

Family and Medical Leave Act

Program

The Family Medical Leave (FML) provides workers with up to 12 weeks of leave time without the risk of losing their job or benefits. The FML mandates leave for eligible employees:

- to cover childbirth, newborn child care, or
- placement of a child with the employee for adoption or foster care, or
- who become seriously ill, or
- who have to be away from work to care for a child, spouse, domestic partner, or parent with a serious health condition.
 - Parent and Child are defined as:
 - **Parent** = biological parent or in *loco parentis* (in position of –e.g. legal guardian).
 - **Child** = biological, adopted, foster, step or legal ward

Eligibility

All full-time and part-time employees (excluding student employees) employed for at least one academic year or 12 months (not necessarily continuously) preceding the leave are eligible. Student employees must be employed at least one year and must have worked at least 1250 hours in the 12-months preceding the leave. The maximum leave permitted under FML is 12 weeks in a 12-month period. Family and Medical Leave entitlements under both federal and state regulations run concurrently **except** for pregnancy disability leave.

Use of Leave Credits

The CSU requires employees to exhaust sick leave, and any accumulated leave credits (vacation, personal holiday, or CTO) prior to beginning an unpaid leave. Leave accruals (i.e., sick leave) is considered a paid leave and is tracked against the FML 12-week entitlement. FML runs concurrently with most leave programs.

FML on an intermittent or reduced work schedule

Leaves for a serious health condition can be permitted on either an intermittent or reduced work schedule when medically necessary and approved based on a Health Care Provider's Certification is provided to Human Resources. Exempt and non-exempt employees on FML will need to track their FML usage with their leave credits on the Attendance and Additional Time Report each month. A signed copy must be sent to Human Resources for tracking FML.

Benefits during FML

If an employee has benefits, all benefits automatically continue during any paid leave. During any unpaid remainder of the 12 weeks of the FML entitlement, the CSU pays its normal share of any medical premiums pursuant to law. In addition CSU will continue to pay its normal share of any premiums for dental insurance and vision coverage. An accounts receivable will be set up for the employee's share of the premium, if any.

Seniority

Permanent employees earn seniority points during both the paid and unpaid portions of FML.

Medical Certification

The campus may require a Health Care Provider's Certification from an employee seeking a leave for their serious health condition or to care for an eligible family member with a serious health condition. The campus may request that an employee report periodically on his/ her status and intent to return to work.

If the employee is off due to a serious health condition, a medical release to return to full or modified duties must be submitted and reviewed by Human Resources PRIOR to the employee reporting to work.

Additional information regarding FML

As long as the employee is using his or her own leave credits, all benefits in effect at the time the leave commenced automatically continue. FML also guarantees the employee's return to the same position or to another position with equivalent benefits pay, and conditions of employment.

If the leave credits should run out before the twelve-week Family and Medical Leave entitlement is exhausted, the CSU would continue to pay its portion of medical, dental and vision premiums while on an unpaid FML. If you should fail to return from an unpaid FML, the CSU may require you to reimburse it for medical, dental, and vision premiums paid on your behalf during the unpaid portion of FML unless your failure to return is due to a serious health condition or other circumstances beyond your control.

Please contact Human Resources for additional information. The following forms may be found on Human Resources' website under HR forms:

- [FML—Health Care Provider's Certification](#)
Medical Certification for requested Family Medical Leave
- [FML – Family and Medical Leave Act Summary](#)
- [Leave of Absence Request](#)
To request a leave of absence
- [Leave of Absence Guide](#)
Guide describing the various types of leaves of absence and the processes