

Family and Medical Leave Act of 1993 *Employee Rights and Responsibilities*

FMLA (Family Medical Leave Act) requires covered employers to provide up to 12 weeks of unpaid, job protected leave to “eligible” employees for certain family and medical reasons. CSUS employees are eligible if they have worked for at least one academic year or 12 months proceeding leave.

California State University, Sacramento provides family care and medical leave to eligible employees in accordance with the federal Family and Medical Leave Act of 1993 (FMLA) and the California Family Rights Act of 1993 (CFRA). This document sets forth employee rights and obligations under FMLA. Please call the Disability Leaves office at (916) 278-3522 for further information.

Note: CSU eliminated the 1,250 hours work requirement for full-time and part-time employees under statute.

Reasons for Taking Leave: Unpaid leave must be granted for any of the following reasons:

- To care for employee’s child after birth, or placement for adoption, or foster care;
- To care for employee’s spouse, son or daughter, or parent, who has a serious health condition; or
- For the employee’s own serious health condition.

Advanced Notice and Medical Certification: The employee may be required to provide advance leave notice and medical certification. Taking a leave may be denied if requirements are not met.

- The employee must provide 30 days advance notice when the leave is “foreseeable”.
- CSUS may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions and a fitness for duty examination prior to returning to work.

Length of Leave:

- You are entitled to a maximum of 12 workweeks of family care and medical leave during a 12 month period. This 12 month period is calculated from the date and employee’s leave begins.

Health Benefits:

- For the period of unpaid FML leave, the CSU will continue to pay its portion of your medical, dental and vision premiums. An accounts receivable will be established for any employee premiums required during unpaid leave. If you

wish to discontinue medical coverage during the unpaid leave, you may reinstate it upon return.

- If you do not return from FML Leave, the CSU will require you to reimburse it for medical, dental, and vision premiums paid on your behalf during the unpaid portion of your leave. However, no reimbursement will be required if you do not return because of serious health condition or if you are unable to return due to circumstances which are outside of your control.

Job Benefits and Protection:

- For the duration of the FML, CSUS will maintain the employee's health coverage under current, group health plans".
- Upon return from FML leave, the employee will be reinstated to their original or equivalent position with equivalent pay, benefits, and other employment terms unless the position is eliminated due to layoff.

Reinstatement:

- Upon return to work, you have the right to reinstatement to the same position or another position with equivalent benefits, pay and conditions of employment. If your position is unavailable (due to a temporary or indefinite layoff, for example) you have no greater rights to reinstatement than had you been continually employed during the FMLA leave period. You are not entitled to reinstatement if your appointment end date occurs before your scheduled return date from FMLA leave.

Unlawful Acts by Employers: FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

Enforcement:

- The U. S. Department of Labor is authorized to investigate and resolve complaints or Violations.
- An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any Federal or State Law Prohibiting discrimination, or supersede any State or Local law or collective bargaining agreement that provides family or medical leave rights.

For additional information regarding the FMLA, please contact the Disability Leaves Office at extension 83522.