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Personnel Policies for Staff Members

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Leaves

43. Leave of Absence

January 1, 2003

A. GENERAL

An employee may be granted a pregnancy disability leave, family and medical leave, supplemental family and medical leave, work-incurred disability leave, personal leave, or curtailment leave as provided in the following sections, except that a leave of absence shall not extend beyond a predetermined separation date.

Leaves, transfers for medical reasons, or reduced work schedules granted for an employee's own health condition or the health condition of a family member, including a domestic partner, shall require written confirmation from a health care provider.

B. PREGNANCY DISABILITY LEAVE

1. An employee who is disabled from working because of pregnancy, childbirth, or related medical conditions shall be granted, upon request, a leave of absence for up to 4 months during the period of disability. Pregnancy disability leave may consist of leave without pay and/or paid leave such as accrued sick leave, vacation, and compensatory time off.
2. If an employee on an approved pregnancy disability leave also is eligible for family and medical leave under Section C, up to 12 workweeks of pregnancy disability leave shall run concurrently with family and medical leave under Federal law. Upon termination of a pregnancy disability leave that runs concurrently with Federal family and medical leave, an employee is also entitled to up to 12 workweeks of State family and medical leave for any covered reason except pregnancy or related medical conditions.
3. Reduced Work Schedules. When medically necessary, an employee may take pregnancy disability leave on a reduced work schedule or on an intermittent basis. The University may require an employee who is on a reduced work schedule or intermittent leave to temporarily transfer to an alternative position if the alternative position better accommodates the required work schedule than the employee's own position. Leave bank deductions shall be made for any hours or partial hours taken by an exempt employee who elects or is required to substitute paid leave for unpaid pregnancy disability leave taken on an intermittent basis or reduced schedule. An exempt employee who elects or is required to take unpaid pregnancy disability leave shall not be paid for any hours or partial hours taken on an intermittent basis or reduced schedule.
4. Advance Notice. Whenever possible, an employee shall provide at least 30 days advance notice. If 30 days notice is not practicable because of a medical emergency, for example, notice shall be given as soon as practicable.
5. Reinstatement. Reinstatement shall be to the same position provided that the employee returns to work within 4 months and immediately following termination of pregnancy disability leave. If the employee would have been laid off or terminated had the employee remained on pay status during the leave period, reinstatement shall be to a similar job at the same location. If a similar position is not available, the employee shall be afforded the same considerations afforded other employees who are laid off or terminated pursuant to the provisions of Staff Policy 60, Layoff and Reduction in Time from Professional and Support Staff Positions; Staff Policy 61, Release of Casual and Probationary Employees; Staff Policy 64, Termination of Career Employees--Professional and Support Staff; Staff Policy 65, Termination of Career Employees--Managers and Senior Professionals, Salary Grades I Through VII; Staff Policy 67, Termination of Career Employees--Managers and Senior

Professionals, Salary Grades VIII and IX; and Staff Policy II-64, Termination of Appointment.

6. Light Duty. As an alternative to or in addition to pregnancy disability leave, the University shall temporarily modify a pregnant employee's own position or transfer a pregnant employee to a less strenuous or hazardous position upon request and with the advice of the employee's health care provider, if the temporary modification or transfer can be reasonably accommodated. A temporary modification or transfer shall not be counted toward an employee's entitlement of up to 4 months pregnancy disability leave. An employee shall be reinstated to the same or similar position pursuant to the provisions of Section B.5, above.

C. FAMILY AND MEDICAL LEAVE

1. Family and medical leave is provided for an eligible employee's serious health condition, the serious health condition of the employee's child, spouse, same- or opposite-sex domestic partner, or parent, or to bond with the employee's newborn, adopted, or foster care child in accordance with State and Federal law in effect at the time the leave is granted. Leave granted for bonding purposes shall be concluded within 12 months following the child's birth or placement for adoption or foster care.

2. To care for other family members, an employee may be eligible to take other types of leave. (See Staff Policy 41, Vacation; Staff Policy 42.D., Family Illness and Bereavement; Staff Policy 43.F., Personal Leave; and Staff Policy II-43, Personal Leave.)

3. Eligibility. An eligible employee is entitled to up to 12 workweeks of family and medical leave during a calendar year. Furloughs and University closures of one week or longer that occur during a family and medical leave are not counted in the 12 workweeks. An employee is eligible for family and medical leave provided that:

a. the employee has at least 12 cumulative months of University service (all prior University service and military leave granted by the University, including service with and military leave granted by the Department of Energy Laboratories, shall be used to calculate the 12-month service requirement); and

b. the employee has worked at least 1,250 actual hours during the 12 months immediately preceding the commencement date of the leave (for employees granted military leave, all hours that would have been worked had the employee not been ordered to military duty shall be used to calculate the 1,250 actual hours of work requirement).

An employee who is granted family and medical leave of less than 12 workweeks is not required to requalify pursuant to Section 3.b. above for subsequent family and medical leaves granted for the same qualifying reason and in the same calendar year pursuant to this Policy.

4. Documentation. Written confirmation of a family relationship may be required for leaves requested for the purpose of bonding with a newborn, adopted, or foster care child or caring for a seriously ill child, spouse, domestic partner, or parent.

5. Pregnancy Disability. If an employee on an approved family and medical leave also is eligible for pregnancy disability leave, up to 12 workweeks of Federal family and medical leave shall run concurrently with pregnancy disability leave pursuant to the provisions of Section B. above. Upon termination of the pregnancy disability leave that runs concurrently with Federal family and medical leave, the employee is also entitled to up to 12 workweeks of State family and medical leave for any covered reason except pregnancy or related medical conditions.

6. Use of Paid Leave. Family and medical leave is unpaid leave, except under the following circumstances:

a. Medical Leave. Accrued sick leave and/or vacation leave earned under Staff Policies 42, Sick Leave, and 41, Vacation, respectively, may be used during a family and medical leave granted for an employee's serious health condition. Supplemental and/or extended sick leave may be used during a family and medical leave granted to an employee who is receiving temporary disability payments under the Workers' Compensation Act, subject to Staff Policy 44, Work-Incurred Illness and Injury.

b. Family Illness Leave. Accrued sick leave may be used during a family and medical leave granted to care for a child, spouse, domestic partner, or parent with a serious health condition to the extent permitted by Staff Policy 42.D.1., Family Illness. Accrued vacation earned under Staff Policy 41, Vacation, may be used during a family illness leave except that an employee shall be required to use at least 10 percent of accrued vacation prior to taking a family illness leave without pay if the employee's vacation accrual balance is at the maximum.

c. Parental Leave for Bonding Purposes. Accrued vacation earned under Staff Policy 41,

Vacation, may be used during a family and medical leave granted to care for a newborn, adopted, or foster care child, except that an employee shall be required to use at least 10 percent of accrued vacation prior to taking a parental leave without pay if the employee's vacation accrual balance is at the maximum.

7. Designation of Family and Medical Leave. The department shall designate all paid and unpaid leaves as family and medical leave if the leave meets the requirements set forth in Sections C.1 and 3.

8. Reduced Work Schedules. When medically necessary, an employee may take family and medical leave on a reduced work schedule or on an intermittent basis. The University may require an employee who is on a reduced work schedule or intermittent leave to temporarily transfer to an alternative position if the alternative position better accommodates the required work schedule than the employee's own position. Leave bank deductions shall be made for any hours or partial hours taken by an exempt employee who elects or is required to substitute paid leave for unpaid family and medical leave taken on an intermittent basis or reduced schedule. An exempt employee who elects or is required to take unpaid family and medical leave shall not be paid for any hours or partial hours taken on an intermittent basis or reduced schedule.

9. Advance Notice. Whenever possible, an employee shall provide at least 30 days advance notice. If 30 days notice is not practicable because of a medical emergency, for example, notice shall be given as soon as practicable. Failure to comply with these notice requirements may result in postponement of family and medical leave.

10. Reinstatement. Reinstatement shall be to the same position, 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 employee returns to work immediately following termination of the leave. If the employee would have been laid off or terminated had the employee remained on pay status during the leave period, the employee shall be afforded the same considerations afforded to other employees who are laid off or terminated pursuant to the provisions of Staff Policy 60, Layoff and Reduction in Time from Professional and Support Staff Positions; Staff Policy 61, Release of Casual and Probationary Employees; Staff Policy 64, Termination of Career Employees--Professional and Support Staff; Staff Policy 65, Termination of Career Employees--Managers and Senior Professionals, Salary Grades I Through VII; Staff Policy 67, Termination of Career Employees--Managers and Senior Professionals, Salary Grades VIII and IX; and Staff Policy II-64, Termination of Appointment.

11. Return to Work Certification. An employee who is granted leave for the employee's own serious health condition may be required to present medical certification prior to returning to work.

D. SUPPLEMENTAL FAMILY AND MEDICAL LEAVE

If the need for a family and medical leave that is in progress continues beyond 12 workweeks, a regular status employee shall be entitled to supplemental leave for up to 12 workweeks or until the end of the calendar year, whichever is less. The aggregate of pregnancy disability leave, family and medical leave, and supplemental family and medical leave shall not exceed 7 months during the calendar year except as required by law. Supplemental family and medical leave is an extension of leave granted pursuant to Section C., Family and Medical Leave, except that:

1. continuation of health plan coverage (medical, dental, and optical) shall be in accordance with each plan's requirements for leaves with and without pay; and
2. reinstatement shall be pursuant to the provisions of Section F, Personal Leave.

E. WORK-INCURRED ILLNESS AND INJURY LEAVE

An employee who is off pay status and receiving temporary disability payments under the Workers' Compensation Act may be granted, at the discretion of the department head, a leave without pay for all or part of the period during which such temporary disability payments are received, except that an employee who also is eligible for family and medical leave shall be granted leave pursuant to Section C, Family and Medical Leave.

F. PERSONAL LEAVE

A career employee may be granted a leave without pay for personal reasons in accordance with local guidelines. Reinstatement shall be to the same or, at the department's discretion, a similar position in the same department provided that the employee returns to work immediately following termination of the leave. If the employee would have been laid off or terminated had the employee remained on pay status during the leave period, the employee shall be afforded the same considerations afforded other employees who are laid off or terminated pursuant to the provisions of Staff Policy 60, Layoff and Reduction in Time from

Professional and Support Staff Career Positions; Staff Policy 64, Termination of Career Employees--Professional and Support Staff; Staff Policy 65, Termination of Career Employees--Managers and Senior Professionals, Salary Grades I Through VII; Staff Policy 67, Termination of Career Employees--Managers and Senior Professionals, Salary Grades VIII and IX; and Staff Policy 61, Release of Casual and Probationary Employees.

G. CURTAILMENT LEAVE

1. Leave without pay may be granted when the University, at the discretion of the Chancellor or Laboratory Director, elects to curtail its operations on a location-by-location basis for periods of specific duration, including but not limited to periods of time for energy/cost savings; transitional, seasonal, or holiday periods in the academic calendar; or the occurrence of emergency situations that adversely affect normal University operations. Up to three days of an unpaid curtailment leave shall be considered time on pay status for the purpose of accruing vacation credits and sick leave.

2. Use of Paid Leave. An employee may elect to substitute accrued vacation and/or accrued compensatory time off for leave without pay. For the purpose of curtailment leave, employees with insufficient vacation accrual balances may use up to three days of vacation credits prior to their actual accrual.

H. EFFECT ON BENEFITS

1. Periods of approved leave without pay are not counted as University service except as provided in specific policies (see Staff Policies 40, Holidays; and 42, Sick Leave). Such leaves do not constitute a break in service.

2. An employee on an approved family and medical 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 12 workweeks in a calendar year.

3. For the effect of a leave without pay on retirement and group insurance plans, refer to the group insurance and retirement system regulations.

4. Accrued vacation shall be used prior to a leave without pay unless otherwise requested by the employee and approved by the department head, except that an employee shall not be required to exhaust accrued vacation prior to a leave without pay granted for the employee's own health condition or pregnancy disability, or for family illness leave and parental leave except as provided in Section C.4.b-c, Family Illness Leave and Parental Leave. In addition, an employee shall not be required to use vacation prior to a curtailment leave without pay.

Applicability: All Staff Members, except that Sections F and H.4 do not apply to Senior Managers.

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