



ADMINISTRATIVE MANUAL

Family Leave

Policy 105

1.0 PURPOSE:
To establish the policy and procedures for requesting family leave

2.0 REFERENCES:
Family Medical Leave Act (FMLA)
California Family Rights Act (CFRA)

3.0 POLICY:
Under the federal Family and Medical Leave Act ("FMLA") and the California Family Rights Act ("CFRA"), this policy is enacted to provide eligible employees to take medical leave and family care leave up to a combined total of 12-weeks in any 12-month period..

To qualify for a medical leave or family care leave, an employee must have worked for A.S.I. for at least 12-months and must have provided at least 1,250 hours of service during the 12-month period prior to beginning each leave.

Reasons For Leave

Eligible employees may take medical leave or family care leave for the following reasons:

- (1) for the birth of a child or the placement of a child with the employee for adoption or foster care;
- (2) to care for a spouse, domestic partner, child, or parent who has a serious health condition; or
- (3) for the employee's own serious health condition if the employee is unable to perform the essential functions of his or her job.

A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves: (1) inpatient care in a hospital, hospice or residential health care facility; or (2) continuing treatment or continuing supervision by a health care provider that also requires an absence from work, school or other regular daily activities of more than three days.

Duration Of Leave

Eligible employees are entitled to take family care and medical leave of absence up to a combined total of 12-weeks in a rolling 12-month period, which is measured backward from the date the leave is taken. Leave for the birth, adoption or foster placement of a child must conclude within one calendar year of the actual birth, adoption or placement. If both parents work for A.S.I., the parents' combined leave for the birth or placement of a child may not exceed 12-weeks during any 12-month period.



An eligible employee may take intermittent leave or may work a reduced work schedule for a serious health condition of the employee's child, parent, spouse or of the employee when medically necessary and if certified by a health care provider. If the need for the leave or intermittent leave is foreseeable, the employee should consult with the Executive Director and make a reasonable effort to schedule any planned treatment in cooperation with the Executive Director, if possible, in order to minimize disruption to the workplace.

Benefits During Leave

Group health insurance coverage will continue for eligible employees taking family care or medical leave under this policy under the same terms and conditions that applied before the leave commenced. To continue health insurance coverage, the employee must continue to make any premium contributions that he or she was required to make prior to taking leave. Premium payments are due monthly and should be made payable to A.S.I. and delivered to the Executive Director. If an employee fails to pay his or her portion within 30-days of the due date of a premium, his or her health insurance coverage may be canceled. In such cases, employees will be notified at least 15-days before coverage terminates.

Employees on family care or medical leave do not accrue seniority or benefits including holiday pay, while on unpaid leave. Employees will not accrue vacation and sick pay while on leave. Vacation and sick pay will begin accruing when the employee returns to work. An employee who takes a family or medical care leave of absence will not lose any seniority earned prior to the commencement of family care or medical leave.

Coordination Of Benefits

Family care and medical leaves are unpaid. An employee who is granted a family or medical care leave of absence must utilize any accrued but unused paid time off benefits (*i.e.*, vacation and sick leave) during the period of the leave. Any portion of a leave that occurs after all paid time off benefits have been exhausted will be without pay.

Any unpaid or paid portions of this policy shall be added together and will not extend the 12-week total leave period limitation allowed under the family leave and medical leave policy.

Notice Requirements

Employees who need to take family care or medical leave should contact the A.S.I. Executive Director as soon as they learn of the need for leave, even when they do not know the precise dates that leave will begin.

If leave is foreseeable, at least 30-days' notice is required. For events that are not foreseeable 30 days in advance, but are not emergencies, the employee must give notice within 2 working days of learning of the need for the leave. If A.S.I. Executive Director determines that the notice was inadequate and that the employee knew of the need for leave in advance of the request, it may require the employee to delay his or her leave. If circumstances of the leave change and the employee is able to return to work earlier than indicated, the employee is required to notify the Executive Director at least 2 working days prior to the date he or she intends to return to work. Similarly, if an employee learns he or she will be unable to return to work on the date previously indicated, the employee is responsible for applying for an extension and furnishing a medical recertification for an extension, prior to the date that the leave expires.

Medical Certification

An employee taking leave for the serious health condition of a family member or for his or her own serious health must provide A.S.I. with certification from a health care provider within 15 calendar days of the Executive Directors request. Failure to provide a satisfactory medical certification may result in the denial of leave.

In cases of a leave for the serious condition of an employee, A.S.I. may require the medical opinion of a second health care provider at its own expense, chosen by it to substantiate a medical certification. If the second opinion is different from the first, A.S.I. may require the opinion of a third health care provider (also at its own expense) jointly approved by both A.S.I. and the employee. The opinion of the third health care provider will be binding on both A.S.I. and the employee.

If an employee requests an extension of leave beyond the time estimated by the health care provider, A.S.I. will require recertification of the employee's or the family member's serious health condition. A.S.I. also requires employees taking leave for their own serious health condition to present a fitness-for-duty certification before return to work. In no event will a leave be extended beyond the maximum 12-week period.

Outside Employment

You may not be employed with any employer, other than A.S.I., during your leave of absence. Outside employment during your leave may result in immediate termination.

Reinstatement

When an employee is able to return to work, he or she should give A.S.I. at least two (2) weeks notice. This is important so that the employee's return to work is properly scheduled.

Under most circumstances, A.S.I. will reinstate employees to their former or equivalent position if they return from leave within 12 weeks. Exceptions, however, may occur as permitted by law. For example, A.S.I. cannot guarantee reinstatement if the employee is a salaried employee and among the highest paid ten percent of all employees within a 75 mile radius and reinstatement would cause substantial and grievous economic injury, or if the employee would have been subject to lay off or job elimination had the employee not taken leave. Employees should also understand that they have no greater right to reinstatement or to other benefits of employment than if they had continued to work during their leave.

Employees who do not return to work immediately upon the expiration of an approved leave of absence or within the maximum period allowed for the family and medical leave will be considered to have voluntarily terminated from A.S.I.

Other Information

The policies and guidelines stated in this policy shall be subject to such other terms and conditions as are provided in the Family and Medical Leave Act of 1993 **and applicable California leave laws**. The FMLA and CFRA make it unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under FMLA or CFRA; or to discharge or discriminate against any person for opposing any practice made unlawful by FMLA or CFRA, or for involvement in any proceeding under or relating to the FMLA. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law that provides greater family or medical leave rights. If employees have any questions about the exercise of FMLA rights, please contact a member of CSULA Human Resource Office.

Pregnancy Disability Leave

All employees are eligible to take an unpaid leave of absence for their own disability caused by pregnancy, childbirth or related medical conditions.

Duration Of Leave

Pregnancy-related disability leave may be taken for the duration of the disability up to 4 months for each pregnancy. At the end of the employee's period of pregnancy disability (not to exceed 4 months), employees who are also eligible for a family care and medical leave, as described above, may take a leave up to 12-weeks for reasons of the birth of her child. The maximum possible combined leave for both family care and medical leave and pregnancy disability leave for the reason of the birth of the child is 4-months and 12-weeks. This assumes that the employee is disabled by childbirth or related medical conditions for 4-months and then requests, and is eligible, for a 12-week family leave for the reason of the birth of her child. Pregnancy-related disability leave is counted towards an employee's FMLA entitlement.

Transfer And Accommodation

An employee is also entitled to a temporary transfer to another position or other reasonable accommodation based on the pregnancy-related disability so long as (1) the employee requests the transfer or reasonable accommodation and the request is based on the medical certification of a health care provider that a transfer or reasonable accommodation is medically advisable, and (2) the request can be reasonably accommodated by A.S.I. Employees who are transferred to accommodate a pregnancy-related disability possess the same reinstatement and other rights described below with respect to pregnancy-related disability leaves.

A.S.I. may also require an employee to transfer temporarily to an available alternative position with the same pay and benefits in order to accommodate an employee's need for intermittent leave or a reduced work schedule.

Benefits During Leave

Group health insurance coverage will continue for eligible employees taking a pregnancy-related disability leave under the same terms and conditions that applied before the leave commenced. To continue health insurance coverage, the employee must continue to make any premium contributions that he or she was required to make prior to taking leave. Premium payments are due monthly and should be made payable to A.S.I. and delivered to the personnel department. If an employee fails to pay his or her portion within 30-days of the due date of a premium, his or her health insurance coverage may be canceled. In such cases, employees will be notified at least 15-days before coverage terminates.

Employees on a pregnancy-related disability leave do not accrue seniority or benefits including holiday pay, while on unpaid leave. Employees will not accrue vacation and sick pay while on leave. Vacation and sick pay will begin accruing when the employee returns to work. An employee who takes a pregnancy-related disability leave of absence will not lose any seniority earned prior to the commencement of her leave.

Coordination Of Benefits

Pregnancy-related disability leaves are unpaid. An employee who is granted a pregnancy-related disability leave may elect to use any accrued but unused paid time off benefits (i.e. vacation or sick leave) during the period of the leave. Any portion of a leave that occurs after all paid time off benefits have been exhausted is without pay. Any unpaid or paid portions of this policy shall be added together and will not extend the 4 month total leave period limitation allowed under this pregnancy-related disability leave policy.

Medical Certification

An employee requesting pregnancy-related disability leave must provide medical certification that she is disabled by pregnancy. Medical certification is required under the same conditions as is required for family care and medical leaves of absence, as described above. An employee taking a pregnancy-related disability leave must present a fitness for duty certification before returning to work.

Notice

Employees should contact their supervisor as soon as they learn that they will need a pregnancy-related disability leave, even when they do not know the precise dates that such leave will begin.

Employees must provide at least 30 days' notice when the need for pregnancy-related disability leave is foreseeable. If the need for leave is not foreseeable, notice must be given to A.S.I. within two business days of learning of the need for the leave.

Employees must indicate the estimated timing and duration of the leave and make a reasonable effort to schedule any planned medical treatment so as to minimize the disruption of A.S.I.'s activities.

If an employee requests an extension of leave beyond the time estimated by the health care provider, the employee must submit a recertification prior to the expiration date if the employee desires additional leave. Extensions will not be granted that cause the total period of the pregnancy-related disability leave to exceed the 4-month limitation.

Outside Employment

You may not be employed with any employer, other than A.S.I., during your leave of absence. Outside employment during your leave may result in immediate termination.

Reinstatement

When an employee is able to return to work, he or she should give A.S.I. at least two (2) weeks notice. This is important so that the employee's return to work is properly scheduled.

Under most circumstances, A.S.I. will reinstate employees to their former or equivalent position if they return from leave within 4-months. Exceptions, however, may occur as permitted by law. Employees should understand that they have no greater right to reinstatement or to other benefits of employment than if they had continued to work during their leave.

For example, an employee will not be reinstated to the same position where (1) she would not otherwise have been employed in the same position due to legitimate business reasons unrelated to her taking leave (such as layoff or job elimination), or (2) the means of preserving the job would substantially undermine [Employer]'s ability to operate its business safely and efficiently. In such cases, the employee will be placed in a comparable position for which the employee is qualified unless (1) no comparable position is available within 10 working days of the employee's return to work, or (2) filling the comparable position with the employee would substantially undermine A.S.I.'s ability to operate its business safely and efficiently. Employees who fail to return to work at the conclusion of their approved leave or within the maximum period allowed for the leave will be considered to have voluntarily terminated from A.S.I.