

OVERVIEW

ADA

An employee is protected from job discrimination on the basis of their disability. The employee must have a disability, which is defined by the ADA as a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.

If the employee has a disability, the employee must also be qualified to perform the essential functions or duties of a job, with or without reasonable accommodation, in order to be protected from job discrimination by the ADA. This means two things. First, the employee must satisfy the employer's requirements for the job, such as education, employment experience, skills or licenses. Second, the employee must be able to perform the essential functions of the job with or without reasonable accommodation. Essential functions are the fundamental job duties that the employee must be able to perform on their own or with the help of a reasonable accommodation.

Reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities

FMLA

Eligible employees may take a leave of absence for medical reasons to care for self or an eligible family member (spouse, domestic partner, parent, son or daughter). The California State University, Family Medical Leave (CSU FML) incorporates both the federal *Family Medical Act* (FMLA) and the state *California Family Rights Act* (CFRA).

These two programs run concurrently and provide an entitlement of up to twelve weeks of employer paid health, dental and vision benefits during a 12 month period while the employee is on an unpaid/paid medical leave of absence. The usage of available leave accruals (sick, vacation, personal holiday) will apply toward a paid leave of absence. A full, partial or intermittent leave may be requested.

All medical leaves require forms and a doctor's certification. The CSU Family Medical Leave program may run concurrently with other supplemental programs.

Eligibility: An employee becomes eligible to be covered under the CSU Family Medical Leave after one year of employment. As of July 1, 2019, some of the Bargaining units also require that the employee work one thousand two hundred and fifty (1,250) hours in the twelve (12) months preceding the leave. If employment was with another CSU, please contact Human Resources.

In addition, the following employee groups are subject to the 1,250 hour eligibility requirement:

- Non-represented (Confidential and MPP)
- Unit 1 (UAPD)
- Student employees