

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 23 – Sick Leave, and Article 12 – Leaves of Absence, and Article 40 – Lawrence Berkeley National Laboratory Special Terms of the PX Agreement. The amount of paid sick leave that a Postdoctoral Scholar may receive is governed by Article 23 – Sick Leave, Section A.1; Article 23 – Sick Leave, Section B.1; or Article 40 – Lawrence Berkeley National Laboratory Special Terms, Section F, as applicable.

A. EXPANDED USE OF PAID SICK LEAVE

1. Paid sick leave shall be used in keeping with normally approved purposes (including those listed in Article 23 – Sick Leave, Section C, and Article 12 – Leaves of Absence of the CBA), including the Postdoctoral Scholar's diagnosis, care, or treatment of an existing physical or mental health condition; or preventive care. For a Postdoctoral Scholar who is a victim of domestic violence, sexual assault, or stalking, those purposes outlined in Section A.3 below. In accordance with Article 23 – Sick Leave, Section A.2, the University shall carry forward all unused sick leave to subsequent eligible appointments at the University of California.
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, a Postdoctoral Scholar's child regardless of age or dependency status, parent, spouse, domestic partner, sibling, grandparent, grandchild, designated person, or persons residing in the Postdoctoral Scholar's household. Although Article 23 – Sick Leave, Section E, defines family members for purposes of sick leave, this Side Letter amends the Article to expand that definition, for paid sick leave purposes only:
 - a. "Designated person" is a person identified by the Postdoctoral Scholar at the time the Postdoctoral Scholar requests paid sick leave. Postdoctoral Scholars 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 Postdoctoral Scholar's spouse, are also covered.
 - c. "Child" also includes an adopted or foster child, legal ward, or a child to whom the Postdoctoral Scholar stands in place of a parent (*in loco parentis*).
 - d. "Parent" also includes an adoptive parent, foster parent, or legal guardian of a Postdoctoral Scholar or the Postdoctoral Scholar's spouse or domestic partner, or a person who stood in place of a parent (*in loco parentis*) when the Postdoctoral Scholar was a minor child.
3. Paid sick leave may be used by a Postdoctoral Scholar 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 a Postdoctoral Scholar or a Postdoctoral Scholar's family member and will not disclose such information except as required by law.
 - 5. Postdoctoral Scholars with term appointments will not be granted paid sick leave beyond the end date of the term appointment except in cases of reappointment.
 - 6. A Postdoctoral Scholar may not use paid sick leave:
 - a. After a predetermined date of separation, retirement, or layoff;
 - b. During a temporary layoff or furlough; or
 - c. On an intermittent basis for purposes of eligibility for holiday pay and employer-paid contributions towards benefits. (However, if the Postdoctoral Scholar is taking family and medical leave on an intermittent or reduced schedule basis, see the applicable section in Article 12 – Leaves of Absence.)

B. PROTECTED PAID SICK LEAVE

- 1. A Postdoctoral Scholar may designate no more than six (6) days per calendar year of their paid sick leave as protected sick leave if the Postdoctoral Scholar uses the days for any of the purposes specified below and complies with the notice requirements provided in this Side Letter.
- 2. Postdoctoral Scholars 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 Postdoctoral Scholar or the Postdoctoral Scholar's family member as defined in Section B.3 below or for those reasons specified in Section A.3 of this Side Letter for a Postdoctoral Scholar 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 a Postdoctoral Scholar'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 Postdoctoral Scholar stands in place of a parent (*in loco parentis*).
 - c. "Parent" means a biological, adoptive, or foster parent, stepparent, or legal guardian of the Postdoctoral Scholar or the Postdoctoral Scholar's spouse or domestic partner, or a person who stood in place of a parent (*in loco parentis*) when the Postdoctoral Scholar was a minor child.
 - d. "Designated person" is a person identified by the Postdoctoral Scholar at the time the Postdoctoral Scholar requests paid sick leave. Postdoctoral Scholars are limited to one designated person per calendar year for paid sick leave purposes.
4. Although Article 23 – Sick Leave, Section C.5, states that the first six (6) days in which sick leave is used to attend to the illness of specified family members per calendar year shall be designated as Kin Care, this Side Letter modifies the Article to align Kin Care with protected sick leave. 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 no less than one-half of the sick leave they receive annually for the purposes for which employees may use protected paid sick leave (e.g., this would be six (6) days for a Postdoctoral Scholar who receives twelve (12) days of paid sick leave a year).
 5. The University prohibits any form of retaliation or discrimination against a Postdoctoral Scholar for using or attempting to use protected sick leave; for making a complaint or alleging a violation of the protected 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 sick leave provisions of this Side Letter.

C. NOTICE AND DOCUMENTATION REQUIRED FOR PAID SICK LEAVE USE

1. If the need to take paid sick leave is foreseeable, a Postdoctoral Scholar 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 Postdoctoral Scholar may be required to provide documentation supporting the need for paid sick leave. This amends Article 23 – Sick Leave, Section D, 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.

D. EXPANDED REINSTATEMENT OF PAID SICK LEAVE

1. A Postdoctoral Scholar who separates from the University shall not be paid for any unused paid sick leave at the time of separation.
2. A Postdoctoral Scholar 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 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 23 – Sick Leave, Section A.3, only permits reinstatement of sick leave when a Postdoctoral Scholar 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.

E. PAID SICK LEAVE FOR NON-EXEMPT POSTDOCTORAL SCHOLARS

Non-exempt Postdoctoral Scholars are eligible for sick leave in proportion to their appointment percentage. In accordance with Article 25 – Time and Effort Commitment, Section C.5, non-exempt Postdoctoral Scholars shall record the use of paid sick leave to the nearest hour.