

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. CSU Stanislaus employees are eligible if they have worked for at least one academic year or 12 months (not necessarily continuously) preceding leave.

California State University, Stanislaus 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 Faculty Affairs and Human Resources at (209) 664-6921 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 newborn child, or child placed 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”
- CSU Stanislaus may require medical certification to support a request for leave due to 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 an employee’s leave begins on a forward-rolling basis

Health Benefits:

- For the period of unpaid FML, 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, the CSU will require you to reimburse 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, CSU Stanislaus will maintain the employee’s health coverage under current, group health plans
- Upon return from FML, the employee will be reinstated to his/her 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 Faculty Affairs and Human Resources Department at (209) 664-6921.