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When Does An Employee Suffer From A "Serious Health Condition" Under CFRA?

The California Family Rights Act ("CFRA") provides a qualified employee with up to 12 workweeks of protected "family care and medical leave." CFRA defines "medical leave" to include an employee's own serious health condition that makes the employee unable to perform the functions of the employee's job.

In *Lonicki v. Sutter Health Central*, the Court of Appeal recently held that the CFRA's statutory definition of a "serious health condition that makes an employee unable to perform the functions" of his/her job must be construed to mean an "inability to perform the essential job functions generally, rather than for a specific employer." Thus, an employee who can successfully perform the essential functions of a job for one employer cannot, at the same time, establish he or she was incapable of doing so for any other employer.

In *Lonicki*, Plaintiff worked for both Sutter and Kaiser as a technician in the sterile processing department. Plaintiff confirmed that she performed the same duties for both Kaiser and Sutter. However, Plaintiff claims that working in Sutter's sterile processing department was extremely stressful because she was overworked. Plaintiff was also upset by Sutter unilaterally changing her work schedule.

Plaintiff then requested a medical leave of absence from Sutter because she was "too emotionally upset to work." However, Plaintiff continued her employment with Kaiser. Sutter denied Plaintiff's request for medical leave because, among other reasons, Sutter was aware that she was continuing to work for Kaiser. Plaintiff was then terminated because she did not return to work by the date required by the company.

Thereafter, Plaintiff filed a civil complaint against Sutter asserting violations of CFRA. The trial court dismissed Plaintiff's complaint, finding that she was not entitled to CFRA leave because the undisputed evidence demonstrated that at the same time she was demanding a medical leave from Sutter, she was performing the same functions of her job for Kaiser. Thus, Plaintiff did not suffer from a serious health condition that prevented her from performing the essential functions of her job, and was not entitled to CFRA leave.

In upholding the trial court's decision, the Court of Appeal referred to Plaintiff's condition as "selective disability" and specifically found that Plaintiff "was not unable to perform the essential functions of her job; rather, she was unwilling to do so for Sutter." The Court of Appeal pointed out that CFRA "was intended to balance the demands of the workplace with the needs of employees. It was not intended to shift the balance of power to a capable but unwilling employee."

This decision represents a small victory for employers in their ability to manage and respond to requests for CFRA leave. However, all leave requests must be properly evaluated on an individual basis. Moreover, an employee's right to take time off from work is governed by numerous different state and federal leave statutes, including the federal Family Medical Leave Act (FMLA), which may lead to a different result. Thus, before denying any request for a medical leave, employers must examine each applicable statute and situation.

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For more information about this issue, please contact a member of the Labor and Employment Practice Group in one of our offices.

Los Angeles	San Diego	San Francisco
Charles F. Barker (213) 617.4168	David B. Chidlaw (619) 338.6614	Douglas J. Farmer (415) 774.2906
Elicia N. Bernstein (213) 617.5582	John D. Collins (619) 338.6613	Lara V. Hutner (415) 774.2903
Geoffrey D. DeBoskey (213) 617.5547	Julie A. Dunne (619) 338.6510	Otis McGee, Jr. (415) 774.3249
David J. Fishman (213) 617.4118	Guy N. Halgren (619) 338.6605	Michael Scarborough (415) 774.2963
Jason R. Gasper (213) 617.5499	Samantha D. Hardy (619) 338.6640	
Adena Hadar (213) 617.4128	Stacey E. James (619) 338.6581	Del Mar Heights
Douglas R. Hart (213) 617.5497	Rafael Nendel-Flores (619) 338.6619	Richard M. Freeman (858) 720.8909
Derek R. Havel (213) 617.5424	W. David Osborne (619) 338.6589	Matthew McConnell (858) 720.8928
Kelly L. Hensley (213) 617.5441	A. Andrew Peterson (619) 338.6624	Carole M. Ross (858) 720.8925
Melissa Hughes (213) 616.5464	Kim Snyder (619) 338.6506	
Tracey A. Kennedy (213) 617.4249	Mary P. Snyder (619) 338.6503	Santa Barbara
Melissa P. Lopez (213) 617.4290	William V. Whelan (619) 338.6588	Jeffrey Dinkin (805) 879.1828
Richard L. Lotts (213) 617.4119	Tara L. Wilcox (619) 338.6608	Deborah Martin (805) 879.1838
Daniel J. McQueen (213) 617.4270		
Kristine A. Moon (213) 617.5523	Orange County	Washington, D.C.
Jocelyn Riedl (213) 617.5592	Heather Clark (714) 424.2820	Mark E. Nagle (202) 218.0014
Richard J. Simmons (213) 617.5518	Greg S. Labate (714) 424.2823	Julia H. Perkins (202) 772.5316
Dianne Baquet Smith (213) 617.4265	Mary E. Lynch (714) 424.2826	Mary E. Pivec (202) 772.5310
Beth S. Sonnenklar (213) 617.4187	Ryan D. McCortney (714) 424.2830	
Brandyn Stedfield (213) 617.5514		
Natalie C. Trask (213) 617.4229		
Jennifer B. Zargarof (213) 617.4243		

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

LOS ANGELES 213-620-1780	CENTURY CITY 310-228-3700	SAN FRANCISCO 415-434-9100	ORANGE COUNTY 714-513-5100
DEL MAR HEIGHTS 858-720-8900	SAN DIEGO 619-338-6500	SANTA BARBARA 805-568-1151	NEW YORK 212-332-3800
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For additional information about Sheppard Mullin, please contact us at 888.588.SMRH
Client Relations Department
333 S. Hope Street, 48th Floor
Los Angeles, CA 90071