ARTICLE 17
ADMINISTRATIVE LEAVE WITH PAY

1. **Jury Duty and Grand Jury Duty.** A full-time employee in a permanent position on any shift or work schedule shall be granted leave with pay for actual time spent on jury service and in related travel, not to exceed the number of hours in the employee's normal workday and the employee's normal workweek. A part-time employee in a permanent position shall be granted leave with pay for actual time spent on jury service and in related travel which occur during the employee's regularly scheduled hours of work.

2. **Administrative or Legal Proceedings.** When an employee is attending administrative or legal proceedings on behalf of the UNIVERSITY, attendance is counted as time worked.

   When served with a subpoena which compels the employee's presence as a witness, a full-time employee in a permanent position on any shift or work schedule shall be granted leave with pay for actual time spent at the administrative or legal proceedings and in related travel, not to exceed the number of hours in the employee's normal workday and the employee's normal workweek. A part-time employee in a permanent position shall be granted leave with pay for time spent at the proceedings and in related travel which occurs during the employee's regularly scheduled hours of work.

   Leave with pay shall not be granted when an employee is the plaintiff or defendant in a proceeding, is called or subpoenaed as a paid expert witness not on behalf of the UNIVERSITY, or is called or subpoenaed because of duties for another employer.

3. **Voting Privileges.** An employee shall be granted leave with pay, up to a maximum of two hours, for voting in a Statewide primary or general election if the employee is scheduled to work eight hours or more on that day and if the employee does not have time to vote outside of working hours.

4. **Blood Donations.** An employee may be granted leave with pay, up to a maximum of two hours, for donating blood during regularly scheduled hours of work.

5. **University Functions.** An employee may be granted leave with pay during regularly scheduled hours of work to attend commencement exercises, Charter Day exercises, and other UNIVERSITY meetings or functions as designated by the Chancellor or LABORATORY Director.

6. **Emergencies.** An employee may be granted leave with pay during regularly scheduled hours of work for the period of time authorized by the Chancellor or LABORATORY Director due to natural or man-made emergencies.

7. **FAMILY AND MEDICAL LEAVE.**

   A. **General**

   An eligible employee may be granted a pregnancy disability leave, family and medical leave, work-incurred disability leave, or personal leave as provided in the following
sections, except that a leave of absence shall not extend beyond a predetermined separation date.

Where applicable, leaves, transfers, or reduced work schedules shall require written certification from a health care provider of the individual requiring care.

B. Pregnancy Disability Leave

1. An employee who is disabled from working because of pregnancy, childbirth or related medical conditions shall be granted upon request, a leave of absence for up to 4 months during the period of disability. Pregnancy disability leave may consist of leave without pay and/or paid leave such as accrued sick leave, vacation and compensatory time off.

2. If an employee on an approved pregnancy disability leave also is eligible for family and medical leave under Section C, up to 12 work weeks of pregnancy disability leave shall run concurrently with family and medical leave under Federal law. Upon termination of a pregnancy disability leave that runs concurrently with Federal family and medical leave, an employee is also entitled to up to 12 work weeks of State family and medical leave for any covered reason except pregnancy or related medical conditions.

3. Reduced Work Schedules. When medically necessary, an employee may take pregnancy disability leave on a reduced work schedule or on an intermittent basis. The University may require an employee who is on a reduced work schedule or intermittent leave to temporarily transfer to an alternative position if the alternative position better accommodates the required work schedule than the employee's own position.

4. Advance Notice. Whenever possible, an employee shall provide at least 30 days advance notice. If 30 days notice is not practicable because of a medical emergency, for example, notice shall be given as soon as practicable.

5. Reinstatement. Reinstatement shall be to the same position provided that the employee returns to work within 4 months and immediately following termination of pregnancy disability leave. If the employee would have been laid off or terminated had the employee remained on pay status during the leave period, reinstatement shall be to a similar job at the same location. If a similar position is not available, the employee shall be afforded the same consideration afforded other employees who are laid off or terminated pursuant to the provisions of Article 18, Layoff and Reduction in Time, Article 19, Discipline & Dismissal, and Article 9, Probationary Period.

6. Light Duty. As an alternative to or in addition to pregnancy disability leave, the University shall temporarily modify a pregnant employee's own position or transfer a pregnant employee to a less strenuous or hazardous position upon request and with the advice of the employee's health care provider, if the temporary modification or
transfer can be reasonably accommodated. A temporary modification or transfer shall not be counted toward an employee's entitlement of up to 4 month pregnancy disability leave. An employee shall be reinstated to the same or similar position pursuant to the provisions of Section B.5 above.

C. Family and Medical Leave

1. Family and medical leave is provided for an eligible employee's serious health condition, the serious health condition of the employee's child, spouse, or parent, or to bond with the employee's newborn, adopted, or foster care child in accordance with State and Federal law in effect at the time the leave is granted. Leave granted for bonding purposes shall be concluded within 12 months following the child's birth or placement for adoption or foster care.

2. Eligibility. An employee is entitled to up to 12 work weeks of family and medical leave during the 12-month leave year provided that:

   a. the employee has at least 12 cumulative months of University service (all prior University service, including service with the Department of Energy Laboratories, shall be used to calculate the 12-month service requirement); and

   b. the employee has worked at least 1,250 actual hours during the 12 months immediately preceding the commencement date of the leave.

   c. In the event University policy and/or applicable State or Federal Law result in a different date of commencement for the 12-month family and medical leave period, the commencement period for employees in the bargaining unit shall conform to the commencement date generally applicable to other University staff employees.

3. Use of Paid Leave. Family and medical leave is unpaid leave, except under the following circumstances.

   a. Accrued vacation earned under Article 14, Vacation, may be used at the employee's option for leave granted for the employee's own serious health condition or for pregnancy disability. Accrued vacation shall be used during a leave granted for any other covered reason.

   b. Accrued sick leave earned under Article 16, Sick Leave, may be used during a family and medical leave granted for an employee's serious health condition. Not more than thirty (30) calendar days of accrued sick leave in any calendar year shall be used during a family and medical leave granted to care for a child, spouse, or parent with a serious health condition.

   c. Supplemental and/or extended sick leave may be used during a family and medical leave granted to an employee who is receiving temporary disability payments under the Workers' Compensation Act.
The University shall designate all paid and unpaid leaves as family and medical leave if the leave meets the requirements set forth in Section C.1-2.

4. Reduced Work Schedules. When medically necessary, an employee may take family and medical leave on a reduced work schedule or on an intermittent basis. The University may require an employee who is on a reduced work schedule or intermittent leave to temporarily transfer to an alternative position if the alternative position better accommodates the required work schedule than the employee's own position.

5. Advance Notice. Whenever possible, an employee shall provide at least 30 days advance notice. If 30 days notice is not practicable because of a medical emergency, for example, notice shall be given as soon as practicable. Failure to comply with these notice requirements may result in postponement of family and medical leave.

6. Reinstatement. Reinstatement shall be to the same position, or at the department's discretion, to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment 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 remained on pay status during the leave period, the employee shall be afforded the same considerations afforded to other employees who are laid off or terminated pursuant to the provisions of Article 18, Layoff and Reduction in Time, Article 19, Discipline & Dismissal and Article 8, Probationary Period.

7. Return to Work Certification. An employee who is granted leave for the employee's own serious health condition may be required to present medical certification prior to returning to work.

D. Work Incurred Illness and Injury Leave

An employee who is off pay status and receiving temporary disability payments under the Worker's Compensation Act may be granted, at the discretion of the department head, a leave without pay for all or part of the period during which such temporary disability payments are received, except that an employee who also is eligible for family and medical leave shall be granted leave pursuant to Section C, Family and Medical Leave.

E. Personal Leave

At the University's sole non-grievable discretion, a permanent employee may be granted a leave without pay of no longer than 6 continuous months for personal reasons. Reinstatement shall 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 remained on pay status during the leave period, the employee shall be afforded the same considerations afforded other employees who
are laid off or terminated pursuant to the provisions of Article 18, Layoff and Reduction in Time, Article 19, Discipline and Dismissal, and Article 8, Probationary Period.

F. Effect on Benefits

1. Periods of approved leave without pay are not counted as University service except as provided in specific policies. Such leaves do not constitute a break in service.

2. An employee on an approved family and medical leave shall be entitled to continue participation in health plan coverage (medical, dental and optical) as if on pay status for a period of up to 12 work weeks in a 12-month period.

3. For the effect of a leave without pay on retirement and group insurance plans, refer to the group insurance and retirement system regulations.

4. Accrued vacation shall be used prior to the leave without pay unless otherwise requested by the employee and approved by the department head, except that an employee shall not be required to exhaust accrued vacation prior to a leave without pay granted for the employee's own health condition or pregnancy disability.