



County of San Diego

SUSAN BRAZEAU
DIRECTOR

DEPARTMENT OF HUMAN RESOURCES
LABOR RELATIONS
1600 PACIFIC HIGHWAY, ROOM 201, SAN DIEGO, CA 92101-2463
(619) 531-5160 / FAX (619) 685-2313

**LETTER OF UNDERSTANDING
BETWEEN THE
COUNTY OF SAN DIEGO
AND
THE ASSOCIATION OF SAN DIEGO COUNTY EMPLOYEES
(CM and CR UNITS)**

IN THE MATTER OF CALIFORNIA FAMILY RIGHTS ACT

This attests and records the agreement of the County of San Diego and The Association of San Diego County Employees (CM and CR units) regarding changes to California Family Rights Act as a result of changes to the law in compliance with AB 1041 and is effective January 1, 2023.

ARTICLE 7. UNPAID LEAVES

Section 3. Family Medical Leave

A. Definition

Family Medical Leave is unpaid time off which may be granted to an eligible employee for certain qualifying events. Family Medical Leave shall be in accordance with the federal Family and Medical Leave Act of 1993 ("FMLA"), Public Law 103-3, 107 Stat. 6 (29 USC 2601 et seq.) as well as California Family Rights Act of 1991 ("CFRA") pursuant to Govt. Code Section 12945.2, administrative regulations promulgated by the California Fair Employment and Housing Commission, subject to the conditions set forth below under this Article.

B. Eligibility

Family Medical Leave shall apply to all biweekly rate employees who have been employed by the County for at least twelve (12) months and for at least one thousand two hundred and fifty (1,250) hours of service during the twelve (12) month period immediately preceding the commencement of the leave and who meet all the eligibility requirements of the FMLA or the CFRA.

C. Conditions

1. The employee shall give notice to the appointing authority of the need for FML by completing the required forms.

2. The requested leave will be counted against the employee's annual FMLA and California Family Rights Act ("CFRA") entitlement as well. This notice shall refer to the leave as "FML."
3. If an employee is requesting leave for more than three (3) days due to their own serious health condition or a serious health condition of an immediate family member, defined as a child, parent, grandparent, grandchild, sibling, spouse or registered domestic partner (a domestic partner listed on an "Affidavit for Enrollment of Domestic Partners" or a State "Certificate of Registered Domestic Partnership" submitted to employee benefits), they must provide medical certification on the appropriate U.S. Department of labor form. If an employee does not submit a medical certification, FML may not be granted. Under certain circumstances, recertification of the serious health condition may be required. Under CFRA, an employee may also receive medical leave to provide care for one "designated person" with a serious health condition per rolling calendar year. A designated person is someone who is not an immediate family member but is related by blood or whose association with the employee is the equivalent of a family relationship.

FOR THE COUNTY OF SAN DIEGO

Kenneth Weidmann

KEN WEIDMANN
Sr. Labor Relations Officer
Date: 11/9/2022

FOR THE ASSOCIATION OF SAN DIEGO
COUNTY EMPLOYEES
(CM and CR UNITS)

Joann Hofelich

JOANN HOFELICH
Executive Director
Date: 11-17-2022