

## **Guaranteed Medical Leave - When you or a member of your family are ill.**

Federal and state laws guarantee your right to take time off when you're ill or when you need to care for a sick relative. These laws also guarantee your right to take a leave from work during pregnancy, childbirth, and adoption. Some important facts to know about these rights:

### **WHO IS ELIGIBLE?**

In order to take family medical leave, you must have worked for your current employer for a total of 12 months (52 weeks), and have also worked at least 1,250 hours in the 12-month period before the date the leave begins.

### **HOW LONG CAN I TAKE FAMILY MEDICAL LEAVE?**

Eligible employees can take leave up to 12 work weeks in a 12-month period. You do not have to take the leave all at one time.

### **WHEN CAN I TAKE FAMILY MEDICAL LEAVE?**

The laws say that you can take family medical leave for one or more of the following reasons:

- Birth and care of your newborn child
- Placement with a child for adoption or foster care
- To care for an immediate family member with a serious health condition
- When you are unable to work because of a serious health condition.

### **WHO ARE "IMMEDIATE FAMILY MEMBERS?"**

The law says that your immediate family members include only your spouse, child, or parent.

### **WHAT IS A "SERIOUS HEALTH CONDITION?"**

Illness, injury (including on-the-job injuries), impairment, or physical or mental condition of you or your child, parent or spouse that involves either:

- Inpatient care in a hospital, hospice, or residential care facility
- Continuing treatment or supervision by a health-care provider.

### **IS FAMILY MEDICAL LEAVE PAID TIME OFF FROM WORK?**

Both the state and federal laws guarantee only unpaid leave from work. However, you may be able to use accrued sick leave, vacation, or other paid leave during your family medical leave. You may also be eligible for disability or workers' compensation, depending on the nature of the injury.

### **WHAT ABOUT HEALTH BENEFITS?**

Your employer is required to maintain your insurance coverage while you're on leave under the same terms as when you are working.

### **CAN I COME BACK TO MY SAME JOB WHEN I RETURN TO WORK?**

Upon your return, you must be placed in the same job or be placed in a comparable position that is virtually identical to your original position in terms of pay, benefits, and working conditions, including privileges, perquisites, and status. If you're placed in a comparable job, it must involve the same or substantially similar duties and responsibilities, skill, effort and authority, must be performed in the same or geographically proximate work site, and ordinarily means the same shift or the same or equivalent work schedule.

### **WHAT IF MY INJURY OR DISABILITY MEANS I CAN NO LONGER PERFORM THE DUTIES OF MY JOB?**

You may have additional rights and benefits under other laws or your Union contract, such as

disability insurance, workers' comp (for job-related injuries), the federal Americans with Disabilities Act (ADA), or, for a pregnancy leave, the California Government Code Section 12945(b)(2).

**Contact your steward or Union representative for more information about these rights.**

**FOR MORE INFORMATION**

**CA Dept. of Fair Employment and Housing**

(800) 884-1684 or TDD (213)897-2840.

**United States Government, Dept. of Labor, Wage and Hour Division**

(800)923-6509.

Websites - [www.cwa9510.org](http://www.cwa9510.org) <or> [www.dol.gov](http://www.dol.gov)

**Sources of information:**

- California State Fair Employment and Housing Act (FEHA), Sections 12945.1 and 12945.2.
- California Code of Regulations, Section 7297.2.
- California Government Code Section 12945(b)(2).
- The Family Medical Leave Act of 1993, Public Law 101-3 .