must certify the employee’s need to take occasional or intermittent time off by completing a Medical Certification form. The 12-weeks would then be broken down into hours based upon the employee’s contracted work hours.

Employees may qualify for intermittent leave if their medical condition or their family member’s medical condition does not necessitate consecutive time off. For example:

- You are needed to care for your family member who has a serious health condition where other care is normally available, or responsibilities are shared with other family members or third parties, but you must be available in emergencies.
- You are being treated for a serious health condition and can return to work, but you need to continue follow up treatment with your doctor for your condition.

Intermittent or reduced schedule leave may be taken for:

- planned medical treatment that is medically necessary;
- unanticipated medical treatment that is medically necessary;
- recovery from treatment;
- recovery from a serious health condition; or
- providing care to an immediate family member with a serious health condition.

Before taking intermittent leave, an employee must first submit a Request for Leave of Absence form to Human Resources for approval. The employee must follow all District policies and procedures when calling off and notify their Principal/Site Administrator as soon as practicable when taking leave. When possible, employees should arrange to schedule their appointments before or after their workday to minimize disruption to the department/site.

Do I need to get anything from my Doctor to take Family or Medical Leave?

YES. A Medical Certification form will be provided to the employee for their physician or the family member’s physician to complete. Contact Human Resources for the form.

Do I still need to provide an off-work order or doctor’s note every time I am absent for my own serious health condition?

YES. Although the medical certification substantiates the employee’s need for FMLA/CFRA leave, the law states that the employer (District) can require an employee to use their available paid leave first before taking unpaid FMLA/CFRA leave. Employee must still adhere to all District policies and procedures in place when calling off sick. This may include providing a medical note from your health care provider.

However, before payment can be rendered from Extended Sick Leave (aka 100-day bank), a note from the employee’s health care provider that verifies the employee’s medical inability to work with an estimation on the number of days needed for recuperation is required as follows:

- **Classified**: Once the employee exhausts their own available Sick leave.
- **Certificated**: Once the employee exhausts their own available Sick leave AND the medical absence is for more than two (2) consecutive days.

Can my supervisor ask me questions about my FMLA or CFRA Leave when I take the time intermittently?

YES. When taking leave intermittently, your supervisor may ask you questions to confirm whether the leave needed or taken is for the FMLA reason/purpose you stated on your leave request form. Your supervisor may not ask you for the diagnosis or other confidential medical information.

Can my employer get a second or third opinion on my Medical Certification/Note?

YES. If the District has concerns about the certification/note, the District may request another opinion at the District’s cost. If the 1st and 2nd opinion differ, the District can request a 3rd opinion, again at the District’s cost.

Further Information

- District Web Site: www.fusd.net (Staff Portal/HR)
- Department of Labor: www.dol.gov
- Dept of Fair Employment & Housing: www.dfeh.ca.gov
**OVERVIEW & FREQUENTLY ASKED QUESTIONS ABOUT FMLA & CFRA LEAVE BENEFITS FOR FUSD EMPLOYEES**

**What is FMLA or CFRA?**

FMLA refers to the Family and Medical Leave Act, which is a federal law that guarantees certain employees up to 12 workweeks of unpaid leave in any 12-month period with no threat of job loss. FMLA also requires that employers covered by the law maintain the health benefits for eligible workers just as if they were working.

CFRA refers to the California Family Rights Act, a state law that allows the employee to take similar leave as FMLA. CFRA and FMLA both run concurrent except where defined by law.

**Eligibility for Leave:**

FMLA and/or CFRA is available to FUSD employees who:

- Have been employed with the Fontana Unified School District at least one year AND
- Have worked at least 1,250 hours in the previous 12-month period before taking leave.

**Reasons you can take Leave:**

- The birth of your child or the placement of a child with you for adoption or foster care;
- To care for a spouse, child, or parent who has a serious health condition;
- To care for your own serious health condition, if it makes you unable to perform the functions of your job; and
- To provide caregiver or exigency help for a spouse, son, daughter, or parent who is a member of the military service. (FMLA only)

**Is FMLA and/or CFRA Leave Paid?**

NO. The FMLA/CFRA law does not provide a right to compensation or other monetary benefit for the employee. However, the District can require or allow an employee to use the following paid leaves:

- **Sick Leave:** All available for the employee’s own medical illness. (Restrictions apply when caring for a family member)
- **Personal Necessity:** A maximum of eight (8) days per school year. Leave is deducted from the employee’s available Sick Leave.
- **Classified Vacation:** All available vacation. Does not include any assigned Mandatory Vacation.
- **Worker’s Compensation:** Leave due to a work-related injury or illness.

**Does FMLA/CFRA leave run concurrent with my paid leave benefits?**

**YES.** Employees are required to use their available paid leave during their FMLA/CFRA absence. (Some exceptions may apply)

If the employee does not have any paid leave available, then they remain entitled to take unpaid FMLA or CFRA leave as long as the leave does not exceed the 12 weeks allowed under FMLA/CFRA. Leave whether paid or unpaid, will count towards the employee’s annual allotment of FMLA/CFRA leave per school year to care for a family member (Parent, Child or Spouse) who is ill.

**Will I still have health insurance while on FMLA / CFRA Leave?**

**YES.** The District continues to maintain the employee’s health benefits when the employee is on paid status using any of the previously stated paid leave.

If an employee requests and is approved to take unpaid FMLA/CFRA leave AND the employee has not already exhausted their 12-weeks of FMLA/CFRA leave, then the District will maintain the employee’s benefit coverage on the same terms* as if the employee had continued to work for up to a maximum of 12 weeks or the balance of FMLA/CFRA leave available.

*This means that if the employee normally pays a percentage for their health benefits, they will continue to pay their portion while on leave; if the District pays 100% for benefit coverage, then the District will maintain that benefit coverage.

**What notice must I give my employer before taking FMLA / CFRA leave?**

An employee must provide enough notice to make the employer (District) aware that the employee needs FMLA qualifying leave as well as the anticipated timing and duration of the leave.

- If the employee can foresee the need to take family or medical leave 30 or more days ahead of time, they must give at least 30 days’ notice before beginning the leave; for example, planned medical treatment, doctor’s appointments, etc.
- If 30 days’ notice is not possible, then they must give notice as soon as “practicable.” As soon as practicable depends on the facts and circumstances of each case.
- If the District grants FMLA/CFRA leave for an employee’s serious health condition, that employee must specifically reference they are taking leave under the provisions of their FMLA/CFRA leave. Simply calling in “sick” may not be sufficient.

**What is Intermittent FMLA Leave and when can I take it?**

Intermittent leave is time off from work on an occasional basis, as opposed to entire days used in a consecutive manner. To qualify for intermittent time off, the physician of the employee or family member

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2 Serious health condition as defined by FMLA/CFRA law