

VI. EMPLOYEE DISABILITY PROGRAMS (AND PARENTAL LEAVES)

FAMILY AND MEDICAL LEAVE (FML)

Under the California Family Rights Act of 1993 (CFRA), and the federal Family Medical Leave Act (FMLA), and CSU Policy (HR 99-05), all employees (excluding student employees)* with 12 months or one academic year of service at any CSU campus, as well as any other California state employment, are entitled to an unpaid, job-protected leave. FMLA and CFRA leave benefits run concurrently; the resulting leave is referred to as family care or medical leave (FCML). The maximum entitlement is 12 weeks of leave per 12-month period without risking the loss of their jobs. CSU policy provides leave benefits that are, in some circumstances, more generous than required under state and federal laws. Such leave must be provided to eligible employees to cover childbirth and newborn child care; for placement of a child with the employee for adoption or foster care; for an employee's own serious health condition; or to care for a parent, child, spouse or domestic partner with a serious health condition. The CSU designates the following time off; sick leave, vacation, CTO, personal holiday, NDI, IDL, or Catastrophic Leave as FCML when qualifying circumstances apply. Only when FCML runs concurrently with such leave usage is it a paid leave. During any unpaid portion of this 12-week entitlement, the CSU continues to pay its share of health, dental and vision premiums.*

Expansion of the Family Medical Leave Act (FMLA) for Employees with Family Members in the Military.

On January 28, 2008, the National Defense Authorization (NDA) Act, (HR 4986) was enacted. Section 585 of the NDA Act amends language of the Family Medical Leave Act (FMLA) of 1993, and specifically adds Service Member Family Leave provisions to employees with a family member in the military. Even though federal law does not recognize the rights of domestic partners, for purposes of administering this policy California State University (CSU) will treat domestic partners in the same manner as spouses in accordance with the California Domestic Partner Rights and Responsibilities Act of 2003 (Assembly Bill (AB) 205).

This law became effective immediately on January 28, 2008, and implemented the following two (2) new types of FMLA leave:

- Up to twenty-six (26) weeks of leave to care for a covered family member who sustains a serious injury or illness in the line of duty while on active duty in the U.S. Armed Forces; and
- Up to twelve (12) weeks of leave to deal with a "qualifying exigency" that arises from a covered family member's active duty, or call to active duty, in the U.S. Armed Force in support of a contingency operation. "Qualifying exigency" will be defined by the Department of labor in regulation soon to be published.

MATERNITY/PATERNITY/ADOPTION LEAVE

The Maternity/Paternity/Adoption leave is a **paid** leave associated with the birth of an employee's own child or the placement of a child with the employee in connection with adoption or foster care. This type of absence is not charged against the employee's leave credits, and the amount of paid days received is

* Under the CSU policy, student employees must be employed at least one year (not necessarily continuously AND must have worked at least 1,250 hours in the 12 months preceding leave.

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based on employee category, e.g., bargaining unit. Number of days available, time frames, and whether or not days must run consecutively vary according to employee category.

Women disabled by pregnancy, childbirth, or related medical conditions, are entitled to take a pregnancy disability leave of up to four months, depending on the period(s) of actual disability. Employees who are CFRA-eligible, have certain rights to take BOTH a pregnancy disability leave and a CFRA leave for reason of the birth of a child.

Women affected by pregnancy or a related medical condition, may be eligible for transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties, if this transfer is medically advisable and medical certification is provided.

Education Code Section 89519 provides female employees employed on a permanent basis, with up to twelve months of unpaid leave due to pregnancy/childbirth and is not predicated upon disability. Employees on Education Code Leave may remain in paid status beyond the disability period by using their vacation, Maternity/Paternity Leave, CTO, and/or Personal Holiday. Education Code Leaves run concurrently with other parental leave programs.

NON-INDUSTRIAL DISABILITY INSURANCE (NDI) LEAVE

Employees who suffer a wage loss as a result of a non-industrial injury or illness may be eligible for NDI. The NDI program is administered by the State Employment Development Department (EDD). NDI provides up to 26 weeks of compensation ranging from half pay to a maximum of \$250 per week for most employees, whichever is less. While an employee is receiving NDI benefits, health, dental, and vision benefits continue. This program is not to be confused with workers' compensation benefits, which covers work-related injuries or illnesses.

CATASTROPHIC LEAVE DONATION PROGRAM

Employees who have experienced a personal catastrophic illness or injury are eligible to receive donated leave credits for up to three months (or six months in extenuating circumstances with approval of the President or President's designee). This also applies when an employee is required to take time off for an extended period to care for an immediate family member. An employee must have exhausted all of his or her available leave credits before qualifying to receive catastrophic leave donations.

Any CSU, Chico employee who accrues vacation or sick leave credits may voluntarily donate either of those credits to any other CSU, Chico employee if the recipient employee has exhausted all accrued leave credits, i.e., sick leave, vacation, and compensatory time off (CTO) due to a catastrophic illness or injury. Catastrophic illness or injury is an illness or injury that has totally incapacitated the employee from work. Donated leave credits may be used to supplement industrial disability leave, non-industrial disability leave, or temporary disability payments from the Workers' Compensation Insurance Fund upon the application for such benefit(s) by an eligible employee. The total amount of leave credits donated and used may not exceed an amount sufficient to ensure the continuance of the employee's regular monthly rate of compensation.

In accordance with provisions in the appropriate collective bargaining agreement, employees may voluntarily donate leave credits in increments of one hour or more. Only vacation and sick leave credits may be donated. Donations are irrevocable. **There are a maximum number of hours that may be donated per fiscal year depending on your bargaining unit.** Consult your Collective Bargaining Agreement for details. The Disability Programs Office can provide more information at 898-5436.

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TRANSITIONAL EMPLOYMENT PROGRAM (TEP)

Transitional employment is the process through which an injured/ill employee is brought back to work as quickly as possible to a temporary work assignment. The temporary employment assignment is designed to help the employee remain productive and to actually speed the medical recovery process. The Transitional Employment Program is a dynamic process involving input from the employee's department, the immediate supervisor, the treating physician, and in many cases the employee. A specific time frame (up to a maximum of 90-days) begins when the employee returns to light-duty or alternative work.

WORKERS' COMPENSATION

All employees (including student workers and volunteers) are eligible for workers' compensation benefits. Work-related injuries must be reported to the employee's supervisor immediately. An employee may designate, prior to the date of injury, their personal physician to be the treater for work-related injuries. Pre-designation forms are available from the Disability Programs Office, in all new employee orientation packets and on the Human Resources website under Disability Programs. Employees who have not pre-designated their own physician to treat them in the event of a work-related injury/illness must obtain treatment from one of the University's designated medical providers:

Minor illness/injuries

Student Health Center

Serious Injury/Illness

Enloe Prompt Care at 888 Lakeside Village Commons (off Bruce Road)

Emergency care

Enloe Medical Center at Fifth Avenue on the Esplanade

INDUSTRIAL DISABILITY LEAVE (IDL)

Active CalPERS members are eligible to receive IDL in lieu of Workers' Compensation Temporary Disability when authorized by a treating physician to miss work due to an accepted work-related injury. IDL compensation includes full net pay for the first 22 workdays and 2/3 of adjusted gross salary thereafter for the balance of a maximum of 365 calendar days. The 2/3 compensation amount may be supplemented with an employee's own sick leave to bring the salary up to full pay.