



CFRA to FEHA/ADA Transition Checklist (HCC1007)

If an employee is no longer eligible for CFRA – when CFRA ends FEHA/ADA may begin, so it is important you evaluate if the employee is a Qualified Individual with a Disability.

- ☐ The following has occurred with CFRA
1. Employee has provide a new request for CFRA but the leave time requested exceeds the 12 weeks of CFRA
 2. Employee currently on an approved CFRA, however has requested additional CFRA, but the CFRA will be exhausted prior to the end date of the new certificate
 3. Denied CFRA for non-compliance
 4. Denied CFRA because they are not eligibility

If #1 ☐ Prepare CFRA Partial Designation Letter - Conditional Designation Transition to FEHA/ADA (FDC2301) to designate CFRA.

If #2 ☐ Two weeks before the employee's CFRA will exhaust prepare CFRA Exhausted - Conditional Designation Transition to FEHA/ADA (FDC2302) to begin the FEHA/ADA Process.

If #3 ☐ The day after the CFRA Medical Certificate was due (after giving the employee the 15 days, and then following our recommended 2nd and 3rd request letters for complying with providing the medical certificate), prepare CFRA Denial - Not Complying with Medical Certificate Requests - FEHA/ADA Conditional Designation (FDC2303) for employees not complying with the request for a CFRA Medical Certificate.

If #4 ☐ Prepare CFRA Denial Notification - Not Eligible - FEHA/ADA Conditional Designation (FDC2304) for ineligible employees.

Things to Remember:

1. Refer to the specific narratives for instructions on how to complete the letters.
2. Medical Benefits are not protected under the FEHA/ADA.
3. If your company has no other protection for continued benefits post CFRA, or benefits are not protected under some other state or federal regulation, company policy or union agreement, medical benefits should be ended on the 1st day of the month in which the unpaid leave began. This is important because it will save your organization money.
4. Remember all employees must be treated the same.
5. If the Accommodation for the employee's current job is an undue hardship, a reasonable accommodation may be moving the employee to another position. Make sure you fully and completely evaluate all jobs available in the company at any location, the employee is qualified to perform, and engage in a Good Faith Meeting to determine if any of those jobs will be the one they will come back to if they go on leave. (VERY IMPORTANT ISSUE)

Please refer to the FEHA/ADA Accommodation Good Faith Meeting - Undue Hardship Analysis Checklist (HCC1001) for handling the rest of the FEHA/ADA Process.