

ARTICLE 17
LEAVES OF ABSENCE FOR UNION BUSINESS

A. GENERAL PROVISIONS

In accordance with the provisions of this article the University will provide reasonable leaves of absence for Union business for periods of one day up to a maximum of three (3) years in accordance with Section B below. Absences beyond three years shall be granted in accordance with Section B.1.b.2 below.

1. Employee Eligibility for Leave

- a. AFSCME shall submit to the Director – Labor Relations at each campus/hospital/LBNL, 30 days in advance of the leaves requested, the names of the non-probationary career union members at that campus who are eligible for the leave.
- b. The University may grant one FTE (261 days) of paid reimbursed leave for every 500 bargaining unit employees and no more than two FTE (522 days) per campus, hospital, and the LBNL without loss of compensation. However, only one employee shall be released per department per leave. The University need not grant the leave when it can demonstrate compelling business needs, or if a campus, hospital or laboratory has fewer than 50 AFSCME PCT employees per unit.

2. Pay Status

During the paid reimbursed leave, the employee shall be paid by the University, and shall continue to accrue service credit; and shall retain all benefits to which the employee was entitled prior to the start of the leave. Employee benefit contributions will continue to be deducted during the leave.

- a. During the paid reimbursed leave the employee shall be eligible for increases in accordance with campus practices.
- b. Any leave granted in accordance with this section shall not constitute a break in service.

3. Union Reimbursement

The Union shall reimburse the University for all actual costs of employee compensation, including but not limited to, salary plus all benefits paid to the employee for the time the employee is on leave without loss of compensation provided the University bills the Union no later than six (6) months from the date of the conclusion of the union business leave. The Union shall submit payment to

the University within 30 days of receipt of confirmation of payment to the employee. The University has the right to terminate the leave if the Union fails to provide timely payment.

4. Long Term Leave (30 days to 3 years)

- a. Upon at least 30 calendar days' advance written request from the AFSCME Local 3299 Executive Director and the employee, to the campus'/hospital's/LBNL's Labor Relations Office, a non-probationary career employee shall be granted leave for Union business in accordance with this section. Such paid reimbursed leave shall be granted for a fixed period of time not less than thirty (30) days and not longer than three (3) years.
- b. The University shall not be required to return an employee on paid leave to active employment status prior to the completion of the stated duration of the leave.
 - 1) The duration of the leave shall be specified at the time the employee requests the leave. No leave shall be granted unless the written request specifies the duration of the leave.
 - 2) The maximum duration of a paid leave with Union reimbursement is three (3) years. The University shall not unreasonably deny subsequent requests for release of statewide union officers of president, statewide patient care technical unit vice president, executive vice president, recording secretary, and secretary- treasurer.
 - 3) Upon return, the employee shall be placed in the same or similar position from which the employee took the paid reimbursed leave, in accordance with §4 below. If the employee's position requires certification or licensure, the employee must be current with such certifications/licenses in order to return to work. The employee shall receive the rate of pay that would have been provided to the employee as a result of range adjustments provided during the leave.
 - 4) Placement of the employee in his/her previous position shall be consistent with staffing reductions and/or layoffs which may have occurred during the period of leave of absence.

5. Short Term Paid Leave (2- 29 Days)

- a. Upon at least 15 calendar days' advance written request from the AFSCME Local 3299 Executive Director and the employee, to the campus'/hospital's Labor Relations Office, local steward and officers shall be granted leave for

Union business. Such paid reimbursed leave shall be granted for a fixed period of time not less than two days and not longer than twenty-nine (29) days. The duration of the leave shall be specified at the time the employee requests the leave. No leave shall be granted unless the written request specifies the duration of the leave.

- b. The University shall not be required to return an employee on paid leave to active employment status prior to the completion of the stated duration of the leave. The parties may agree to shorter notice.

B. ONE-DAY LEAVES

Upon ten (10) calendar days' advance written notice to her/his supervisor, with a copy to the local LR office, local Union officers and local Union stewards shall be granted one (1) day of paid reimbursed leave for union business. Permission for such leave shall not be granted for a period of less than one (1) day, and such permission shall not be granted to any individual employee more than once per month, except for executive board members and bargaining team members who may be granted two (2) one day leaves per month, based on the operational needs of the University. The granting of such permission to local stewards and officers shall be subject to the operational needs of the University and may be granted to one or more, but not necessarily all, such employees on the same shift in the same operational area. If proper ten (10) day notice is provided, such permission shall not be denied unreasonably.

C. FAILURE TO RETURN FROM LEAVE

An employee who fails to return to work from a leave of absence on the approved anticipated date of return or any approved extension shall be considered to have abandoned his/her job, in accordance with Article 34 - Resignation, if such failure to return exceeds five consecutive working days of the anticipated return date.