

## Leaves of Absence – Who, What, When and How?

Managing leaves of absence and other time off for employees working in California can be a complicated process and one of the hardest tasks employers currently face. Several factors are at play - some are mandated by law and others we control by virtue of written Archdiocesan policies.

To a large extent our policies determine the time off our employees may take. However, there are numerous state and federal laws that we must follow as well. In this issue of HR Connect we will try to help you navigate through the complex web of leaves of absence provisions and to provide parish/school administrators with what we hope will be a handy reference chart for managing leaves of absence requests.





### Key Points

- **Family Medical Leave Act (FMLA)** is a Federal law that provides (unpaid) leave for “eligible” employees, for any of 3 reasons: 1) Birth or adoption of a child, 2) Care for eligible family member with serious health condition, or 3) Employee’s own serious health condition). The FMLA leave “protects” an employee’s job; and for eligible employees, requires employer to continue health insurance payments during 12 work weeks of leave (though employee must pay their share of the premium). The maximum amount of time an employee may be on leave is 12 workweeks in each 12-month period (measured forward from the date of an employee’s first day FMLA leave).
- **Paid Family Leave (PFL)** is a California state insurance program that provides benefits but does not provide job protection or return rights administered entirely by the Employment Development Department (EDD). PFL **is not a leave entitlement**; rather it is a **benefit** provided by the State in the event the employee is granted time off from work to bond with a newborn child, or care for a seriously ill parent, spouse or child. It pays partial wages for up to 6 weeks in a 12-month period.
- **Personal Leave** -The duration of the leave depends entirely upon supervisor’s approval. It may last from 1 week to 3 months. Employees who have been continuously employed by the Archdiocese for 12 months may request a personal leave
- **Military Leave (paid)** for Reserves or National Guard training up to 2 weeks per calendar year
- **Military Leave (unpaid)** Duration for service in the uniformed services and may last up to 5 years
- **Workers’ Compensation** -All employees are entitled to a leave due to a job-related illness or injury. In general, the leave shall be granted until the employee is able to return to work or reaches a permanent and stationary status. **Note:** The Archdiocese covers volunteers on the workers compensation policy in the event they are injured while performing voluntary service.

Because we are a Not-For-Profit religious organization, we are **not required to provide** any leaves/benefits under the California Fair Employment and Housing Act (FEHA). The Archdiocese, therefore, is “exempt” from providing any leaves/benefits under: Pregnancy Disability Leave and California Family Rights Act.

## Types of Benefits During Leave

Benefit Type	Explanation	Amount	Qualifiers
<b>Federal Family Medical Leave Act (FMLA)</b>	Leave (not a benefit) provided for 3 reasons (see page 1) up to 12 work-weeks in 12 month period	Unpaid but employee may use accrued sick and vacation hours. Employee's health insurance is covered by employer though employee must continue to pay their share of the premium	Employee must be employed for 12 months and have actually worked 1250 hours in the 12 months prior to the leave to be "eligible"
<b>Paid Family Leave (PFL) California State Benefit</b>	Employee funded and state administered benefit paid to employees who are granted time off from work to care for <b>seriously</b> ill eligible* family member or bond with new child. PFL is not a leave statute and does not entitle employees to time off nor any form of job protection or health insurance <i>*Eligible means spouse as defined by law, child, or employee's parents</i>	~55% of highest quarter of "base period" pay, prorated to weekly amount. Up to 6 weeks. A 7 day waiting period before benefits paid. Can't receive at same time as SDI, Unemployment Compensation, WC, & vacation payments	Archdiocesan policy requires employee to use 2 weeks of vacation first. The California Employment Development Department makes all decisions whether to provide PFL benefits 
<b>CA State Disability Insurance (SDI)</b>	Employee funded and state administered benefit to eligible workers suffering full or partial loss of wages due to <b>an employee's disability</b> which is not work related 	~55% of highest quarter of "base period" pay, prorated to weekly amount. Up to 52 weeks. Can't receive at same time as Unemployment Comp, PFL, & WC; but can receive integrated sick leave payments	Must be unable to do regular work for 7 consecutive days. Must have lost wages due to the disability. Doctor must complete medical certification. Job usually is not protected after the 12 weeks of FMLA. The California Employment Development Department makes all decisions whether to provide SDI benefits
<b>Long Term Disability (LTD)</b>	Employer funded insurance designed to replace a portion of income when "qualifying" employee can't work on full time basis due to injury or illness	66.66% of monthly pre-disability income. Payments cap at \$4000/month. Other income sources may reduce this amount	Doesn't cover "preexisting conditions" or willful self-injury; benefits begin after 3 months (elimination period); contact HR near 3 month period to apply
<b>Workers Comp Insurance (WC)</b>	Employer funded benefit to employee injured on job who can't work as a result (& also for volunteers injured on site)	Partial and temporary wage replacement & medical expenses per policy	May use employer approved clinics & doctors that have experience with WC injuries (although benefited employees can pre-designate their doctor prior to injury)

This handout is a simplified version. Please call the Office of Human Resources at (415) 614-5539 for more detailed information. School Site Administrators should call the Dept. of Catholic Schools with any questions.