

SACRAMENTO STATE SUPERVISOR'S ROLE IN REQUESTING CSU FAMILY MEDICAL LEAVE (FML)

Summary: Learn about your role as a supervisor in working with Human Resources and your employee who is requesting a leave 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.

What should I do if I learn about an employee needing time off under CSU FML? The following chart provides guidance on the process as well as your responsibilities:

What to do:	How to Do It
Recognize an employee's possible need for time off under CSU FML and notify the Benefits Office immediately.	A. Inform the Benefits Office immediately if you become aware of an employee who has taken or intends to take time off for a CSU FML qualifying reason. If you recognize that there <u>may</u> possibly be a need for CSU FML, refer employee to the Benefits Office. Keep in mind that an employee need not expressly state the leave is CSU FML related. It is the employer's responsibility to follow up if the employee indicates that he or she needs time off for a reason that may qualify under CSU FML. Such knowledge may come in the form of verbal statements, information obtained from a spouse or relative, knowledge of a hospital stay, or absence from work for a serious illness of more than three working days. <i>CSU designates CSU FML leave following a three (3) day absence (may vary depending on collective bargaining agreement).</i> B. Communicate with your employee the necessity to notify the Benefits Office in a timely manner and comply with policies and procedures related to CSU FML requests. If an employee is placed on a medical leave, the department is <u>not</u> allowed to contact the employee in regards to any work related items, including sending e-mail communications and/or contacting the employee via phone. C. Review the Supervisor/Manager copy of the CSU FML documents provided to the employee by the Benefits Office upon receipt of the request for leave. These documents will provide to you the pertinent details of the leave to help keep you informed about the employee's leave. 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>Designation Notice</u> – Indicates the pertinent details of the request including: approval or denial of the leave request, duration, and amount of CSU FML involved with the leave.

Manage the employee through the leave.	A. Do not ask the employee about his or her medical condition or the specific medical condition of the qualifying family member. Under California law, the employer is only allowed to ask the employee to provide certification of a serious health condition, and may not ask about the diagnosis or medical condition giving rise to the leave. Employees themselves may choose to disclose more information. Even if employees choose to make this disclosure to their supervisor or other employees, the supervisor should not share or further disclose this information to others. B. Confidentially maintain any information and discuss only with the Benefits Office. All medical certification documents should be submitted by the employee directly to the Benefits Office. Details surrounding an employee's request for leave should be maintained as confidential and not discussed with department personnel. If another employee asks where the employee is, the supervisor should indicate hi/she is on leave and nothing more. C. Document the dates of the employee's leave and ensure that Absence Reports are completed accurately. D. Monitor the employee's leave usage. The Designation Notice provided to the supervisor outlines the approved leave usage. It is the supervisor's responsibility to ensure that the employee's usage falls within the approved parameters. Employees should comply with all normal call in procedures. E. Contact the Benefits Office immediately should you have any questions about the dates or duration of the leave. Remember; employees on intermittent leave are still required to follow proper call-in procedures. If employees are not following policy, notify Human Resources as soon as possible. F. Communicate with your department timekeeper to ensure that leave credits are applied appropriately and CSU FML hours are entered on employee Absence Reports.
Employee's Return to Work	A. Confirm with the Benefits Office the employee's return to work date and status. a. Employees on leave due to their own serious health condition and returning to work <u>without</u> any restrictions must submit a Release to Return to Work form completed by their treating physician (or a doctor's note) and submit to the Benefits Office prior to their return to work date. b. Employees on leave due to their own serious health condition and returning to work <u>with</u> restrictions must request their health care provider to complete the Request for Certification under FEHA and ADA form and submit to the Benefits Office prior to their return to work date. Any restrictions will be evaluated as a request for reasonable accommodation under the California Fair Employment and Housing Act and the federal Americans with Disabilities Act (FEHA/ADA).

	c. Participate in the Interactive Process – The Office for Equal Opportunity will contact you to discuss your employee’s restrictions upon return to work.
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Should you become aware of an employee’s need to submit a request for leave or if you have questions about CSU FML, please contact the Benefits Office:

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