

NOTICE OF ELIGIBILITY AND RIGHTS & RESPONSIBILITIES (R3/25)**Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA), & California Pregnancy Disability Leave Law (PDLL)**

In general, to be eligible for Family and Medical Leave (FML), an employee must have worked for the University of California for at least 12 months and have worked at least 1,250 hours in the 12 months preceding the leave. These eligibility requirements do not apply to Pregnancy Disability Leave taken under PDLL.

Part A – NOTICE OF ELIGIBILITY

To:

Employee

Date

From:

University Representative

On _____, you informed the University that you needed leave beginning on _____ and with an anticipated end date of _____ for:

- ☐ Your own serious health condition.
- ☐ The need to care for one of the following family members due to their serious health condition:
☐ spouse; ☐ domestic partner; ☐ designated person; ☐ child; ☐ parent; ☐ parent-in-law;
☐ grandparent; ☐ grandchild; ☐ sibling.
- ☐ Pregnancy Disability Leave (PDL). This leave may be used when you are disabled by pregnancy, childbirth, or a related medical condition. It may also be used for prenatal care.
- ☐ Parental bonding leave following the birth of a child, or placement of a child with you for adoption or foster care.
- ☐ Military caregiver leave to care for a family member who is a Covered Servicemember with a serious injury or illness. You are the Covered Servicemember's:
☐ spouse; ☐ domestic partner; ☐ child; ☐ parent; ☐ next of kin.
- ☐ A qualifying exigency related to the following family member's active duty or call to active duty status with the Armed Forces:
☐ spouse; ☐ domestic partner; ☐ child; ☐ parent; ☐ parent-in-law.

This Notice is to inform you that:

- ☐ You are eligible for FML and have FML entitlement remaining and available to use for the applicable period under the following statute(s): ☐ FMLA; ☐ CFRA; ☐ PDLL. (See Part B below for Rights and Responsibilities.)
- ☐ You are eligible for FML but you have already exhausted the applicable FML leave entitlement for the applicable period.

You are **not** eligible for FML under FMLA and/or CFRA because:

- ☐ You have not met the 12-month length of service requirement. As of the first date of requested leave, you will have worked approximately _____ months towards this requirement.
- ☐ You have not met the 1,250-hours-worked requirement. As of the first date of requested leave, you will have worked approximately _____ hours towards this requirement.

If you have any questions, contact _____ or view the FMLA, CFRA, and/or PDLL posters located in _____ and online, as well as applicable policies and/or collective bargaining agreement provisions.

Part B – RIGHTS AND RESPONSIBILITIES FOR TAKING FML (To be completed only if the employee is eligible and has not exhausted the applicable leave entitlement.)

As explained in Part A, you meet the eligibility requirements for taking FML and still have FML leave entitlement available in the applicable period. **However, in order for us to determine whether your absence qualifies as FML, you should return the following information to us by _____.** When certification is requested, employees have at least 15 calendar days from receipt of this notice to provide it. Under certain circumstances, additional time may be provided. If sufficient information is not provided in a timely manner, your leave may be denied.

- ☐ Sufficient certification to support your request for FML. A certification form that sets forth the information necessary to support your request is enclosed.
- ☐ Sufficient documentation to establish the required relationship between you and your family member. The required declaration form is enclosed.
- ☐ Other information needed: _____

If your leave does qualify as FML, you will have the following **responsibilities** while on leave (only checked boxes apply):

- ☐ Contact _____ at _____ to make arrangements to either (a) maintain your health benefits during your leave by continuing to make your share of the premium payments or (b) opt out of your health benefits during your leave. You have a minimum of 30 days to make premium payments. If payment is not made timely, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during your FML, and recover these payments from you upon your return to work.
- ☐ You will be required to use the following paid leave during your FML absence:
your available ☐ **sick leave**, ☐ **vacation**, and/or ☐ **other leave**.
Your entire FML absence, including any period during which you are using paid leave, will be counted against your FML leave entitlement. **Note:** This requirement to use paid leave does not apply to any part of an FML absence during which employees are using Pay for Family Care and Bonding (PFCB).
- ☐ While on leave you will be required to furnish us with periodic updates of your status and intent to return to work every: _____ . *[Indicate interval of periodic updates, as appropriate for the particular leave situation].*
- ☐ If the circumstances of your leave change, and you are able to return to work earlier than the date indicated in Part A of this form, you need to notify your supervisor at least two workdays prior to the date you intend to report for work.

If your leave does qualify as FML, you will have the following **rights** while on leave:

- You have a right under the FMLA and/or the CFRA for up to 12 workweeks of unpaid leave in the calendar year (January-December) if you are taking leave for any FML qualifying purpose other than Military Caregiver Leave.
- You have a right under the FMLA for up to 26 workweeks of unpaid leave in a single 12-month period to care for a Covered Servicemember with a serious injury or illness (Military Caregiver Leave). This single 12-month period commenced or will commence on: _____.
- You have a right under the PDLL for up to four months of unpaid leave per pregnancy.
- Your FML leave will be designated and counted against your applicable statutory FML leave entitlement(s) and will be job-protected leave as required under the applicable statute.
- Your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work.
- If you return directly from a leave under the PDLL, you will be reinstated to the same position or, if the same position is not available, to a comparable position. (If your leave extends beyond the end of your FML leave entitlement(s), you do not have statutory return rights.)
- If you return directly from any statutory FML leave other than a leave under the PDLL, you must be reinstated to

the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from FMLA-protected and/or CFRA-protected leave. (If your leave extends beyond the end of your FML leave entitlement(s), you do not have statutory return rights.)

- You may be required to reimburse the University for its share of health insurance premiums paid on your behalf during any unpaid portion of your FML if you do not return to work following FML for a reason other than: 1) the continuation, recurrence, or onset of a serious health condition that would entitle you to FML; 2) the continuation, recurrence, or onset of a Covered Servicemember's serious injury or illness which would entitle you to FML; or 3) other circumstances beyond your control.
- If we have not informed you above that you must use paid leave while taking your unpaid FML leave entitlement, you may have the right under the applicable policy or collective bargaining agreement to use Pay for Family Care and Bonding (PFCB) and/or the following paid leave during your FML absence: **sick leave**, **vacation leave**, and/or **other leave**. Applicable conditions related to the use of PFCB and paid leaves are referenced or set forth below. If you do not meet the requirements for using PFCB and/or paid leave, you remain entitled to take unpaid FML leave. Your entire FML absence, including any period during which you are using PFCB or paid leave, will be counted against your FML leave entitlement.

☐ For conditions applicable to PFCB and sick/vacation/other leave usage please refer to _____ available at: _____

☐ Applicable conditions for use of paid leave: _____

Once we obtain the information from you as specified above, we will inform you, within 5 business days, whether your leave will be designated as FML and count towards your FML leave entitlement. Meanwhile, WE HAVE PROVISIONALLY DESIGNATED YOUR LEAVE AS FML. If you have any questions, please do not hesitate to contact: _____ at _____

DEPARTMENT SIGNATURE

NAME (PRINT)

SIGNATURE

DATE

Print Form