

If an employee suffers from a work-related injury or illness, which is deemed compensable by the County's Workers' Compensation third-party administrator (TPA), the leave is considered an industrial leave. Industrial leave only applies if the employee is approved for such leave under California Labor Code section 4850 or if the employee is receiving Temporary Total Disability (TTD) or Temporary Partial Disability (TPD) benefits. Only specified public safety employees are eligible for 4850 benefits.

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*Note: If you believe you have an industrially related injury or illness, contact your supervisor and/or agency/department Human Resources Representative to request a workers' compensation claim form.*

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### Interaction of FMLA/CFRA and California Labor Code Section 4850

FMLA and/or CFRA cannot run concurrently with California Labor Code section 4850, which provides full benefits to certain public safety employees injured on the job. Such public safety employees who sustain a job-related injury are entitled to benefits under the provisions of California Labor Code section 4850 for a maximum of one year or when they return to work, whichever occurs first.

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*Note: To report a work-related injury, the employee is to contact their supervisor and/or agency/department Human Resources Representative.*

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If an employee files a Workers' Compensation claim, and that claim decision is delayed, the absence is deemed medical leave, alleged industrial leave pending determination, until the determination has been made. If the claim is later accepted, then the medical leave will be converted to industrial leave. If the claim is ultimately denied, the case will be assessed as a personal medical leave.

FMLA/CFRA and the applicable MOA or MR eligibility periods may run concurrently. An employee is not entitled to receive cash back from a flexible credit allowance during an UNPAID leave.

If provided in the MOA/MR that covers an employee's job classification, and if the employee is receiving TTD benefits, the County will continue to pay the amount it normally pays toward the employee's medical plan premium only. If both the employee and the County contribute to a specific plan, the employee's premium payment must be submitted before the County contribution can be paid. The County will not contribute amounts that are normally employee-paid by payroll deduction.

If TTD benefits cease and an employee has exhausted benefits under an UNPAID FMLA/CFRA and/or MOA/MR leave, the employee then becomes fully responsible for all health insurance premiums.



## Advanced Disability Pension

Public safety employees covered by Labor Code section 4850 who suffer on-the-job injuries may be eligible to receive Advanced Disability Pension (ADP) payments under California Labor Code sections 4850.3 and 4850.4.



These are payable by the County at the rate of half pension pay and tax free up to the point when the employee's first pension payments start. Certain eligibility criteria apply, including the employee's accepted Ventura County Employees' Retirement Association (VCERA) application for service-connected disability retirement, if an employee's disabling condition has reached the maximum medical improvement, and all other personal sick and vacation leave have been used, and 4850, and TD benefits have exhausted.

## Leave Usage

In most cases, an FMLA/CFRA/PDL leave is taken for a continuous period. Such leave is not broken up by a period of work and is continuous when an employee is absent for three consecutive working days or more. However, there may be medical reasons that require leave to be taken periodically.

### Intermittent Leaves

Under some circumstances, an employee may need to take an FMLA/CFRA/PDL leave intermittently or on a reduced work schedule. Intermittent leave is taken in separate periods of time for a single qualifying reason. The employee must make a reasonable effort to schedule their intermittent leave to not disrupt the work of the agency/department.

A reduced work schedule can be taken by reducing daily or weekly work hours. There must be a medical necessity for such a leave and such medical need can be best accommodated through an intermittent or reduced work schedule.

Only the amount of leave actually taken may be counted against an employee's leave entitlement.

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*Note: The County may proportionally reduce benefits (such as vacation accrual, sick leave accrual, etc.) when an employee chooses a reduced work schedule.*

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### Medical Treatments/Appointments

When leave is needed for planned medical treatments/appointments, a reasonable effort should be made to schedule treatments/appointments so as to minimally disrupt agency/department operations, in accordance with the medical certification. Employees are ordinarily expected to consult with their agency/department prior to scheduling treatment to work out a treatment schedule that best suits the needs of both the agency/department and the employee.

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*Note: Agency/department Human Resources Representatives can request that an employee provide the agency/department with the health care provider's hours of operation, appointment times for treatment, and applicable locations.*

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If an employee who provides notice of the need to take FMLA and/or CFRA leave on an intermittent basis for planned medical treatment neglects to consult with management to make a reasonable attempt to arrange the schedule of treatment to not disrupt the agency/department's operation, management may initiate discussion with the employee to attempt to make such arrangements.

## Child Bonding, Placement for Adoption/Foster Care

Leave taken for child bonding, adoption, or foster care placement of a child does not have to be taken in one continuous period of time. The basic minimum duration of leave, under CFRA, shall be two (2) weeks. However, an employee may take a leave of less than two (2) weeks' duration on any two (2) occasions.



Any additional requests for intermittent leave or a reduced work schedule for child bonding, adoption, or foster care placement of a child are subject to approval by the agency/department as a personal leave.

## Other Leave Types

**Emergency Rescue Personnel Leave** – If an employee performs emergency duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel:

- The employee may be eligible to take temporary unpaid leave time of up to 14 days per calendar year; AND
- For the purpose of engaging in fire, law enforcement, or emergency rescue training (as defined in California Labor Code section 230.03).

**California Bone Marrow/Organ Donation Leave**– If an employee takes a leave for the purpose of organ or bone marrow donation.

- A leave of absence not exceeding 30 business days to an employee who is an organ donor in any one-year period, for the purpose of donating the employee's organ to another person. The one-year period is measured from the date the employee's leave begins and shall consist of 12 consecutive months.
- A leave of absence not exceeding 5 business days to an employee who is a bone marrow donor in any one-year period, for the purpose of donating the employee's bone marrow to another person. The one-year period is measured from the date the employee's leave begins and shall consist of 12 consecutive months.
- This leave shall not be taken concurrently with FMLA/CFRA entitlements.

## Leaves Which Do Not Qualify as Protected Leave

Leaves taken for the reasons listed below do not qualify as a protected leave, unless otherwise stated.

- Personal Leave – If an employee takes a leave for personal reasons.
- Educational & Academic Leave – If an employee takes a leave to further their education.
- Organizational Leave – If an employee takes a leave to conduct union business.

## Employee Responsibilities

The employee must promptly inform their supervisor and/or agency/department Human Resources Representative of the need for an FMLA/CFRA leave and the duration of such leave, if known. The employee may do this by requesting an FMLA leave specifically and completing a *Leave of Absence Request Form* or by providing sufficient information which allows an agency/department to determine that the absence may be due to an FMLA/CFRA-qualifying reason.

Foreseeable Leave	Unforeseeable Leave
When leave is foreseeable (e.g., expected date of birth or planned medical treatment), the employee must provide management at least 30 days' advance notice before FMLA and/or CFRA leave is to begin.	If 30 days' notice is impossible due to lack of knowledge or an emergency, notice must be given as soon as possible (same day or next business day), absent extenuating circumstances.

### Complete and Return the Required Forms

It is the employee's responsibility to complete and return all the required leave forms provided by the County. The employee will generally be expected to return the forms within 15 days of receipt for any of the leave entitlements to apply.

### Reporting Leave Time

The employee must always comply with their agency/department's "call-in" procedure and leave of absence request guidelines.

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*Note: If an employee is absent from work without authorization for three consecutive days or two consecutive 24-hour work shifts, the County may, without any notice, deem that the employee has voluntarily abandoned their job under Article 22, Section 2203, of the County of Ventura's Personnel Rules & Regulations.*

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### Continue to Timely Pay Insurance Premiums

If the employee's leave is on an unpaid status, the employee may be responsible for paying their share of insurance premiums (medical, dental, vision, health care flexible spending account, and optional life). If the employee has an insurance premium responsibility, the County uses a direct bill service from a direct bill administrator. The employee will receive a "Welcome Notice" that will explain the employee's share of costs for each bi-weekly period covering an approved unpaid leave of absence.

## Employer Responsibilities

The determination of FMLA, CFRA, or PDL must be based only on the information received from the employee, or the employee's spokesperson, in the event the employee is unable to communicate directly. If an employee requests to use vacation or other paid accrued time off without referencing the need for family leave, the agency/department may not ask whether the employee is taking time off for a family leave qualifying reason. However, if the employer denies the request and the employee then provides information that the requested time off is or may be for an FMLA and/or CFRA-qualifying reason, the agency/department may inquire further into the reasons for the absence.

### Eligibility Notification and Designation

The County is required to provide notice and information about protected leaves to its employees upon hire. Additionally, FMLA, CFRA, and PDL posters are displayed in designated areas within each agency/department.

Employees requesting an FMLA/CFRA leave are entitled to receive written notice of:

- Leave eligibility within five (5) business days of receipt of employee's request for leave or knowledge that an absence may be for a qualifying reason, and, if not eligible, a reason as to why the employee is ineligible (e.g., required work hours not met).
- The employee's rights and responsibilities in connection with the leave.
- The certification/documentation required to designate/approve the leave.

Employees are also entitled to receive written notice of:

- Leave status (e.g., approval) within 5 business days of receipt of the required certification/documentation, and if not approved, a reason for the delay (e.g., certification deficiencies) or denial.

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*Note: A certification can be deemed incomplete or insufficient if the information is vague, ambiguous, or non-responsive. Deficiencies not corrected within the specified period of time may result in leave denial.*

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### Retroactive Designation

Absences may be retroactively designated as an FMLA/CFRA or PDL leave when the agency/department has enough information that an employee's leave is due to a qualifying FMLA, CFRA, or PDL reason/medical condition. If applicable and with appropriate written notice to the employee, the absence will be retroactively designated and counted against FMLA, CFRA, or PDL leave entitlement.

*Note: Retroactive Designation may impact an employee's benefits*



## Returning From Leave

The employee is required to return to work on the date indicated on the approved leave of absence request. The employee may be required to provide their supervisor with a medical release statement from their health care provider. A release to return to work is a statement from the employee's health care provider stating that the employee is able to resume their job duties. The County reserves the right to request a Fitness for Duty Certification, under limited circumstances.

### Interactive Process

The interactive process is a meeting, in person, by phone, or virtually, between the employee and the employer. The interactive process is a discussion to share information to identify an effective accommodation. The interactive process allows communication, in good faith, to find reasonable accommodation that allows the employee to perform the essential functions of their job. Good faith implies ongoing communication (documented) in various forms.

In an effort to provide an effective reasonable accommodation, some cases may require multiple meetings. The interactive process is a cooperative effort in a neutral environment. County agencies/departments should document the interactive process meeting(s) and send the employee an interactive process confirmation document summarizing the discussion points and a "plan of action" with the appropriate follow-up date. Being respectful, courteous, and objective when communicating with employees is crucial to establishing and maintaining ongoing good faith interaction throughout the process.

The agency/department Human Resources Representative, manager, and/or designee is responsible for conducting and coordinating the interactive process meeting. This responsibility includes documenting the meeting and following up on the plan of action whenever possible to ensure a productive meeting. The agency/department Human Resources Representative should:



Obtain all current medical certification(s)



Verify employee's current work status



If the restrictions are the result of a Workers' Compensation claim, contact the TPA to obtain current claim status



Work with employee's supervisor and administration to identify potential temporary tasks that adhere to the employee's known restrictions



Prepare the interactive process document and gather all relevant documents, as appropriate



Invite the employee and agency/department representative to the interactive process meeting

The Interactive Process meeting includes:

- Discussion and review of essential job functions;
- Review of medical certification and accommodation request; and
- Cooperative discussion to achieve an appropriate resolution to the employee's status

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*NOTE: The interactive process does not require an employee to disclose their diagnosis and should focus on medically certified work restrictions. Agencies/departments do not have to provide the exact accommodation requested by the employee but should consider the employee's preference in identifying an effective and reasonable accommodation. Additionally, the accommodation process normally relates to the Americans with Disabilities Act (ADA) and FEHA, and therefore, it is important to keep issues relating to discipline outside of the interactive process.*

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## Temporary Modified Work Assignments

Time spent performing “modified work” in a temporary modified work assignment does not count against an employee's FMLA/CFRA/PDL leave entitlement unless the employee is also working a reduced schedule or otherwise utilizing intermittent leave under those statutes. Additionally, the employee will continue to occupy their regular position while performing temporary modified work.

Note: If an employee is on industrial leave (Workers' Compensation) and chooses not to accept a temporary modified work assignment (based on work restrictions provided by their health care provider), the employee may lose their Workers' Compensation benefits. However, the employee may continue to remain on FMLA/CFRA leave, if eligible.



## Reinstatement Following Leave

An employee who returns to work from an FMLA/CFRA/PDL leave, will be restored to their same position, or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment.

There may be circumstances in which a returning employee's health care provider certifies that an employee is unable to perform the essential functions of their position because of a mental or physical condition, including the continuation of a serious health condition. In this situation, management will take into account the County's obligation and the employee's rights under the Americans with Disability Act (ADA) and/or the Fair Employment and Housing Act (FEHA).



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*Note: Consideration is encouraged before denying reinstatement to an employee returning from FMLA, CFRA, or PDL leave. It is highly recommended that agencies/departments consult with the agency/department Human Resources Representative before denying reinstatement under these circumstances.*

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## Medical Certification

Depending on the nature of the requested leave, employees are required to submit certification supporting the need for an FMLA/CFRA or PDL qualifying leave. Employees are also responsible for providing timely, completed, and sufficient certification within 15 calendar days of receiving a Notification of Leave from their agency/department Human Resources Representative.

If an employee provides a complete certification, signed by the health care provider, the agency/department may not request additional information beyond what is required by the certification form. The agency/department may seek authentication of the medical certification in accordance with Health Insurance Portability and Accountability Act (HIPAA), by contacting the health care provider with the employee's permission.

The medical certification shall include (where appropriate):

- The date on which the employee or their family member's serious health condition commenced and duration of the medical condition;
- The estimated period of time the employee will be unable to perform the essential functions of their job;
- It is medically necessary for the employee to provide care for the employee's family member;
- That the employee's medical condition is due to pregnancy/childbirth or related condition;
- That the employee has been hospitalized overnight or that the employee or their family member is under the continuing care of a health care provider;
- If intermittent leave, a reduced work schedule or follow-up visits are medically necessary;
- The duration and frequency for absences/flare-ups or follow-up medical visits.

*Note: Employees requesting a PDL leave only (ineligible for FMLA/CFRA) are required to submit timely, completed, and acceptable supporting medical documentation from their health care provider. If an employee's FMLA/PDL leave is foreseeable and the employee has provided a 30-day advance notice, the employee must provide any requested medical documentation prior to the commencement of the leave.*

## Certification Following Pregnancy Leave

Medical documentation which certifies that the employee is no longer disabled due to pregnancy/childbirth/related medical condition is needed to begin the "child bonding" leave as provided under CFRA.

*Note: At the end of the employee's period(s) of pregnancy disability, or at the end of four months of pregnancy disability leave, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 workweeks for reason of the birth of the employee's child if the child has been born by this date.*

## Recertification

The agency may request the employee provide a recertification no more often than every 30 days and only in connection with an absence by the employee. If a certification indicates that the minimum duration of the serious health condition is more than 30 days, the agency/department must generally wait until that minimum duration expires before requesting recertification. However, in all cases, including cases where the condition is of an indefinite duration, the agency/department may request a recertification for absences every six months.

The agency/department may request a recertification in less than 30 days only if:

- The employee requests an extension of leave;
- The circumstances described by the previous certification have changed significantly; or
- The agency/department receives information that causes it to doubt the employee's stated reason for the absence or the continuing validity of the existing medical certification.

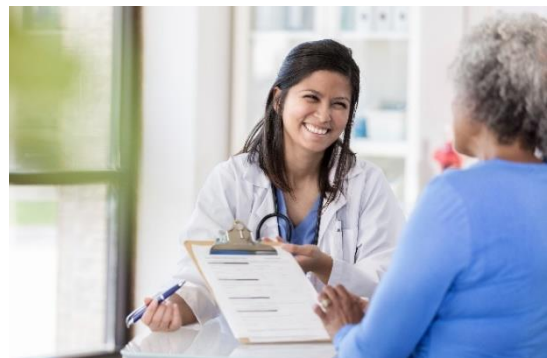
In general, the agency/department may ask for the same information in a recertification as that permitted in the original medical certification. However, the agency/department may provide the health care provider with a record of the employee's absences and ask if the serious health condition and need for leave is consistent with the leave pattern. The health care provider may also be asked to review a Description of Employee's Essential Job Functions for the employee's position to determine their ability to return to work and perform the essential job duties. The employee is responsible for paying the cost of a recertification. In most circumstances, the agency/department must allow the employee at least 15 calendar days to provide the recertification after the employer's request.

Employees with medical conditions lasting longer than one year will require a yearly certification for their FMLA/CFRA leave, must meet eligibility requirements, and may transition into the Position Management Program (PMP).

## Incomplete and Insufficient Certification

Whenever an agency/department finds any medical certification "incomplete" or "insufficient," the agency/department must give the employee a written notice stating what additional information is necessary to make the certification complete and sufficient.

- A certification is considered **incomplete** if one or more applicable entries are incomplete.
- A certification is considered **insufficient** if the information provided is vague, ambiguous, or nonresponsive.





## Authentication and Clarification of Certification

In order to authenticate or clarify a certification, the employee's agency/department Human Resources Representative may contact the employee's health care provider after the employee has been given an opportunity to correct any deficiencies.

- **Authentication** means providing the health care provider with a copy of the certification and confirming that the information contained on the certification form was completed and/or authorized by the health care provider who signed the document.
- **Clarification** means contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of a response.

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*Note: The employee has an obligation to cooperate in the certification process. Additionally, the employee is responsible for providing clarification of the certification, if necessary, within a specified period (seven calendar days). No additional medical information may be requested in the authentication and clarification process.*

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## Fitness for Duty Certification

Under certain circumstances (e.g., reasonable safety concerns) an employee may be notified that a fitness for duty certification is necessary for their return to work from an FMLA/CFRA leave of absence.





## PAID Leave vs. UNPAID Leave

FMLA, CFRA, and PDL leave(s) are unpaid. However, an employee may substitute paid leave for unpaid leave, but the substitution will not extend the length of the FMLA, CFRA, or PDL entitlement. The employee must elect either a paid leave or an unpaid leave prior to taking a leave of absence. The County allows employees to elect to use accrued time to cover any FMLA, CFRA, or PDL leave(s).

Any accrual hours that have accumulated during the course of an approved leave of absence are available to be utilized on the employee's same leave.

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*Note: Employees are not entitled to receive cash back from the flexible credit allowance during an UNPAID leave or opt-out.*

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If an employee would like their leave to be **PAID** or **UNPAID**, they must:

- Complete the section on the Ventura County Leave of Absence Request, "During this leave or extension I request PAID or UNPAID leave," and complete the Leave of Absence Payroll Instructions Form.
- Submit the Leave of Absence Payroll Instructions Form for all pay periods of PAID or UNPAID leave.
- Use the appropriate leave hours equal to their full work schedule during the benefit waiting period and any periods not covered by disability benefits.
- Annual Floating Holiday leave hours may not be split over multiple days.

Many employees are eligible for some type of disability insurance to protect against wage loss due to illness or injury. Disability plans do not pay an employee's full salary during periods of disability and most plans have a Benefit Waiting Period (BWP) before any benefit is payable.

The County also provides leave time (can include sick leave, vacation leave, annual leave, floating holiday, and comp time) that an employee may use to continue full pay during the disability benefit waiting period. Most employees benefit from using their leave bank hours to integrate with disability plans in order to receive up to full pay during periods of disability.

The County's integration policy provides that employees may use leave bank hours in conjunction with disability benefits that result in the employee's full biweekly base pay. The policy prevents employees from using leave hours that result in pay that is greater than their biweekly base rate.

If an employee chooses a PAID leave, they must use the appropriate number of leave bank hours as described below from the beginning of the leave. The appropriate use of leave bank hours must be because of and consistent with the type of leave granted. An employee may stop a PAID leave and begin an UNPAID leave at any time during their leave, but they must provide written notification to their Payroll Representative.

If an employee is on a PAID leave and experiences any change to disability benefits, they should immediately contact their Payroll Representative to determine if this will cause a change in the number of hours or type of leave bank time that may be used.

An employee may choose to use accrued hours from their leave banks if allowed under the MOA or MR that covers the employee's job classification and with agency/department approval.

With advance agency/department approval, an employee may use specific amounts of leave bank hours during the following types of leaves:

- **MEDICAL LEAVE** – An employee may use sick leave, vacation leave, annual leave, and comp time hours in amounts equal to the amount they are scheduled to report biweekly, *LESS ALL DISABILITY BENEFITS TO WHICH THEY ARE ENTITLED.*
- **PREGNANCY DISABILITY LEAVE** – Same as stated under medical leave, however, all sick leave usage and integration of leave bank hours with disability ends as soon as the disability benefits end. If an employee would like to continue a PAID leave after their disability benefits end, they may use vacation, annual leave, and comp time, in amounts equal to their full biweekly work schedule. An employee may not use sick leave hours once disability benefits have ended.
- **FAMILY MEDICAL LEAVE** – If an employee qualifies for family sick leave usage and if they have not exhausted their family sick leave hours for the year, they may use family sick leave hours subject to the maximum allowed (which are deducted from their personal sick leave bank). The employee may also use vacation, annual leave, and comp time in conjunction with family sick leave (if any), which are equal to their full biweekly work schedule. If the employee is eligible for and will receive Paid Family Leave (PFL) Insurance, they may use accruals in amounts equal to the amount they are scheduled to report biweekly, *LESS ALL PFL BENEFITS TO WHICH THE EMPLOYEE IS ENTITLED.*
- **BONDING, ADOPTION, AND FOSTER CARE PLACEMENT LEAVES** – An employee may use vacation, annual leave, and comp time hours, which are equal to the employee's full biweekly work schedule. If the employee is eligible for and will receive Paid Family Leave (PFL) Insurance, the employee may use accruals in amounts equal to the amount they are scheduled to report biweekly, *LESS ALL PFL BENEFITS TO WHICH THE EMPLOYEE IS ENTITLED.* The employee may not use sick leave hours.
- **MILITARY LEAVE** – If the employee qualifies, they will receive full pay for their regularly scheduled workdays which fall within a 30-day calendar period each fiscal year as regular payroll. The County fiscal year begins on July 1 and runs through June 30. After 30 days of paid Military Leave is exhausted, the employee may use vacation, annual leave, comp time, holiday hours, or leave without pay, which are equal to the employee's full biweekly work schedule.
- **EMERGENCY RESCUE PERSONNEL LEAVE** – An employee may report leave without pay or use vacation, annual leave, comp time and holiday hours which are equal to their full biweekly work schedule.

- **ORGAN AND BONE MARROW DONATION LEAVE** – An employee may use sick leave, vacation leave, annual leave, and comp time hours in amounts equal to the biweekly amount the employee is scheduled to report.
- **PERSONAL/EDUCATIONAL/ACADEMIC LEAVES** – An employee may use vacation, annual leave, comp time, or holiday hours that equal their full biweekly work schedule.
- **DISCIPLINARY SUSPENSION** – A disciplinary suspension is UNPAID.
- **ORGANIZATIONAL LEAVE** – This type of leave is always UNPAID.
- **INTERMITTENT LEAVE** – This type of leave is always UNPAID, unless the employee has filed a Waiver of Disability Benefits form. Otherwise, the employee may use sick leave, vacation leave, annual leave, and comp time hours in amounts equal to the biweekly amount they are scheduled to report.

Employees should refer to the MOA/MR that covers their respective job classification for eligibility to use accrued vacation leave, annual leave, or comp time hours, after exhausting all accumulated sick hours.



## Health Insurance Benefits During a Leave

Group health insurance coverage will be maintained while an employee is on an FMLA/CFRA/PDL leave of absence under the same terms and conditions as if the employee had continued to work. Employees who contribute toward group health insurance will continue their biweekly contributions while on leave.

Eligible health insurance plans include medical, dental, vision and health care flexible spending accounts if the employee is enrolled when the leave begins. If both the employee and the County contribute to a specific plan, the employee's premium payment must be paid before the County contribution can be credited. The County will not contribute amounts that are normally employee-paid by payroll deduction. The employee will not be entitled to any cash back from the flexible credit or opt-out allowance during an UNPAID leave.

An employee is eligible for MOA or MR benefits if:

- The employee's agency/department has approved their leave; AND
- The employee's accruals exhaust and their leave is UNPAID for one full pay period or more; AND
- The MOA/MR that covers the employee's job classification allows for MOA/MR benefit contribution for their approved type of leave.

If an employee wishes to continue health plan coverage(s) during any type of leave, and is NOT on FMLA/CFRA/PDL, the employee may be responsible for the entire premium. Premium deductions will continue as long as the amount of compensation the employee receives, based on their leave bank usage, is sufficient to cover employee contributions.

Employer-paid health insurance contributions do not apply while on an ADA/FEHA accommodation leave unless the employee is utilizing paid leave, still eligible for provisions under the respective MOA or MR that represents their job classification, and the MOA/MR allows for continuation of health insurance contributions.

## Other Optional Benefits

Flexible Spending Account (FSA) participants may continue to initiate claims for reimbursement of expenses for services only during those periods of time that contributions were made to an employee's account. If the employee does not continue to make semi-monthly contributions during their leave, coverage will resume on the next 1<sup>st</sup> or 16<sup>th</sup> of the month following return to work.

If an employee has a Dependent Care Flexible Spending Account, unless the entire leave will be unpaid, the employee may complete an Enrollment & Change Form and Mid-Plan Year Change Request form to drop the account when the leave starts, and complete another set of forms upon return, to reinstate. The employee may not file claims for services incurred while not working.

If covered by the County's Optional Life Insurance Plans (through MetLife Insurance Company), the employee may continue that coverage during a leave (up to the maximum period listed below) by paying the entire premium.

- Employees on a Medical/Pregnancy (non-industrial leaves) leave may continue coverage for a maximum of one year.
- Employees on approved Industrial leave may continue coverage for the entire approved leave period while receiving Temporary Total Disability or 4850 benefits.
- Employees who become permanently and totally disabled and are under the age of 60, may apply for a waiver of premium. Applications can be requested by contacting the LOA Benefits Team at [LOA.Benefits@ventura.org](mailto:LOA.Benefits@ventura.org) or by calling (805) 677-8785.

If optional life coverage terminates while an employee is on a leave, the employee may re-apply for optional life insurance upon return to work. This new application is subject to medical and underwriting review by the County's life insurance carrier. Approval of the application is not guaranteed.

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*Note: If coverage lapses during an employee's FMLA/CFRA/PDL leave, no new application is needed upon return from leave, unless the employee remains out on leave past the expiration of FMLA/CFRA/PDL benefits. Uncollected premiums will be payroll-deducted from the first check/advice following return from leave of absence.*

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If enrolled in the County Deferred Compensation Program, the employee should contact the Deferred Compensation Coordinator at [Deferred.Compensation@ventura.org](mailto:Deferred.Compensation@ventura.org) or by calling (805) 654-2620, before the leave begins. The employee should consider the impact on their 401(k) & 457 contributions, 401(k) match, and 401(k) loan(s).

## Direct Bill Service

If an employee has reached or has requested an unpaid leave status, the employee will no longer have health benefits payroll deducted from their check/advice. The County now uses a Direct Bill Service from the direct bill administrator. The employee will receive a "Welcome Notice" that will breakdown the employee's share of costs for each biweekly period (while most months have two biweekly pay periods, some months have three biweekly pay periods).

The employee will no longer remit leave of absence premiums directly to the County. The direct bill administrator offers various remittance options, including the most popular method of Automated Clearing House Network (ACH) from the employee's checking account with no fee. This will require an automatic recurring biweekly payment to be set up. Many employees have requested to have debit and credit card options and this is now available with a convenience fee.

The employee can also mail in their check with the payment "Remittance Coupon." Registration instructions for the portal are listed on the Welcome Notice. The employee can create a login

username on the Optum Financial Member Portal, set up ACH, and obtain more information. The election/grace period is 30 days from the first premium due date.

Premiums made after the 30-day election/grace period may be accepted, but the employee will be required to file an appeal. Their circumstances will be evaluated and all “true-up” premiums will become due for an appeal to be considered. Under no circumstances will appeals be considered 60 days after the next premium due date. If applicable, premiums paid by check will be refunded after an employee’s check has cleared their bank.

If the direct bill administrator does not receive an employee’s premium payment by the election/grace period end date, coverage will be retroactively terminated, and the employee will become responsible for any services obtained after the termination date. If an employee’s health insurance plan(s) sustain a lapse in coverage during an approved leave of absence, the plan(s) will be reinstated at the beginning of the pay period following the employee’s return, provided health insurance premium(s) have resumed on the employee’s check/advice.

For questions about premium amounts due, please contact Optum Financial by calling their Customer Service phone number and/or by emailing them as instructed in the Welcome Notice.

All other questions and problems should be addressed to [LOA.Benefits@ventura.org](mailto:LOA.Benefits@ventura.org) or by calling the LOA Benefits Team at (805) 677-8785. Self-Service information, additional contacts, and forms are available on the County’s website: [hr.ventura.org/benefits/absence-management-disability-plans](http://hr.ventura.org/benefits/absence-management-disability-plans)



California Health Care Mandate effective January 1, 2020 - The Minimum Essential Coverage Individual Mandate requires Californians to obtain and maintain qualifying health insurance coverage. Those who choose to go without coverage could face a financial penalty unless they qualify for an exemption

For more information about the penalty is available here: [ftb.ca.gov/about-ftb/newsroom/health-care-mandate/?WT.mc\\_id=akHCM1](http://ftb.ca.gov/about-ftb/newsroom/health-care-mandate/?WT.mc_id=akHCM1)



## Leave of Absence Frequently Asked Questions

- Q. How much leave am I entitled to under the Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA)?
- A. If you are an eligible employee, you are entitled to 12 workweeks or 26 workweeks (under National Defense Authorization Act (NDAA)) of leave during a 12-month period.
- Q. What are the eligibility requirements to qualify for protected leave under FMLA or CFRA?
- A. An employee must have: 1) an aggregate of 12 months of County service, which need not be consecutive; 2) worked at least 1,250 hours during the 12-month period immediately preceding the first day of leave; and 3) a qualifying leave reason.
- Q. How much notice do I have to provide before taking FMLA/CFRA leave?
- A. When the need for leave is foreseeable (e.g., based on an expected birth, placement for adoption or foster care, planned medical treatments), you must give at least 30-days' notice. If a 30-day notice is not practicable, you are required to provide notice "as soon as practicable." This also applies to employees seeking a leave due to a qualifying exigency (military family leave), regardless of how far in advance such leave is foreseeable.
- Q. Does Workers' Compensation leave count against an employee's FMLA/CFRA leave entitlement?
- A. In most cases, FMLA, CFRA, and Workers' Compensation leave can run concurrently provided the reason for the leave is due to the employee's serious health condition.
- Q. An employee has been gone for two weeks and has sent in notes from his doctor stating that he has a serious health condition. We did not designate the time as FMLA and CFRA when he first went out. What do we do?
- A. The time must be designated as FMLA and CFRA time. The designation will have to begin from the first day that the employee was absent. Please consult your agency/department Human Resources Representative for guidance.
- Q. What is the deadline for submitting a medical certification?
- A. An employee must provide medical certification to the employer within 15 calendar days after the employer's request, unless it is not practicable under the circumstances to do so despite the employee's diligent, good faith efforts.
- Q. How does the FMLA and/or CFRA relate to other laws and union contracts?
- A. The FMLA grants employees' rights that are independent of other laws and union contracts. If other federal and state laws or a union contract provide a greater benefit than the FMLA and/or CFRA, the employer is obligated to provide the greater benefit to the employee.

- Q. Is there a minimum duration for CFRA leave taken for baby bonding?
- A. Yes. The minimum duration of CFRA leave for baby bonding is two weeks. However, employees are entitled to take CFRA leave for less than two weeks on two separate occasions only unless the department has developed a policy that allows CFRA baby bonding leave to be taken in shorter increments. Any leave taken shall be concluded within one year of the birth or placement of the child with the employee.
- Q. Do pregnant employees have to be disabled to qualify for PDL?
- A. To qualify for PDL, an employee must be “disabled by pregnancy,” which means that a health care provider must certify that the employee’s pregnancy or a related medical condition makes them unable to perform one or more of the essential functions of their job, or to perform these functions without undue risk to themselves, the successful completion of their pregnancy, or to others.
- Q. We have an employee who shows up late every day without calling in and says they cannot be disciplined because they are on intermittent FMLA leave. Is that true?
- A. No. While on FMLA and/or CFRA, employees are required to adhere to their departmental call-in policies, just as other employees in similar situations, unless extraordinary circumstances (such as incapacity) prevented the employee from calling in.
- Q. Are student workers and intermittent employees covered by FMLA and/or CFRA?
- A. Yes. As long as an employee-employer relationship exists, FMLA and/or CFRA leave is available to students and temporary employees provided they meet the eligibility requirements of 12 months of service and 1,250 worked hours in the preceding 12 months.
- Q. Can an employee take FMLA and CFRA leave for placement of a child for adoption or foster care?
- A. Yes. FMLA and CFRA leave can be taken if the absence is necessary for the placement of a child for adoption or foster care. For example, the adoptive or foster parents may be required to attend counseling sessions, appear in court, consult with attorneys or physicians, or submit to physical examinations.
- Q. Does the medical certification have to state that the employee cannot perform all the essential functions of their job or can it be only one of the functions? If it is only one function the employee cannot perform, does the County have to grant FMLA/CFRA leave if the County makes “reasonable accommodations” for the employee?
- A. The DOL regulations state that an employee is considered unable to perform the functions of their position if the employee cannot perform one or more of the essential functions of the job held by the employee at the time the FMLA/CFRA leave is requested. FMLA/CFRA must be granted, if the employee meets the eligibility requirements, without regard to “reasonable accommodation.” The DOL has stated that “reasonable accommodation” is irrelevant for purposes of the FMLA.

- Q. Is there a limit to the number of times an employee can take FMLA/CFRA leave in a 12-month period?
- A. No. The only limit is the maximum entitlement of 12 workweeks or 26 workweeks (under NDAA) in a 12-month period.
- Q. A few employees have told me that another employee currently on FMLA leave is not truly sick. Can I cancel the employee's FMLA leave and order the employee back to work?
- A. No. The agency/department's designation decision must be based only on information received from the employee or the employee's spokesperson (if the employee is incapacitated). If the agency/department received information that casts doubt upon the continuing validity of the medical condition the agency/department may request medical re-certification. We recommend consulting your agency/department Human Resources Representative.
- Q. I have an employee who wants to use their own benefit time for the first six weeks they are out recovering from surgery. The employee wants to delay the start of FMLA/CFRA so the County will cover their benefits after they run out of time. Can I do that?
- A. No, you cannot delay the start of their FMLA/CFRA leave for that reason. The FMLA/CFRA begins the first day the employee goes out for a serious health condition regardless of whether they are using their own time or not.
- Q. Our employee has utilized four months of PDL leave prior to giving birth and their doctor says that a continuation of leave is medically necessary. What can I do?
- A. In this circumstance, the employer also has an obligation to engage in the interactive process with respect to providing leave as a reasonable accommodation under the ADA and FEHA. A Medical Leave of Absence may be offered under ADAA and CFRA may be reserved for bonding with a newborn.
- Q. An employee has submitted a Medical Certification requesting intermittent FMLA/CFRA. The Medical Certification does not provide sufficient information such as the frequency and duration or the leave start and end dates to make a determination for eligibility. What can I do?
- A. It is recommended that you consult your agency/department's Human Resources Department. The Human Resources Representative can consult with the employee regarding areas where the medical certification is incomplete and/or missing and will describe timeframes associated with providing the necessary information to determine if a request can be approved.

## Benefits Frequently Asked Questions

- Q. What happens to my health benefits when I return from leave of absence?
- A. Upon your return, you will be returned to an active status as an employee. This will insure you receive a check/advice and your health coverage(s) will be uninterrupted or will resume, if you have had a lapse in coverage(s).

If you canceled a Dependent Care Flexible Spending Account prior to your leave, you must complete an Enrollment & Change Form and Mid-Plan Year Change Request form to elect to contribute to the account again. Review the Benefits Plan Handbook, Chapter 1, regarding Qualified Mid-Year changes. You must meet the eligibility and timeliness provisions in order for us to allow you to reinstate this account.

If you return from leave with a significant change in work schedule, you may need to complete various forms depending on your new work schedule. This may include leave paperwork to work a reduced work schedule or an intermittent schedule if you have not exhausted your FMLA/CFRA/PDL entitlement. Your health benefits may be impacted if your new work schedule is insufficient to be enrolled in the County Flexible Benefits Program. The impact could include termination of your health benefits and a federal COBRA offer for continuation of health benefits.

Except for FMLA/CFRA/PDL leave, if you had Optional Life Insurance coverage which lapsed during your leave, it will not be automatically reinstated. You will need to complete an application for new insurance, which is subject to medical and underwriting review by our life insurance carrier (MetLife Insurance Company).

- Q. Can I purchase service credit for my leave?
- A. If you were on a personal medical or Pregnancy Leave and are interested in buying back retirement service credits for the fully unpaid portion while you were disabled, contact the Ventura County Employees' Retirement Association (VCERA), via their website: [vcera.org](http://vcera.org), or call (805) 339-4250 after you have returned to work. Military Leaves may be eligible for buy-back of service credits and service time, subject to Legacy or PEPRA status eligibility and deadlines.
- Q. What happens if I acquired a new dependent or eligibility changed for an existing dependent?
- A. Some examples of a new dependent include, getting married or divorced, having a new baby, or having a child placed in your home pending adoption by you. A change may be a dependent child reaching the age of 26 or they are no longer a dependent child for IRS tax purposes. If any of these events occur while you are on leave, you must complete a Flexible Benefits Program Enrollment and Change Form and return it within 31 days of the event along with any required documentation. Contact your agency/department Representative for the form or visit our website: [hr.ventura.org/benefits](http://hr.ventura.org/benefits).

If you do not cancel coverage for an ineligible dependent, you may jeopardize that dependent's eligibility for continuation of coverage under Federal COBRA regulations. You

will also be responsible for reimbursing the insurance plan for any expenses incurred by that dependent after they became ineligible for benefits.

If you have Dependent Life Insurance coverage, you will need to complete an enrollment form and/or application for coverage for your new dependent. The forms to do this can be found on our website [hr.ventura.org/benefits](http://hr.ventura.org/benefits).

Q. Will you be on leave during the Annual Open Enrollment?

A. Open Enrollment (OE) for the Flexible Benefits Program (medical, dental, vision, flexible spending accounts) takes place approximately in November each year. If you are on leave during OE, you have the same rights and responsibilities as employees who are actively at work. Prior to OE, the Human Resources Benefits Division will mail your OE information to the mailing address you have on file in the VCHRP payroll system. The information will describe the plans, premium rates, and enrollment instructions.

It will be your responsibility to read the OE material and it is in your best interests to learn as much as you can about the plan(s) before you make your selections by asking questions on anything that is unclear to you. The County of Ventura utilizes Ventura County Human Resources & Payroll (VCHRP) for online enrollment. You can access VCHRP through the internet website: [vchrp.co.ventura.ca.us](http://vchrp.co.ventura.ca.us).

If you do not make your selections through VCHRP or turn in properly completed forms during OE, you may jeopardize your Flexible Benefits Program participation, your health plan coverage(s), and/or coverage for your dependents for the next plan year. Remember that your OE choices are irrevocable for the entire plan year, and you cannot make changes upon your return from leave. For further information, please read the Benefit Plans Handbook. [hr.ventura.org/benefits](http://hr.ventura.org/benefits).

Q. Is your mailing address and/or phone number changing?

A. Log on to the VCHRP website: [vchrp.co.ventura.ca.us](http://vchrp.co.ventura.ca.us) or you can notify your agency/department Human Resources Representative immediately of address and phone number changes, preferably in writing. Since all information is mailed to the mailing address on file, timely action will prevent you from missing important information, such as your annual W-2 form, Form 1095 notices, benefit information notices, or annual OE information.

Q. How do I get more information about disability retirement?

A. Contact VCERA if you are considering filing for a disability retirement (Service or Non-Service Connected) through their website: <https://www.vcera.org/> or call (805) 339-4250. You can discuss the implications of using unpaid leave hours during a leave of absence. VCERA strongly recommends that you first meet with a Benefits Specialist to be counseled on your options, disability legal standards and VCERA's disability procedures. Please contact VCERA to schedule an appointment.

- Q. What will happen to my benefits if I resign/retire?
- A. Give your supervisor and your agency/department Human Resources Representative as much advance notice as possible by notifying them as soon as you know. Please submit your written resignation to your supervisor.

If you have been making health care premiums during your leave, contact the LOA Benefits Team at (805) 677-8785 or by email at [LOA.Benefits@ventura.org](mailto:LOA.Benefits@ventura.org) to verify you have paid all premiums due, so your coverage is paid through the end date of your leave.

Your agency/department Human Resources Representative may assist in preparing the necessary paperwork, or refer you to other resources, such as the VCERA, Deferred Compensation Coordinator, or COBRA Coordinator. Make sure that your agency/department has your current mailing address to ensure all information reaches you.

Once your termination or retirement is processed, the Human Resources Benefits Division will generate a letter listing your current benefits and describing what steps you need to take to continue benefits on an individual basis through COBRA, if you are eligible to do so. The letter and accompanying information will be mailed to the mailing address in our payroll system. If you will be moving, be sure to let your COBRA Coordinator know where your benefit packet should be mailed. Continuation of coverage (COBRA) is only available for the health care coverage(s) that continued and were paid until the end of your leave.

- Q. Will a leave affect my future salary or retirement?
- A. An unpaid leave of any amount will affect your continuous service hours, but you will not lose any benefits you had accrued (earned) before you went on leave. You will generally not accrue any additional benefits while you are on unpaid leave of any amount. For example, you won't be accruing continuous service hours, and this might impact your retirement eligibility date, the end of your probationary period, your eligibility for salary adjustments, your eligibility for increased vacation/annual leave accrual rates in comparison to other employees who have not been on leave.

An unpaid leave of any amount may also affect 401(k) County matches, 401(k) loan repayments, retirement pick up contributions, vacation/annual leave rate of accruals, holiday pay and bereavement leave pay. Questions on these issues should be directed to your agency/department Human Resources Representative.



## Resources

### **Agency/Department Human Resources Office**

Always contact your agency/department Human Resources Representative for information on FMLA/CFRA/PDL leaves of absences or other disability related matters.

### **CEO Risk Management – Disability Management Division**

The Disability Management Division supports County agencies/departments and employees regarding FMLA/CFRA/PDL leaves of absences and other disability related matters.

Email: [dmd@ventura.org](mailto:dmd@ventura.org)

Phone: (805) 654-3197

### **CEO Human Resources Benefits Division**

CEO Human Resources Benefits Division can advise you of the impact (if any) your leave of absence will have on your complete health benefit package and/or provide you with information on other leave of absence matters including short/long term disability insurance plan(s), military leaves of absence, and Advanced Disability Pensions.

Email: [loa.benefits@ventura.org](mailto:loa.benefits@ventura.org)

Phone: (805) 677-8785

### **CEO Risk Management – Workers' Compensation**

The Workers' Compensation Division supports agencies/departments and employees regarding work-related injury or illness.

Email: [risk.management@ventura.org](mailto:risk.management@ventura.org)

Phone: (805) 654-3197

### **County Memorandums of Agreement**

Employees are strongly encouraged to review their specific MOA or MR for important information regarding specific leaves of absences.

The Leave of Absence Program and administrative practices comply with federal and California laws and County documents, including:

Family & Medical Leave Act (FMLA) - [dol.gov](http://dol.gov)

California Family Rights Act (CFRA) - [calcivilrights.ca.gov](http://calcivilrights.ca.gov)

California Pregnancy Disability Leave (PDL) - [calcivilrights.ca.gov](http://calcivilrights.ca.gov)

Fair Employment and Housing Act (FEHA) - [calcivilrights.ca.gov](http://calcivilrights.ca.gov)

Americans with Disabilities Act (ADA) - [ada.gov](http://ada.gov)

California Labor Code - [dir.ca.gov](http://dir.ca.gov)

California Military and Veterans Code - [calguard.ca.gov](http://calguard.ca.gov)

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) - [dol.gov/agencies/vets](http://dol.gov/agencies/vets)

County of Ventura Personnel Rules and Regulations - [hr.ventura.org/policies-memorandum](http://hr.ventura.org/policies-memorandum)

Memorandum of Agreements (MOA) between the County and unions - [hr.ventura.org/policies-memorandum](http://hr.ventura.org/policies-memorandum)

Management Resolution (MR) - [hr.ventura.org/policies-memorandum](http://hr.ventura.org/policies-memorandum)

County of Ventura Administrative Policy Manual (intranet) – [myvcweb.co.ventura.ca.us](http://myvcweb.co.ventura.ca.us)

## Benefit Resources

Health Insurance Plans (Add/Remove Dependent/Update OLI Beneficiaries):

Benefits Service Representative – [benefits.servicerep@ventura.org](mailto:benefits.servicerep@ventura.org) – (805) 654-2570

Deferred Compensation Plans – 401(k)/457 and 401(k) loans:

Deferred Compensation Unit – [deferred.compensation@ventura.org](mailto:deferred.compensation@ventura.org) – (805) 654-2620

Supplemental Retirement Program – Safe Harbor:

Safe Harbor Unit – [safeharbor@ventura.org](mailto:safeharbor@ventura.org) – (805) 654-2921

Retiree Health Benefits:

Retiree Benefits Analyst – [retiree.benefits@ventura.org](mailto:retiree.benefits@ventura.org) – (805) 477-1580

COBRA Administrator:

Optum Financial – [cobraservice@connectyourcare.com](mailto:cobraservice@connectyourcare.com) – (855) 687-2021

Direct Bill Administrator:

Optum Financial – [DirectBillServices@connectyourcare.com](mailto:DirectBillServices@connectyourcare.com) – (855) 687-2021

## Additional Resources

### Ventura County Employee Retirement Association (VCERA):

- [vcera.org](http://vcera.org)
- Phone: (805) 339-4250

### Employee Assistance Program (EAP):

- [hr.ventura.org/benefits/employee-assistance-program](http://hr.ventura.org/benefits/employee-assistance-program)
- Phone: (805) 654-4327

### State Disability Insurance (SDI):

- [edd.ca.gov/en](http://edd.ca.gov/en)
- Phone: (800) 480-3287

### Paid Family Leave Insurance (PFL):

- [edd.ca.gov](http://edd.ca.gov)
- Phone: (877) 238-4373

### Fidelity Investments (Deferred Compensation):

- [nb.fidelity.com/public/nb/ventura/home](http://nb.fidelity.com/public/nb/ventura/home)
- Phone: (800) 343-0860

### MetLife (LTD) Insurance:

- Group Number 0154209
- Phone: (800) 638-2242

### Chard Snyder – (Flexible Spending Accounts):

- [chard-snyder.com](http://chard-snyder.com)
- Phone: (800) 982-7715

### Work/Life Program:

- [hr.ventura.org/benefits/work-life-program](http://hr.ventura.org/benefits/work-life-program)
- Phone: (805) 477-7234

### Wellness Program:

- [vcwell.ventura.org](http://vcwell.ventura.org)
- Phone: (805) 654-2628

## Definitions/Key Terms

**Benefit Waiting Period:** A benefit waiting period is the amount of time an insured must wait before some or all of their coverage comes into effect. The insured may not receive benefits for claims filed during the waiting period. Waiting periods may also be known as elimination periods and qualifying periods.

**Certification:** Documentation or medical documentation (written communication) issued by the employee's/family member's health care provider to support an employee's leave request.

**Claim Form:** A form used to report a work injury or illness to an employer (DWC-1). The State of California Division of Workers' Compensation "Employees Claim Form." Access the form at: [dir.ca.gov/dwc/forms.html](http://dir.ca.gov/dwc/forms.html).

**COBRA:** The Consolidated Omnibus Budget Reconciliation Act (COBRA) gives workers and their families who lose their health benefits the right to choose at their own cost to continue group health benefits provided by their group health plan for limited periods of time under certain circumstances such as voluntary or involuntary job loss, reduction in the hours worked, transition between jobs, death, divorce, and other life events.

**Concurrent Leave:** Any applicable leave (e.g., sick leave, family sick leave, industrial sick leave, pregnancy and child bonding leave, personal disability leave, etc.) that will be applied to an employee's FMLA/CFRA/PDL leave and counted towards their leave entitlement.

**Direct Bill Service:** Third Party Administrator who provides services for employees who are on approved unpaid leaves of absence, who wish to maintain continuity of their medical, dental, vision, health care flexible spending accounts, and optional life insurances during their unpaid leave of absence.

**Eligible Employee:** A full- or part-time employee with more than 12 months of County of Ventura service and who has worked (within the meaning of the Fair Labor Standards Act, 29 CFR Part 785) at least 1,250 hours during the 12-month period immediately preceding the date the FMLA/CFRA leave is to commence.

**Essential Job Functions:** Core functions of a job, without which the job outcome could not be achieved, and these elements cannot be reassigned to other workers.

**Fair Employment and Housing Act (FEHA):** A state law administered by the Civil Rights Department that prohibits discrimination against disabled persons. In some respects, FEHA is more protective of employees than the federal Americans with Disabilities Act (ADA).

**Health Insurance Portability and Accountability Act (HIPAA):** HIPAA is a federal law that required the creation of national standards to protect sensitive patient health information from being disclosed without the patient's consent or knowledge.

**Leave:** The County of Ventura Personnel Rules & Regulations define a Leave of Absence as, “An authorized absence from duties with or without pay.” Employees must apply for a leave for any absence of more than three workdays, unless the absence is due to a pre-approved vacation.

**Maximum Medical Improvement (MMI):** Maximum Medical Improvement (MMI) is defined as the point at which an injured worker's medical condition has stabilized and further functional improvement is unlikely, despite continued medical treatment or physical rehabilitation.

**Reasonable Accommodation:** Under the federal Americans with Disabilities Act (ADA) and California’s Civil Rights Department (CCRD), an employee may need an accommodation to perform the essential functions of the job. Reasonable accommodation may include but is not limited to making existing facilities readily accessible, job restructuring, modifying work schedules, re-assignment to a vacant position, acquiring or modifying equipment or devices.