

Office of Employment Practices and Employee Disability Programs

Family Care and Medical Leave Information Sheet

- Are you suffering from a serious health condition that makes you unable to perform the essential functions of your job and that involves inpatient hospital care or ongoing medical treatment?
- Do you need time away from work to care for your spouse, child, or parent who has a serious health condition?
- Do you need time away from work to care for your new baby, foster child, or adopted child?

If you answered “Yes” to any of the above questions, your right to take unpaid leave from your job is protected by state and federal law. It is the policy of California State University to provide 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). Upon completion of Family Medical Leave, employees are entitled to return to the same position or another position with equivalent benefits, pay, and conditions of employment.

Eligibility for Leave

- Employees are eligible for leave if they have been employed by any CSU campus or other California State agency for at least an academic year or 12 months. This service need not be continuous.
- Student employees are eligible if they have been employed at least 1250 hours in the past year.

Length of Leave

- Employees are entitled to take up to 12 work-weeks of unpaid family care and medical leave during a 12 month period. This 12-month period is calculated from the date an employee’s leave begins.
- Employees are also entitled to retain any health insurance benefits during time away from work due to family care and medical leave.

What if you are denied Family Medical Leave or treated differently when you return to work?

If you feel that you are being denied your legal right to take Family Medical Leave or are being discriminated against because you are pregnant or disabled, please contact the Office of Employment Practices at extension 5029. If you have any questions about how these laws apply to you as an employee or supervisor, you may contact the Director of Employment Practices and Employee Disability Programs at extension 5029.

Family Medical Leave for Managers

What qualifies as a “Serious Health Condition” for family medical leave purposes?

In order to qualify for unpaid leave, the employee or close relative needing care must suffer from an illness, impairment, or physical or mental condition that involves inpatient hospital care or ongoing medical treatment. Employees may also take time off from work to recover from severe morning sickness or childbirth, and to receive prenatal care.

May FMLA leave be taken on an intermittent or reduced work schedule basis?

Leave for a serious health condition must be permitted on either an intermittent or reduced work schedule when medically necessary. However, there must be a medical requirement for this type of leave, as distinguished from voluntary treatments and procedures, best accommodated through an intermittent or reduced work schedule. Subject to Collective Bargaining Agreement provisions and the Americans with Disabilities Act, CSUC may temporarily transfer an employee needing such a schedule to an “alternative position” to better accommodate the operational needs of a department. The pay, benefits, and working conditions must be consistent with the previous position.

How much notice must an employee give his or her supervisor before taking FMLA leave?

Employees must give 30 days advance notice if the need for family care and medical leave is foreseeable (e.g. the birth of a child or a planned medical treatment). If an employee fails to provide 30 days notice for a foreseeable leave, the department may deny leave until 30 days after notice is provided. If the need for leave is not foreseeable, the employee should provide written notice within a reasonable time after learning of the need for leave.

Contact Human Resources

After an employee requests family care and medical leave, please contact the Office of Employee Disability Programs by phoning 898-5436, for information about fulfilling departmental responsibilities.