

Leaves Without Pay/*Active Service-Modified Duties*

General Statement: All leaves of absence will be considered on their individual merits. Leaves must be approved by both the Dean of the appropriate School or College and the Vice President for Academic Affairs. Leaves will not normally be granted for more than one year. Whenever possible, Maternity Leaves and Family Care Leave should be requested at least 30 days in advance.

- A. Status of Benefits While on Unpaid Leave: *Faculty members on an approved leave of absence shall be entitled to continue participation in the University's medical insurance plan (medical, dental, vision, EAP) for a period of up to three consecutive months. After that period of time, the faculty member may exercise their COBRA option and continue benefits at their own expense. Other group insurance shall be in accordance with the provisions of the applicable group insurance policies.*

- B. Tenure Clock: *An academic appointee is entitled to stop the tenure clock and extend the probationary period, with or without taking a full or partial leave of absence, if the faculty member (whether male or female) is a primary or coequal caregiver of newborn or newly adopted children. The probationary period may be extended for up to one year for each child and may be extended only twice. Thus, the maximum extension of the probationary period is for two one-year extensions.*

For extension of the tenure clock, the faculty member must provide notice to the Vice President for Academic Affairs within twelve months following the birth or placement of a child.

In addition to qualifying for Maternity Leave and FMLA, academic appointees are also eligible for a period of Active Service-Modified duties to coordinate with the birth or placement of a child for adoption or foster care in accordance with the terms and conditions specified in the FMLA.

1. Maternity Leave

Employees who are unable to work due to a pregnancy-related disability will be granted a maternity leave of absence without pay for the period of the disability, provided such a period shall not exceed four months. The University integrates State Disability Insurance (S.D.I.) with sick leave and vacation.

Maternity leaves will be granted on the basis of a physician's written statement that an employee is no longer able to work due to a pregnancy-related disability.

An employee who is granted a maternity leave of absence will be entitled, in addition to four months, to use any accrued sick leave during the period of disability or long-term disability for which the employee may be eligible.

Employees planning to take a maternity leave must submit a written request and a physician's statement to the Human Resources Office. This physician's statement shall give the University reasonable notice of the date the leave will commence, the estimated duration of the leave, and the expected return to work date. The employee must inform the University of the disability as soon as the employee becomes aware of it. The employee's physician must advise the University of the employee's ability to continue working through the pregnancy until the anticipated date of leave. Employees returning to work after a childbearing leave must have a written release from a physician verifying that they are able to return to work and safely perform their duties. The employee must keep the University informed at least every 30 days during the maternity leave as to the status of her disability as well as the employee's intent to return to work upon recovery from the disability. Employees on a maternity leave of absence are not eligible to accrue sick pay while on leave.

Time taken as childbearing leave under this provision shall not be credited against leave provided under either the Family Medical Leave Act or the California Family Rights Act.

2. Family Care Leave

Under the California Family Rights Act (FRA) and the Federal Family and Medical Leave (FMLA), any employee with 12 months of service and who has worked at least 1,250 hours in the immediate past 12 months is eligible for a Family Care Leave under the terms of this policy.

Employees are entitled to a leave of up to 12 weeks in any 12-month period for the following purposes:

- (1) for the birth of a son or daughter of the employee and in order to care for such son or daughter;
- (2) for the placement of a son or daughter with the employee for adoption or foster care;

(Eligibility for a leave for the birth or placement for adoption or foster care of a son or daughter expires at the end of the 12-month period beginning on the date of the birth or the placement of the child.)

(3) for the care of a spouse, son, daughter or parent of the employee who has a serious health condition.

a. **Notice.** For a leave for the birth or placement of a son or daughter in which the need for the leave is foreseeable based on an expected birth or placement, the employee shall provide the Vice President for Academic Affairs with not less than 30 days written notice before the leave is to begin, unless there are unforeseen circumstances which preclude the 30 days' notice, and then the employee should give the University as much notice as is possible.

For a leave for a serious health condition of the employee's spouse, son, daughter or parent in which the need for a leave is foreseeable based upon a planned medical treatment, the employee shall make a reasonable effort to schedule such treatments so as not to disrupt the University's operations subject to the cooperation and approval of the health care provider for the person with the serious health condition, and the employee shall provide the University with 30 days' notice before the commencement of a leave, except in the event that circumstances prevent such notice and then the employee is to provide as much notice as is practicable.

Intermittent leave or reduced leave schedule may be taken in order for the employee to attend to the serious health condition of a spouse, son, daughter or parent when medically necessary

b. **Certification of a Serious Health Condition** A serious health condition is defined under the law as an illness, injury or impairment of physical or mental condition that involves in-patient care in a hospital, hospice or residential medical care facility or continuing treatment by a health-care provider. It also may involve a period of incapacity whereby the individual is absent from work, school or other regular daily activity for more than three calendar days and also involves a continuing treatment by a health-care provider.

The University may require that the leave for a serious health condition of an employee's spouse, son, daughter or parent be supported by a certification issued by the health care provider of the person with the serious health condition.

- c. **Coordination of Leaves and Benefits.** In relationship to other leave policies, employees taking family care leave may use all available sick leave during the family care leave.

3. **Active Service-Modified Duties**

a. **Description**

In order that an academic appointee can prepare and or/or care for their young child, a period of Active Service-Modified Duties shall be granted on request to any appointee who has received maternity &/or Family Care leave or who has adopted a child. Eligibility for one semester of Active Service-Modified Duties shall normally extend from 3 months prior to 12 months following the birth or placement and shall be concluded within 12 months following the birth or placement. During this period normal duties shall be reduced. This status must coordinate with Maternity Leave and/or FMLA.

A request for a period of Active Service-Modified Duties shall include a written statement by the academic appointee certifying that he/she has substantial responsibility for the care of an infant or young child. A statement describing the modified duties is subject to approval by the Vice President for Academic Affairs. During a period of Active Service-Modified Duties, the appointee is on active status and is expected to participate in departmental administration, student advising, conduct research, serve on committees, and perform other duties as identified by the appropriate academic department chair and dean. Active Service-Modified Duties is not a leave of absence. Normally, for faculty the modification of duties will be either partial or full relief from scheduled teaching duties. In the semester of maternity leave, there must be full relief from scheduled teaching duties.

Academic appointees may also be eligible for a leave of absence for a temporary disability related to pregnancy and/or family care leave.

b. **Duration**

The total period of Active Service-Modified Duties plus maternity leave shall not exceed the equivalent of one semester for each birth or placement with an appointee of a child for adoption or foster care. Extension of Active Service-Modified Duties beyond sixteen weeks requires approval by the Vice President for Academic Affairs and will be approved only in exceptional circumstances. A request for Active Service-Modified Duties following a childbearing leave of more than sixteen weeks requires approval by the Vice President for Academic Affairs and will be approved only in exceptional circumstances. In no event may the aggregate duration of all leaves plus periods of Active Service-Modified Duties exceed one year.

