

ARTICLE 12 LEAVES OF ABSENCE

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A. GENERAL PROVISIONS

Subject to the provisions of this Article, leaves of absence may be with or without pay, may be for medical purposes and/or non-medical reasons, and are subject to the approval of the University. Approved leaves do not continue beyond the predetermined end date of the Postdoctoral Scholar's appointment.

1. Definitions

- a. Non-medical leaves of absence, with or without pay, include: certain Family and Medical Leaves (leave to care for a family member with a serious health condition, Parental Leave, Military Caregiver Leave, and Qualifying Exigency Leave), leave for jury duty, military leave, leave for professional meetings, Personal Leave, and leave for service to Governmental agencies.
- b. Medical Leaves with or without pay, include Pregnancy Disability Leave, Family and Medical Leave taken for the Postdoctoral Scholar's own serious health condition and Disability Leave.
- c. FMLA is the federal Family and Medical Leave Act of 1993.
- d. CFRA is the California Family Rights Act of 1995.
- e. For the purposes of this Article, a day means a scheduled work day.

2. Disability Insurance Coverage

- a. **Short Term Disability:** The plan shall pay a weekly benefit equal to 70% of the Postdoctoral Scholar's weekly earnings, up to the maximum allowed by the PSBP Short Term Disability Plan.
- b. **Voluntary Long Term Disability:** Postdoctoral Scholars may supplement short term disability coverage by purchasing long term disability insurance.
- c. **For Postdoctoral Scholars Eligible for Family and Medical Leave (FML)**
 - 1) Postdoctoral Scholars who have a certified disability during the period of their appointment receive Short-Term Disability payments for up to six months as a result of being enrolled in the UC Postdoctoral Scholar Benefits Plan Short-Term Disability Program.
 - 2) During the period of disability, the Postdoctoral Scholar receives medical plan coverage but no vision or dental. However, Postdoctoral Scholar eligible for FML shall receive vision and dental coverage during FML in accordance with §B.8.

- 3) If a Postdoctoral Scholar who is eligible for FML takes such a leave for their own serious health condition (as defined in §B.1.c below), the absence from work shall be deducted from the Postdoctoral Scholar's FML entitlement.

a. For Postdoctoral Scholars Not Eligible for FML

- 1) Postdoctoral Scholars who have a certified disability during the period of their appointment receive Short-Term Disability payments for up to six months as a result of being enrolled in the UC Postdoctoral Scholar Benefits Plan Short-Term Disability Program.
- 2) During the period of disability, the Postdoctoral Scholar receives medical plan coverage, but no vision or dental.

3. Benefit Eligibility While On Leave Without Pay

- a. **Special Health Benefit Eligibility For FML** – An eligible Postdoctoral Scholar shall have University-provided health benefits continued for the period of the FML in accordance with §B.8 of this Article.
 - b. **Other Benefit Eligibility** - An eligible Postdoctoral Scholar on approved leave without pay may elect to continue University-sponsored insurance coverages (as determined by plan documents or regulation(s)) for the period of the leave by remitting the entire premium amount due for the period of the approved leave, in accordance with the provisions of the applicable plan(s).
4. An approved leave without pay is not considered a break in service.
 5. **Requests For Leave** - Except as provided under §B.3, FML Notification, §J.8. Military Caregiver Leave, §K.1.g. Qualifying Exigency Leave, and §L.1.c. Military Spouse/Domestic Partner Leave, requests for leaves of absence and extensions, with or without pay, shall be submitted in writing to the University. Such requests shall be submitted sufficiently in advance of the requested leave date to provide the University time to assess the operational impact of granting the request. All requests for leaves of absence shall contain the requested beginning and end date of the leave, and any additional information as required.
 6. **Duration** - The start date of the leave, the terms of the leave and the date of return from the leave are determined when the leave is granted. The University shall provide the Postdoctoral Scholar with written confirmation of such dates in accordance with the provisions of this Article.

7. Return To Work

- a. A Postdoctoral Scholar who has been granted an approved leave with or without pay shall be reinstated to the same or similar position to which the Postdoctoral Scholar was appointed if the return date is during the term of the appointment. If the position held has been abolished or affected by layoff during the leave, the Postdoctoral Scholar shall be afforded the same considerations that would have been afforded had that Postdoctoral Scholar been on pay status when the position was abolished or affected by layoff. The exceptions to this section are return to work from Pregnancy Disability Leave, FML Leave and Military Leave.
- b. Failure to provide a required medical release to return to work, as set forth in §B.5., may result in the delay of reinstatement until the Postdoctoral Scholar submits the required medical release certification.

B. FAMILY AND MEDICAL LEAVE (FML)

If a Postdoctoral Scholar is eligible for FML, the University shall abide by the Act.

The provisions of this §B., and the terminology used in §B.1., apply only to Postdoctoral Scholars who are eligible for FML under FMLA and/or CFRA. Postdoctoral Scholars who do not meet FMLA and/or CFRA eligibility requirements may receive leave for purposes described in this section by applying for a Personal Leave of Absence, in accordance with §E. The same notification and certification requirements apply to Personal Leaves requested for the purposes described in this §B.

1. Definitions

- a. Family and Medical Leave (FML) is defined as a qualifying leave taken for any of the following six (6) reasons:
 - 1) Leave due to the Postdoctoral Scholar's own serious health condition.
 - 2) Leave taken by the Postdoctoral Scholar to care for a family member, as defined in §B.1.b. below, with a serious health condition.
 - 3) **Parental Leave**, which is leave to bond with the Postdoctoral Scholar's newborn or newly placed child, as described in §B.7. below.
 - 4) **Pregnancy Disability Leave**, as described in §D. below, when the Postdoctoral Scholar is also eligible for leave under the FMLA.
 - 5) **Military Caregiver Leave**, as discussed in greater detail below in §J below.
 - 6) **Qualifying Exigency Leave**, as discussed in greater detail below in §K below.
- b. **A Family Member** for the purposes of FML taken to care for a family member with a serious health condition is the Postdoctoral Scholar's parent, child, spouse, domestic partner, grandparent, grandchild or sibling. Child means the Postdoctoral Scholar's biological child, adopted child, foster child, stepchild, legal ward, or a child for whom the Postdoctoral Scholar stands in loco parentis, who is under 18 years of age or incapable of self-care because of a mental or physical disability. Parent includes the Postdoctoral Scholar's biological parent, foster parent, adoptive parent, stepparent, parent-in-law, legal guardian, or an individual who stood in loco parentis to the Postdoctoral Scholar when the Postdoctoral Scholar was a child.
- c. **A Serious Health Condition For The Purposes Of FML** taken to care for a family member is an illness, injury, impairment, or physical or mental condition that involves either inpatient care (as defined in B.1.d.1. below) or continuing treatment (as defined in B.1.d.3. below) and that warrants the participation of the Postdoctoral Scholar to provide supervision or care (which may include psychological care or comfort) during the period of treatment or incapacity (as defined in B.1.d.2. below).
- d. **The Postdoctoral Scholar's Own Serious Health Condition** is an illness, injury, impairment, or physical or mental condition that renders the Postdoctoral Scholar unable to perform any one or all of the essential functions of the Postdoctoral Scholar's position and involves either inpatient care or continuing treatment.
 - 1) **Inpatient care** means a stay in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity. A person is considered an "inpatient" when a health care facility formally admits them to the facility with the expectation that they will remain at least overnight and occupy a bed, even if it later develops that such person can be discharged or transferred to another facility and does not actually remain overnight.
 - 2) **Incapacity** means the inability to work, attend school, or perform other regularly daily activities due to a serious health condition, its treatment, or the recovery that it requires.

3) Continuing treatment means ongoing treatment or supervision by a health care provider.

- e. A **Health Care Provider** is an individual who is a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State or other jurisdiction in which the doctor practices, or who is duly licensed as a podiatrist, dentist, clinical psychologist, optometrist, chiropractor (limited to the treatment of the spine to correct a subluxation as demonstrated by x-ray to exist), physician assistant, nurse practitioner or nurse mid-wife performing within the scope of their duties, or Christian Science practitioner or any health care provider that the Postdoctoral Scholar's health plan carrier recognizes for purposes of payment.
- f. **1,250 Hours Of Actual Service** means time actually spent at work and does not include any paid time off or Sick Leave, nor does it include time paid for holidays not worked. For Postdoctoral Scholars granted military leave, all hours that would have been worked had the Postdoctoral Scholar not been ordered to military duty shall be used to calculate the 1,250 actual hours of work requirement.

2. Eligibility Criteria and Duration

- a. Except as set forth in this section, Postdoctoral Scholars who have at least twelve (12) cumulative months of University service and have at least 1,250 hours of actual service during the twelve (12) month period immediately preceding the commencement of the leave, are eligible for and shall be granted up to a total of twelve (12) workweeks of FML in the calendar year. For Military Caregiver Leaves, the maximum entitlement is twenty-six (26) workweeks in a single 12-month period, as defined in §J.3.g. below. For Pregnancy Disability Leave, the maximum entitlement is four (4) months per pregnancy. A Postdoctoral Scholar who has been employed at the University of California for one year or more at 60% or more will be presumed to have the 1,250 hours, unless the University demonstrates that the Postdoctoral Scholar does not have the requisite 1,250 hours. For the purposes of this Article and Section only, all prior University service, including service with the UC-managed Department of Energy Laboratories, shall be used to calculate the twelve (12) month service requirement.
- b. FML is unpaid leave, except as otherwise provided in this Article.
 - 1) Except as set forth below, time off used for FML purposes, including Work Incurred Injury and Illness leave that qualifies as FML, shall be deducted from the Postdoctoral Scholar's twelve (12) workweek FML maximum entitlement. For Military Caregiver Leave, the maximum entitlement is twenty-six (26) workweeks in a single 12-month leave period, as defined in §J.3.g. below. For Pregnancy Disability Leave, the maximum entitlement is four (4) months per pregnancy.
 - 2) FML shall not exceed twelve (12) workweeks in any calendar year, except in the case of Military Caregiver Leave, Pregnancy Disability Leave, or combined leaves for Pregnancy Disability Leave and Parental Leave.
 - 3) If the Postdoctoral Scholar has exhausted their entitlement to FML, or is otherwise ineligible for FML, the University may approve a leave to cover the absence from work for verifiable medical reasons as referenced in §E.

3. FML Notification

- a. If the Postdoctoral Scholar learns of the event giving rise to the need for FML more than thirty (30) calendar days in advance of the leave's anticipated initiation date, the Postdoctoral Scholar shall give the University at least thirty (30) calendar days' notice of the need for leave. A Postdoctoral Scholar who fails to give thirty (30) days' notice for a foreseeable leave with no reasonable basis for the delay may have the FML delayed until thirty (30) days after the date on which the Postdoctoral Scholar provides notice.
 - 1) If the need for FML is foreseeable due to the planned medical treatment of the Postdoctoral Scholar or that of their family member, the Postdoctoral Scholar shall

make reasonable efforts to schedule the treatment so as to not unduly disrupt the University's operations.

- 2) If the need for FML is unforeseeable or actually occurs prior to the anticipated date of foreseeable leave, the Postdoctoral Scholar shall provide the University with as much notice as possible.
- b. The University shall determine whether the Postdoctoral Scholar meets the eligibility requirements to qualify for FML and shall, within five days of that determination, notify the Postdoctoral Scholar whether the Postdoctoral Scholar is eligible for FML. The designation notice shall include the start date of the leave, the anticipated return date from the leave, and other terms of the leave. If the leave is being denied, the designation will so indicate.
- c. Extensions to the FML, up to the applicable aggregate maximum for the calendar year may be granted in accordance with §B.4.e.

4. Certification

a. For FML taken due to the Postdoctoral Scholar's Own Serious Health Condition

When FML is requested for the Postdoctoral Scholar's own serious health condition, the University may, at its discretion, require that Postdoctoral Scholar's request for leave be supported by written certification issued by the Postdoctoral Scholar's health care provider. When certification is required by the University, such requirement shall be made to the Postdoctoral Scholar in writing. Certification may be provided by the Postdoctoral Scholar on a form given to the Postdoctoral Scholar by the University and shall be provided within fifteen (15) calendar days following the University's request. Regardless of the format in which it is provided, the certification shall include:

- 1) certification that the Postdoctoral Scholar has a serious health condition as defined in §B.1.d., above, and
- 2) a statement as to whether the Postdoctoral Scholar is unable to perform one or more of the essential assigned functions of their position due to the serious health condition and
- 3) the date on which the Postdoctoral Scholar's serious health condition began, if known, the probable duration of the condition, and the Postdoctoral Scholar's probable date of return, and
- 4) whether it will be medically necessary for the Postdoctoral Scholar to take leave intermittently or to work on a reduced work schedule, and if so, the probable frequency and duration of the Postdoctoral Scholar's need for leave.

b. For FML taken to care for the Postdoctoral Scholar's Family Member - When a Postdoctoral Scholar requests FML to care for a family member with a serious health condition, the University may, at its discretion, require that a Postdoctoral Scholar's request for leave be supported by written certification issued by the family member's health care provider. When certification is required by the University, such requirement shall be made to the Postdoctoral Scholar in writing. Certification may be provided by the Postdoctoral Scholar on a form given to the Postdoctoral Scholar by the University and shall be provided within fifteen (15) calendar days following the University's request. Regardless of the format in which it is provided, the certification shall include:

- 1) certification that the Postdoctoral Scholar's family member has a serious health condition as defined in §B.1.c., above, and
- 2) a statement that the family member's serious health condition warrants the participation of the Postdoctoral Scholar to provide supervision or care (which may include psychological care or comfort) during the period of treatment or incapacity, and
- 3) whether it is medically necessary for the Postdoctoral Scholar to take leave intermittently or on a reduced work schedule to care for the family member and the probable frequency and duration of the Postdoctoral Scholar's need for leave to provide such care.

c. Confirmation of Family Relationship – The University may require a Postdoctoral Scholar requesting FML to care for a family member with a serious health condition or

requesting FML as Parental Leave, Military Caregiver Leave, or Qualifying Exigency Leave to provide a declaration confirming the familial relationship. The University may, at its sole discretion, delay or deny a request for leave, or discontinue a leave which is in progress, if the Postdoctoral Scholar fails to provide this declaration within fifteen (15) calendar days of the University's request.

- d. **Questioned Medical Opinions** – If the University has a good faith, objective reason to doubt the validity of the Postdoctoral Scholar's certification for their own serious health condition, the University may require that the Postdoctoral Scholar obtain a second medical opinion from a second health care provider selected by the University.
 - 1) Should the second medical opinion differ from the opinion of the Postdoctoral Scholar's own health care provider, the University may require a third medical opinion from a third health care provider, jointly agreed to by the Postdoctoral Scholar and the University.
 - 2) The University shall bear the cost of the second and third opinions, and the third opinion shall be final and binding.
 - 3) The second medical opinion shall be in the same format as the original certification. No medical records may be required to be released to the University, although a limited release of the medical records between the two health care providers may be necessary. Upon request, the University will provide a copy of the second and, if applicable, third medical opinion to the Postdoctoral Scholar at no cost.
- e. **Additional Certification and/or Recertification** – If additional leave is requested or should the circumstances of the leave change, the University may require that the Postdoctoral Scholar obtain recertification. Such requests for subsequent certification and/or recertification may be either verbal or in writing.
 - 1) If the University requires certification and/or re-certification the Postdoctoral Scholar shall return the certification within fifteen (15) calendar days of the University's request, where practicable.
 - 2) The University may deny or delay a request for an extension or change in the leave until the Postdoctoral Scholar provides the required certification.
- f. **Failure to Provide a Complete and Sufficient Certification and/or Recertification** – If the Postdoctoral Scholar fails to provide a complete and sufficient certification and/or recertification, the University shall provide the Postdoctoral Scholar fifteen (15) calendar days to perfect the certification and/or recertification.
 - 1) Failure to perfect an incomplete or insufficient certification and/or recertification within the requested time may result in delay of the leave or discontinuance of the leave until the Postdoctoral Scholar provides the required certification and/or recertification.
 - 2) If the Postdoctoral Scholar fails to provide a complete and sufficient certification and/or recertification, the leave is not considered FML and will be denied in accordance with the provisions of §B.3.b. However, the University may grant a Personal Leave to the Postdoctoral Scholar at its discretion.

5. Return from FML Taken For Own Serious Health Condition

- a. The Postdoctoral Scholar shall provide reasonable notice to their department of their anticipated return to work.
- b. A Postdoctoral Scholar who has been granted FML for their own serious health condition may be required to provide a written medical release to return to work prior to returning to work.
- c. The Postdoctoral Scholar who has been medically released to perform the essential assigned functions of their job, with or without reasonable accommodation, shall be returned to the same position or an equivalent position.
- d. Failure to provide a medical release to return to work may result in the delay of reinstatement until the Postdoctoral Scholar submits a required medical release certification.

- 6. Duration** - Although the use of FML need not be consecutive, in no event shall a Postdoctoral Scholar's aggregate use of FML exceed a total of twelve (12) workweeks within a calendar year, except as provided above in §B.2.a.
- a. Hourly Conversion for Part-time or Alternately Scheduled Postdoctoral Scholars** - For Postdoctoral Scholars who work part-time, the number of FML hours to which the Postdoctoral Scholar is eligible shall be adjusted in accordance with the percentage of their appointment and with their normal weekly work schedule.
 - b. Postdoctoral Scholar Requests for Reduced Work Schedule/Intermittent Leave** - When medically necessary and supported by medical certification, the University shall grant an eligible Postdoctoral Scholar's request for a reduced work schedule or intermittent leave including absences of less than one (1) day. When granted, the University will count only the time actually spent on leave pursuant to the intermittent or reduced work schedule against the Postdoctoral Scholar's FML entitlement.
- 7. Parental Leave** - Parental Leave must be initiated and concluded within one (1) year (twelve (12) month period) of the event of the birth or placement of the child. The birth or placement of one (1) or more children at the same time constitutes a single event of birth or placement. The University shall grant a Parental Leave subject to the limitations described below.
- a.** If requested and taken immediately following a Pregnancy Disability Leave, a Postdoctoral Scholar eligible for FML under the FMLA/CFRA at the beginning of the Pregnancy Disability leave shall be granted the unused portion of FMLA/CFRA leave for Parental Leave purposes, up to a maximum of twelve (12) workweeks pursuant to statute in a calendar year. The amount available for use is determined by the amount of time that the FMLA/CFRA eligible Postdoctoral Scholar has previously used in the calendar year under each statute with the time running concurrently under both statutes in most situations.
 - b.** The University provides twelve (12) unpaid workweeks of Parental Leave for birth or placement of child. The Postdoctoral Scholar may use Personal Time Off, and/or Postdoctoral Paid Family Leave (PPFL) benefit to remain on pay status during this period.
 - c.** A Postdoctoral Scholar may only use one type of paid leave option at a time.
 - d. Requests for Parental Leave**
 - 1)** The Postdoctoral Scholar shall request Parental Leave sufficiently in advance of the expected birth date of the child or placement date of an adopted or foster care child to allow the University to plan for the absence of the Postdoctoral Scholar, but the Postdoctoral Scholar shall not be required to provide more than thirty (30) days advance notice. The anticipated date of return from Parental Leave shall be set at the time such leave commences, or if requested in conjunction with a FML taken as Pregnancy Disability Leave, shall be set at the time such Pregnancy Disability Leave commences. In the event Pregnancy Disability Leave is extended beyond the anticipated date by the Postdoctoral Scholar's health care provider, then the Postdoctoral Scholar is expected to communicate with the University about their new anticipated date of return. Parental Leave, when taken for the adoption of a child or placement of a child with the Postdoctoral Scholar, could commence prior to the date of placement to take care of matters related to the adoption or placement of the child.
 - e. Duration** – Parental Leave, alone, shall not exceed twelve (12) workweeks within a calendar year as defined in §B.2.b.2. and B.7., above. However, when Parental Leave is combined with FML taken as Pregnancy Disability Leave, the total amount of FML shall not exceed seven (7) months in a calendar year.
 - 1)** The University shall grant a Parental Leave of less than two (2) workweeks duration on any two (2) occasions during a calendar year.
 - 2)** The University may require that any additional Parental Leave requested during this same time period be for a minimum duration of two (2) workweeks, unless otherwise required by law.
 - 3)** In addition to §B.7.e.2. above, at the request of the Postdoctoral Scholar, the supervisor shall approve a parental leave on a reduced schedule or an intermittent

leave of any interval and duration unless there is a reason for denial based on exceptional circumstances related to research.

- 4) Postdoctoral Scholars who have exhausted their entitlement to leave under FMLA/CFRA may also take Personal Leave §E. below, for a total combined FML Parental Leave under FMLA/CFRA and Personal Leave (with or without pay) of up to one (1) year.

8. **Continuation of Health Benefits while on FML** - An eligible Postdoctoral Scholar who is on an approved FML (when FML is taken for their own serious health condition, to care for a family member with serious health condition, as Parental Leave, or as Qualifying Exigency Leave), with or without pay, shall be entitled to continue participation in health plan coverage (medical, dental, and vision) as if the Postdoctoral Scholar were on pay status for the period of the leave, up to twelve (12) workweeks in a calendar year. If FML is taken as Military Caregiver Leave, the Postdoctoral Scholar will be entitled to such benefits continuation for up to twenty-six (26) workweeks in a single 12-month leave period, as defined in §J.3.g. A Postdoctoral Scholar on an approved Pregnancy Disability Leave shall be entitled to such benefits continuation for up to four months per pregnancy in the twelve (12) month period that begins on the date that the Pregnancy Disability Leave begins, regardless of whether the Postdoctoral Scholar is eligible to have any portion of this leave counted as FML under the FMLA. Other group insurance coverage shall be administered in accordance with the provisions of the applicable group insurance regulations.
9. **Return to Work** - When a Postdoctoral Scholar has been granted an approved FML for any reason other than Pregnancy Disability Leave and returns within twelve (12) workweeks of the initiation of the leave (or within twenty-six (26) workweeks if FML is taken as Military Caregiver Leave), the Postdoctoral Scholar shall be reinstated to the same or an equivalent position upon expiration of the leave. For reinstatement immediately after Pregnancy Disability Leave, see §D.5. below. Postdoctoral Scholars who return to work at the conclusion of their combined Pregnancy Disability Leave and Parental Leave shall be reinstated to their same or an equivalent position. If the position has been abolished or otherwise affected by layoff and an equivalent position is not available, the Postdoctoral Scholar shall be afforded the same considerations which would have been afforded had the Postdoctoral Scholar been on pay status when the position was abolished or affected by layoff. Return to work provisions do not apply to Postdoctoral Scholars if return is sought after the expiration of their appointment.

C. USE OF PAID LEAVE

1. Sick Leave and Personal Time Off

- a. FML is unpaid except for the use of Sick Leave and/or the use of Personal Time Off as provided in this Article:
- b. A Postdoctoral Scholar on FML for their own serious health condition:
 - 1) if eligible for University disability benefits, shall use Sick Leave in accordance with the University's disability plan requirements;
 - 2) if not eligible for University disability benefits, may elect to use Sick Leave instead of taking FML without pay; or
 - 3) if on leave due to a work-incurred injury or illness, a Postdoctoral 3) Scholar may use Sick Leave as provided in Article 34 - Work Incurred Injury or Illness.
- 4) A Postdoctoral Scholar on leave for their own serious health condition may use Personal Time Off prior to taking FML without pay.

2. **Postdoctoral Paid Family Leave (PPFL)**

- a. The leave is available for the following reasons:
 - 1) To care for a family member with a serious health condition; or
 - 2) To bond with a new born or adopted child;

- 3) To provide Military Caregiver Leave (as addressed below in §J); or
- 4) To take Qualifying Exigency Leave (as addressed below in §K).
- b. PPFL is for a maximum of eight (8) workweeks of paid leave per calendar year.
 - 1) When a Postdoctoral Scholar is eligible for FML for one of the reasons in this section, any PPFL shall run concurrently with FML.
 - 2) When a Postdoctoral Scholar is not eligible for FML, PPFL shall be taken as a Personal Leave consistent with §E.4.b.
- c. PPFL is paid at 100% time. If the Postdoctoral Scholar has an appointment of less than 100%, the paid family care paid leave option shall be prorated on the percentage of effort in effect during the leave.
- d. PPFL ends when either a) the paid leave is exhausted; or, b) at the appointment end date, whichever comes first. The leave will not continue beyond the end date of the Postdoctoral Scholar's appointment.
- e. Prior to taking unpaid leave, a Postdoctoral Scholar may also use Sick Leave in accordance with Article 23, Section D when taking leave to care for a family member with a serious health condition or when taking Military Caregiver Leave. A Postdoctoral Scholar may take Personal Time Off when taking leave to care for a family member with a serious health condition, when taking Military Caregiver Leave, or when taking Qualifying Exigency Leave.

D. PREGNANCY DISABILITY LEAVE

1. **Duration** - A Postdoctoral Scholar is entitled to, and the University shall grant, up to four (4) months of Pregnancy Disability Leave for disability related to pregnancy, childbirth, and related medical condition. Pregnancy Disability Leave may also be used for prenatal care. If the Postdoctoral Scholar is eligible for FML under the FMLA, pursuant to §B, above, such leave shall be deducted from a Postdoctoral Scholar's FMLA entitlement.
 - a. If the disability related to pregnancy, childbirth or related medical condition continues beyond four (4) months, a medical disability leave of absence may be granted in accordance with §B.2.b.3., above, for a total medical absence not to exceed six (6) months unless further leave is required by law.
 - b. Additionally, the Postdoctoral Scholar may be eligible for Parental Leave pursuant to §B.7., above, and Personal Leave of Absence, pursuant to §E., below, to bond with the Postdoctoral Scholar's newborn child.
2. **Pregnancy Disability Leave** may consist of leave with or without pay. However, a Postdoctoral Scholar shall be required to use available Sick Leave in accordance with the University's Disability Plan.
 - a. If Sick Leave is exhausted, the Postdoctoral Scholar may elect to use Personal Time Off prior to taking leave without pay.
 - b. The Postdoctoral Scholar is eligible to receive Short-Term Disability coverage during this leave in accordance with the provisions of that benefit.
 - c. The Postdoctoral Scholar may choose to use Personal Time Off following the Short-Term Disability benefit. The Postdoctoral Scholar's health benefits continue during time on pay status.
3. **As an Alternative to or in Addition to Pregnancy Disability Leave**, when requested by the pregnant Postdoctoral Scholar and medically advisable according to the health care provider, the University will provide (1) reasonable accommodation, (2) modified job duties, or (3) 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 against a Postdoctoral Scholar's entitlement of up to four (4) months of Pregnancy Disability Leave. At the conclusion of the Pregnancy Disability Leave (or earlier upon the Postdoctoral Scholar's request if that request is consistent with the advice of the health care provider), the Postdoctoral Scholar will be returned to the original position and/or duties in accordance with §D.5. below.

4. **Reduced Work Schedule** - When medically advisable and supported by medical certification, the University shall grant a Postdoctoral Scholar Pregnancy Disability Leave on a reduced work schedule or on an intermittent basis including absences of less than one (1) day. Only the time actually spent on the intermittent or reduced leave schedule shall be counted towards the Postdoctoral Scholar's entitlement of up to four (4) months of pregnancy disability leave.
5. **Return to Work** - A Postdoctoral Scholar who has been granted Pregnancy Disability Leave or a reasonable accommodation, modification of job duties, or temporary transfer shall be reinstated to the same position from which the leave was taken provided that the Postdoctoral Scholar returns to work immediately upon termination of the Pregnancy Disability Leave and provided that the aggregate duration of all leaves granted for a given pregnancy does not exceed four (4) months. If the same job has been abolished or affected by layoff, the Postdoctoral Scholar shall be reinstated to a comparable position. If a comparable position is not available on the Postdoctoral Scholar's scheduled date of return but a comparable position or positions become available within sixty (60) days thereafter, the University shall notify the employee of the position(s). If the Postdoctoral Scholar is reinstated within that sixty-day (60-day) period, the period between the Postdoctoral Scholar's originally scheduled date of reinstatement and the Postdoctoral Scholar's actual reinstatement shall not be counted for purposes of any employee pay or benefits. The date of reinstatement is generally determined when the leave is granted but may be adjusted, as necessary, given the length of time the Postdoctoral Scholar is actually disabled. Return to work provisions do not apply to Postdoctoral Scholars if return is sought after the expiration of their appointment.
6. **Continuation of Health Benefits** - A Postdoctoral Scholar on an approved Pregnancy Disability Leave shall be entitled, to continue participation in health plan coverage (medical, dental, and vision) as if on pay status for up to four (4) months per pregnancy in the twelve (12) month period that begins on the date that the Pregnancy Disability Leave begins, regardless of whether the Postdoctoral Scholar is eligible to have any portion of this leave counted as FMLA under the FMLA. Other group insurance coverage shall be continued in accordance with the provisions of the applicable group insurance regulations.

E. PERSONAL LEAVE OF ABSENCE WITH AND WITHOUT PAY

1. **General Conditions**
The University may grant a Postdoctoral Scholar an unpaid Personal Leave of Absence at its sole discretion. Such leave shall not continue beyond the end of the Postdoctoral Scholar's appointment and shall not exceed the period of certified need. Personal Leave without Pay shall not be considered a break in service and shall not determine eligibility for benefits. The University shall not unreasonably deny a request for a Personal Leave when a Postdoctoral Scholar in their first year of appointment requests leave.
2. **For a Postdoctoral Scholar's own serious health condition**
A Postdoctoral Scholar in their first year of appointment may receive up to twelve (12) workweeks of unpaid leave for the Postdoctoral Scholar's own serious health condition, unless further leave is required by law. The definition of a serious health condition in §B.1.d above also applies in this section.
3. **To care for a family member**
A Postdoctoral Scholar in their first year of appointment may receive up to twelve (12) workweeks of unpaid leave to care for the Postdoctoral Scholar's child, parent, spouse, domestic partner, grandparent, grandchild or sibling with a serious health condition. The definition of a serious health condition in §B.1.c. above also applies in this section. The Postdoctoral Scholar may use Personal Time Off and/or Sick Leave to remain in pay status during this period. The University shall not unreasonably deny requests for this leave.
4. **To bond with a newly born or newly placed child**
 - a. **Description and Eligibility** – A Postdoctoral Scholar may be eligible for a full-time or part-time Personal Leave without pay for up to one (1) year to care for a newborn or newly

placed child. The child may be the Postdoctoral Scholar's child or their spouse or domestic partner's child. A Postdoctoral Scholar who elects part-time leave under this section shall have their appointment temporarily reduced for the duration of the leave. The University shall not unreasonably deny requests for this leave.

- b. Postdoctoral Paid Family Leave (PPFL)** – In accordance with §B.7., The University shall provide a maximum of eight (8) workweeks of PPFL per birth/placement to use for this purpose. At the request of the Postdoctoral Scholar, the supervisor shall approve the use of the PPFL to provide for a reduced schedule or an intermittent leave of any interval(s) of days unless there is a reason for denial based on exceptional circumstances related to research.
 - c. Interaction with Parental Leave** – A Postdoctoral Scholar who is taking FML as Parental Leave, as described above in §B.7, shall have up to twelve (12) workweeks of that leave run concurrently with Personal Leave under this section.
 - d. Effect on Benefits** – A Postdoctoral Scholar on a Personal Leave which does not qualify as FML under the FMLA/CFRA is responsible for the continuation of benefits during any unpaid portion of the Personal Leave. Details are available from the campus Benefits Office.
5. Campuses may provide additional benefits that supplement or enhance these benefits.
 6. Personal Leaves of Absence must be requested and approved in advance, when practicable. The University may require proof of the need for such leave.

F. BEREAVEMENT LEAVE

1. The University will grant a Postdoctoral Scholar's request to use up to five (5) days of Sick Leave or Personal Time Off due to the death of a family member as defined in §F.2., below. If Sick Leave or Personal Time Off is not available, the Postdoctoral Scholar shall be on unpaid leave. The University will not unreasonably deny bereavement leave of more than five (5) days.
2. Family member (including step-family member) for the purpose of bereavement leave is defined as one's mother, father, sister, brother, parent-in-law, spouse, domestic partner, parent of domestic partner, grandparent, grandchild, child, son/daughter-in-law, adopted or foster child (including children of a domestic partner or legal ward who is under 18 years). Parent includes a biological, foster, or adoptive parent, step-parent, legal guardian, or an individual who stood in loco parentis to the Postdoctoral Scholar when the Postdoctoral Scholar was a child.

G. JURY DUTY

1. A Postdoctoral Scholar shall be eligible for a paid jury duty leave. The Postdoctoral Scholar shall provide the University with a copy of the summons to serve on jury duty prior to the date(s) on which such service is expected. The University will not provide paid jury duty leave absent advance notice and verification of service.

H. MILITARY LEAVE

1. The University shall provide military leave for Postdoctoral Scholars who are called to active U.S. military service or state military service according to applicable University military leave policy or as otherwise required by applicable law.

I. OTHER LEAVES

1. Other leaves, including but not limited to leave for service to government agencies and leave to attend professional meetings may be granted with or without pay at the University's sole discretion or if required by applicable law.

J. **MILITARY CAREGIVER LEAVE**

1. **Military Caregiver Leave** is an additional type of FML available to eligible Postdoctoral Scholars. A Postdoctoral Scholar 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.
2. An eligible Postdoctoral Scholar is entitled to up to twenty-six (26) workweeks of Military Caregiver Leave during a single 12-month leave period. The Postdoctoral Scholar must be a spouse, domestic partner, parent, son, daughter or next of kin of the covered servicemember to be eligible for this type of leave.

3. **Definitions**

- a. “Covered servicemember” means:
 - 1) A current member of the United States Armed Forces (including a member of the National Guard or Reserves) who, because of a “serious injury or illness,” is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list; or
 - 2) A “covered veteran” who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. 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 Postdoctoral Scholar takes Military Caregiver Leave to care for the covered veteran.
- b. “Outpatient status” means the status of a servicemember assigned to (1) a military medical treatment facility as an outpatient; or (2) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
- c. “Serious injury or illness” means (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 by the covered servicemember in the line of duty on active duty in the Armed Forces or that existed before the beginning of the covered servicemember’s active duty and was aggravated in the line of duty on active duty in the Armed Forces and that may render the covered servicemember medically unfit to perform the duties of their office, grade, rank, or rating; and (b) for a covered veteran, an injury or illness that was incurred by the covered veteran in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran.
- d. “Parent of a covered servicemember” means a covered servicemember’s biological, adopted, or foster parent, stepparent, or any other individual who stood in loco parentis to the covered servicemember when the covered servicemember was a child. The term does not include parents “in-law.”
- e. “Son or daughter of a covered servicemember” means the covered servicemember’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis when that person was a child, and who is of any age.
- f. “Next of kin” means 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 their nearest blood relative for purposes of Military Caregiver Leave.
- g. “Single 12-month leave period” means the period beginning on the first day the Postdoctoral Scholar takes leave to care for the covered servicemember and ends 12 months after that date. (This leave period differs from the calendar year definition of the leave year used for determining eligibility for other types of FML at the University.)

4. **Eligibility** - A Postdoctoral Scholar who is a spouse, domestic partner, son, daughter, parent or next of kin of a covered servicemember is eligible for Military Caregiver Leave if the Postdoctoral Scholar meets the eligibility requirements for FML set forth in §B.2.a.
5. **Counting Leave**
 - a. Leave is applied on a per-covered servicemember, per-injury basis. Eligible Postdoctoral Scholars 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."
 - b. If an eligible Postdoctoral Scholar does not use all of their twenty-six (26) workweeks of leave entitlement to care for a covered servicemember during this single 12-month leave period, the remaining part of the twenty-six (26) workweeks entitlement to care for the covered servicemember for that serious injury or illness is forfeited.
 - c. As with most other types of FML, Military Caregiver Leave may also be taken on an intermittent or reduced schedule basis. If the need for intermittent or reduced schedule leave is foreseeable based on the planned medical treatment of the covered servicemember, the Postdoctoral Scholar may be required to transfer temporarily, during the period that the intermittent or reduced leave schedule is required, to an available alternative position for which the Postdoctoral Scholar is qualified and which better accommodates recurring periods of leave than does the Postdoctoral Scholar's regular position.
6. **Documentation and Certification** - Postdoctoral Scholars 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, Postdoctoral Scholars may be required to provide certain information (or have the covered servicemember provide that information) establishing that the servicemember is a covered servicemember for purposes of Military Caregiver Leave, their relationship with the Postdoctoral Scholar, and an estimate of the leave needed to provide the care.
7. **Substitution of Paid Leave** - Military Caregiver Leave is unpaid leave, except a Postdoctoral Scholar may use Sick Leave in accordance with Article 23 – Sick Leave and shall use Personal Time Off prior to taking leave without pay.
8. **Advance Notice** - Whenever possible, a Postdoctoral Scholar shall provide at least 30 days advance notice. If 30 days' notice is not practicable, notice shall be given as soon as practicable. Failure to comply with this notice requirement may result in postponement of leave.
9. **Reinstatement** - Reinstatement shall be to the same position from which the leave is taken 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 Postdoctoral Scholar returns to work immediately following termination of the leave. If the Postdoctoral Scholar would have been laid off or terminated had the Postdoctoral Scholar remained on pay status during the leave period, the Postdoctoral Scholar shall be afforded the same considerations afforded to other Postdoctoral Scholars who are laid off or terminated pursuant to the provisions of Article 11 – Layoff. Reinstatement provisions do not apply to Postdoctoral Scholars if return is sought after the expiration of their appointment.
10. **Continuation of Health Benefits** - A Postdoctoral Scholar on an approved Military Caregiver Leave shall be entitled to continue participation in health plan coverage (medical, dental, and optical) as if on pay status during the leave.

K. QUALIFYING EXIGENCY LEAVE

Qualifying Exigency Leave is an additional type of FML available to eligible Postdoctoral Scholars. An eligible Postdoctoral Scholar 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” while the military member is on “covered active duty or call to covered active duty status” (or has been notified of an impending call or order to covered active duty).

1. Definitions

- a. “Covered active duty or call to covered active duty status” means (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 as defined by the FMLA.
- b. “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:
 - 1) Short notice deployment to address issues that arise due to a military member being notified of an impending call to covered active duty seven (7) or fewer calendar days prior to the date of deployment;
 - 2) Military events and activities, including official ceremonies;
 - 3) Childcare and school activities for a child of the military member who is either under age 18 or incapable of self-care;
 - 4) 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 covered active duty or call to covered active duty status and for the ninety (90) days after the termination of the military member’s covered active duty status;
 - 5) Counseling (provided by someone other than a health care provider) for the Postdoctoral Scholar, for the military member, or for a child of the military member who is either under age 18 or incapable of self-care;
 - 6) 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;
 - 7) Post-deployment activities to attend ceremonies sponsored by the military for a period of ninety (90) days following termination of the military member’s covered active duty and to address issues that arise from the death of a military member while on covered active duty status;
 - 8) Parental care for the parent of the military member when the parent is incapable of self-care;
 - 9) Additional activities related to the military member’s covered active duty or call to covered active duty status when the University and the Postdoctoral Scholar agree that such activity qualifies as an exigency and agree to both the timing and duration of the leave.
- c. **Eligibility** - A Postdoctoral Scholar who is the spouse, domestic partner, son, daughter, or parent of a military member is eligible for Qualifying Exigency Leave if the Postdoctoral Scholar meets the eligibility requirements for FML set forth in §B.2.a. above.
- d. **Counting Leave** - Eligible Postdoctoral Scholars are entitled to up to twelve (12) workweeks of Qualifying Exigency leave during a calendar year. As with most other types of FML, Qualifying Exigency Leave may be taken on an intermittent or reduced schedule basis.
- e. **Documentation and Certification** - Postdoctoral Scholars may be required to provide a copy of the military member’s active duty orders. Postdoctoral Scholars may also be required to provide certification of: (1) the reasons for requesting Qualifying Exigency Leave, (2) the beginning and end dates of the qualifying exigency, and (3) other relevant information.

- f. **Substitution of Paid Leave** – Qualifying Exigency Leave is unpaid leave, except that a Postdoctoral Scholar may use Personal Time Off prior to taking leave without pay.
- g. **Notice** - The Postdoctoral Scholar shall provide notice of the need for leave as soon as practicable.
- h. **Reinstatement** - Reinstatement shall be to the same position from which the leave was taken 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 Postdoctoral Scholar returns to work immediately following termination of the leave. If the Postdoctoral Scholar would have been laid off or terminated had the Postdoctoral Scholar remained on pay status during the leave period, the Postdoctoral Scholar shall be afforded the same considerations afforded to other Postdoctoral Scholars who are laid off or terminated pursuant to the provisions of Article 11 – Layoff. Reinstatement provisions do not apply to Postdoctoral Scholars if return is sought after the expiration of their appointment.
- i. **Continuation of Health Benefits** - A Postdoctoral Scholar on an approved Qualifying Exigency 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 twelve (12) workweeks in a calendar year.

L. **MILITARY SPOUSE/DOMESTIC PARTNER LEAVE**

A Postdoctoral Scholar 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 Postdoctoral Scholar’s spouse or domestic partner is on leave from a period of military conflict. “Qualified leave period” means the period during which the “qualified member” is on leave from deployment during a period of military conflict. An eligible Postdoctoral Scholar shall be entitled to up to a maximum of ten (10) days of unpaid leave during a qualified leave period.

1. **Eligibility** - To be eligible, a Postdoctoral Scholar must satisfy all of the following criteria:
 - a. Be a spouse or domestic partner of a “qualified member” (defined below),
 - b. Perform services for the University for an average of 20 or more hours per week,
 - c. Provide the University with notice of the Postdoctoral Scholar’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
 - d. Submit written documentation certifying that the qualified member will be on leave from deployment during the time that leave is being requested by the Postdoctoral Scholar.
2. **Definitions**
 - a. “Qualified member” means a person who is any of the following:
 - 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, or
 - 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.
 - b. “Period of military conflict” means either of the following:
 - 1) A period of war declared by the United States Congress, or
 - 2) A period of deployment for which a member of a reserve component is ordered to active duty, as defined in California Military & Veterans Code section 395.10.
3. **Substitution of Paid Leave** - This leave is unpaid leave, except that a Postdoctoral Scholar shall use Personal Time Off prior to taking leave without pay.

M. **COORDINATION OF PAYMENT WITH DISABILITY PLAN**

The University will provide the same assistance to Postdoctoral Scholars that it provides to other UC employees to obtain disability benefits.

N. ADDITIONAL LEAVES OF ABSENCE

Postdoctoral Scholars may be eligible for additional paid leaves provided by the funding source for which they qualify during their appointments. The University shall not unreasonably deny requests for additional leaves of absence. Additional unpaid leaves shall be in accordance with §E above.