

ARTICLE 18 LEAVES

Table of Contents

- A. Request for Leave and Coverage**
- B. Definitions**
- C. Short-Term Leave**
- D. Long-Term Leave**
- E. Leave Entitlements**
 - 1. Pregnancy Disability Leave**
 - 2. Bereavement Leave**
 - 3. Jury Duty**
 - 4. Military Leave**
 - 5. Reproductive Loss Leave**
 - 6. Victim Leave**
 - 7. Leave to Attend Crime-Related Judicial Proceedings**
- F. Other Leaves**
- G. GSR Trainees and Fellows**
- H. Overview of Leaves**

A. REQUEST FOR LEAVE AND COVERAGE

1. Except as modified under specific sections below, or otherwise provided by law, to ensure proper coverage for leaves, employees are expected to contact their supervisor, and when applicable, their designated campus contact to request leave as soon as practicable after the need for the leave becomes known but not less than one (1) working day in advance of the commencement of the leave unless the need for the leave is for an unanticipated personal or family illness or bereavement.
2. Except as modified under specific sections below, or otherwise provided by law, requests for leave shall be made in writing following local procedures and notice requirements, and include information about the type of leave and probable duration.
3. Upon request, the employee will be required to provide appropriate documentation.
4. While it is the University's responsibility to make arrangements for coverage, the employee may assist as reasonably as possible.

B. DEFINITION OF FAMILY MEMBERS

Unless otherwise modified in a specific section of this Article, the following definitions apply:

1. "Family member" is defined as an employee's parent, child, spouse, domestic partner, grandparent, grandchild or sibling.
2. "Child" includes the employee's biological child, adopted child, foster child, stepchild, legal ward, or a child for whom the employee stands in loco parentis, who is under 18 years of age or incapable of self-care because of a mental or physical disability.

3. "Parent" includes the employee's biological parent, foster parent, adoptive parent, stepparent, parent-in-law, legal guardian, or an individual who stood in loco parentis to the employee when the employee was a minor child.

C. SHORT-TERM LEAVE

1. Short-Term Leave Eligibility

- a. Employees shall be eligible for paid short-term leave as follows:
 - i. ASE appointments shall be eligible for up to two (2) days of paid short-term leave per quarter and up to three (3) days of paid short-term leave per semester.
 - a) An ASE would be eligible for a maximum of six (6) days of paid short-term leave in an academic year.
 - b) ASEs appointed during summer session shall be eligible for up to two (2) days of paid short-term leave during the entirety of summer session, regardless of the number of summer session appointments.
 - ii. GSR Appointments shall be eligible for one (1) day of paid short-term leave per one-and-a-half-month period.
 - a) For quarter locations, a GSR with a three-month appointment would be eligible for two (2) days of paid short-term leave.
 - b) For semester locations, a GSR with a five-month appointment would be eligible for three (3) days of paid short-term leave.
 - c) A GSR twelve (12) month appointment would be eligible for a maximum total of eight (8) days of paid short-term leave.
 - iii. Paid short-term leave is allocated at the beginning of each appointment. Any unused short-term leave does not carry over to subsequent appointments.

2. Requesting Short-Term Leave

- a. If the need to take paid short-term leave is foreseeable, an employee must provide reasonable advance notification of the need to use paid short-term leave to their PI/supervisor either orally or in writing, including the expected length of the leave and whether the employee is designating the paid short-term leave as protected.
- b. If the need to take paid short-term leave is unforeseeable, an employee must inform their PI/supervisor as soon as practicable either orally or in writing and include whether the employee is designating the paid short-term leave as protected.
- c. When appropriate, the employee may be required to provide documentation supporting the need for paid short-term leave.
- d. Employees must comply with local procedures concerning notice requirements.

3. Use of Paid Short-Term Leave

- a. Employees are not provided with partial days of leave; paid short-term leave must be taken in whole day increments.
- b. Paid short-term leave is distinct and separate from long-term leave as described in Section D below.
- c. Eligible Reasons for Paid Short-Term Leave:

Upon request from an employee, and subject to the provisions of this Article, the University will grant an employee reasonable request for leave of absence of appropriate duration due to:

- i. Employee's personal illness and/or disability, including for the employee's diagnosis, care, or treatment of an existing physical or mental health condition, or preventive care;
 - ii. birth, adoption, or care of a family member as defined in Section B
 - iii. family emergencies;
 - iv. travel outside the United States of America to apply for a F-1 or J-1 visa or to seek other forms of immigration relief, and appointments and/or hearings scheduled by federal immigration officials or the U.S. Department of State with respect to immigration or citizenship status of the employee, spouse, domestic partner, child or parent, in accordance with Article 16 – Immigration;
 - v. Pregnancy, childbirth, or related medical conditions for the period prior to, during, and after childbirth, including any reason qualifying for Pregnancy Disability Leave as set forth in Section E.1 below;
 - vi. Bereavement Leave consistent with Section E.2 below;
 - vii. Employee's Reproductive Loss Leave consistent with Section E.5 below;
 - viii. Employee's Victim Leave consistent with Section E.6 below;
 - ix. Employee's Leave to attend crime-related judicial proceedings consistent with Section E.7 below; or
 - x. diagnosis, care, or treatment of an existing physical or mental health condition of, or preventive care for, an employee's family member as defined in Section B.
- d. For the purpose of paid short-term leave:
 - i. "Designated person" is a person identified by the employee at the time the employee requests paid short-term leave. Employees are limited to one designated person per calendar year.

- ii. In-laws or step relatives in the relationships listed in Section B above, including relatives of the domestic partner who would be covered if the domestic partner were the employee's spouse, are also covered.
- e. The University will maintain the confidentiality of health information, or information related to domestic violence or sexual assault, regarding the employee or the employee's family member and will not disclose such information except as required by law.

4. Paid Short-Term Leave Designated as Protected

- a. The amount of paid short-term leave that an employee is allocated is governed by Section C.1 above. An employee may designate six (6) days per calendar year of their paid short-term leave as protected if the employee uses the days for any of the purposes specified below and complies with the notice requirements provided in this Article.
- b. Eligible Reasons for Designation as Protected:
 - i. diagnosis, care, or treatment of an existing physical or mental health condition,
 - ii. or preventive care for the employee or the employee's family member as defined in Sections B and C.3.d.i,
 - iii. or for those reasons specified in Sections E.6.b and E.6.c of this Article for an employee who is a victim of a qualifying act of violence or whose family member is a victim of a qualifying act of violence.
 - iv. Other paid short-term leave usage is covered by other requirements in this Article.
- c. For short-term leave designated as protected only, in addition to the definitions in Section B above, the following applies:
 - i. "Family Member" includes "designated person" as defined in Section C.3.d.i above.
 - ii. "Child" is regardless of age or dependency status.
 - iii. "Parent" includes the legal guardian of the employee or the employee's spouse or domestic partner.
 - iv. "Victim" is as defined in Section E.6.
 - v. "Qualifying act of violence" is as defined in Section E.6.a.i.
- d. Paid short-term leave designated as protected includes and runs concurrently with Kin Care, which is not a separate leave entitlement.
- e. The University prohibits any form of retaliation or discrimination against an employee for using or attempting to use paid short-term leave designated as protected; for making a complaint or alleging a violation of the paid short-term leave designated as

protected provisions in this Article; for cooperating in an investigation regarding the same; or for opposing any policy, practice, or act that is prohibited by the paid short-term leave designated as protected provisions in this Article.

5. Additional Short-Term Leave

Unpaid short-term leave may be granted for periods beyond the terms of leaves in Section C.1 but shall not exceed the end of the appointment period. These leaves may be paid (in whole or in part) for reasons defined in Section C.3 and at the sole discretion of the department or hiring unit.

D. LONG-TERM LEAVE

1. Long-Term Leave Eligibility

Salaried employees who take a leave pursuant to Section D.2 shall be eligible for up to eight (8) weeks of paid long-term leave on an annual basis.

- a. Long-term paid leave is allocated at the beginning of the Fall term.
 - i. For salaried employees whose initial appointment does not coincide with the beginning of a Fall term, the eight (8) weeks shall be allocated at the beginning of the first appointment date thereafter.
- b. Unused long-term leave does not carry over, thus resetting to eight (8) weeks at the start of each Fall term.
- c. The paid leave provisions described in Section D run concurrently. An employee will have an annual maximum of (8) weeks of paid leave, regardless of the number of qualifying events or being in different bargaining unit titles.

2. Use of Long-Term Leave

Upon request from an employee and subject to the provisions of this Article, the University will grant an employee's reasonable request for long-term leave due to:

- a. The employee's serious health condition, as defined under the Family and Medical Leave Act (FMLA), or to care for the employee's family member as defined in Section B, who has a serious health condition;
- b. To bond with the newborn child or a child placed with the employee for adoption or foster care or to attend to matters related to the birth, adoption, or placement of the child, provided that the leave is taken within twelve (12) months of the birth or placement of the child with the employee; or
- c. Pregnancy, childbirth, or related medical conditions for the period prior to, during, and after childbirth, including any reason qualifying for Pregnancy Disability Leave as set forth in Section E.1 below;
- d. Reproductive Loss Leave consistent with Section E.5 below; or

- e. Victim Leave consistent with Section E.6 below.
 - f. Leave to attend crime-related judicial proceedings consistent with Section E.7 below;
or
 - g. One week of Immigration Leave to travel outside the United States of the America to apply for a F-1 or J-1 visa or to seek other forms of immigration relief in accordance with Article 16 – Immigration.
- 3. Whenever possible, leave should be requested at least thirty (30) calendar days in advance of the start date of the leave. The leave will not continue beyond the end date of the employee's appointment.
 - 4. When a salaried employee is using long-term leave for a reason that qualifies for Pregnancy Disability Leave under Section E.1 below, the two leaves shall run concurrently.
 - 5. The University will not retaliate against an employee who takes long-term leave under this Section.
 - 6. Additional Long-Term Leave

Unpaid long-term leave may be granted for periods beyond the terms of leaves in Section D.1 at the sole discretion of the University but shall not exceed the end of the appointment period.

E. LEAVE ENTITLEMENTS

- 1. Pregnancy Disability Leave (PDL)
 - a. Under the California Pregnancy Disability Leave laws, employees are entitled to unpaid leave for up to four (4) months per pregnancy and/or reasonable accommodation for pregnancy disability, childbirth, and related medical conditions.
 - b. PDL may also be used for prenatal care.
 - c. Notwithstanding the foregoing, PDL will not continue beyond the end date of the employee's appointment.
 - d. The University will maintain and pay for health insurance coverage (University-sponsored Student Health Insurance Plans, or other insurance as applicable) for the duration of the leave, not to exceed four (4) months in a 12-month period under the same conditions that coverage would otherwise have been provided by the University if the employee had been in employment continuously for the duration of the leave.
 - e. The employee shall give the University notice at least thirty (30) calendar days in advance of the PDL's anticipated start date if the need for PDL is foreseeable. If the need for PDL is not foreseeable, the employee shall give the University notice as soon as practicable. Employees may provide notice orally or in writing and, where practicable, notice shall include the anticipated timing and duration of the PDL.

- f. PDL is unpaid, but employees may elect to use any available paid short-term leave or paid long-term leave for pay during PDL. GSRs may also elect to use the personal time off provided for in Article 24 – Personal Time Off for pay during PDL.
- g. Consistent with applicable law, the University provides reasonable accommodation related to pregnancy, childbirth, and related medical conditions.

2. Bereavement Leave

- a. The University will grant an employee's request for bereavement leave due to the death of a family member as defined in Section B.
- b. Bereavement leave may be taken on consecutive or non-consecutive days.
- c. The period of leave for bereavement shall be up to five (5) calendar days per occurrence. Salaried employees shall be granted up to five (5) calendar days pay for bereavement on those days the employee was previously scheduled to work. Salaried employees may extend this leave using any available paid short-term leave.
 - i. GSRs may also elect to use the personal time off provided for in Article 24 – Personal Time Off for pay to extend bereavement leave.
- d. Hourly employees may take bereavement leave unpaid or use any available paid short-term leave during this leave.
- e. Nothing in this Section shall preclude departments or hiring units from granting a longer period of paid or unpaid bereavement leave when they determine the need to do so.

3. Jury Duty

An employee shall be eligible for jury duty leave when summoned for required jury duty service. Jury duty leave is leave with pay. Verification of actual jury duty service shall be provided by the employee to the University upon request. Jury duty leave will not continue beyond the end date of the employee's appointment.

4. Military Leave

Employees will be provided leave from their current positions to fulfill eligible military service obligations to the extent required by applicable law. Military leave will be paid to the extent required by applicable law and/or applicable University policy.

5. Reproductive Loss Leave

- a. Eligible employees may take up to five (5) days of Reproductive Loss Leave following a reproductive loss by the employee, by the employee's current spouse or domestic partner, or by another individual if the employee would have been a parent of a child had the reproductive loss not occurred. "Reproductive loss" means a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction.

- b. To be eligible for Reproductive Loss Leave, employees must have been employed by the University for at least thirty (30) calendar days prior to the commencement of the leave. Employees must complete the Reproductive Loss Leave within three (3) months of the reproductive loss, but if the employee is taking leave under the Family and Medical Leave Act (FMLA), the California Family Rights Act (CFRA), California's Pregnancy Disability Leave Law (PDLL), or any other leave entitlement under state or federal law) prior to or immediately following the reproductive loss, then the employee must complete the Reproductive Loss Leave within three (3) months of the end date of the other leave.
- c. If an employee experiences more than one reproductive loss, the employee may take up to a total of twenty (20) days of Reproductive Loss Leave within a calendar year (up to five (5) days for each reproductive loss). Reproductive Loss Leave need not be taken on consecutive days.
- d. Reproductive Loss Leave is unpaid, but employees may elect to use paid short-term or long-term leave for pay during a reproductive loss leave. GSRs may also elect to use the personal time off provided for in Article 24 – Personal Time Off for pay during Reproductive Loss Leave.
- e. The University will maintain the confidentiality of any employee requesting Reproductive Loss Leave and will not disclose such information except to internal personnel or counsel, as necessary, or as required by law.
- f. Reproductive Loss Leave does not continue beyond the end date of the employee's appointment.

6. Victim Leave

- a. The following definitions apply to Victim Leave:
 - i. "Qualifying act of violence" means any of the following, regardless of whether anyone is arrested for, prosecuted for, or convicted of committing any crime: domestic violence; sexual assault; stalking; or an act, conduct, or pattern of conduct that includes (a) bodily injury or death to another; (b) brandishing, exhibiting, drawing, or using a firearm or other dangerous weapon; or (c) a reasonably perceived or actual threat to use force against another to cause physical injury or death.
 - ii. "Family member" means an employee's child, parent, spouse, domestic partner, sibling, grandparent, or grandchild as defined in Section B of this Article. It also includes a designated person.
 - a) For purposes of Victim Leave, a "designated person" is any individual related by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests leave, and employees are limited to one designated person per calendar year for these purposes.
 - iii. "Victim" is an individual against whom a qualifying act of violence is committed.

- b. An employee who is a victim of a qualifying act of violence may take Victim Leave to 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 employee or the employee's child.
- c. An employee who is a victim of a qualifying act of violence or who has a family member who is a victim of a qualifying act of violence may take Victim Leave to:
 - i. obtain or attempt to obtain any relief for the employee or the family member, 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 family member of the victim;
 - ii. seek, obtain, or assist a family member to seek or obtain medical attention for or to recover from injuries caused by a qualifying act of violence;
 - iii. seek, obtain, or assist a family member to seek or obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of the qualifying act of violence;
 - iv. seek, obtain, or assist a family member to seek or obtain psychological counseling or mental health services related to an experience of a qualifying act of violence;
 - v. participate in safety planning or take other actions to increase safety from future qualifying acts of violence;
 - vi. relocate or engage in the process of securing a new residence due to the qualifying act of violence, including, but not limited to, securing temporary or permanent housing or enrolling children in a new school or childcare;
 - vii. provide care for a family member who is recovering from injuries caused by a qualifying act of violence;
 - viii. seek, obtain, or assist a family member to seek or obtain civil or criminal legal services in relation to the qualifying act of violence;
 - ix. prepare for, participate in, or attend any civil, administrative, or criminal legal proceeding related to the qualifying act of violence; and/or
 - x. seek, obtain, or provide childcare or care to a care-dependent adult if the childcare or care is necessary to ensure the safety of the child or dependent adult as a result of the qualifying act of violence.
- d. Unless advance notice is not feasible, employees should provide reasonable advance notice of their intention to take Victim Leave.
- e. Victim Leave is unpaid, but employees may elect to use any available paid short-term leave or paid long-term leave. GSRs may also elect to use the personal time off provided for in Article 24 – Personal Time Off for pay during Victim Leave.

- f. Victim Leave shall run concurrently with Family and Medical Leave (FML) if the employee is eligible for FML.
- g. To the extent allowed by law, the University will maintain the confidentiality of any employee requesting leave for these purposes, including maintaining the confidentiality of any information related to an employee's family member who is a victim.
- h. Consistent with applicable law, the University provides reasonable accommodation for an employee who is a victim of a qualifying act of violence or whose family member is a victim of a qualifying act of violence who requests accommodation for the safety of the employee while at work.
- i. Victim Leave does not continue beyond the end date of the employee's appointment.

7. Leave to Attend Crime-Related Judicial Proceedings

- a. An employee who is a victim of a crime, or who has a family member (including a "designated person" as defined in Section E.6.a.ii.a) above) who is a victim of a crime, may take unpaid leave to attend judicial proceedings related to the crime.
- b. Employees may elect to use any available short-term leave or long-term leave for pay during an approved leave. GSRs may also elect to use the personal time off provided for in Article 24 – Personal Time Off for pay during this leave.
- c. To the extent allowed by law, the University will maintain the confidentiality of any appointee requesting leave for these purposes, including maintaining the confidentiality of any information related to an appointee's family member who is a victim.

F. OTHER LEAVES

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.

G. GSR TRAINEES AND FELLOWS

Any paid leaves provided to GSR Trainees and Fellows through a training grant or external fellowship that provides equivalent or more generous paid leave benefits shall satisfy the requirements above. Any paid leaves provided for through a training grant or external fellowship shall be deducted from the paid leave allocations set forth in this Article. If the training grant or external fellowship does not provide for paid leaves, GSR Trainees and Fellows will be provided the paid leaves in this Article.

H. OVERVIEW OF LEAVES

For informational purposes only, the following is a brief overview of the leaves available to employees. This outline is to be read as consistent with the provisions above and the specific eligibility requirements and usage of the leaves are governed by the provisions of this Article.

Type of Leave	Duration of Leave	Whether Leave is Paid or Unpaid	
		Salaried Employees	Hourly Employees
Short-Term Leave (STL)	ASEs: • 2 days per quarter or 3 per semester • 2 days during summer session GSRs: • 1 day per one-and-a-half month period	Paid	Paid
Long-Term Leave (LTL)	8-weeks annually (from the start of each Fall term)	Paid	Not eligible
Pregnancy Disability	Up to 4 months for pregnancy disability in a 12-month period	Paid when coordinated with PTO, STL, or LTL. Otherwise unpaid.	Paid when coordinated with STL. Otherwise unpaid.
Bereavement	5 days per occurrence	Paid. Additional leave may be coordinated with PTO and STL.	Paid when coordinated with STL. Otherwise unpaid.
Jury Duty	Until end of appointment	Paid	Paid
Military Leave	Until end of appointment	Paid as required by law and policy	Paid as required by law and policy
Reproductive Loss	5 days per occurrence, up to a total of twenty (20) days within a calendar year	Paid when coordinated with PTO, STL, or LTL. Otherwise unpaid.	Paid when coordinated with STL. Otherwise unpaid.
Victim Leave	Until end of appointment	Paid when coordinated with PTO, STL, or LTL. Otherwise unpaid.	Paid when coordinated with STL. Otherwise unpaid.
Leave to attend Crime-Related Judicial Proceedings	Per instance.	Paid when coordinated with PTO, or STL, or LTL. Otherwise unpaid.	Paid when coordinated with STL. Otherwise unpaid.
Immigration (See Article 16 – Immigration)	Up to 3 weeks per rolling 12-month period, used in one-week increments.	Paid when coordinated with PTO, STL, or 1 week of LTL. Otherwise unpaid.	Paid when coordinated with STL. Otherwise unpaid.