

## **Benefits and Privileges: APM - 758 - Leaves of Absence/Other Leaves With the Possibility for Pay**

### **758-0 Policy**

In addition to the special types of leaves listed in APM - 700 through 752, leaves of absence with possibility for pay for other good cause may be granted to academic appointees. Academic appointees may use available paid leave options during certain approved leaves, as described below. Leaves of absence to perform service for an outside agency (including corporations, individuals and institutions) when such service is compensated by the outside agency are not granted with pay except for leaves that come within [APM - 750](#).

### **758-5 Other Leaves**

This section describes additional leaves that are offered to academic appointees to accommodate other circumstances for which they may need to take time away from work in accordance with local procedures.

#### **a. Bereavement Leave**

An unpaid bereavement leave of up to ten (10) working days per death may be granted in the event of the death of an appointee's child, parent, spouse, domestic partner, sibling, grandparent, or grandchild. 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 appointee's spouse, are also covered. This provision also covers other persons residing in the appointee's household. An unpaid bereavement leave of up to five (5) days per calendar year may be granted for the death of an individual who is not a family member. Bereavement leave does not need to be taken consecutively.

Academic appointees who accrue paid sick or vacation leave may use any available accrued paid sick leave or accrued vacation leave for pay during an approved bereavement leave. For academic appointees who receive a paid sick leave bank, Chancellors may grant leave with pay during an approved bereavement leave, with the requirement that the appointee first exhaust the appointee's paid sick leave bank.

#### **b. Reproductive Loss Leave**

An eligible academic appointee may take up to five (5) days of reproductive loss leave following a reproductive loss by the academic appointee, by the academic appointee's current spouse or domestic partner, or by another individual if the academic appointee 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.

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- 1) To be eligible for reproductive loss leave, an academic appointee must have been employed by the University for at least thirty (30) calendar days prior to the commencement of the leave. An appointee must complete the reproductive loss leave within three months of the reproductive loss, but if the appointee 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 appointee must complete the reproductive loss leave within three (3) months of the end date of the other leave.
- 2) If an eligible academic appointee experiences more than one reproductive loss, the appointee 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.
- 3) Reproductive loss leave is unpaid, but appointees may elect to use accrued vacation leave, any available paid sick leave, and/or paid medical leave (if applicable) for pay during a reproductive loss leave. For academic appointees who receive a paid sick leave bank, Chancellors may grant leave with pay up to the maximum durations above, with the requirement that the appointee first exhaust the appointee's paid sick leave bank.
- 4) The University will maintain the confidentiality of any academic appointee requesting reproductive loss leave and will not disclose such information except to internal personnel or counsel, as necessary, or as required by law.

#### c. Jury Duty Leave

An academic appointee shall be eligible for a leave of absence with pay when serving required jury duty. Appointees shall provide reasonable notice to their department chair (or other designated individual) of their required jury service. If selected for a jury, the appointee shall continue to receive pay for the period of actual service, at the appointee's regular rate and appointment percentage. An appointee who serves required jury duty on a holiday observed by the University is normally eligible for holiday pay but does not receive an alternate day off. Verification of actual service for jury duty shall be provided by the appointee to the appointee's department upon request. During the period of jury duty, the appointee is expected to be in service on regularly scheduled days on which the jury is excused from appearing.

#### d. Administrative Leave in Lieu of Sabbatical

An appointee who holds an administrative position and who is eligible for a sabbatical leave may be eligible for an administrative leave with pay in lieu of a sabbatical leave. The purpose of this leave is to allow administrators to devote effort to their research that may have been interrupted by administrative service.

The length and percent time of the leave depend on the amount of sabbatical leave credits accrued. All the provisions of [APM - 740](#) governing sabbatical leave apply, with the

addition of two provisions regarding the calculation of an appointee's "regular salary" as defined in [APM - 740-18-a](#).

- 1) The regular salary rate includes an administrative stipend or administrative salary of an appointee who, immediately before the administrative leave, holds an administrative post to which the appointee will return immediately following the leave for a period equivalent to at least one academic year.
- 2) The regular salary rate is based on the administrative salary of an appointee who has held a full-time administrative position that is eligible to accrue sabbatical leave credit as is listed in [APM - 740-11-c](#) for five (5) years or more, who has not taken a sabbatical leave or an administrative leave in those years, and who takes an administrative leave of up to one (1) year immediately after the end of this administrative service. The pay and term for the administrative leave in lieu of sabbatical, whether fiscal or academic year, will be based on either the current administrative or faculty rate contingent upon when sabbatical leave credits were accrued. The salary rate for that portion of the leave compensated at the administrative salary rate is ineligible for any increase. The faculty salary rate is subject to any change that may result from salary scale adjustments or academic personnel review during the period of the leave. For the requirement to return to University service after the leave, see [APM - 740-16-d](#).

In all cases the required number of sabbatical leave credits are forfeited upon receipt of an administrative leave.

e. Leave Related to an Appointee's Work-Related Injury or Illness

The University is committed to meeting its obligation under the state workers' compensation program to provide medical, rehabilitation, and wage-replacement benefits to appointees who sustain work-related injuries or illnesses. An appointee who is injured or becomes ill as a result of work performed for the University is entitled to leave without pay for all or part of the period during which the employee receives temporary disability payments under the California Workers' Compensation Act.

When appropriate, the University will designate absences due to occupational injury or illness as family and medical leave. Leave for a work-related injury or illness may run concurrently with other types of leaves, such as family medical leave.

An appointee receiving workers' compensation may use paid sick leave (see [APM - 710-20-c](#)) and/or vacation leave to supplement temporary disability payments received under the California Workers' Compensation Act. Paid sick leave, paid medical leave, and/or vacation leave balances may be used to make up the difference between the amount payable to the appointee under the California Workers' Compensation Act and the appointee's regular salary.

Before an appointee begins receiving temporary disability, an appointee may use paid sick leave, paid medical leave, and/or vacation leave in order to be compensated during leave.

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Those deductions from the appointee's leave balances will be deemed an advance temporary disability payment under the California Workers' Compensation Act. An appointee who has received such an advance temporary disability payment will reimburse the University for such payment after the appointee receives temporary disability payment for that earlier period. The University will use the appointee's reimbursement to restore the appointee's sick leave, paid medical leave, and/or vacation leave accruals accordingly.

An appointee may request a leave without pay after available paid leave benefits have been exhausted.

An appointee on leave without pay who is receiving temporary disability payments under the California Workers' Compensation Act earns sick leave, paid medical leave, and vacation leave on the same basis as if on pay status; however, earned sick leave, paid medical leave, and vacation leave is credited to the employee only upon the appointee's return to work.

#### f. Leave to Attend Judicial Proceedings for Victims of Serious or Violent Felonies

An appointee who is a victim of a crime, or who is a spouse, domestic partner, child, child of a domestic partner, stepchild, sibling, stepsibling, parent, or stepparent of a victim, may take unpaid leave to attend judicial proceedings related to the crime. Appointees shall provide reasonable advance notice to their department chair (or other designated individual) of their need for this leave if feasible and may elect to use any available paid sick or vacation leave for pay during an approved leave.

#### g. Victim Leave

The following definitions apply to victim leave:

1. "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.
2. "Family member" means an academic appointee's child, parent, spouse, domestic partner, sibling, grandparent, or grandchild as defined in [APM - 710-20-i](#). It also includes a designated person. 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 appointee at the time the appointee requests victim leave, and appointees are limited to one designated person per calendar year for purposes of victim leave.
3. "Victim" is an individual against whom a qualifying act of violence is committed.

An appointee who is a victim of a qualifying act of violence may take 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 appointee or the appointee's child.

An appointee 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 leave to:

1. obtain or attempt to obtain any relief for 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;
2. 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;
3. 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;
4. 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;
5. participate in safety planning or take other actions to increase safety from future qualifying acts of violence;
6. 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.
7. provide care for a family member who is recovering from injuries caused by a qualifying act of violence;
8. seek, obtain, or assist a family member to seek or obtain civil or criminal legal services in relation to the qualifying act of violence;
9. prepare for, participate in, or attend any civil, administrative, or criminal legal proceeding related to the qualifying act of violence; and/or
10. 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.

Unless advance notice is not feasible, appointees should provide reasonable advance notice of their intention to take victim leave. Victim leave is unpaid, but appointees may elect to use any available vacation or paid sick leave, and paid medical leave to the extent allowed by policy (see [APM - 710-11](#)) for pay.

Consistent with [APM - 715](#), victim leave shall run concurrently with family and medical leave if the appointee is eligible for family and medical leave.

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.

Consistent with applicable law, the University provides reasonable accommodation for an appointee 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 an accommodation for the safety of the appointee while at work.

h. Witness Duty Leave

An appointee summoned to appear as a witness in any administrative or judicial proceeding should provide a copy of the subpoena or order to their department chair (or other designated individual) upon receipt. Appointees are required to report back to work as soon as possible after they are released from witness duty. If an appointee does not return to work in a timely manner the University may record the missed hours as an unexcused absence.

1) Proceedings Involving the University

Required attendance at administrative or legal proceedings involving the University, including service as a paid expert witness on behalf of the University is considered time worked.

2) Proceedings Not Involving the University

An exempt academic appointee will be granted administrative leave with pay if subpoenaed to be a witness in an administrative or legal proceeding not involving the University. Pay during witness duty will not exceed the pay for the appointee's normal workday and the appointee's normal workweek.

A non-exempt appointee will be granted administrative leave with pay for actual time spent on witness duty and in related travel if subpoenaed to be a witness in an administrative or legal proceeding not involving the University. Pay during witness duty will not exceed the pay for the appointee's normal workday and the appointee's normal workweek.

3) Exceptions

An appointee will not receive paid witness leave to attend a trial in which the appointee is a plaintiff; is a defendant (unless the proceeding involves the University); voluntarily appears as a witness; is testifying for a fee as an expert witness in a proceeding that does not involve the University. In these circumstances, the appointee must use accrued vacation leave or take leave without pay. If the appointee is summoned by subpoena or other court order to appear as a witness in these circumstances the appointee may also use available sick leave.

## i. Volunteer Emergency Personnel Leave

An appointee who performs emergency duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel generally may take unpaid time off to perform emergency duty. An appointee who performs duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel may take up to a total of fourteen (14) days per calendar year to engage in fire, law enforcement, or emergency rescue training. Appointees shall promptly notify their department chair (or other designated individual) of their leave if feasible and may elect to use any available vacation leave for pay during an approved leave.

## j. School Activities Leave

An appointee who is the parent, guardian, or grandparent of a child in grades Kindergarten through 12, or a child attending a licensed child care provider, may take up to forty (40) hours per calendar year to find, enroll, or reenroll their child in a school or with a licensed child care provider, to participate in activities of the school or licensed child care provider, or to address a child care provider or school emergency. Appointees may not take more than eight (8) hours of school leave in any calendar month unless an appointee is using the leave to address a child care provider or school emergency.

Appointees shall promptly notify their department chair (or other designated individual) of their leave and may elect to use any available vacation leave for pay during an approved leave. The Chancellor or designee may approve leave with pay for those who do not accrue vacation. At the University's discretion, the appointee may be required to provide documentation from the school or licensed child care provider as proof the appointee participated in the activity on a specific date and at a particular time.

## k. School Suspensions Leave

An appointee who is the parent or guardian of a child who has been suspended from school may take time off to appear at the school in connection with that suspension. The appointee must provide reasonable notice and may elect to use accrued vacation, and/or unpaid leave for this purpose.

## l. Leave for Blood Donation

A non-exempt appointee is eligible for an administrative leave with pay for up to two hours to donate blood. Time taken to donate blood is not considered time worked for purposes of computing overtime pay for non-exempt appointees.

## m. Bone Marrow or Organ Donation Leave

An appointee may take up to five (5) calendar days during a calendar year as leave to donate bone marrow to another person. The appointee may take this leave as unpaid or may elect to use available vacation, paid sick leave, and/or paid medical leave (if applicable) for pay.

An appointee may take up to thirty (30) calendar days during a calendar year as leave to donate an organ for transplant. The appointee may take the leave as unpaid or may elect to use available vacation, paid sick, and/or paid medical leave (if applicable) for pay.

An appointee may be required to submit medical documentation supporting the request for leave and/or return to work. Additional leave may be available to an appointee donating bone marrow or an organ as family and medical leave under [APM - 715](#) if the appointee's condition qualifies as a serious health condition under the circumstances.

n. Voting Leave

A non-exempt appointee may take up to two (2) hours of paid leave at the beginning or end of a workday to vote in local, state, or national general elections or primaries and any additional time off that is taken for this purpose is without pay. To be eligible, an appointee must be scheduled to work at least eight (8) hours that day and not have enough time to vote outside of the appointee's normal working hours. Voting leave is not considered time worked for purposes of computing overtime pay for non-exempt employees. Employees who know or have reason to believe that time off to vote will be necessary must inform their department chair or other designated individual as soon as possible and no later than two (2) working days before Election Day.

o. Service as an Election Official

An appointee may take unpaid leave to serve as an election officer. The appointee may use accrued vacation for this purpose.

p. Rehabilitation Leave

An appointee who wishes to voluntarily enter and participate in an alcohol or drug rehabilitation program may use family and medical leave consistent with [APM - 715](#) for this purpose, if appropriate, provided that the appointee is eligible for family and medical leave and has not exhausted their entitlement to family and medical leave for the calendar year.

If an appointee wishes to voluntarily enter and participate in an alcohol or drug rehabilitation program but is not eligible for family and medical leave or has already exhausted their entitlement to family and medical leave for the calendar year, the appointee may take unpaid leave for this purpose, provided that the rehabilitation leave is a reasonable accommodation that does not impose an undue hardship on the University.

The appointee must provide reasonable notice to their department chair (or other designated individual) of their need for leave and may take the leave as unpaid or elect to substitute accrued vacation, paid sick leave and/or paid medical leave (if applicable) for unpaid leave during an approved leave.

The University shall make reasonable efforts to safeguard the privacy of the appointee as to the fact that the appointee has enrolled in an alcohol or drug rehabilitation program.



q. Curtailment Leave

Chancellors and Laboratory Directors may curtail operations on a location-by-location basis for specific periods of time to save energy or operational costs; to observe a transitional, seasonal, or holiday period in the academic calendar; to address an emergency situation that adversely affects normal University operations; or to address any other purpose in the best interests of the University.

Appointees may continue to accrue vacation and paid sick leave during an unpaid curtailment leave for up to three days.

Appointees who accrue vacation may elect to use accrued vacation for pay. During a curtailment leave, appointees who accrue vacation but have insufficient vacation accrual balances may use up to three days of vacation prior to their actual accrual.

r. Special or Religious Holiday

An appointee may take time off to observe a special or religious holiday if the University determines that the time off does not cause undue hardship. Appointees may use accrued vacation or they may take unpaid leave.

#### **758-16 Restrictions**

No leave of absence with pay shall be granted to a fiscal-year appointee for more than thirty (30) days for the purpose of attending international conferences and related scholarly activities. Time required beyond thirty (30) days for this purpose by fiscal-year appointees will be charged against accrued vacation. Should it be necessary for a fiscal-year appointee to be away from campus for a time beyond that allowed by the thirty (30)- day leave with pay plus accrued vacation time, such further leave, if approved by the Chancellor, shall be granted only as a leave without pay. (See [APM - 759](#).)

#### **758-24 Authority**

Authority to approve leaves of absence under this policy, not including the particular types of leaves covered in APM - 700 through 752, is as follows:

**a. Leaves for 12 months or less**

Chancellors are authorized to approve leaves of absence under this policy for twelve (12) months or less for academic appointees in accordance with the general policy on leaves.

**b. Leaves for more than 12 months**

Leaves of absence under this policy for more than twelve (12) months, other than sick leave, require approval of the President.

### **Revision History**

April 9, 2025:

- Technical revision to change policy title to clarify that these are leaves with the possibility for pay.
- Technical revisions to add express references to Leave Related to an Appointee's Work-Related Injury or Illness, Leave to Attend Judicial Proceedings of Victims of Serious or Violent Felonies, Victim Leave, Witness Duty Leave, Volunteer Emergency Personnel Leave, School Activities Leave, School Suspensions Leave, Leave for Blood Donation, Bone Marrow or Organ Donation Leave, Voting Leave, Service as an Election Official, Rehabilitation Leave, Curtailment Leave, and Special or Religious Holiday leave.
- Technical revisions to align with revisions to [APM - 710](#) to expand paid sick leave effective January 1, 2025.

January 1, 2024:

- Technical revisions to add reproductive loss leave consistent with California Government Code section 12945.6.
- Language revised to clarify that bereavement leave does not need to be used on consecutive days.

July 01, 2021:

- Substantive revisions to clarify intent of language and to add bereavement leave and jury duty leave.
- Technical revisions to remove gendered language and to correct minor grammatical errors.

For details on prior revisions, please visit the [policy issuance webpage](#).