

SIDE LETTER EXPANSION OF PAID SICK LEAVE

Effective January 1, 2025, the terms of this Side Letter Agreement modify, and should be read in conjunction with Article 12 – Leaves of Absence, and Article 25 – Sick Leave, of the RA Agreement.

A. EXPANSION OF PAID SICK LEAVE ACCRUAL

Although Article 25 – Sick Leave, Section A.2, states that Academic Researchers appointed less than 50% time do not accrue sick leave, this Side Letter amends that Section so that Academic Researchers appointed less than 50% time accrue sick leave at a proportional rate. In accordance with Article 25 – Sick Leave, Section A.4, the University shall carry forward all unused sick leave to subsequent eligible appointments at the University of California.

B. EXPANDED USE OF PAID SICK LEAVE

1. Paid sick leave shall be used in keeping with normally approved purposes including those listed in Article 12 – Leaves of Absence and Article 25 – Sick Leave of the CBA, including the Academic Researcher's diagnosis, care, or treatment of an existing physical or mental health condition; or preventive care. If an Academic Researcher is a victim of domestic violence, sexual assault, or stalking, those purposes outlined in Section B.3 below.
2. Paid sick leave can also be used for diagnosis, care, or treatment of an existing physical or mental health condition of, or preventive care for, an Academic Researcher's child regardless of age or dependency status, parent, spouse, domestic partner, sibling, grandparent, grandchild, designated person, or persons residing in the Academic Researcher's household. Although Article 25 – Sick Leave, Section D, defines family members for purposes of sick leave, this Side Letter amends the Article to expand that definition for purposes of sick leave only.

For paid sick leave purposes:

- a. "Designated person" is a person identified by the Academic Researcher at the time the Academic Researcher requests paid sick leave. Academic Researchers are limited to one designated person per calendar year.
- b. In-laws or step relatives in the relationships listed, including relatives of the domestic partner who would be covered if the domestic partner were the Academic Researcher's spouse, are also covered.
- c. "Child" also includes an adopted or foster child, legal ward, or a child to whom the Academic Researcher stands in place of a parent (*in loco parentis*).
- d. "Parent" also includes an adoptive parent, foster parent, or legal guardian of an Academic Researcher or the Academic Researcher's spouse or domestic partner, or a person who stood in place of a parent (*in loco parentis*) when the Academic Researcher was a minor child.

3. Paid sick leave may be used by an Academic Researcher who is a victim of domestic violence, sexual assault, or stalking in order to:
 - a. obtain or attempt to obtain any relief, including but not limited to a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or their child;
 - b. seek medical attention for injuries caused by crime or abuse;
 - c. obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of the crime or abuse;
 - d. obtain psychological counseling or mental health services related to an experience of crime or abuse; and/or
 - e. participate in safety planning or take other actions to increase safety from future crime or abuse, including temporary or permanent relocation.
4. The University will maintain the confidentiality of health information or information related to domestic violence or sexual assault regarding an Academic Researcher or an Academic Researcher's family member and will not disclose such information except as required by law.
5. An Academic Researcher may not use paid sick leave:
 - a. After a predetermined date of separation, retirement, or layoff;
 - b. On an intermittent basis for purposes of eligibility for holiday pay and employer-paid contributions towards benefits. (However, if the Academic Researcher is taking family and medical leave on an intermittent or reduced schedule basis, see the applicable section in Article 12 – Leaves of Absence.)

C. PROTECTED PAID SICK LEAVE

1. An Academic Researcher may designate no more than six (6) days per calendar year of their paid sick leave as protected paid sick leave if the Academic Researcher uses the days for any of the purposes specified below and complies with the notice requirements provided in this Side Letter.
2. Academic Researchers may use protected paid sick leave for the diagnosis, care, or treatment of an existing physical or mental health condition of, or preventive care for, the Academic Researcher or the Academic Researcher's family member as defined in Section C.3 below or for those reasons specified in Section B.3 of this Side Letter for an Academic Researcher who is a victim of domestic violence, sexual assault, or stalking. Other paid sick leave usage is covered by the other requirements in this Side Letter and the CBA.
3. For protected paid sick leave purposes only:
 - a. "Family member" means an Academic Researcher's child, parent, spouse, domestic partner, sibling, grandparent, grandchild, or designated person

- b. Regardless of age or dependency status, “child” means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the Academic Researcher stands in place of a parent (*in loco parentis*).
 - c. “Parent” means a biological, adoptive, or foster parent, stepparent, or legal guardian of the Academic Researcher or the Academic Researcher’s spouse or domestic partner, or a person who stood in place of a parent (*in loco parentis*) when the Academic Researcher was a minor child.
 - d. “Designated person” is a person identified by the Academic Researcher at the time the Academic Researcher requests paid sick leave. Academic Researchers are limited to one designated person per calendar year for paid sick leave purposes.
- 4. Protected paid sick leave includes and runs concurrently with kin care, which is not a separate leave entitlement. California’s kin care law authorizes employees to use up to one-half of the sick leave they accrue annually for the purposes for which employees may use protected paid sick leave.
 - 5. The University prohibits any form of retaliation or discrimination against an Academic Researcher for using or attempting to use protected paid sick leave; for making a complaint or alleging a violation of the protected paid sick leave provisions in this Side Letter; for cooperating in an investigation regarding the same; or for opposing any policy, practice, or act that is prohibited by the protected paid sick leave provisions of this Side Letter.

D. NOTICE AND DOCUMENTATION REQUIRED FOR PAID SICK LEAVE USE

- 1. If the need to take paid sick leave is foreseeable, an Academic Researcher must provide reasonable advance notification of the need to use paid sick leave to their PI/supervisor and whether it is designated as protected either orally or in writing, including the expected length of the leave, and in accordance with any local procedures. If the need is unforeseeable, such notice of the need to use paid sick leave to their PI/supervisor and whether it is designated as protected shall be provided as soon as practicable, and in accordance with any local procedures.
- 2. When appropriate, the Academic Researcher may be required to provide documentation supporting the need for paid sick leave. This amends Article 25 – Sick Leave, Section C, which references satisfactory documentation of personal or family illness. When an employee is requesting protected paid sick leave, the University may only ask for documentation when it has reasonable information indicating that the employee is not requesting protected paid sick leave for a valid purpose.

E. EXPANDED REINSTATEMENT OF PAID SICK LEAVE

- 1. An Academic Researcher who separates from the University shall not be paid for any unused paid sick leave at the time of separation.
- 2. An Academic Researcher who separates from the University and is rehired into a University position that is eligible for sick leave within one (1) year from the date of

separation shall have all unused accrued paid sick leave from prior service reinstated and available for use, unless the leave balance was previously converted to UCRP service credit upon retirement.

3. Although Article 25 – Sick Leave, Section A.6, only permits reinstatement of sick leave when an Academic Researcher is rehired within a shorter period of time, this Side Letter modifies the Article to permit reinstatement as outlined here. If the separation lasted for more than one (1) year, unused paid sick leave shall not be reinstated.