

SACRAMENTO STATE HUMAN RESOURCES' ROLE IN PROCESSING REQUESTS FOR CSU FAMILY MEDICAL LEAVE (FML)

Summary: Learn about Human Resources' role in working with employees and supervisors when processing requests for leaves of absence under CSU Family Medical Leave (FML).

What is CSU FML? Under CSU FML eligible employees may take job-protected leave for up to twelve (12) weeks in a 12-month period for specified reasons relating to the employee's or qualified family or service member's serious health condition or in connection with the birth or placement of a child, or for a qualified military exigency. CSU FML incorporates both the Federal Family Medical Leave Act (FMLA) and California Family Rights Act (CFRA) leave entitlements which normally run concurrently. An employee who is on CSU FML Leave is entitled to return to his/her same or comparable position at the conclusion of the leave.

The CSU FML 12-week entitlement is calculated on a forward rolling basis within a 12-month period, from the first date the employee's first CSU FML leave begins. CSU FML may also run concurrently with other employee leave entitlements, except for California Pregnancy Disability Leave (CA PDL).

Under What Circumstances does CSU FML apply? Eligible employees are entitled to CSU FML leave under a variety of circumstances:

- Birth or placement for a "son or daughter," to bond with a newborn or newly placed "son or daughter" for adoption or foster care; or to care for a son or daughter with a serious health condition (includes child of employee with "in loco parentis" status).
- Care for the employee's spouse, registered domestic partner, or parent with a serious health condition.
- Employee's own serious health condition that makes the employee unable to perform one or more essential functions of his/her job.
- Qualifying Military Exigency Leave (MEL) arising out of the fact that the employee's spouse, registered domestic partner, son, daughter, or parent is on active military duty in the National Guard or Reserve, or has been called to active duty in the National guard or Reserve in a "contingency" military operation.
- Service Member Care Leave (SMCL) for a covered service member with a serious injury or illness, if the employee is the spouse, registered domestic partner, son, daughter, parent, or next of kin of the service member.

Who is an eligible employee? All full-time and part-time employees (excluding student employees) employed for at least one academic year or 12 months (does not have to be continuous) preceding the leave are eligible. Employment includes appointments at any CSU campus, or any other California state agency. Under CSU FML, all prior state service is counted towards CSU FML eligibility, regardless of any breaks in service. Additionally, any National Guard or Reserve military duty is also counted toward the 12 month eligibility requirement. Student employees are eligible for CSU FML, if employed for at least one year (does not have to be continuous) and have worked at least 1,250 hours in the 12 months preceding the request for leave. If granted CSU FML Leave, students (or other employees) not otherwise eligible for benefits are entitled to unpaid leave and reinstatement rights only.

When should an employee notify the employer of an impending leave? Employees must provide 30 days' advance notice for foreseeable leave, or as much advance notice as is practicable. When 30 days' notice is not possible based upon, for example, an expected birth, placement of a child for adoption or foster care or planned medical treatment for the employee or a family member's serious health condition, the employee must give notice to the employer on the same day that s/he learns of the need for leave, or the next business day, after the need arises for unforeseeable leave, unless impracticable to do so. An

employee who takes a foreseeable leave based on planned medical treatment must make a reasonable effort to schedule planned medical treatment or necessary medical supervision so as to minimize any disruption to campus operations. The employee should provide the anticipated date upon which the leave will commence and the projected duration of the leave to the extent known at the time of providing notice.

How is Sacramento State’s Benefits Office involved in assisting an employee needing to request leave under CSU FML? The following chart provides guidance on the process as well as your responsibilities:

What to do:	How to Do It
<p>Advise the employee and supervisor of the leave options and process for requesting CSU FML.</p>	<p>A. Upon receiving notification that an employee may need leave under CSU FML, the Benefits Office determines the employee’s CSU FML eligibility and notifies the employee about any leave options.</p> <p>B. Within 5 business days of learning of the possible need for leave, the Benefits Office will provide the following information (CSU FML packet) to the requesting employee. A copy of the Notice of Eligibility Letter will be sent to the department to ensure that all parties are aware of the possible leave.</p> <ul style="list-style-type: none"> a. <u>Notice of Eligibility</u> - Informs employees of their eligibility/lack of eligibility under CSU FML. The notice also provides information on employee Rights and Responsibilities for taking leave. b. <u>Employee Rights and Responsibilities Under the Family and Medical Leave Act</u> – Provides information about employee rights and responsibilities associated with leaves under the Family Medical Leave Act. c. <u>Certification of Health Care Provider (CHCP)</u> – This form must be completed by your/your family member’s health care provider to certify that your /your family member’s illness is considered a “serious health condition” covered under CSU FML. d. <u>Medical Leave of Absence Request Form</u> <p>C. If employee requests leave advising and/or planning, the Benefits Office will set an appointment to meet in-person with the employee to discuss. During this meeting the Benefits Office will go over your estimated leave projections and options.</p>
<p>Review documentation and designate the leave.</p>	<p>A. Upon receipt of the CHCP, the Benefits Office will review and inform the employee and the department, within 5 business days, if CSU FML is applicable.</p> <ul style="list-style-type: none"> a. If the CHCP is incomplete or does not provide sufficient information necessary for the Benefits Office to make a determination, the certification will be returned to the employee with request for additional information and/or clarification. The employee will be granted an additional 7 calendar days to return a complete and a sufficient CHCP back to the Benefits Office. Leave approvals may be delayed until sufficient information is provided.

	<p>B. Once sufficient information has been submitted, the Benefits Office will make a determination, within 5 business days, regarding the applicability of CSU FML.</p> <p>C. If CSU FML applies, the following will be sent to the employee's attention.</p> <ul style="list-style-type: none"> a. Designation Notice – Informs the employee that the leave is being designated under CSU FML. Also outlines the pertinent details surrounding the leave. b. Release to Return to Work – If employee is returning to work without restrictions, this form is to be completed by employee's physician to indicate the employee's return to work status. c. ADA Form – This form should be used if an employee is returning to work with any restrictions. The employee's physician should review the employee's Position Description and complete the form to indicate the certification of a qualifying disability, limitation on employee's abilities to perform essential functions, and any and all accommodations that would enable employee to perform essential functions. d. Position Description – Employee's physician should review the employee's Position Description prior to completing the Release to Return to Work or ADA Form. <p>D. The Benefits Office will also send to the supervisor/timekeeper a copy of the Designation Notice as a means of informing the department about the pertinent details surrounding the leave. This is especially important for intermittent leaves.</p>
<p>During the leave</p>	<ul style="list-style-type: none"> A. Answer any questions the employee or supervisor has regarding the leave. B. Work with the employee and supervisor to ensure that time and leave accruals are reported accurately. C. Communicate with the department if an employee's leave status changes. D. Obtain copies of employee's absence reports from Payroll and track all medical leaves and CSU FML usage.
<p>Return to Work</p>	<ul style="list-style-type: none"> A. Contact the employee shortly before the expected return to work date to inquire about the employee's status. <ul style="list-style-type: none"> a. Should the employee's leave status change, the Benefits Office will notify the supervisor. B. Remind the employee about the requirement to submit a Release to Return to Work Form or ADA Form to the Benefits Office prior to the return to work date. C. Upon receipt of a completed Release to Return to Work Form - Notify the supervisor of the employee's return to work status/date. D. Upon receipt of a completed ADA Form – Forward the completed ADA form to the Office for Equal Opportunity in order to initiate the Interactive Process. E. Any restrictions will be evaluated as a request for reasonable

	<p>accommodation under the California Fair Employment and Housing Act and the federal Americans with Disabilities Act (FEHA/ADA).</p> <p>F. The Office for Equal Opportunity will contact the employee and supervisor to discuss the employee’s restrictions upon return to work.</p>
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Should you need to submit a request for leave or have questions about CSU FML, please contact the Benefits Office:

DISABILITY LEAVES CAMPUS-WIDE ASSIGNMENTS	
<p>Galina Grigoryan Benefits Analyst (916) 278-3522 galina.grigoryan@csus.edu</p>	<p>Kevin Mackey Benefits Analyst (916) 278-6996 kmackey@csus.edu</p>
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