PPSM-2.210: Absence from Work

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I. POLICY SUMMARY

This Policy provides direction for the accrual, use and recording of all paid and unpaid leave available to eligible Professional and Support Staff (PSS), Managers and Senior Professionals (MSP), and Senior Management Group (SMG) members.

The University understands and appreciates that employees require time away from work for a variety of reasons. To that end, the University provides a full array of time off policies to help eligible employees integrate work and personal obligations.

This Policy explains the types of time off benefits available to assist employees in managing events requiring time away from work. It also explains what responsibilities employees have with respect to certain leaves of absence.

If applicable state or federal law requires the University to offer any leave in a manner that would be more generous to employees than is currently provided in this Policy, the University will comply with the law.

QUICK REFERENCE GUIDE

If you need time away from work…	**You may be eligible for leave as described in the following section(s):**
You want to take time off for rest, relaxation, renewal, or other personal reasons.	Vacation (or Paid Time Off (PTO), if applicable
You are ill or have a doctor's appointment	Sick Leave (or PTO, if applicable), Family and Medical Leave, Vacation Leave
You become disabled	Sick Leave (or PTO, if applicable), Family and Medical Leave, Vacation Leave
You have a work-related injury or illness	Sick Leave (or PTO, if applicable), Family and Medical Leave, Vacation Leave

If you need time away from work…	You may be eligible for leave as described in the following section(s):
You are pregnant	Pregnancy Disability Leave, Sick Leave (or PTO, if applicable), and Family and Medical Leave
You have had a baby, adopted a child, or become a foster parent	Pregnancy Disability Leave, Family and Medical Leave, Parental Bonding Leave
You have to attend a school conference or activity involving your child.	School Suspension Leave, School Activities Leave
A family member is or member from your household is ill	Sick Leave, Family and Medical Leave
You have suffered from domestic violence or a crime	Victims of Domestic Violence, Sexual Assault, or Stalking Leave, Victims of Serious or Violent Felonies Leave, Sick Leave
You are donating blood, platelets, bone marrow, or an organ	Administrative Leave, Family and Medical Leave
You are serving in a branch of the military or other uniformed service of the United States	Military Leave
Your spouse or domestic partner is on leave from deployment during a period of military conflict	Military Spouse/Domestic Partner Leave
You need to attend to a qualifying exigency for a spouse, domestic partner, child or parent who is a military member on covered active duty or call to active duty status (or has been notified of an impending call or order to covered active duty)	Family and Medical Leave – Qualifying Exigency Leave
Your family member or next of kin who is a covered servicemember is undergoing medical treatment, recuperation or therapy for a serious injury or illness	Family and Medical Leave – Military Caregiver Leave
You are serving as a volunteer firefighter, reserve peace officer, or emergency rescue personnel, or responding to an emergency operational mission as a volunteer member of the California Wing of the Civil Air Patrol	Voluntary Civic Service Leave

If you need time away from work…	You may be eligible for leave as described in the following section(s):
You are going to vote in an election or primary, or are serving as an election official	Voting Leave, Service as an Election Official
You are summoned to jury duty	Jury Duty Leave
You are a witness in an administrative or judicial proceeding	Witness Duty Leave
You are attending a University function	Leave for University Functions
The campus or UC location is closed due to an emergency or curtailment of operations	Curtailment Leave
You have suffered a catastrophic casualty loss due to events such as a terrorist attack, fire, or natural disaster, including severe damage or destruction to your primary residence	Catastrophic Leave Donation Program
You need to care for a catastrophically ill or injured family member or other person residing in your household and have exhausted all accrued paid leave	Catastrophic Leave Donation Program
Someone passes away	Bereavement Leave
You want to donate a portion of your accrued vacation leave to another University employee	Catastrophic Leave Donation Program
You want to participate in an adult literacy program	Literacy Leave
You want to participate in an alcohol or drug rehabilitation program	Rehabilitation Leave

II. DEFINITIONS

Covered active duty or call to covered active duty status: For purposes of Family and Medical Leave – Qualifying Exigency Leave, "covered active duty or call to covered active duty status" is defined as (1) in the case of a member of the regular Armed Forces, duty during the deployment to a foreign country or (2) in the case of a member of the Armed Forces Reserve, duty during the deployment to a foreign country under a Federal call or order to active duty in support of a contingency operation, during a war,

or during a national emergency declared by the President or Congress so long as it is in support of a contingency operation.

Career appointment: An appointment established at a fixed or variable percentage of time at 50 percent or more of full-time that is expected to continue for one year or longer.

California Family Rights Act (CFRA): The sections of the California Fair Employment and Housing Act that contain family care and medical leave provisions for California employees.

Covered servicemember: For purposes of Family and Medical Leave – Military Caregiver Leave, a "covered servicemember" is a current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list; or a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

Covered veteran: For purposes of Family and Medical Leave – Military Caregiver Leave, a "covered veteran" is an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FML to care for the covered veteran.

Curtailment leave: A period of unpaid leave instituted by a Chancellor in connection with a decision to suspend certain operations for defined periods of time, including but not limited to periods of time for energy/cost savings; transitional, seasonal, or holiday periods in the academic calendar; or the occurrence of emergency situations that adversely affect normal University operations.

Exceptions to Policy: An action that exceeds what is allowable under current policy or that is not expressly provided for under policy. Any such action must be treated as an exception.

Executive Officer: The University President, Chancellor, Laboratory Director, or Vice President – Agriculture and Natural Resources.

Family members: Except for purposes of Family and Medical Leave, an employee's spouse, domestic partner, children (including children of the employee's domestic partner), parents, siblings, grandparents, and grandchildren. Step-relatives, in-laws, and relatives by adoption are included on the same basis as the above-listed blood relatives. If an employee was raised by persons other than his/her biological parents, these individuals also are included in this category. Likewise, if an employee is raising a child who is not his/her biological child, that child is included in this category.

Family members for purposes of Family and Medical Leave: An employee's spouse, domestic partner, children who are under 18 years of age or incapable of self-care because of a mental or physical disability (including children of the employee's domestic partner), and parents. Step-relatives and relatives by adoption are included on

the same basis as the above-listed blood relatives. In-laws are not included. If the employee was raised by persons other than his/her biological parents, these individuals are also included in this category. Likewise, if an employee is raising a child who is not his/her biological child, that child is included in this category. If the employee is taking Military Caregiver Leave to care for a son or daughter who is a covered servicemember, the son or daughter may be of any age.

Family and Medical Leaves: Leaves that the University offers employees for specified family and medical reasons, consistent with the federal Family and Medical Leave Act (FMLA), the California Family Rights Act (CFRA), and California's Pregnancy Disability Leave Laws (PDLL) and as set forth in the applicable provisions below.

Family and Medical Leave Act: A federal law that allows an employee to take unpaid leave (1) due to the employee's serious health condition (including disability resulting from pregnancy, childbirth or related medical condition), (2) to care for certain family members if they have a serious health condition, (3) to bond with his/her new child after the child's birth or placement with the employee for adoption or foster care, (4) for Military Caregiver Leave, or (5) for Qualifying Exigency Leave.

In loco parentis: For purposes of Family and Medical Leave, a person stands "in loco parentis" to a child if the person has day-to-day responsibilities to care for the child or financially supports the child.

Next of kin: For purposes of Family and Medical Leave – Military Caregiver Leave, "next of kin" is either (a) the nearest blood relative of the covered servicemember (other than the covered servicemember's spouse, domestic partner, parent, son or daughter) or (b) the person who the covered servicemember has designated in writing as his/her nearest blood relative for purposes of Military Caregiver Leave.

Outpatient status: For purposes of Family and Medical Leave – Military Caregiver Leave, "outpatient status" is the status of a servicemember assigned to a military medical treatment facility as an outpatient, or assigned to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

Parent of a military member: For purposes of Family and Medical Leave – Qualifying Exigency Leave, a "parent of a military member" is a military member's biological, adopted, step or foster parent or any other individual who stood in loco parentis to the military member when the military member was a child. The definition does not include parents in-law.

Parent of a covered servicemember: For purposes of Family and Medical Leave – Military Caregiver Leave, a "parent of a covered servicemember" is a covered servicemember's biological, adopted, step or foster parent or any other individual who stood in loco parentis to the covered servicemember when the covered servicemember was a child. The definition does not include parents in-law.

Pay status: Any period of time for which an employee receives pay for time worked, including compensatory time off. Time on pay status also includes time on paid leave.

Period of military conflict: For purposes of Military Spouse/Domestic Partner Leave, a "period of military conflict" is a period of war declared by the United States Congress, or a period of deployment for which a member of a reserve component is ordered to active duty as defined in Military & Veterans Code Section 395.10.

Quadriweekly cycle: A payroll term denoting two biweekly pay periods, used by the University to be considered as a unit for the purpose of leave accrual.

Qualified Member: For purposes of Military Spouse/Domestic Partner Leave, a "qualified member" is a person who is (1) a member of the Armed Forces of the United States who has been deployed during a period of military conflict to an area designated as a combat theater or combat zone by the President of the United States, (2) a member of the National Guard who has been deployed during a period of military conflict, or (3) a member of the Reserves who has been deployed during a period of military conflict.

Senior Management Group Members: Individuals whose career appointment is in the Senior Management Group (SMG) personnel program. SMG members with a dual academic appointment at 0% will be considered to possess a career appointment in the Senior Management Group.

Serious injury or illness of a covered servicemember: For purposes of Family and Medical Leave – Military Caregiver Leave, a serious injury or illness of a covered servicemember is (a) for a current member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred or aggravated by the covered servicemember in the line of duty on active duty in the Armed Forces that may render the servicemember medically unfit to perform the duties of his/her office, grade, rank, or rating; and (b) for a veteran of the Armed Forces, an injury or illness that was incurred or aggravated in the line of duty on active duty in the Armed Forces and manifested itself before or after the member became a veteran.

Single 12-month leave period: For purposes of Family and Medical Leave – Military Caregiver Leave, a "single 12-month leave period" means the period beginning on the first day the employee takes leave to care for the covered servicemember and ending 12 months after that date.

Son or daughter of a military member: For purposes of Family and Medical Leave – Qualifying Exigency Leave, a son or daughter of a military member is of any age and is a biological, adopted, or foster child, stepchild, or legal ward of a military member or someone for whom the military member stood in loco parentis when that person was a child.

Stalking: Behavior in which a person repeatedly engages in a course of conduct directed at a specific person that places that person in reasonable fear of his or her safety or the safety of others.

Top Business Officer: Executive Vice President–Business Operations for the Office of the President, Vice Chancellor for Administration, or the position responsible for the location's financial reporting and payroll as designated by the Executive Officer.

III. POLICY TEXT

A. General Leave Provisions

The University's policy is to administer requests by employees for time off from work fairly and to treat similarly situated employees consistently. Eligibility and leave entitlements vary under the FMLA, CFRA, and other legislated leave provisions. In determining whether time off or a leave request should be granted and whether paid leave is appropriate, supervisors should, at a minimum, consider the reason for the request, any applicable policy provisions, and the impact the absence will have on University operations. Employees are responsible for informing their supervisors in advance of the need to take time off if foreseeable, or as soon as possible under the circumstances, depending on the nature of the leave.

Each UC location, upon approval from the Vice President – Human Resources, may adopt and implement a Paid Time Off (PTO) program as an alternative to providing traditional vacation and sick leave for non-SMG employees.

1. Substitution of Paid Leave

Unless expressly prohibited under the specific applicable leave(s) policy, employees may elect to substitute accrued vacation, sick leave, PTO (if applicable), and/or compensatory time off (CTO) for leave without pay. CTO may not be substituted for Family and Medical Leave unless expressly allowed under the specific Family and Medical Leave policy. In certain circumstances (specified in the applicable policy provision), employees may be required to exhaust paid leave before taking unpaid leave. The substitution of paid leave for unpaid leave does not extend the total duration of the leave to which an employee is entitled.

For example, using five (5) days of accrued sick leave during a Family and Medical Leave absence does not extend the duration of the leave beyond the maximum entitlement by another five (5) days.

2. Advance Notice Required

For leaves other than Family and Medical Leave, an employee must inform his/her supervisor as far in advance as possible of the need to take time off from work for any reason, including the expected length of the leave. If the need to take leave is unforeseen an employee must inform his/her supervisor as soon as practicable. The employee may be required to provide evidence of the treatment, circumstance, or event that is the basis for the absence from work, consistent with the provisions applicable to the particular type of leave being taken.

Employees must comply with local campus procedures concerning notice requirements.

For Family and Medical Leaves, see Section III.D.1.a.

3. Evidence Supporting the Need for Leave

An employee requesting leave, whether paid or unpaid, should be prepared to provide written documentation supporting the need for leave (e.g., jury summons, subpoena) consistent with the applicable leave provision. Leaves for medical reasons may require written confirmation from a health care provider.

Employees must comply with local campus procedures concerning supporting documentation, including medical certification requirements.

4. Recertification and Periodic Reports

The University may require an employee who is on a leave of absence due to his/her own or a family member's medical condition to provide recertification of that condition. The University also may request periodic reports during an employee's leave regarding his/her status and intent to return to work.

5. Return to Work

An employee is expected to return to work no later than the next regularly scheduled workday after the expiration of an approved leave. If an extension is desired, the employee should request this in writing from his/her supervisor in advance of the expected date of return.

An employee who unexpectedly cannot return to work on the next regularly scheduled workday following the expiration of the approved leave of absence must notify his/her supervisor as soon as possible, but preferably no later than an hour before the employee's scheduled start time to explain the reason for the absence.

Failure to return to work after an approved leave of absence without supervisory approval for the extension of leave is considered an unauthorized absence. An employee who is returning from a leave for his/her own medical condition may be required to provide written verification of his/her ability to return to work, consistent with the applicable leave provision. Such verification must include any applicable work restrictions (and their expected duration), as identified by the employee's health care provider.

Leaves of absence, whether paid or unpaid, may not extend beyond a predetermined separation date.

6. Benefits Coverage During Leave

Generally, an employee granted a leave with pay will receive all benefits related to employment that are granted when an employee is on pay status. Special limitations or requirements that apply to certain types of leaves are addressed in the provisions specific to those leaves.

An employee on Family and Medical Leave (FML) will continue to have coverage under the University's health plans (medical, dental, and optical) as if on pay status as follows:

a. When the employee is on a FML leave that runs concurrently under the Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA): Continued coverage for up to twelve (12) workweeks in a calendar year.

b. When the employee is on a Military Caregiver Leave under the FMLA: Continued coverage for up to twenty-six (26) workweeks in a single twelve month period. For purposes of Military Caregiver Leave, the single twelve month period is the period beginning on the first day the employee takes the leave and ending twelve (12) months after that date.

c. When the employee is on a Qualifying Exigency Leave under the FMLA: Continued coverage for up to twelve (12) workweeks in a calendar year.

d. When the employee is on a Pregnancy Disability Leave under the California Pregnancy Leave Law, regardless of whether any of the leave runs concurrently with the FMLA: Continued coverage for up to four (4) months in a twelve month period. If any of the Pregnancy Disability Leave runs concurrently under the FMLA, the continued coverage provided for that portion of the leave will count towards the employee's FMLA entitlement for up to twelve (12) workweeks of such coverage in a calendar year.

e. When the employee is on an FML leave under the CFRA that does not run concurrently under the FMLA (e.g., Parental Bonding Leave taken after the employee has exhausted his/her entitlement under the FMLA): Continued coverage for up to twelve (12) workweeks in a calendar year.

An employee on any other approved unpaid leave will receive health plan and retirement plan coverage in accordance with the group insurance and retirement system regulations.

For details regarding benefits provided during leaves of absence, refer to Family and Medical Leave Fact Sheet (http://ucnet.universityofcalifornia.edu/forms/pdf/family-medical-leave.pdf). Additional information may be obtained by contacting the local Benefits office.

To continue health coverage during an approved leave of absence, an employee must continue to make any contributions that he/she made before taking leave. For any paid portion of the leave, employee contributions will continue to be deducted from the employee's paycheck. Failure of the employee to pay his/her share of the health insurance premium may result in loss of coverage. If the employee fails to return to work other than for reasons beyond his/her control (such as being physically unable to return to work), the University may elect to recover from the employee the portion of premiums it paid on the employee's behalf.

7. Recording Accrual and Use of Paid and Unpaid Leave

The University will maintain a complete and accurate record of all leave accrued and used by eligible employees, including the employees' current available leave balance and accrual rate.

Non-Exempt Employees. The University will record leave used by non-exempt employees to the nearest quarter hour.

Exempt Employees. The University will record leave used by exempt employees in full-day increments, depending on the length of the leave. Exempt employees on less than full-time status will have leave recorded in increments equal to that portion of a day they normally are scheduled to work. The foregoing does not apply when an employee is taking Family and Medical Leave on an intermittent or reduced schedule basis (See Sections III.D.2.a., III.D.3.a., III.D.4.b., III.D.5.a., and III.D.6.b.).

Example #1: An exempt employee works a five-day, 40-hour workweek. Eight hours will be deducted from the employee's sick leave accrual balance for each day of sick leave taken. To calculate: 40 hours per week ÷ 5 days per week = 8 hours per sick leave day.

Example #2: An exempt employee works a four-day, 20-hour workweek (five hours per day for four days on a regular schedule each week). Five hours will be deducted from the employee's vacation accrual balance for each day of vacation taken. To calculate: 20 hours per week ÷ 4 days per week = 5 hours per vacation day.

8. Misuse of Leave

An employee misrepresenting the reason for requesting time off, or in applying for a leave of absence, may be subject to disciplinary action, up to and including termination from employment.

An employee on an unpaid leave of absence may not utilize vacation leave or sick leave on an intermittent basis for purposes of eligibility for holiday pay and employer-paid contributions towards benefits.

B. Vacation Leave

The University provides vacation leave to eligible employees for personal use, such as rest, relaxation, and renewal. Consistent with this objective, the University encourages employees to use their accrued vacation leave each year.

Vacation leave eligibility and accruals for Senior Management Group (SMG) members holding concurrent academic appointments are determined by this Policy rather than by Academic Personnel Manual Policy 730.

1. Eligibility for Vacation Leave

The University provides vacation leave to employees who:

- Hold career, limited and floater appointments, and

- Are appointed at 50 percent of more of full-time status for six or more months.

An employee in such an appointment begins to accrue vacation leave at the start of his/her appointment.

An eligible employee whose appointment is reduced below 50% will no longer accrue vacation leave. An employee who previously was ineligible to accrue vacation leave because of a part-time or short-term appointment will become eligible to accrue vacation on the first day following six consecutive months or quadriweekly cycles on pay status at 50 percent or more time.

2. Accrual of Vacation Leave

An employee accrues vacation leave based on type of appointment, years of qualifying service, and hours on pay status. Eligible employees appointed at less than full-time status accrue vacation leave on a pro-rata basis. On-call and overtime hours are not included for purposes of computing the amount of vacation leave accrued,

If an employee is appointed at 50% or more of full-time status for six or more months but actual time worked is less than 50%, the employee will accrue vacation in proportion to the time worked.

Professional and Support Staff accrue vacation leave as follows, based on full-time status[1]:

Years of Qualifying Service	Approximate Vacation Days Accrued Per Year
Less than 10	15
10 but less than 15	18
15 but less than 20	21
20 or more	24

[1] Professional and Support Staff who were in the Administrative and Professional Staff Program as of June 30, 1996 and have not experienced a break in service of four or more months, accrue vacation leave as follows:

Years of Qualifying Service	Approximate Vacation Days Accrued Per Month	Approximate Vacation Days Accrued Per Year
Less than 10	1.50	18
10 but less than 15	1.75	21
15 or more	2.00	24

SMG members and Managers and Senior Professionals accrue vacation leave as follows:

Years of Qualifying Service	Approximate Vacation Days Accrued Per Year
Less than 5	18
5 but less than 10	21
10 or more	24

A month on pay status at one-half time or more is counted as a month of qualifying service, and a quadriweekly cycle on pay status at one-half time or more is counted as a quadriweekly cycle of qualifying service. Service need not be continuous to be counted. Qualifying Service for purposes of calculating vacation accrual includes: service in a staff or academic appointment at the University; service for the State of California (including Hastings College of the Law), the UC-Managed Department of Energy Laboratories, and the California State University; and time spent on military leave from the foregoing institutions.

3. When Vacation Leave is Credited

Accrued vacation leave is credited and available for use on the next working day following each month or quadriweekly pay cycle, except that eligible separating employees earn proportional vacation leave through their last day on pay status.

4. Vacation Leave Accrual During Leaves of Absence

An employee continues to accrue vacation leave while on a University-paid leave of absence. However, employees do not accrue vacation leave during any unpaid leave of absence, except for the first three days of an unpaid curtailment leave.

An employee on leave without pay and receiving temporary disability payments under the California Workers' Compensation Act accrues vacation leave on the same basis as if actually working, but accrued leave is credited to the employee only upon return to work.

5. Maximum Vacation Leave Accrual Limit

Vacation leave may be accrued up to a maximum of two times an employee's annual accrual whether an employee holds a full-time or part-time appointment. For example, an employee who has 20 or more years of qualifying service and accrues 24 vacation days on an annual basis may accrue up to a maximum of 48 days of vacation leave.

Once an employee reaches the maximum accrual, no additional vacation leave may be accrued until the employee's vacation leave balance falls below the maximum.

However, if an employee cannot schedule vacation within 60 working days of reaching the maximum accrual limit due to operational considerations, the University will provide the employee an additional four months within which to take vacation leave in order to bring the employee's accrual below the maximum. The employee continues to accrue vacation leave during these additional four months.

6. Use of Accrued Vacation Leave

An employee may not use vacation leave before it is accrued, except as authorized by the Chancellor during a curtailment leave.

Employees will coordinate their vacation leave in advance with their department or administrative unit to ensure that their absence does not conflict with the needs of the department or administrative unit. Vacation leave must be approved by the employee's immediate supervisor.

Although the primary purpose of vacation leave is rest and relaxation, employees may use accrued vacation for personal or family illness or injury, or for other personal reasons.

An employee on an unpaid leave of absence may not use vacation leave on an intermittent basis for purposes of eligibility for holiday pay and/or employer-paid contributions towards benefits. (However, if the employee is taking Family and Medical Leave on an intermittent or reduced schedule basis, see the applicable sections in III.D.2.a., III.D.3.a., III.D.4.b., III.D.5.a., and III.D.6.b.) Employees separating from University employment may not use vacation leave after their last day of work except when they are retiring. Retiring employees may schedule vacation leave between their last day of work and the effective date of retirement.

7. Vacation Leave Pay

Pay during a vacation leave is at the employee's rate of pay in effect at the time the leave is taken, not the rate of pay in effect when the vacation leave was accrued.

An employee will be paid for any unused vacation leave accrued through their last day on pay status upon:

- Separation of employment from the University (resignation, termination, retirement, indefinite layoff or medical separation)
- Transfer, promotion, or demotion to a University position that does not accrue vacation leave
- An unpaid extended military leave, as determined by the Chancellor

Payment for unused vacation leave upon separation will be at the employee's rate of pay in effect as of the employee's last day on pay status. Payment of accrued vacation leave upon transfer, promotion or demotion to a position that does not accrue vacation leave will be based at the employee's rate of pay in effect at the time of the transfer, promotion, or demotion.

8. Transfer of Accrued Vacation Leave

Except as provided in the preceding section on Vacation Leave Pay, any accrued vacation leave will be transferred upon an employee's reassignment, promotion, or demotion from one University position to another. The rate of pay for such vacation leave will be at the employee's rate of pay in effect at the time the leave is taken.

9. Recording Vacation Leave Accrual and Use

Each department or administrative unit is responsible for maintaining a complete and accurate record of all vacation leave accrued and used by eligible employees, including employees' current available vacation leave balances and accrual rates.

Non-Exempt Employees. The University will record vacation leave used by non-exempt employees to the nearest quarter hour.

Exempt Employees. The University will record vacation leave used by exempt employees in full day increments, or in increments not less than that portion of the day during which an employees on less than full-time pay status is normally scheduled to work. The foregoing does not apply when an employees is taking Family and Medical Leave on an intermittent or reduced schedule basis. See Sections III.D.2.a., III.D.3.a., III.D.4.b., III.D.5.a., and III.6.b. If an exempt employee has exhausted all accrued vacation leave, absences of less than one full day will not be deducted from the employee's salary.

10. Catastrophic Leave Donation Program

In accordance with Delegation of Authority 2085 and local procedures, an employee may voluntarily donate a portion of his/her accrued vacation leave to be used by other University employees (who have exhausted all of their own accrued paid leave benefits) to address circumstances such as: a catastrophic injury or illness or an employee; caring for a catastrophically ill or injured family member or household member; the death of a family or household member; or a catastrophic casualty loss suffered by an employee due to, for example, a terrorist attack, fire, or natural disaster.

C. Sick Leave

The University provides paid sick leave to continue the salary of eligible employees who are absent from work because of illness or injury, medical appointments, for parental bonding, family illness or bereavement leave, or while on specified Administrative and Other Leaves as outlined within this Policy. If taking care of an ill child, parent, spouse, or domestic partner, up to the amount of sick leave accrued in a six-month period in a calendar year will be designated as Kin Care leave.

Certain University locations have adopted and implemented PTO programs as an alternative to the University's vacation and sick leave policies. Employees at these locations may refer to the local PTO program and guidelines.

Sick leave eligibility and accruals for SMG members holding dual academic appointments are determined by this Policy rather than by Academic Personnel Manual Policy 710.

1. **Eligibility for Sick Leave**

   The University provides sick leave to eligible employees who are on pay status at least one-half of the working hours of a month or quadriweekly cycle in which it is earned.

2. **Accrual of Sick Leave**

   An employee accrues sick leave based on hours on pay status. Generally an employee who is on full-time pay status (40 hours a week) accrues approximately one day (8 hours) of sick leave per month.

   On-call and overtime hours are not included for purposes of computing the amount of sick leave accrued.

3. **When Sick Leave is Credited**

   Accrued sick leave is credited and available for use on the next working day following each month or quadriweekly pay cycle in which it is earned, except that eligible separating employees earn proportionate sick leave credit through their last day on pay status.

4. **Sick Leave Accrual During Leaves of Absence**

   A full-time career employee on an approved leave without pay accrues full sick leave credits for the month or quadriweekly cycle if the employee is on pay status at least one-half the working hours of the month or quadriweekly cycle.

   An employee on leave without pay and receiving temporary disability payments under the California Workers' Compensation Act accrues sick leave on the same basis as if actually working, but accrued sick leave is credited to the employee only upon return to work.

   If an employee's appointment is split between an academic and staff title, the employee may accrue sick leave for time worked under the academic title, as provided by the applicable Academic Personnel Policy or applicable collective bargaining agreement.

   Employees also accrue sick leave credits for the first three days of a curtailment leave.

5. **Maximum Sick Leave Accrual Limit**

   There is no maximum limit on the amount of sick leave that can be accrued.

6. Use of Accrued Sick Leave

Subject to certain limitations, an employee may use accrued sick leave as follows:

If you need time away from work…	**You may be eligible to use the following amount of accrued sick leave:**
For your own illness, injury, or medical appointments	All accrued sick leave
As Family and Medical Leave for your own serious health condition	Up to twelve (12) workweeks in a calendar year
As Family and Medical Leave to care for a spouse, domestic partner, child, or parent with a serious health condition	Up to a total of twelve (12) workweeks
For Pregnancy Disability Leave	Up to four (4) months per pregnancy
As Family and Medical Leave to bond with your child after the child's birth or placement for adoption or foster care, and to attend to matters related to the birth, adoption, or placement of the child	Up to thirty (30) days per Parental Bonding Leave in a calendar year
When required to attend to or care for ill family members not designated as Family and Medical Leave, or to attend to or provide care for other persons residing in your household who are ill	Up to thirty (30) days in a calendar year. The Chancellor may authorize exceptions beyond the 30 day limit, including the exhaustion of all sick leave in the event of catastrophic illness in the employee's family or household
To provide care for a family member who is a covered servicemember undergoing medical treatment, recuperation or therapy As Family and Medical Leave (Military Caregiver Leave) to provide care for a family member who is a covered servicemember undergoing medical treatment, recuperation or therapy	Up to twelve (12) work weeks in a calendar year
As Supplemental Family and Medical Leave	If underlying FML Leave was due to your own serious health condition, up to twelve (12) additional workweeks in a calendar year If underlying FML was to care for a family member with a serious health condition, parental bonding, or Military Caregiver Leave, up to thirty (30) days in a calendar year only to the extent that the 30 day allotment was not used during the underlying FML

If you need time away from work…	**You may be eligible to use the following amount of accrued sick leave:**
For a work-related injury or illness	The difference between workers' compensation payment received and the employee's salary
To donate bone marrow or an organ	Up to five (5) days for bone marrow donation and thirty (30) days for organ donation in a calendar year Note: If leave for this purpose qualifies as Family and Medical Leave for a serious health condition, refer to that entry above.
Because you are a victim of domestic violence, sexual assault, or stalking	All accrued sick leave
Because you are a victim of a serious or violent felony	All accrued sick leave
For Bereavement Leave	Up to ten (10) days for the death of a family member or person residing in your household Up to five (5) days in a calendar year for the death of an individual who is not a family member or a person residing in your household
Rehabilitation Leave	All accrued sick leave

An employee may ***not*** use accrued sick leave:

- After a predetermined date of separation, retirement, or indefinite layoff
- In excess of their scheduled hours of work (e.g., an employee who is scheduled to work six hours a day would not take eight hours of sick leave a day)
- During a temporary layoff, furlough, or leave without pay
- On an intermittent basis for purposes of eligibility for holiday pay and employer-paid contributions towards benefits. (However, if the employee is taking Family and Medical Leave on an intermittent or reduced schedule basis, see the applicable section in Sections III.D.2.a., III.D.3.a., III.D.4.b., III.D.5.a., and III.D.6.b.)

Before using sick leave, an employee may be required to:

- Provide at least 30 days advance notice of foreseeable medical needs (e.g., a planned medical treatment) or as soon as possible; and
- Submit satisfactory proof of the inability to work, illness in the family, or bereavement

An employee who becomes ill while on vacation will be permitted to use sick leave based upon satisfactory verification of the employee's illness or injury.

7. Sick Leave Pay

Pay during a sick leave is at the employee's rate of pay in effect at the time the leave is taken, not the rate of pay in effect when the sick leave was accrued. Accrued sick leave is not paid out upon termination of employment.

8. Transfer of Accrued Sick Leave

Any accrued sick leave will be transferred upon an employee's transfer, promotion, or demotion. If an employee is transferred to a position in which sick leave does not accrue, the sick leave will not transfer but a record of the accrued sick leave will be maintained in the department so that the sick leave may be reinstated if the employee later transfers to a position in which sick leave accrues.

9. Recording Sick Leave Accrual and Use

Each department or administrative unit is responsible for maintaining a complete and accurate record of all sick leave accrued and used by eligible employees, including the employees' current available leave balance and accrual rate.

Non-Exempt Employees. The University will record leave used by non-exempt employees to the nearest quarter hour.

Exempt Employees. The University will record leave used by exempt employees in full-day increments or in increments not less than that portion of the day during which an employee on less than full-time pay status is normally scheduled to work. The foregoing does not apply when an employee is taking Family and Medical Leave on an intermittent or reduced schedule basis. See Sections III.D.2.a., III.D.3.a., III.D.4.b., III.D.5.a., and III.D.6.b.

10. Separation from Employment and Reinstatement of Sick Leave

An employee does not receive pay for sick leave upon separation from University employment.

An employee who is reemployed after a separation from employment of less than 90 calendar days will have all accrued sick leave from the employee's prior service reinstated. If the separation from employment status is 90 or more calendar days but less than six months (or 180 days), up to 80 hours of accrued sick leave will be reinstated. If separation is for six months (or 180 days) or more, accrued sick leave will not be reinstated. For purposes of this subsection only, service with the State of California (including Hastings College of the Law) and the California State University will be treated as University service.

A Professional or Support Staff member who is laid off and subsequently reemployed during the period of recall and preferential rehire status will have all accrued sick leave reinstated.

An employee who retires within four months of separating from University employment and elects monthly retirement income will have accrued but unused sick leave converted to UCRP service credit under the terms and conditions of the UC Retirement Plan. Accrued but unused sick leave is not converted to service credit in a lump sum cashout of retirement benefits.

D. Leaves Related to Life Events

This section describes the variety of leaves offered to University employees to accommodate their need to take time away from work due to life events.

1. Family and Medical Leave – General Provisions

The following provisions apply to Family and Medical Leave as described in Sections III.D.2, III.D.3, III.D.4, III.D.5, III.D.6, and III.D.7 unless otherwise indicated.

To be eligible for Family and Medical Leave, an employee must have:

- been employed by the University for at least a total of 12 months; and
- worked at least 1,250 hours in the 12 months immediately preceding the start of the leave. (For employees granted military leave, all hours that would have been worked had the employee not been ordered to military duty are included for the purpose of calculating the 1,250 hours of actual work.)

An eligible employee may take unpaid Family and Medical Leave of up to a total of twelve (12) workweeks in a calendar year (or, for Military Caregiver Leaves, for a period of up to twenty-six (26) workweeks in a single 12-month period) under certain conditions, as described in the applicable Life Event sections below. Furloughs and University closures of one week or longer that occur during an employee's Family and Medical Leave are not counted toward the 12-work week limit (or, for Military Caregiver Leave, the 26-workweek limit).

Any leave taken by an eligible employee that qualifies as Family and Medical Leave will be designated as such and will be counted against the employee's leave entitlement whether the leave is paid or unpaid. Such deductions will be made in increments that correspond to the amount of leave time actually taken by the employee (which could be weeks, days, hours, and/or partial hours).

An employee who takes less than twelve (12) workweeks of Family and Medical Leave does not need to have worked 1,250 hours in the twelve (12) months immediately preceding any subsequent Family and Medical leave taken for the same qualifying reason in the same calendar year as the initial qualifying leave.

An employee may qualify for Family and Medical Leave under the California Family Rights Act (CFRA) for any covered reason (e.g., parental bonding) other than disability caused by pregnancy, childbirth, or related conditions even if the employee's leave entitlement under the Family and Medical Leave Act (FMLA) has been exhausted.

a. Advance Notice

An employee should inform his/her supervisor of the need for a Family and Medical Leave at least thirty (30) days in advance of the anticipated start date of the leave if the need for leave is foreseeable. If the need for leave is not foreseeable, the employee should give notice to his/her supervisor as soon as practicable. Failure to comply with this notice requirement may result in postponement of leave.

The employee should also provide notice to his/her supervisor as soon as practicable if the period(s) for which the employee needs Family and Medical Leave change.

b. Documentation and Certification

The University may require that the employee provide a complete and sufficient certification from a health care provider if the employee is requesting a Family and Medical Leave (1) due to the employee's own serious health condition, (2) due to the employee's pregnancy disability, (3) to care for a family member with a serious health condition, or (4) as Military Caregiver Leave. If the employee is taking Qualifying Exigency Leave, the University may require that the employee provide the certification pertaining to that form of Family and Medical Leave. The University will provide the appropriate certification form to the employee based on the type of Family and Medical Leave the employee is requesting.

If the employee is seeking to take Family and Medical Leave to care for a family member with a serious health condition or as Parental Bonding Leave, the University may require that the employee provide a Declaration of Family Relationship for Family and Medical Leave.

c. Substitution of Paid Leave Benefits for Unpaid Family and Medical Leave

An employee may elect to substitute accrued vacation, sick leave, PTO (if applicable), and/or compensatory time off for leave without pay in accordance with the Policy provisions governing each type of Family and Medical Leave. If an employee wishes to take unpaid Family and Medical Leave and the employee's vacation accrual balance (or PTO balance, if applicable) is at the maximum, the employee will be required to use at least 10 percent of accrued vacation leave or PTO before taking unpaid Family and Medical Leave. The foregoing requirement does not apply if the employee elects to take unpaid Pregnancy Disability Leave instead of using accrued vacation.

If an exempt employee is taking FML on an intermittent or reduced schedule basis and elects to substitute accrued vacation, sick leave, PTO (if applicable), and/or compensatory time off the deductions from the employee's leave accruals will be made in increments that correspond to the amount of leave actually taken by the employee (which could be weeks, days, hours and/or partial hours), rather than full-day increments only as stated in Section III.A.7.

The substitution of paid leave for Family and Medical Leave does not extend the total duration of the leave to which an employee is entitled.

d. Reinstatement

Reinstatement will be to the same position or, at the Department's discretion, to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment, provided that the employee returns to work immediately following the Family and Medical Leave. If the employee would have been laid off or terminated if the employee had actually been working during the leave period, the employee will be afforded the same considerations afforded to other employees who are laid off or terminated pursuant to the provisions of Staff Policy 60, Layoff and Reduction in Time from Professional and Support Staff Career Positions; Staff Policy 61, Release During the Probationary Period or From Limited, Casual/Restricted, and Floater Appointments; Staff Policy 64, Termination of Career Employees – Professional and Support Staff; Staff Policy 65, Termination of Career Employees – Managers and Senior Professionals, Salary Grades I Through VII; Staff Policy 67, Termination of Career Employees – Managers and Senior Professionals, Salary Grades VIII and IX; and Staff Policy II-64, Termination of Appointment. For reinstatement immediately following a Pregnancy Disability Leave, see Section III.3.D.2.c.

e. Supplemental Family and Medical Leave

A regular status employee who has exhausted all Family and Medical Leave is eligible for Supplemental Family and Medical Leave for up to an additional twelve (12) workweeks or until the end of the calendar year, whichever is less, if the need for a Family and Medical Leave that is in progress continues beyond twelve (12) workweeks.

However, the aggregate absence from work for Pregnancy Disability Leave, Family and Medical Leave, and Supplemental Family and Medical Leave may not exceed seven (7) months during the calendar year, except as may be required by law.

For employees on Supplemental Family and Medical leave, health plan coverage (medical, dental, and optical) will continue in accordance with each plan's requirements.

An employee may elect to substitute accrued vacation, sick leave, PTO (if applicable), and/or compensatory time off for leave without pay if the underlying Family and Medical Leave is due to the employee's own pregnancy disability or other serious health condition. An employee may elect to substitute accrued vacation and up to thirty (30) days of sick leave in a calendar year if the underlying Family and Medical Leave is to care for a family member with a serious health condition, parental bonding leave, or Military Caregiver Leave as provided for under applicable provisions of the Policy.

Reinstatement will be to the same or, at the Department's discretion, a similar position in the same department provided that the employee returns to work immediately following termination of the leave. If the employee would have been laid off or terminated had the employee actually been working during the leave period, the employee will be afforded the same considerations afforded other employees who are laid off or terminated pursuant to the provisions of Staff Policy 60, Layoff and Reduction in Time from Professional and Support Staff Career Positions; Staff Policy 61, Release During the Probationary Period or From Limited, Casual/Restricted, and Floater Appointments; Staff Policy 64, Termination of Career Employees – Professional and Support Staff; Staff Policy 65, Termination of Career Employees – Managers and Senior Professionals, Salary Grades I Through VII; and Staff Policy 67, Termination of Career Employees – Managers and Senior Professionals, Salary Grades VIII and IX.

2. Leave Due to Pregnancy, Childbirth or Related Medical Condition (Pregnancy Disability Leave)

An employee who is disabled because of pregnancy, childbirth, or related medical conditions may take an unpaid Pregnancy Disability Leave for the period of actual disability of up to four months. Pregnancy Disability Leave may also be used for prenatal care.

An employee may elect to substitute accrued vacation, sick leave, PTO (if applicable), and/or compensatory time off for leave without pay, subject to Section III.D.1.c.

If an employee on an approved Pregnancy Disability Leave is eligible for Family and Medical Leave, up to 12 workweeks of Pregnancy Disability Leave will run concurrently with the employee's Family and Medical Leave entitlement under federal law. Upon concluding a Pregnancy Disability Leave, an employee may be eligible for up to 12 workweeks of Family and Medical Leave under the California Family Rights Act (CFRA) for any covered reason except pregnancy, childbirth or related medical conditions.

a. Reduced Schedule or Intermittent Leave

When medically necessary, an employee may take Pregnancy Disability Leave on an intermittent or reduced schedule basis. The University may require an employee who is taking such leave on an intermittent or reduced schedule basis to temporarily transfer to an alternative position if the alternative position better accommodates the required work schedule than the employee's own position. Such a temporary transfer will not be counted toward an employee's entitlement to up to four (4) months of Pregnancy Disability Leave. At the conclusion of the Pregnancy Disability Leave (or earlier, at the University's option), the employee will be returned to her original position in accordance with Section III.3.D.2.c.

b. Reasonable Accommodation, Modification of Job Duties and/or Temporary Transfer

As an alternative to or in addition to Pregnancy Disability Leave, when requested by a pregnant employee and medically advisable according to her health care provider, the University will provide (1) reasonable accommodation, (2) modified job duties, and/or (3) a temporary transfer to a less strenuous or hazardous position. If the reasonable accommodation, modification of job duties, or temporary transfer does not involve a reduction in hours worked, it will not be counted toward an employee's entitlement to up to four (4) months of Pregnancy Disability Leave. At the conclusion of the Pregnancy Disability Leave (or earlier upon the employee's request if that request is consistent with the advice of the employee's health care provider), the employee will be returned to her original position and/or duties in accordance with Section III.3.D.2.c.

c. Reinstatement

Reinstatement will be to the same position the employee had prior to the Pregnancy Disability Leave, provided that the employee returns to work within four (4) months and immediately following the Pregnancy Disability Leave. If the employee would have been laid off or terminated if the employee had actually been working during the leave period, reinstatement will be to a comparable position at the same location. If a comparable position at the same location is not available, the employee will be afforded the same considerations afforded other employees who are laid off or terminated pursuant to Staff Policy 60, Layoff and Reduction in Time from Professional and Support Staff Career Positions; Staff Policy 61, Release During the Probationary Period or From Limited, Casual/Restricted, and Floater Appointments; Staff Policy 64, Termination of Career Employees – Professional and Support Staff; Staff Policy 65, Termination of Career Employees – Managers and Senior Professionals, Salary Grades I Through VII; Staff Policy 67, Termination of Career Employees – Managers and Senior Professionals, Salary Grades VIII and IX; and Staff Policy II-64, Termination of Appointment.

d. Lactation

In addition to Pregnancy Disability Leave, a nursing mother is eligible for lactation breaks in accordance with PPSM 84 (Accommodations for Nursing Mothers).

Lactation is also considered a pregnancy-related medical condition.

3. Parental Bonding Leave

An eligible employee is entitled to Family and Medical Leave to bond with his/her child after the child's birth or placement with the employee for adoption or foster care, and to attend to matters related to the birth, adoption, or placement of the

child. Leave granted for such bonding purposes must be concluded within twelve months following the child's birth or placement with the employee.

a. Reduced Schedule or Intermittent Leave

The basic minimum duration of any Parental Bonding Leave is two (2) weeks. However, the University will grant an employee's request for a Parental Bonding Leave of less than two (2) weeks' duration on any two occasions. Otherwise, the employee may only take Parental Bonding leave for a period of less than two (2) weeks or intermittently or on a reduced schedule at the discretion of the employee's supervisor and then only according to an agreed schedule.

Supervisors must assess any such request in conjunction with existing University needs.

In addition to the block leave option described in the first two sentences of the foregoing paragraph, employees who have exhausted their FMLA leave entitlement and wish to take parental leave on a part-time basis may do so with approval of their supervisors provided that exempt employees who elect to take parental leave in less than full day increments select one of the following options:

- For those exempt employees who have accrued leave: Use their leave bank accruals to supplement the unpaid portion of their leaves so that they receive 100% of their regular pay; or
- For those exempt employees who have no accrued leave or do not wish to use their accrued leave: Have their appointments temporarily reduced for the duration of their parental leave. Appointments will be restored at the end of the reduced appointment period or when those employees elect to use the first option for the remainder of the parental leave.

b. Substitution of Paid Leave Benefits for Parental Bonding Leave

Employees may elect to substitute accrued vacation, PTO (if applicable), compensatory time off, and/or up to thirty (30) days of accrued sick leave for any unpaid Parental Bonding Leave. If an employee wishes to take unpaid Parental Bonding Leave and the employee's vacation accrual balance (or PTO balance, if applicable) is at the maximum, the employee will be required to use at least 10 percent of accrued vacation or PTO before taking unpaid Family and Medical Leave/Parental Bonding Leave. For additional information on the substitution of paid leave benefits for unpaid Family and Medical Leave, refer to Section III.D.1.c.

4. Family and Medical Leave – Due to an Employee's Own Serious Health Condition

Eligible employees are entitled to Family and Medical Leave when they are unable to perform their job due to their own serious health condition.

a. Definition of Serious Health Condition

For these purposes, a serious health condition means an illness, injury, impairment, or physical or mental condition that involves one of the following:

- Inpatient Care—Inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.
- Incapacity of More Than Three (3) Consecutive Days plus Continuing Treatment by a Health Care Provider—A period of incapacity of more than three (3) consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves (a) treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g. physical therapist) under orders of, or on referral by, a health care provider; or (b) treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider (e.g. a course of prescription medication, or therapy requiring special equipment, to resolve or alleviate the health condition). This does not include taking over-the-counter medications or activities that can be initiated without a visit to a health care provider (e.g. bed rest, exercise, drinking fluids).
- Pregnancy (only covered under FMLA)—A period of incapacity due to pregnancy, childbirth, or related medical conditions. This includes severe morning sickness and prenatal care.
- Chronic Conditions Requiring Treatment—A chronic condition which: (a) requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider, (b) continues over an extended period of time (including recurring episodes of a single underlying condition); and (c) may cause episodic rather than a continuing period of incapacity (e.g. asthma, diabetes, epilepsy, etc.).
- Permanent/Long-Term Conditions Requiring Supervision—A period of incapacity that is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of disease.
- Multiple Treatment (Non-Chronic Conditions)—Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider, or by a provider of health care services under orders of, or on referral by, a health care provider,

either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.) severe arthritis (physical therapy), or kidney disease (dialysis).

b. Reduced Schedule or Intermittent Leave

When medically necessary for the employee's own serious health condition, an employee may take Family and Medical Leave intermittently or on a reduced schedule basis. If the employee's need for intermittent or reduced schedule leave is foreseeable based on planned medical treatment, the employee should consult with his/her supervisor and make a reasonable effort to schedule the treatment so as to minimize the disruption to the University's operations. In addition, if the need for intermittent or reduced schedule leave is foreseeable based on planned medical treatment, the University may require the employee to transfer temporarily (during the period when intermittent or reduced schedule leave is required) to an alternative position for which the employee is qualified and that better accommodates recurring periods of leave than the employee's regular position.

c. Substitution of Paid Leave Benefits for FML Due to an Employee's Own Serious Health Condition

An employee may elect to substitute accrued vacation, sick leave, PTO (if applicable), and/or compensatory time off for leave without pay. Supplemental and/or extended sick leave may be used if the employee is receiving temporary disability payments under the Workers' Compensation Act, subject to Section III.D.9.

5. Family and Medical Leave – To Care for a Family Member with a Serious Health Condition

An eligible employee is entitled to Family and Medical Leave when the employee's assistance is required to care for a spouse, domestic partner, child, or parent with a serious health condition as defined in Section III.D.4.a. (Leave Related to an Employee's Own Serious Health Condition). The employee may be required to provide written confirmation of a family relationship for leaves requested for the purpose of caring for a seriously ill spouse, domestic partner, child, or parent.

a. Reduced Schedule or Intermittent Leave

When medically necessary to care for a family member with a serious health condition, an employee may take Family and Medical Leave intermittently or on a reduced schedule basis. If the employee's need for intermittent or reduced schedule leave is foreseeable based on planned medical treatment, the employee should consult with his/her supervisor and make a reasonable effort to schedule the treatment so as to minimize the disruption to the

University's operations. In addition, if the need for intermittent or reduced schedule leave is foreseeable based on planned medical treatment, the University may require the employee to transfer temporarily (during the period when intermittent or reduced schedule leave is required) to an alternative position for which the employee is qualified and that better accommodates recurring periods of leave than the employee's regular position.

b. Substitution of Paid Leave Benefits for Family Medical Leave to Care for a Family Member with a Serious Health Condition

An employee may elect to substitute accrued vacation, PTO (if applicable), compensatory time off, and/or up to twelve (12) workweeks of accrued sick leave for unpaid leave to care for a family member with a serious health condition. If an employee wishes to take unpaid leave to care for a family member with a serious health condition and the employee's vacation accrual balance (or PTO balance, if applicable) is at the maximum, the employee will be required to use at least 10 percent of accrued vacation or PTO prior to taking unpaid Family and Medical Leave. For additional information on the substitution of paid leave benefits for unpaid Family and Medical Leave, refer to Section III.D.1.c.

6. Family and Medical Leave – Military Caregiver Leave

An eligible employee may take Military Caregiver Leave to care for a family member or next of kin who is a covered servicemember undergoing medical treatment, recuperation or therapy for a serious injury or illness.

a. Leave Entitlement

An eligible employee is entitled to up to twenty-six (26) workweeks of Military Caregiver Leave during a single 12-month leave period. For purposes of this type of Family and Medical Leave only, a single 12-month leave period is the period beginning the first day an employee takes leave to care for the covered servicemember and ends twelve (12) months after that date.

Leave is applied on a per-covered servicemember, per-injury basis. Eligible employees may take more than one period of twenty-six (26) workweeks of leave if the leave is to care for a different covered servicemember or to care for the same servicemember with a subsequent serious injury or illness, except that no more than twenty-six (26) workweeks of leave may be taken within any single 12- month period.

If an eligible employee does not use all of his/her 26 workweeks of leave entitlement to care for a covered servicemember during this single 12-month leave period, the remaining part of the 26 workweeks entitlement to care for the covered servicemember for that serious injury or illness is forfeited.

b. Reduced Schedule or Intermittent Leave

This leave may be taken on an intermittent or reduced schedule basis. If the employee's need for intermittent or reduced schedule leave is foreseeable

based on planned medical treatment, the employee should consult with his/her supervisor and make a reasonable effort to schedule the treatment so as to minimize the disruption to the University's operations. In addition, if the need for intermittent or reduced schedule leave is foreseeable based on planned medical treatment, the University may require the employee to transfer temporarily (during the period when intermittent or reduced schedule leave is required) to an alternative position for which the employee is qualified and that better accommodates recurring periods of leave than the employee's regular position.

c. Documentation and Certification

Employees may be required to provide a certification completed by an authorized health care provider of the covered servicemember that provides information necessary to establish entitlement to Military Caregiver Leave. In addition, employees may be required to provide certain information (or have the covered servicemember provide information) establishing that the servicemember is a covered servicemember for purposes of Military Caregiver Leave, his/her relationship with the employee, and an estimate of the leave needed to provide the care.

d. Substitution of Paid Leave Benefits for Military Caregiver Leave

An employee may elect to substitute accrued vacation, PTO (if applicable), compensatory time off, and/or up to twelve (12) workweeks of sick leave for unpaid Military Caregiver Leave. If an employee wishes to take unpaid Military Caregiver Leave and the employee's vacation accrual balance (or PTO balance, if applicable) is at the maximum, the employee will be required to use at least 10 percent of accrued vacation or PTO prior to taking unpaid Military Caregiver Leave. For additional information on the substitution of paid leave benefits for unpaid Family and Medical Leave, refer to Section III.D.1.c.

7. Family and Medical Leave – Qualifying Exigency Leave

An eligible employee who is the spouse, domestic partner, son, daughter or parent of a military member may take Qualifying Exigency Leave to attend to any qualifying exigency (as defined below) when the military member is on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty).

a. Qualifying Exigency

A Qualifying Exigency is defined as any one of the following, provided that the activity relates to the military member's covered active duty or call to covered active duty status:

- Short notice deployment to address issues that arise due to a military member being notified of an impending call to active duty seven (7) or fewer calendar days prior to the date of deployment.
- Military events and activities, including official ceremonies.

- Childcare and school activities for a child of the military member who is either under the age of 18 or incapable of self-care.
- Financial and legal arrangements to address the military member's absence or to act as the military member's representative for purposes of obtaining, arranging, or appealing military service benefits while the military member is on active duty or call to active duty status and for the ninety (90) days after the termination of the military member's active duty status.
- Counseling (provided by someone other than a health care provider) for the employee, for the military member, or for a child of the military member who is either under age 18 or incapable of self-care.
- Rest and recuperation (up to fifteen (15) days of leave for each instance) to spend time with a military member who is on short-term, temporary rest and recuperation leave during deployment.
- Post-deployment activities to attend ceremonies sponsored by the military for a period of ninety (90) days following termination of the military member's active duty and to address issues that arise from the death of a military member while on active duty status.
- Parental care for the parent of the military member when the parent is incapable of self-care; and
- Additional activities related to the military member's active duty or call to active duty status when the University and the employee agree that such activity qualifies as an exigency and agree to both the timing and duration of the leave.

b. Reduced Schedule or Intermittent Leave

Qualifying Exigency Leave may be taken on an intermittent or reduced schedule basis.

c. Documentation and Certification

Employees may be required to provide a copy of the military member's active duty orders. Employees may also be required to provide certification of: (1) the reasons for requesting Qualified Exigency Leave, (2) the beginning and end dates of the qualifying exigency, and (3) other relevant information.

d. Substitution of Paid Leave Benefits for Qualifying Exigency Leave

An employee may elect to substitute accrued vacation, PTO (if applicable), and/or compensatory time off for unpaid Qualifying Exigency Leave. If an employee wishes to take unpaid Qualifying Exigency Leave and the employee's vacation accrual balance (or PTO balance, if applicable) is at the maximum, the employee will be required to use at least 10 percent of accrued vacation or PTO prior to taking unpaid Qualifying Exigency Leave. For

additional information on the substitution of paid leave benefits for unpaid Family and Medical Leave, refer to Section III.D.1.c.

e. Notice

The employee will provide notice of the need for leave as soon as practicable, pursuant to Section III.A.2 of this Policy.

8. Military Spouse/Domestic Partner Leave

An employee who is a spouse or domestic partner of a member of the Armed Forces, National Guard, or Reserves may take this leave during a qualified leave period when the employee's spouse or domestic partner is on leave from a Period of Military Conflict. A qualified leave period for this type of leave means the period during which the qualified member is on leave from deployment during a period of military conflict. An eligible employee will be entitled to up to a maximum of ten (10) days of unpaid leave during a qualified leave period. Qualified member and Period of Military Conflict are terms defined in Section II of this Policy.

To be eligible for this leave, an employee must satisfy all of the following criteria:

- Be a spouse or domestic partner of a qualified member,
- Perform services for the University for an average of twenty (20) or more hours per week,
- Provide the University with notice of the employee's intention to take the leave within two (2) business days of receiving official notice that the qualified member will be on leave from deployment, and
- Submit written documentation certifying that the qualified member will be on leave from deployment during the time that leave is being requested by the employee.

An employee may elect to substitute accrued vacation, PTO (if applicable), and/or compensatory time off for unpaid Military Spouse/Domestic Partner Leave. If an employee wishes to take unpaid Military Spouse/Domestic Partner Leave and the employee's vacation accrual balance (or PTO balance, if applicable) is at the maximum, the employee will be required to use at least 10 percent of accrued vacation or PTO prior to taking unpaid Military Spouse/Domestic Partner leave.

9. Leave Related to an Employee's Work-Related Injury or Illness

The University is committed to meeting its obligation under the state workers' compensation program to provide medical, rehabilitation, and wage-replacement benefits to employees who sustain work-related injuries or illnesses. An employee who is injured or becomes ill as a result of work performed for the University is entitled to leave without pay for all or part of the period during which the employee receives temporary disability payments under the California Workers' Compensation Act.

When appropriate, the University will designate absences due to occupational injury or illness as Family and Medical Leave. Leave for a work-related injury or illness may run concurrently with other types of leaves, such as Family and Medical Leave.

a. Use of Accrued Sick Leave and Vacation Leave

An employee receiving workers' compensation may use accrued sick leave and/or vacation leave (or PTO, if applicable) to supplement temporary disability payments received under the California Workers' Compensation Act. Sick leave and/or vacation leave (or PTO) accruals may be used to make up the difference between the amount payable to the employee under the California Workers' Compensation Act and the employee's regular salary.

Before an employee begins receiving temporary disability, an employee may use sick leave and/or vacation leave (or PTO) accruals in order to be compensated during leave. Those deductions from the employee's leave accruals will be deemed an advance temporary disability payment under the California Workers' Compensation Act. An employee who has received such an advance temporary disability payment will reimburse the University for such payment after the employee receives temporary disability payment for that earlier period. The University will use the employee's reimbursement to restore the employee's sick leave and/or vacation leave (or PTO) accruals accordingly.

b. Eligibility for Extended Sick Leave and Payments

Extended Sick Leave is provided to an eligible employee who has exhausted his/her accrued sick leave and is unable to work due to a work-incurred injury or illness. An employee who has exhausted accrued sick leave may be eligible for extended paid sick leave of up to twenty-six (26) weeks for any single work related injury or illness. Extended sick leave payments constitute an advance against permanent disability payments.

Extended paid sick leave may be used to cover the three-calendar-day waiting period for receiving workers' compensation once the injury or illness has been determined as compensable.

An employee who remains disabled and continues to receive temporary disability payments after exhausting all accrued sick leave will receive extended sick leave payments in an amount equal to the difference between the temporary disability payments and 80 percent of the employee's basic salary, plus any shift differential that the employee would have otherwise received. An employee who returns to work part-time but continues to receive temporary disability payments is eligible for continued extended sick leave payments if the employee's earnings plus temporary disability payments continue to total less than 80 percent of basic salary, plus shift differential.

An employee may request a leave without pay after an extended sick leave benefit has been exhausted.

c. Accrual of Sick Leave and Vacation

An employee on leave without pay who is receiving temporary disability payments under the California Workers' Compensation Act accrues sick leave and vacation leave on the same basis as if on pay status; however, accrued sick leave is credited to the employee only upon the employee's return to work.

d. Safety Employees

Safety employees are (a) members of the University of California Police Department whose principal duties consist of active law enforcement and (b) members of the University of California Fire Department whose principal duties consist of active firefighting and prevention service. Safety employees are entitled to leave with full salary for a period of up to one (1) year if disabled by injury arising out of and in the course of their duties. Leaves resulting from such injuries are not charged against safety employees' accrued sick leave, vacation leave, or supplemental vacation leave. Safety employees are therefore not entitled to any extended sick leave.

10. Bereavement Leave

The University recognizes the importance of family and the difficulties employees face following the death of a family member or another person close to the employee.

a. Death of a Family or Household Member

In the event of the death of an employee's family member or of a person residing in the employee's home, the employee may take up to ten (10) days of accrued sick leave.

b. Death of Any Other Person

In the event of the death of an individual who is not an employee's family or household member, the employee may take up to five (5) days of accrued sick leave in a calendar year.

c. Additional Unpaid Leave

If an employee requires more than the time allowed for bereavement leave, he/she may request an unpaid personal leave of absence or may use any accrued vacation, PTO (if applicable), and/or compensatory time off, if available.

11. Personal Leave

A career employee may be granted unpaid leave for personal reasons in accordance with local guidelines. Reinstatement will be to the same or, at the Department's discretion, a similar position in the same department provided that the employee returns to work immediately following termination of the leave. If the employee would have been laid off or terminated had the employee had

actually been working during the leave period, the employee will be afforded the same considerations afforded other employees who are laid off or terminated pursuant to the provisions of Staff Policy 60, Layoff and Reduction in Time from Professional and Support Staff Career Positions; Staff Policy 61, Release from Probationary Period or From Limited, Casual/Restricted, and Floater Appointments; Staff Policy 64, Termination of Career Employees – Professional and Support Staff; Staff Policy 65, Termination of Career Employees – Managers and Senior Professionals, Salary Grades I Through VII; and Staff Policy 67, Termination of Career Employees – Managers and Senior Professionals, Salary Grades VIII and IX.

E. Military and Other Service-related Leaves

This section describes a number of military and other service-related leaves available to University employees to accommodate their need to be away from work to perform certain military service, public service, and civic duties.

Administrative leave status will not be required for exempt employees for absences of less than one full day or less than the portion of a day during which an employee on less than full-time pay status is normally scheduled to work when the absence occurs because of activities covered by Section III.E of this Policy.

1. Military Leave

Military leave is granted for:

- Reserve training leave for inactive duty, such as weekly or monthly meetings or weekend drills.
- Temporary military leave, when ordered to active duty, for training for a period not to exceed 180 calendar days, including time spent traveling to and from such duty.
- Extended military leave, when an employee enlists or is ordered into active- duty service of any length or active-duty training in excess of 180 days, or when an employee is ordered into active federal military duty as a member of the National Guard or Naval Militia. Such leave will be granted for a period not to exceed five (5) years. In addition, leave will be granted for a period up to six (6) months from the date of release from duty.
- Emergency National Guard leave, when an employee who as a member of the National Guard is called to active duty by proclamation of the Governor during a state of emergency. An employee who as a member of the National Guard is called to active federal military duty at the request of the President of the United States is not eligible for emergency National Guard leave, but will be granted extended military leave.
- Civil Air Patrol leave, when an employee who as a volunteer member of the Civil Air Patrol is directed and authorized to respond to an emergency operational mission of the California Wing of the Civil Air Patrol. Provided

that an employee has been employed by the University for the ninety (90) days immediately preceding the commencement of leave, such leave will be granted for a period not to exceed ten (10) days per year.

- Physical examination leave, when an employee is required to take a pre-induction or pre-enlistment physical examination to fulfill a commitment under a Selective Service or comparable law, or during a period of war or comparable national emergency.

a. Notice Required

An employee is to provide advance verbal or written notice of the need for military leave except when such notice is precluded by military necessity, impossibility, or reasonableness. Employees also are expected to provide their supervisors with as much advance notice as possible of their anticipated date of release from duty and return to work.

b. Pay During Military Leave

An employee granted reserve training leave, temporary military leave for active- duty training, or extended military leave is entitled to receive the employee's regular University pay for the first thirty (30) calendar days of such leave in any one fiscal year, provided that:

- The employee has completed twelve (12) months of University service immediately prior to the granting of the leave (all prior full-time military service will be included in calculating this University service requirement); and
- The aggregate of payments for reserve training leave, temporary military leave, extended military leave, and military leave for physical examination does not exceed thirty (30) calendar days' pay in any one fiscal year.

An employee granted physical examination leave is entitled to receive the employee's regular University pay provided that:

- The physical examination is a pre-induction or pre-enlistment physical examination required to fulfill a commitment under a Selective Service or comparable law, or during a period of war or comparable national emergency; and
- The aggregate of payments for temporary military leave, extended military leave, and military leave for physical examination do not exceed thirty (30) calendar days' pay in any one fiscal year.

Time off for other physical examinations in connection with military service may be charged to accrued sick leave, vacation leave, and/or compensatory time off, or will be unpaid.

An employee granted military leave for emergency National Guard duty is entitled to receive the employee's regular University pay for a period of up to thirty (30) calendar days. An employee is eligible for pay regardless of the length of his/her University service, and such pay is in addition to any University payment for temporary military leave for active-duty training, extended military leave, and military leave for physical examinations.

An employee serving on active duty in a military campaign in connection with the national state of emergency declared in the aftermath of the September 11, 2001 attacks may be eligible for certain benefits under the Policy on Supplement to Military Pay.

An employee who is not eligible for military leave with pay may elect to substitute accrued vacation, PTO (of applicable), and/or compensatory time off. Otherwise, the military leave will be unpaid.

c. Reinstatement

Following release from military service, an employee will have such right to return, and only such right, as may be required by state or federal law in effect at the time the employee applies for reinstatement.

d. Effect on Benefits

An employee granted military leave with pay will receive all benefits related to employment that are granted when an employee is on pay status.

An employee granted military leave without pay will receive: (a) retirement benefits and service credit in accord with the provisions of the applicable retirement system; (b) heath plan coverage at the employee's request and expense for a limited period of time as described in the University Group Insurance Regulations; (c) other length-of-service credits related to employment that would have been granted had the employee not been absent, provided that the employee returns at the conclusion of the leave in accordance with applicable federal and state law; and (d) vacation and sick leave accruals and holiday pay only in accordance with policy.

2. Voluntary Civil Service Leave

An employee who performs emergency duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel generally may take unpaid time off to perform emergency duty when required. An employee who performs emergency duty as a volunteer firefighter, reserve peace officer, or emergency rescue may take up to a total of fourteen (14) days of unpaid leave per calendar year to engage in fire, law enforcement, or emergency rescue training.

An employee who is a volunteer member of the California Wing of the Civil Air Patrol who is directed and authorized to respond to an emergency operational mission may take unpaid leave to perform such emergency duty, provided that the employee has been employed by the University for at least ninety (90) days

immediately preceding the commencement of leave. Such leave will be granted for a period not to exceed ten (10) days per calendar year.

Employees may elect to substitute accrued vacation, PTO (if applicable), and/or compensatory time off for leave without pay.

Employees may be required to provide documentation of participation in emergency duties or training.

3. Voting Leave

A non-exempt employee may take up to two (2) hours of paid leave at the beginning or end of a workday to vote in local, state, or national general elections or primaries and any additional time off that is taken for this purpose is without pay. To be eligible, an employee must be scheduled to work at least eight (8) hours that day and not have enough time to vote outside of the employee's normal working hours. Voting leave is not considered time worked for purposes of computing overtime pay for non-exempt employees. Employees who know or have reason to believe that time off to vote will be necessary must inform their supervisors as soon as possible and no later than two (2) working days before Election Day.

4. Jury Duty

An employee summoned to required jury duty must provide a copy of the summons to his/her supervisor upon request. Employees are required to report back to work as soon as possible after they are released from jury duty, unless there are less than two (2) hours remaining in their scheduled workday, in which case they should report to work on their next scheduled workday. Not returning in a timely manner may be considered an unexcused absence. Employees may be required to provide documentation from the court showing time served.

An employee who serves on a jury on a holiday observed by the University due to required jury duty is eligible for holiday pay but does not receive an alternate day off.

Exempt Employees. Exempt employees will continue to receive their University salary during required jury duty. However, exempt employees are expected to do what they reasonably can to maintain continuity of operations while on jury duty (e.g., keep in contact with supervisors, work on nights and weekends as needed).

Non-Exempt Employees. Non-exempt career employees will receive pay for actual time spent on required jury duty and related travel, not to exceed the pay for the employee's normal workday and the normal workweek. On occasion, an employee may be asked to work after serving on jury duty that day, if available. Those who do so will receive pay for hours worked, including overtime when required by law.

Supervisors should attempt to redistribute workload so that the employee is not asked to work additional hours, except in emergencies.

5. Witness Duty

An employee summoned to appear as a witness in any administrative or judicial proceeding should provide a copy of the subpoena or order to his/her supervisor upon receipt. Employees are required to report back to work as soon as possible after they are released from witness duty, unless there are less than two (2) hours remaining in their scheduled workday, in which case they should report to work on their next scheduled workday. If an employee does not return to work in a timely manner the University may record the missed hours as an unexcused absence.

a. Proceedings Involving the University

Required attendance at administrative or legal proceedings involving the University, including service as a paid expert witness on behalf of the University, is considered time worked.

b. Proceedings Not Involving the University

An exempt career employee will be granted administrative leave with pay if subpoenaed to be a witness in an administrative or legal proceeding not involving the University. Pay during witness duty will not exceed the pay for the employee's normal workday and the employee's normal workweek.

A non-exempt career employee will be granted administrative leave with pay for actual time spent on witness duty and in related travel if subpoenaed to be a witness in an administrative or legal proceeding not involving the University. Pay during witness duty will not exceed the pay for the employee's normal workday and the employee's normal workweek.

c. Exceptions

An employee will not receive paid witness leave to attend a trial in which the employee:

- Is a plaintiff.
- Is a defendant (unless the proceeding involves the University).
- Voluntarily appears as a witness.
- Is testifying for a fee as an expert witness in a proceeding that does not involve the University.

In the above circumstances, an employee must use accrued vacation leave (or PTO, if applicable) or take leave without pay.

6. Service as an Election Official

An employee may take unpaid leave to serve as an election officer on Election Day. The employee may use accrued vacation, PTO (if applicable) and/or compensatory time off for this purpose.

F. Administrative Leave

This section describes a variety of administrative leaves that may be granted to eligible University employees (except Senior Management Group members). Senior Management Group members may be eligible for an Administrative Leave as outlined within Senior Management Group Human Resources Policies.

Administrative leave will not be required for exempt employees for absences of less than one full day or less than the portion of a day during which an employee on less than full-time pay status is normally scheduled to work when the absence occurs because of activities covered by Section III.F of this Policy.

1. Administrative Leave for Emergencies

The Chancellor may grant administrative leaves with pay for a specified duration due to natural or other emergencies, or an employee may request unpaid leave for that purpose. To be eligible, an employee must be scheduled to work and is not on paid or unpaid leave on the day(s) of the emergency, and the employee must coordinate leave requests with his/her supervisor and the coordinator at the location handling emergency response requests and issues.

An employee with special skills (e.g., medical personnel, scientific and technical personnel, environmental health and safety personnel) who is a member of a University-sponsored response team organized on a University-wide or local basis to assist with relief efforts associated with a state-declared or federally-declared disaster may be granted administrative leave with pay for the duration of the assignment. To be eligible for this type of leave under these circumstances, the employee must be scheduled to work and not on paid or unpaid leave on the day(s) when he/she is providing this assistance.

An employee who wishes to participate in emergency response efforts with agencies that have requested assistance (e.g., FEMA, the Red Cross) may be granted administrative leave with pay for a period of time determined in accordance with local procedures, depending upon the particular circumstances of the emergency.

To be eligible for this type of leave under these circumstances, the employee must be scheduled to work and not on paid or unpaid leave on the day(s) when he/she is participating in the emergency response efforts.

2. Curtailment Leave

Chancellors and Laboratory Directors may curtail operations on a location-by-location basis for specific periods of time to

- Save energy or operational costs.
- Observe a transitional, seasonal, or holiday period in the academic calendar.
- Address an emergency situation that adversely affects normal University operations.

- Address any other purpose in the best interests of the University.

Employees may continue to accrue vacation and sick leave credits during an unpaid curtailment leave for up to three (3) days.

Employees may elect to substitute accrued vacation, PTO (if applicable), and/or compensatory time off for leave without pay. During a curtailment leave, employees with insufficient vacation accrual balances may use up to three (3) days of vacation credits prior to their actual accrual.

3. Leave for Blood Donation

A non-exempt employee is eligible for an administrative leave with pay for up to two (2) hours to donate blood. Time taken to donate blood is not considered time worked for purposes of computing overtime pay for non-exempt employees.

4. Leave for Bone Marrow or Organ Donation

An employee who wishes to donate bone marrow to another person may use up to five (5) calendar days of accrued vacation, sick leave, PTO (if applicable), compensatory time off, and/or leave without pay during a calendar year.

An employee who wishes to donate an organ for transplant may use up to thirty (30) calendar days of accrued vacation, sick leave, PTO (if applicable), compensatory time off, and/or leave without pay during a calendar year.

An employee may be required to submit medical documentation supporting the request for leave and/or return to work.

Additional leave may be available to an employee donating bone marrow or an organ under Family and Medical Leave if the employee's condition qualifies as a serious health condition under the circumstances.

5. Leave for University Functions

A non-exempt employee may be granted administrative leave with pay to attend University meetings or functions during regularly scheduled hours of work as designated by the Chancellor.

6. Professional Development Leave

The University supports career-related professional development activities. Please refer to Staff Policy 50, Professional Development for details regarding absences related to professional development.

G. Other Leaves

This section describes additional leaves that are offered to University employees to accommodate other circumstances for which they may need to take time away from work for personal reasons, in accordance with local procedures.

1. School Suspensions

An employee who is the parent or guardian of a child who has been suspended from school may take time off to appear at the school in connection with that

suspension. The employee must provide reasonable notice and may elect to use accrued vacation, PTO (if applicable), compensatory time off, and/or unpaid leave for this purpose.

2. School Activities

An employee who is the parent, guardian, or grandparent with custody of a child in grades Kindergarten through 12, or a child attending a licensed day care facility, may take off up to forty (40) hours per calendar year (but no more than eight (8) hours in any one calendar month) to participate in activities of the school or licensed day care facility. The employee must provide reasonable notice and may elect to substitute accrued vacation, PTO (if applicable), and/or compensatory time off for this purpose.

At the supervisor's discretion, the employee may be required to provide documentation from the school or licensed day care facility as proof that the employee participated in the activity on a specific date and at a particular time.

3. Victims of Domestic Violence, Sexual Assault, or Stalking

An employee who is a victim of domestic violence, sexual assault, or stalking may take leave from work to obtain, or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other court assistance, to help ensure the employee's own health, safety, or welfare – or that of the employee's child.

An employee also may take leave to:

- Seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.
- Obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking.
- Obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking.
- Participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.

Employees should provide reasonable advance notice, if foreseeable, or as soon as possible under the circumstances, depending on the nature of the leave taken under this Section. Employees may elect to substitute accrued vacation, sick leave, PTO (if applicable), and/or compensatory time off for unpaid leave.

a. Reasonable Accommodation

The University will provide reasonable accommodation to an employee who is a victim of domestic violence, sexual assault, or stalking who requests an accommodation for her or his safety while at work. Such requests should be

directed by the employee to an appropriate representative of the University, such as the employee's immediate supervisor or the unit head.

The University will engage in a timely, interactive process to determine effective reasonable accommodations. In determining whether the accommodation is reasonable, any exigent circumstance or danger facing the employee will be considered.

If circumstances change and the employee needs a new accommodation, the employee should request that accommodation from the University. If the employee no longer needs an accommodation, the employee should notify the University that the accommodation is no longer needed.

b. Certification of Need for Leave and/or Reasonable Accommodation

No adverse action will be taken against an employee for an unscheduled absence if certification is provided by the employee within a reasonable amount of time after the absence. Certification will be sufficient in any of the following forms:

- A police report indicating that they were a victim of domestic violence, sexual assault, or stalking.
- A court order protecting or separating the employee from the perpetrator of an act of domestic violence, sexual assault, or stalking, or other evidence from the court or prosecuting attorney that the employee has appeared in court.
- Documentation from a licensed medical professional, domestic violence counselor, sexual assault counselor, licensed health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence, sexual assault, or stalking.

When an employee requests a reasonable accommodation, the University may require that the employee provide a written statement signed by the employee (or an individual acting on the employee's behalf) certifying that the employee is requesting the accommodation because the employee is a victim of domestic violence, sexual assault, or stalking. The University may also require a certification from the employee that demonstrates the employee's status as a victim of domestic violence, sexual assault, or stalking. Any of the documents identified earlier in this subsection will be sufficient certification. The University may request recertification every six months after the date of the previous certification.

The University will protect the confidentiality of any records provided that identify an employee as a victim of domestic violence, sexual assault, or stalking and will not disclose such records except as required by state or federal law or as necessary to protect the employee's safety in the workplace. The employee will be given notice before any authorized disclosure.

c. Relationship with other Leaves – Family and Medical Leave

Leave for injuries resulting from domestic violence, sexual assault, or stalking may run concurrently with other types of leaves, such as Family and Medical Leave.

4. Victims of Serious or Violent Felonies

An employee who is a victim of a crime, or who is a family member of a victim may take unpaid leave to attend judicial proceedings related to the crime. Employees must provide reasonable notice and may elect to substitute accrued vacation, sick leave, PTO (if applicable), and/or compensatory time off for unpaid leave. The University will protect the confidentiality of records regarding an employee's absence from work for these reasons.

Before an employee may be absent from work for these reasons, the employee will provide a copy of the notice of each scheduled proceeding that is provided to the victim by the agency responsible for providing notice, unless advance notice is not feasible. When advance notice is not feasible, the employee will, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim.

5. Literacy Leave

An employee who self-discloses a problem of illiteracy may take unpaid leave to enroll and participate in an adult literacy education program, provided that the literacy leave is a reasonable accommodation that does not impose an undue hardship on the University. The employee must provide reasonable notice and may elect to substitute accrued vacation, PTO (if applicable), and/or compensatory time off for unpaid leave.

6. Rehabilitation Leave

An employee who wishes to voluntarily enter and participate in an alcohol or drug rehabilitation program may use Family and Medical Leave for this purpose, if appropriate, provided that the employee is eligible for Family and Medical Leave and has not exhausted his/her entitlement to Family and Medical Leave for the calendar year. The provisions of Section III.D.1 would apply in such circumstances.

If an employee wishes to voluntarily enter and participate in an alcohol or drug rehabilitation program but is not eligible for Family and Medical Leave or has already exhausted his/her entitlement to Family and Medical Leave for the calendar year, the employee may take unpaid leave for this purpose, provided that the rehabilitation leave does not impose an undue hardship on the University. The employee must provide reasonable notice to his/her supervisor. An employee may elect to substitute accrued vacation, sick leave, PTO (if applicable), and/or compensatory time off for unpaid Rehabilitation Leave. If an

employee wishes to take unpaid Rehabilitation Leave and the employee's vacation accrual (or PTO balance, if applicable) is at the maximum, the employee will be required to use at least 10 percent of accrued vacation or PTO prior to taking unpaid Rehabilitation Leave.

H. Holidays

The University observes the following holidays:

- New Year's Day
- Martin Luther King, Jr. Day
- Presidents Day
- Cesar Chavez Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Friday following Thanksgiving Day
- Christmas Eve (or announced equivalent)
- Christmas Day
- New Year's Eve (or announced equivalent)

A holiday that falls on a Saturday is observed on the preceding Friday, and a holiday that falls on a Sunday is observed on the following Monday, unless an alternate day to observe the holiday is designated by the President.

1. Eligibility for Holiday Pay

a. Full-Time Employees

Full-time exempt employees are eligible for holiday pay if they are on pay status during the week in which the holiday occurs.

Full-time non-exempt employees are eligible for holiday pay if they are on pay status on their last scheduled workday before the holiday and on their first scheduled workday following the holiday.

Full-time employees are also eligible for holiday pay if the holiday:

- Falls on their regular day off (alternatively, they may receive another day off in lieu of holiday pay)
- Immediately precedes their appointment date and the holiday is the first workday of the month

- Immediately follows their last day of work and the holiday is the last workday of the month
- Occurs during an approved leave of absence, a temporary layoff, or a furlough that does not exceed twenty (20) calendar days (including holidays)

Employees on alternate full-time work schedules are entitled to the same number of holidays and the same amount of holiday pay granted to employees on a regular full-time work schedule.

b. Part-Time Employees

Part-time exempt employees will receive holiday pay for the number of hours in proportion to the percentage of their appointment (e.g., if an employee is scheduled to work for six (6) hours on the Monday upon which Memorial Day falls, the employee would not have to work but would receive six (6) hours of holiday pay).

Part-time non-exempt employees on pay status 50 percent time or more of a month or quadriweekly cycle (excluding holiday hours) will receive holiday pay in proportion to the percentage of time they are on pay status.

New or rehired part-time regular employees are not eligible for holiday pay for a holiday that occurs before the first day of their appointment or after they are separated from employment with the University.

2. Special or Religious Holiday

An employee may take time off to observe a special or religious holiday if the supervisor determines that the time off does not cause undue hardship to the department. Employees may use accrued vacation, PTO (if applicable), and/or compensatory time off, or they may take unpaid leave.

3. Additional Provisions for Non-exempt Employees

a. Compensation for Holiday Work

A non-exempt employee who works on a University holiday other than Christmas Day will be paid regular pay, including any shift differentials, for all hours worked. In addition, the employee will receive either holiday pay at the regular straight-time rate, including shift differentials, or compensatory time off in accordance with local practice.

A non-exempt employee who is scheduled to work on a holiday but takes time off due to illness is eligible only for holiday pay.

A non-exempt employee who is required to work on Christmas Day will be paid at one and half times their regular rate, including any shift differentials, for all hours worked. In addition, the employee will receive either holiday pay at the regular straight-time rate, including shift-differential, or compensatory time off in accordance with local practice.

This section does not apply to Police Sergeants and Lieutenants.

b. Disciplinary Suspensions and Unauthorized Absences

Non-exempt employees who have been suspended for disciplinary reasons for a period that includes or immediately precedes or follows a holiday and non-exempt employees who have an unauthorized absence immediately preceding or following a holiday will not receive holiday pay for that holiday.

IV. COMPLIANCE / RESPONSIBILITIES

A. Implementation of the Policy

The Vice President–Human Resources is the Responsible Officer for this Policy and has the authority to implement the Policy. The Responsible Officer may develop procedures or other supplementary information to support the implementation of this Policy. Such supporting documentation does not require the approval of the President. The Responsible Officer may apply appropriate interpretations to clarify the Policy provided that the interpretations do not result in substantive changes to the underlying policy.

The Chancellor, Lawrence Berkeley National Laboratory Director, or Vice President of Agriculture and Natural Resources is authorized to establish and is responsible for local procedures necessary to implement the Policy.

B. Revisions to the Policy

The President is the Policy Approver and has the authority to approve policy revisions upon recommendation by the Vice President–Human Resources.

The Vice President–Human Resources has the authority to initiate revisions to the Policy, consistent with approval authorities and applicable Bylaws and Standing Orders of the Regents.

The Executive Vice President–Business Operations has the authority to ensure that policies are regularly reviewed, updated, and consistent with other governance policies.

C. Approval of Actions

Actions within this Policy must be approved in accordance with local procedures. Chancellors and the Vice President–Human Resources are authorized to determine responsibilities and authorities at secondary administrative levels in order to establish local procedures necessary to implement this policy.

All actions applicable to PPSM-covered staff employees, who are not Senior Management Group members that exceed this policy, or that are not expressly provided for under any policy, must be approved by the Vice President–Human Resources.

D. Compliance with the Policy

The following roles are designated at each location to implement compliance monitoring responsibility for this policy:

The Top Business Officer and/or the Executive Officer at each location will designate the local management office to be responsible for the ongoing reporting of policy compliance.

The Executive Officer is accountable for monitoring and enforcing compliance mechanisms and ensuring that monitoring procedures and reporting capabilities are established.

The Vice President–Human Resources is accountable for reviewing the administration of this policy. The Director–HR Compliance may periodically monitor compliance to this policy.

E. Noncompliance with the Policy

Noncompliance with the Policy is handled in accordance with the Regents' Guidelines for Corrective Actions Related to Compensation Practices and Guidelines for Resolution of Compensation and Personnel Issues Resulting from the Findings of Audits and Management Reviews, and Personnel Policies for Staff Members (PPSM) 62, 63, 64 pertaining to disciplinary and separation matters.

Noncompliance for Senior Management Group members is reported in the monthly compliance report from each location as approved by the Executive Officer and reviewed by the Senior Vice President–Chief Compliance and Audit Officer and the Regents at least three times per fiscal year.

V. PROCEDURES

Systemwide Procedures - Maximum Vacation Leave Accrual Limit

The accrual of vacation leave in excess of the maximum accrual limit provided under policy is not permitted except as noted under the conditions stated below.

Locations will implement local procedures to address exceptional situations where an employee's accrued vacation leave reaches or exceeds the accrual limit outlined within policy, and where there is a need to consider providing up to an additional four months for the employee to take vacation leave.

The local procedures will include criteria for granting additional leave and an approval process that ensures consistency across the location, in accordance with the following systemwide procedures. Local procedures will align with these systemwide procedures and a copy of the local procedures will be submitted to the Vice President – Human Resources.

A. Current Policy Stipulations

Per the Policy, an eligible employee who holds a full-time or part-time appointment may accrue vacation leave up to a maximum of two times the employee's annual accrual.

The accrual of vacation leave is based on the type of the appointment, years of qualifying service, and hours on pay status. Once an employee reaches the maximum vacation accrual, no additional vacation leave will accrue until the employee's vacation leave balance falls below the maximum.

The Policy further states that if an employee cannot schedule vacation within 60 working days of reaching the maximum accrual limit due to operational considerations, the University will provide the employee up to an additional four months' time to take vacation leave in order to bring the employee's accrual below the maximum. The employee will continue to accrue vacation leave during this additional time.

B. Compliance with 2x Annual Maximum

An employee will not accrue any additional vacation leave once the two times maximum vacation accrual limit is reached. Should this occur, the supervisor and employee will work together to schedule enough vacation leave to bring the employee's vacation balance below the vacation accrual limit.

C. Process and Justification for Considering Up to an Additional Four Months To Take Vacation Leave

When an employee's vacation leave balance approaches or reaches the maximum vacation accrual limit, the employee and the employee's supervisor will discuss a proposed vacation schedule that will allow the employee to reduce the vacation leave balance below the maximum vacation accrual limit and avoid a situation where the employee will lose the benefit of additional vacation leave accrual.

The process for approving up to an additional four months to take vacation leave requires approval of the employee's immediate supervisor and approval of the Department/Division Head. In order for an employee to continue to accrue vacation leave once the maximum vacation accrual limit is reached, the employee's supervisor must review and document the operational considerations that limit the ability of the employee to schedule and take vacation leave. The supervisor must submit the documentation to the Department/Division Head for review and potential approval.

Supervisors must timely review the specific nature of the operational considerations to determine whether these operational considerations rise to the level of exceptional circumstances that justify offering an employee up to an additional four months to take vacation leave and bring that employee's accumulated vacation leave below the Policy maximum.

Locations must identify and outline consistent criteria that support granting approval of up to an additional four months to take vacation leave. Qualifying exceptional

circumstances should be rare and the nature of the specific operational considerations must be documented.

Examples of these operational considerations include, but are not limited to:

- Position vacancies within a Unit requiring additional coverage
- Multiple employee leaves during the same period of time
- Extended staff absences due to illness or injury
- Temporary or unexpected reductions in Unit staffing levels
- Critical time-sensitive operational projects or events that prevent employees in a Unit from taking vacation leave

These are only examples of operational considerations. A location's established criteria must be met before the location considers offering an employee up to an additional four months to reduce his or her accrued vacation leave below the Policy limits.

Typical day-to-day work considerations that exist within a department or unit do not constitute exceptional circumstances. An employee's desire to simply defer taking accrued vacation leave also does not constitute exceptional circumstances that justify up to an additional four months.

A department or unit that needs assistance in determining whether an employee's situation represents exceptional circumstances should contact its local Human Resources office, in accordance with local procedures.

D. Documentation to Support Up to an Additional Four Months To Take Vacation Leave

Consistent with local procedures, a supervisor must document the circumstances that are relevant in situations when an employee's ability to accrue vacation leave may be impacted. A supervisor must include the following information within the documentation before the Division or Department Head, as the second-level reviewer, considers approval of up to an additional four months to reduce vacation overage:

- Employee Name
- Employee Department
- Vacation Leave Balance
- Maximum Vacation Accrual Limit
- Operational considerations that constitute exceptional circumstances
- Scheduled Vacation leave within the additional 4 months
- Estimated Vacation leave balance at the conclusion of the additional 4 months

- Employee Signature/Acknowledgment
- Supervisor Signature/Approval of the Leave Request
- Request for Department/Division Head Approval

E. Approval Process

After the supervisor has documented the exceptional circumstances supporting the request for up to an additional four months to take vacation leave, he/she will forward a signed copy of the request with his or her approval to the Division or Department Head for the second level of review and final approval. As part of their financial responsibilities, Department Heads should be cognizant of employees whose accrued vacation is approaching the maximum vacation accrual limit.

The Department/Division Head will review requests based on a number of factors, including department operating and staffing requirements during the requested period, and for consistency in treating similar requests at the location.

The employee will receive a copy of the signed documentation and a copy of the documentation will be placed in the employee's personnel file. If the request for up to an additional four months to take vacation leave cannot be approved, the supervisor will document the reason and immediately work with the employee to identify vacation leave dates that will meet the needs of both the employee and the department

F. Compliance

Each location's Human Resources office is responsible for developing and administering local procedures to ensure compliance with these systemwide procedures.

The HR – Compliance Unit at UCOP may periodically monitor compliance to these systemwide procedures.

The Responsible Officer may develop additional procedures or other supplementary information to support the implementation of this policy. Such supporting documentation does not require the approval of the President.

VI. RELATED INFORMATION

- Academic Personnel Manual Policy 730 (referenced in Section III.B. of this policy)
- Delegation of Authority 2085 (referenced in Section III.B.11. of this policy)
- Academic Personnel Manual Policy 710 (referenced in Section III.C. of this policy)
- School Suspension - California Labor Code Section 230.7 (referenced in Section of this policy)

- School Activities - California Labor Code Section 230.8 (referenced in Section of this policy)
- Victims of Domestic Violence, Sexual Assault, or Stalking - California Labor Code Section 230 and 230.1 (referenced in Section III.G.3. of this policy)
- Victims of Serious or Violent Felonies - California Labor Code Section 230 and 230.1 (referenced in Section III.G.4. of this policy)
- Literacy Leave - California Labor Code Section 1041 (referenced in Section III.G.5. of this policy)
- Rehabilitation Leave – California Labor Code Section 1025 (referenced in Section III.G.6. of this policy)
- Guidelines for Corrective Actions Related to Compensation Practices (referenced in Section IV.E. of this policy)
- Guidelines for Resolution of Compensation and Personnel Issues Resulting from the Findings of Audits and Management Reviews (referenced in Section IV.E. of this policy)
- Personnel Policies for Staff Members 61, 63, 64 (referenced in Section IV.E. of this policy)

VII. FREQUENTLY ASKED QUESTIONS

1. **If an employee's family member or a member of the employee's household has a medical appointment, may an employee use sick leave to accompany the family member or member of the employee's household to the appointment?**

   An employee may use accrued sick leave for routine medical appointments for family members or members of the employee's household.

2. **What is the approximate number of vacation days accrued on a monthly basis by a full-time employee?**

   The chart below outlines the number of vacation days accrued each month and the hourly accrual rate.

   Full-time Professional and Support Staff employees:

Years of Qualifying Service	Approximate Vacation Days Accrued Per Month	Vacation Accrued Per Hour on Pay Status
Less than 10	1.25	.057692
10 but less than 15	1.50	.069231
15 or more	1.75	.080769
20 or more	2.00	.092308

Full-time Managers and Senior Professional and Senior Management Group members:

Years of Qualifying Service	Approximate Vacation Days Accrued Per Month	Vacation Accrued Per Hour on Pay Status
Less than 5	1.50	.069231
5 but less than 10	1.75	.080769
10 or more	2.00	.092308

3. **What are the types of University meetings or functions that qualify for paid leave for University functions?**

   Examples of University meetings and functions that qualify for paid leave include attending a Chancellor's Town Hall meeting, attending an "Open Enrollment" meeting to review University-provided health care benefit offerings, and volunteering on behalf of a University-sponsored tutoring program at an elementary school.

4. **What is the "Kin Care Leave" that is referenced in the Policy?**

   California law authorizes employees to use up to one-half of the sick leave they accrue annually to care for specified family members when they are ill. The University provides a more generous leave benefit, which is referenced on page 17 of the Policy.

5. **Is there an administrative policy for personal disasters? For example, is an employee eligible to receive vacation donations if his or her own home burns down?**

   An employee who faces a personal disaster, such as a fire that results is the loss of an employee's home, may request to use accrued vacation leave or an unpaid personal leave. Local procedures govern the administration of each catastrophic leave donation program and will determine whether an employee's particular personal disaster qualifies for vacation leave donations under the location's program. A recipient of vacation leave donations must have exhausted all accrued paid leave benefits.

6. **Do provisions of the Absence from Work Policy apply to represented employees?**

   No. The terms and conditions of employment for represented employees are governed by the applicable collective bargaining agreement and applicable statutes.

7. **Do provisions of the Absence from Work Policy apply to employees covered by the Academic Personnel Manual?**

   No. Academic Appointments are governed by the Academic Personnel Manual and applicable statutes.

8. Does the reinstatement of sick leave apply to a retiree who is rehired within 90 days?

The reinstatement of sick leave does not apply to a rehired retiree who elected monthly retirement income. There is no reinstatement of sick leave because any accrued but unused sick leave was converted to UCRP service credit upon retirement under the terms and conditions of the UC Retirement Plan. If the separation from employment status is 90 or more calendar days but less than six months (or 180 days), up to 80 hours of previously accrued sick leave will be reinstated.

9. How does the 90 day limit for full reinstatement of accrued sick leave after a separation from the University apply to a laid off employee?

A laid-off PSS employee who returns to University employment within their right to recall period or preference for reemployment period will have all previously accrued but unused sick leave.

10. If an employee volunteers to serve on a jury or grand jury, would this volunteer service qualify for paid Jury Duty Leave?

Paid Jury Duty Leave applies only when an employee is summoned to jury duty and is required to serve. An employee who wishes to take time off work to volunteer for jury or grand jury service or other such civic activities may request to use accrued vacation, PTO (if applicable), compensatory time off, and/or an unpaid personal leave.

11. What might be provided as a reasonable accommodation for an employee who is a victim of domestic violence, sexual assault, or stalking?

Reasonable accommodations may include, but are not limited to, the implementation of safety measures, such as a transfer, reassignment, modified schedule, changed work telephone, changed work station, or installed lock; assistance in documenting domestic violence, sexual assault, or stalking that occurs in the workplace; the implementation of a safety procedure; or the implementation of another adjustment to a job structure, workplace facility, or work requirement; or referral to a victim assistance organization. It would not include any accommodation that would constitute an undue hardship on the University.

12. What does "contingency operation" mean in the context of the Policy's definition of "covered active duty or call to active duty status" on page 6?

The federal regulations explain that a "contingency operation" for purposes of Qualifying Exigency Leave is a military operation undertaken pursuant to 10 U.S. C. Sections 688, 12301(a), 12302, 12304, 12305, or 12406; 10 U.S.C. Chapter 15; or any other provision of law during a war or during a national emergency declared by the President or Congress as long as it is in support of a contingency operation. The military member's active duty orders will generally specify if the military member is serving in support of a contingency operation by citation to the relevant section of

U.S.C. Title 10 and/or by reference to the specific name of the contingency operation and will specify that the deployment is to a foreign country.

VIII. REVISION HISTORY

April 27, 2017: This Policy was reformatted for Accessibility according to Web Content Accessibility Guidelines (WCAG) 2.0.

July 1, 2014: Technical changes, for compliance with legal requirements, were added.

April 15, 2013: Technical changes, for compliance with legal requirements and to harmonize policy provisions, were added.

October 30, 2012: Section V, Procedures, was added.

July 1, 2012: This Policy was reformatted into the standard University of California policy template.

As a result of the issuance of this Policy, the following policies and documents are rescinded as of the effective date of this Policy:

- *Personnel Policies for Staff Members 40 (Holidays)*, dated June 5, 2002
- *Personnel Policies for Staff Members 41 (Vacation)*, dated March 1, 2002
- *Personnel Policies for Staff Members 42 (Sick Leave)*, dated June 5, 2002
- *Personnel Policies for Staff Members 43 (Leave of Absence)*, dated September 1, 2009
- *Personnel Policies for Staff Members 44 (Work-Incurred Illness or Injury)*, dated March 14, 1997
- *Personnel Policies for Staff Members 45 (Military Leave)*, dated March 1, 2001
- *Personnel Policies for Staff Members 46 (Administrative Leave)*, dated August 1, 1999