

For the Union: David E. Jeffrey  
Date: May 1, 2020

For the University: Maure Gardner  
Date: May 1, 2020 ARO

## Article \_\_: Leaves of Absence

This Article covers the following Leaves:

- A. Personal Leave
- B. Medical Leave, including Pregnancy Disability Leave
- C. Parental Leave
- D. Family and Medical Leave (FML)
- E. Military Leave
- F. Jury Duty

### A. Personal Leave

1. Upon reasonable justification submitted in writing to the Program Director and Departmental Chair, a Resident may be granted a personal leave of absence for a period of time not to exceed six (6) consecutive months. At the end of the personal leave, the Resident may be reinstated to his/her former position and department.
2. Personal leave is unpaid. Academic credit shall not be granted during a personal leave.
3. The approval, denial or extension of a personal leave is not grievable or arbitrable and is at the sole discretion of the University.

### B. Medical Leave

1. Pregnancy Disability Leave  
During the period when a Resident is disabled because of pregnancy, childbirth, or related medical condition, she is entitled to and the University shall grant her request for Pregnancy Disability Leave. Pregnancy Disability Leave (PDL) may also be used for prenatal care.
2. For a Resident disabled by pregnancy, childbirth or related medical condition, no eligibility requirements apply, such as minimum hours worked or length of service. If the Resident is eligible for Family and Medical Leave (FML), pursuant to Section G., such leave shall be deducted from the Resident's FML entitlement under the federal FMLA as well as her entitlement under California's PDL law.
3. Pregnancy Disability Leave may be taken as a block leave or, when medically advisable, on an intermittent or reduced schedule basis. Only the amount of leave time actually taken may be counted against the Resident's PDL entitlement.
4. Duration

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- a. A Resident is entitled to Pregnancy Disability Leave for the period of actual disability up to sixteen (16) weeks per pregnancy.
  - b. If the Resident continues to be disabled by pregnancy, childbirth, or a related medical condition beyond sixteen (16) weeks, a personal leave may be granted at the sole, non-grievable discretion of the Program Director.
  - c. Following Pregnancy Disability Leave, the Resident may be eligible for Parental Leave, pursuant to Section C., to care for her newborn child. The total FML taken for a combination of PDL and Parental Leave shall not exceed twenty-eight (28) weeks in a calendar year.
5. Use of Accrued Paid Leave
- a. Pregnancy Disability Leave may consist of leave with or without pay; however, a Resident shall be required to use accrued sick leave in accordance with the University's Disability Plan. If sick leave is exhausted, the Resident may elect to use accrued vacation time prior to taking leave without pay.
  - b. In the event the Pregnancy Disability Leave runs concurrently with Family and Medical Leave, the Resident shall be entitled to a total of twelve (12) workweeks of FML. The University shall continue its contribution for the Resident's health insurance benefit for the length of Pregnancy Disability Leave.

### **C. Parental Leave**

1. Parental Leave shall be granted to bond with or care for a newborn child or placement of a child with a Resident for adoption or foster care.
2. Parental leave is provided for twelve (12) weeks within one (1) year of the birth or placement and must be completed within one year of the birth or placement of the child.
3. An eligible Resident shall be granted four (4) weeks of paid leave during the duration of the Parental Leave period and may use accrued vacation to extend the paid portion of leave. Sick leave may be used in the event that the Resident and/or the child are eligible for FML.
4. Parental leave does not extend the available time under FML.
5. When possible, a Resident shall request Parental Leave at least four (4) weeks in advance of the use of the time off.

6. If combined with Pregnancy Disability Leave, the aggregate Leave shall not exceed twenty-eight (28) weeks in a calendar year.
7. Parental Leave shall be granted in increments of less than two (2) weeks duration on any two (2) occasions during a calendar year. The University, at its sole non-grievable discretion, may require that any additional Parental Leave requested during this same time period be for a minimum duration of two (2) weeks.

#### **D. Family and Medical Leave (FML)**

Pursuant to the Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA) and California's PDL Leave, an eligible Resident will be granted up to 12 weeks of unpaid leave in a calendar year.

FML will be granted to an eligible resident for the following reasons:

- the Resident's own serious health condition;
- to care for a family member (child, spouse, domestic partner, parent) who has a serious health condition;
- the Resident's pregnancy-related disability (Pregnancy Disability Leave);
- Parental leave to bond with a Resident's newborn or a child placed with the Resident for adoption or foster care;
- Military Caregiver or Qualifying Exigency Leave.

##### **1. Eligibility**

- a. The Resident must have twelve (12) months of University service (need not be continuous); and
- b. At least 1,250 hours of actual hours worked in the twelve (12) months immediately preceding the leave.
- c. The Resident is required to use sick leave and vacation before taking leave without pay.

##### **2. Benefits Continuation**

During an FML leave, the University shall continue its contribution for the Resident's health insurance coverage benefit.

##### **3. Notice and Certification**

- a) Requests for FML must include:
- b) Written request from the Resident to the Program Director of the department indicating the start and anticipated return dates; and a letter from the Resident's physician affirming the need for medical leave.
- c) Approved requests for FML must include:

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- the start date and return to work date
- how time will be counted toward training or requirements for additional time
- conditions for return to work as indicated
- PGY Level upon return

## **E. Military Leave**

### **1. Military Caregiver Leave**

An eligible Resident who is required to care for a family member or “next of kin” who is a “covered service member” undergoing medical treatment, recuperation or therapy for a serious injury or illness shall be granted FML of up to twenty-six (26) workweeks during a single 12-month leave period. The Resident must be a spouse, domestic partner, parent, child, or next of kin of the covered service member to be eligible for this type of leave. The Resident is required to provide a copy of the covered service member’s active duty orders.

### **2. Qualifying Exigency Leave**


An eligible Resident who is the spouse, domestic partner, child or parent of a military member is eligible to attend to any “qualifying exigency” while the military member is on “covered active duty or call to covered active duty status” (or has been notified of an impending call/order to covered active duty). An eligible Resident is entitled to up to twelve (12) workweeks of Qualifying Exigency leave during a calendar year, which may be taken on an intermittent or reduced schedule basis. The Resident is required to provide a copy of the military member’s active duty orders.

## **F. Jury Duty**

A Resident called for jury duty must notify the Program Director as soon as the jury summons is received. Leave with pay for actual time spent on jury service and in related travel will be granted for jury service.

## **G. Administrative or Investigatory Leave**

Administrative Leave and Investigatory Leave are not intended to replace any other leave to which a Resident may be entitled under State or Federal Law or vacation, sick leave or personal leave. Administrative Leave may be used for situations that require that the Resident be removed from the work site that are not investigatory in nature. Investigatory Leave may be used to permit the University to review or investigate allegations of wrongdoing which may warrant removing the Resident from the work site. Administrative

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Leave and Investigatory Leave must be confirmed in writing to the Resident and must be paid.