State of California

M E M O R A N D U M

DATE: July 8, 2002

TO: PERSONNEL MANAGEMENT LIAISONS **REFERENCE CODE:** 2002-041

THIS MEMORANDUM SHOULD BE DISTRIBUTED TO:

Employee Relations Officers
Personnel Officers

FROM: **Department of Personnel Administration**
Policy Development Office

SUBJECT: Family and Medical Leave Act (FMLA)

CONTACT: Syd Perry, Work and Family Coordinator
(916) 324-2763
FAX: (916) 324-0524
E-mail: SydPerry@dpa.ca.gov

The purpose of this memorandum is to inform departments of the method to be used, beginning with calendar year 2002, for calculating Family and Medical Leave Act (FMLA) leave. This change applies to represented employees in State Bargaining Units 1, 2, 3, 4, 7, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, and all excluded employees.

FMLA leave is currently calculated using the 12-month rolling-year method. Under the new method, State departments are required to implement the 12-month calendar year method. Under this method, an employee is entitled to up to 12 weeks of FMLA leave any time during the calendar year.

Employees retain the full benefit of 12 weeks of leave under this new method. For example, regardless of how much FMLA leave has been taken during the past 12 months under the rolling-year method, employees are now entitled to a full 12 weeks of leave during calendar year 2002 and each year thereafter.

Prior to implementing this change, departments are required to provide a 60-day notice to all current employees.

A sample "Notice to Employees" is attached for departments to model when informing their employees of this new procedure. Employees who leave State service prior to the end of the 60-day notice period are not affected by the new procedure.

Bob Painter, Chief
Policy Development Office

Attachment

(DEPARTMENT LETTERHEAD)

(DATE)

To: Employees in Bargaining Units 1, 2, 3, 4, 7, 11, 12, 13, 14, 15, 17, 18, 19, 20, and 21, and all excluded employees.

Re: Family and Medical Leave Act (FMLA)

This is to notify you that the State of California is changing the method of determining the maximum benefit under FMLA leave. This notice is required by the Code of Federal Regulations [29 C.F.R. 825.200(d)(1)] and applies to employees in the bargaining units identified above and all excluded employees.

Under current practice, FMLA leave is calculated using the 12-month rolling year method. Under the new method, State departments are now required to implement the 12-month calendar year method. Under this method, an employee is entitled to up to 12 weeks of FMLA leave at any time during a calendar year. This change is effective for the 2002 calendar year.

Prior to implementing this change, departments are required to provide a 60-day notice to all affected employees. The employees retain the full benefit of 12 weeks of leave under this new method. Thus, regardless of how much FMLA leave has been taken during the past 12 months under the rolling-year method, employees are entitled to 12 weeks of leave during calendar year 2002.

Questions regarding this notice may be directed to (CONTACT NAME).

Sincerely,

(SIGNATURE BLOCK)