

Summary of Medical Leaves

I. Medical Leaves

The purpose of this document is to provide a summary of available medical leaves to contract and non-contract faculty, classified, classified confidential, supervisors and management. Many of the available leaves may run concurrently.

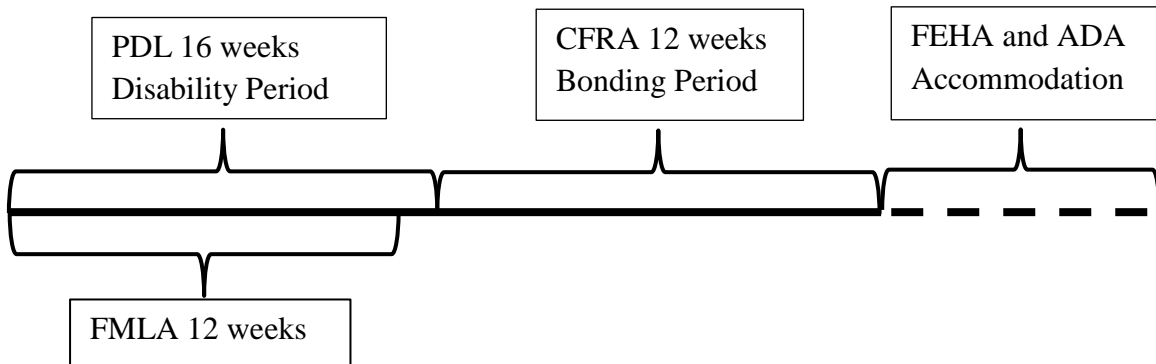
- A. **Family Medical Leave Act.** The federal Family and Medical Leave Act of 1993 (FMLA) provides up to 12 weeks of unpaid leave, maintenance of health benefits and job protection to eligible employees. An employee is eligible for FMLA leave if the employee has been employed for at least 12 months and has at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave. FMLA runs concurrently with Pregnancy Disability Leave and California Family Rights Act, whenever possible. FMLA may be used for certain military related reasons, birth or placement of a child and care for newborn, care of a "family member" (child, parent, or spouse) who has a serious health condition, or an employee's own serious health condition. Serious health condition may involve inpatient care, hospitalization, hospice care, etc., or continuing treatment of certain conditions under supervision of a health care provider.
- B. **California Family Rights Act.** CFRA is a California leave law that provides up to 12 weeks of unpaid leave and job protection to eligible employees. An employee is eligible for CFRA? leave if the employee has been employed for at least 12 months and has at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave. CFRA provides the employee time to bond with the newborn child. CFRA runs concurrently with FMLA whenever possible. CFRA may be used for the care of a "family member" (child, parent, spouse, or domestic partner) or for the employee's own serious health condition. The same definition of serious health condition under FMLA applies.
- C. **Pregnancy Disability Leave.** PDL is a California law that provides up to 4 months or 16 weeks unpaid leave and job protection for any woman disabled by a condition related to pregnancy. PDL runs concurrently with FMLA. PDL has no length of service or hours requirements.
- D. **Americans with Disabilities Act.** ADA provides additional leave time or other accommodation for a medical disability (such as transfers to different positions or part-time schedules) and may be required under this Act even where the employee does not qualify for the mandated leave.
- E. **Labor Code Sections 233 and 234.** If the employer offers sick leave, the employer cannot deny an employee the right to use sick leave or discharge, threaten to discharge, demote, suspend, or in any manner discriminate against an employee for using, or attempting to exercise the right to use, sick leave to attend to an illness of a child, parent, spouse, or domestic partner of the employee.

II. Benefits During Leave

- A. If the employee is eligible for FMLA/CFRA, the employee's health and welfare benefits are protected for the first 12 weeks of leave. If the employee is paying a premium contribution, the employee is still responsible for making payment to the District for the normal payroll deductions for his or her health insurance coverage, if any.
- B. After FMLA/CFRA has been exhausted, the employee may continue to retain his or her benefits

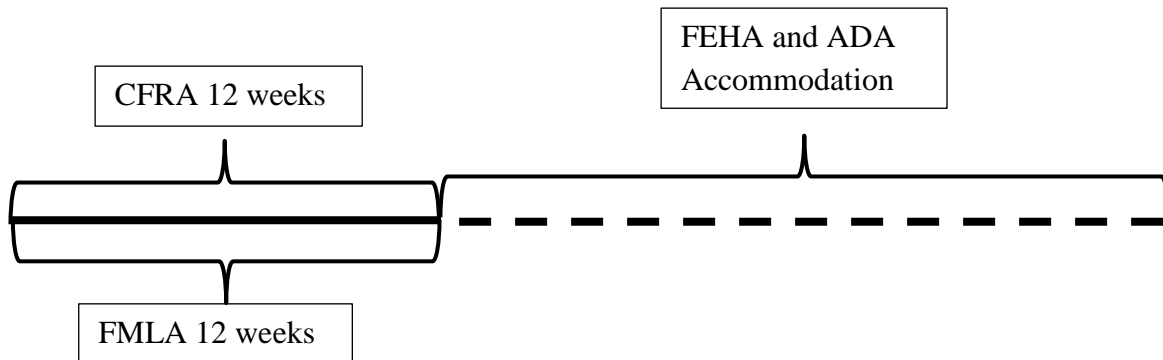
but may be responsible to pay the full premium cost for benefits depending on how benefits are treated under other leaves.

- C. Combining the various leaves for Pregnancy. The maximum time off mandated for pregnancy leave is determined by the employee's leave entitlement under state and federal leave laws. If the employee is covered under all applicable leave laws listed above, the maximum time off is up to 4 months disability (PDL), 12 weeks of bonding (CFRA), and possibly an additional period for ADA accommodation. See sample timelines below:



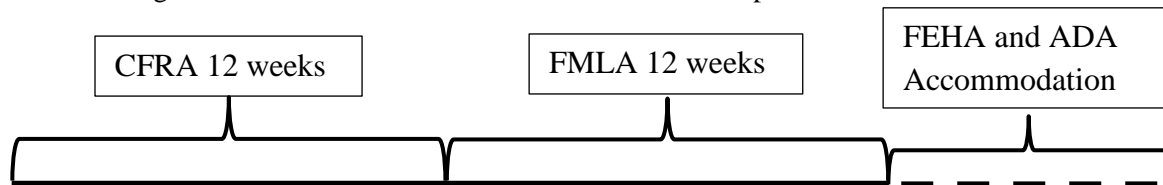
By way of example, a pregnancy without complications will usually result in 6 weeks disability, 12 weeks bonding for employee eligible for PDL, FMLA, CFRA, and perhaps use of vacation. Thereafter, Fair Employment and Housing Act (FEHA) and ADA accommodation may be required.

The following is an example where FMLA and CFRA may overlap.



The above example would occur where the leave is based on the employee's own health condition that is covered under both FMLA and CFRA or where the leave is for the serious health condition of a family member covered under both FMLA and CFRA.

The following illustrates where FMLA and CFRA do not overlap:



This situation would occur where coverage is only available under FMLA (military related items or pregnancy disability) and the employee later takes leave for a condition covered under CFRA or where the leave is only covered under CFRA domestic partner then later in the year the employee takes leave for a family member covered under FMLA.

Note: the employee may also be eligible for compensation during their leaves under the following state programs:

State Disability Insurance (SDI): This program is available to part-time faculty and is administered by the Employment Development Department (EDD) and pays approximately 55% of an employee's wages. There is a 7-calendar day waiting period before benefits commence. Benefits are payable from the eighth day of disability up to 52 weeks of disability.

Paid Family Leave Insurance: PFLI is a program for employees who may be eligible for up to six weeks of PFLI benefits after his or her disability ends, and during the period of bonding with a newborn child. This program pays approximately 55% of wages and is administered by the EDD.

CalPERS Disability Retirement: Following exhaustion of available paid and unpaid leaves, if you have an injury or illness that prevents you from performing your job duties, you may be eligible for a disability retirement. The cause of disability does not need to be related to their employment. Contact CalPERS for further information.

CalSTRS Disability Retirement: You may be eligible for a disability benefit if you meet the eligibility requirements, including age, service credit and timeliness for application and medical documentation. The definition of disabled as established for CalSTRS by the California Education Code is having a medically determined physical or mental impairment that is permanent or expected to last at least 12 continuous months. You should apply for a disability benefit before you exhaust other benefits available to you.

American Fidelity Assurance Company: The benefit program includes a Section 125 Benefit Plan for eligible employees to use pre-tax dollars to pay for qualified benefits. Disability Income Insurance is available to all employees at their own costs. Disability benefits are payable when you are unable to work due to a covered Accident or Illness. In addition, pregnancy disability is covered under this benefit. Contact the Benefits Office for further information.