

## ARTICLE 12 LEAVES OF ABSENCE

### A. GENERAL PROVISIONS

Subject to the provisions of this Article, leaves of absence may be with or without pay, may be for medical purposes and/or non-medical reasons, and are subject to the approval of the University. Approved leaves do not continue beyond the predetermined end date of the Postdoctoral Scholar's appointment.

#### 1. Definitions

- a. Non-medical leaves of absence, with or without pay, include: Family Care Leave, leave for jury duty, military leave, leave for professional meetings, Parental Leave, Personal Leave, and leave for service to Governmental agencies.
- b. Medical Leaves with or without pay, include Pregnancy Disability Leave, Family Care/Medical Leave, and Disability Leave.
- c. FMLA is the federal Family and Medical Leave Act of 1993.
- d. CFRA is the California Family Rights Act of 1995.
- e. For the purposes of this Article, a day means a scheduled work day.

#### 2. Disability Insurance Coverage

- a. Short Term Disability
  - 1) The University shall continue the current Short term disability benefits with the following change: The plan shall pay a weekly benefit equal to 70% of the Postdoctoral Scholar's earnings.
- b. For Postdoctoral Scholars Eligible for FMLA Coverage
  - 1) Postdoctoral Scholars who have a certified disability during the period of their appointment receive Short-Term Disability payments for up to six months as a result of being enrolled in the UC Postdoctoral Scholar Benefits Plan Short-Term Disability Program.
  - 2) During the period of disability, the Postdoctoral Scholar receives medical plan coverage but no vision or dental. However, an eligible Postdoctoral Scholar shall receive vision and dental coverage for the first twelve (12) weeks of the leave.
  - 3) If a Postdoctoral Scholar who is eligible for a Family Care/Medical Leave takes a leave for her/his own serious health condition, (as defined in Section B.1.e below), the absence from work shall be deducted from the Postdoctoral Scholar Family Care/Medical Leave entitlement.
- c. **For Postdoctoral Scholars Not Eligible for FMLA Coverage**
  - 1) Postdoctoral Scholars who have a certified disability during the period of their appointment receive Short-Term Disability payments for up to six months as a result of being enrolled in the UC Postdoctoral Scholar Benefits Plan Short-Term Disability Program.
  - 2) During the period of disability, the Postdoctoral Scholar receives medical plan coverage, but no vision or dental.

#### 3. Benefit Eligibility While On Leave Without Pay

- a. **Special Health Benefit Eligibility For Family Care/Medical Leaves** – An eligible Postdoctoral Scholar shall have University-provided health benefits continued for the period of the Family Care/Medical Leave in accordance with Section B.9 of this Article.
  - b. **Other Benefit Eligibility** - An eligible Postdoctoral Scholar on approved leave without pay may elect to continue University-sponsored insurance coverages (as determined by plan documents or regulation(s) for the period of the leave by remitting the entire premium amount due for the period of the approved leave, in accordance with the provisions of the applicable plan(s).
4. An approved leave without pay is not considered a break in service.
5. **Requests For Leave** - Except as provided under Section B.3, Family Care/Medical Leave Notification, and Sections I.8. Military Caregiver Leave, Section J.1.j. Qualifying Exigency Leave, and Section K.1.c. Military Spouse/Domestic Partner Leave requests for leaves of absence and extensions, with or without pay, shall be submitted in writing to the University. Such requests shall be submitted sufficiently in advance of the requested leave date to provide the University time to assess the operational impact of granting the request. All requests for leaves of absence shall contain the requested beginning and end date of the leave, and any additional information as required.
6. **Duration** - The start date of the leave, the terms of the leave and the date of return from the leave are determined when the leave is granted. The University shall provide the Postdoctoral Scholar with written confirmation of such dates in accordance with the provisions of this Article.
7. **Return To Work**
- a. A Postdoctoral Scholar who has been granted an approved leave with or without pay shall be reinstated to the same or similar position to which he/she was appointed if the return date is during the term of the appointment. If the position held has been abolished or affected by layoff during the leave, the Postdoctoral Scholar shall be afforded the same considerations that would have been afforded had that Postdoctoral Scholar been on pay status when the position was abolished or affected by layoff. The exceptions to this section are return to work from Pregnancy Disability Leave, Family Care/Medical Leave and Military Leave.
  - b. Failure to provide a medical release to return to work, as required in Section B.5., may result in the delay of reinstatement until the Postdoctoral Scholar submits the required medical release certification.

## **B. FAMILY CARE / MEDICAL LEAVE**

The provisions of this §B., and the terminology used in §B.1., apply only to Postdoctoral Scholars who are eligible under FMLA and/or CFRA. Postdoctoral Scholars who do not meet FMLA and/or CFRA eligibility requirements may receive leave for purposes described in this section by applying for a Personal Leave of Absence, in Accordance with §D. The same notification and certification requirements apply to Personal Leaves requested for the purposes described in this §B.

### **1. Definitions**

- a. **Family Care Leave** includes “Parental Leave” as defined in §B.1.a.1. below,, and “Family Illness Leave” as defined in §B.1.a.2. below.

- 1) **Parental Leave** is leave to care for the Postdoctoral Scholar's newborn or a child who has been placed with the Postdoctoral Scholar for adoption, stepchild, legal ward or foster care.
  - 2) **Family Illness Leave** is leave to care for the Postdoctoral Scholar's child, parent, spouse or same or opposite sex domestic partner with a serious health condition.
- b. **A Family Member** for the purposes of family care leave is the Postdoctoral Scholar's biological, adopted, or foster child, stepchild or legal ward who is under eighteen (18) years, a child for whom the Postdoctoral Scholar stands in loco parentis, or an adult who is incapable of self-care because of a mental or physical disability; a biological, foster, or adoptive parent, stepparent or legal guardian, an individual who stood in loco parentis while the Postdoctoral Scholar was a child; spouse; or same or opposite sex domestic partner.
- c. **A Serious Health Condition For The Purposes Of Family Illness Leave** is an illness, injury, impairment, or physical or mental condition which warrants the participation of the Postdoctoral Scholar to provide supervision or care during a period of treatment or incapacity including psychological comfort.
- d. **Medical Leave** is leave granted for the Postdoctoral Scholar's own serious health condition which makes the Postdoctoral Scholar unable to perform any one or all of the essential assigned functions of the Postdoctoral Scholar's position. A Postdoctoral Scholar disabled because of pregnancy-related conditions is covered under Section C. – Pregnancy Disability, below.
- e. **The Postdoctoral Scholar's Own Serious Health Condition** is an illness, injury, impairment, or physical or mental condition, that renders the Postdoctoral Scholar unable to perform any one or all of the essential functions of the Postdoctoral Scholar's position and involves the following:
- 1) inpatient care in a hospital, hospice, or residential medical care facility, or
  - 2) continuing treatment by a health care provider for:
    - a) a period of incapacity of more than three (3) consecutive calendar days, or
    - b) any period of incapacity or treatment due to a chronic serious health condition, or
    - c) any period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective.
- f. **A Health Care Provider** is an individual who is a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices, or who is duly licensed as a podiatrist, dentist, clinical psychologist, optometrist, chiropractor (limited to the treatment of the spine to correct a subluxation as demonstrated by x-ray to exist), physician assistant, nurse practitioner or nurse mid-wife performing within the scope of her/his duties, or Christian Science practitioner or any health care provider that the Postdoctoral Scholar's health plan carrier recognizes for purposes of payment.

- g. **1,250 Hours Of Actual Service** means time actually spent at work and does not include any paid time off or sick leave, nor does it include time paid for holidays not worked. For Postdoctoral Scholars granted military leave, all hours that would have been worked had the Postdoctoral Scholar not been ordered to military duty shall be used to calculate the 1,250 actual hours of work requirement.

## 2. **Eligibility Criteria And Duration**

- a. Postdoctoral Scholars who have at least twelve (12) cumulative months of University service, and have at least 1,250 hours of actual service during the twelve (12) month period immediately preceding the commencement of the leave, are eligible for and shall be granted up to a total of twelve (12) workweeks of Family Care/Medical Leave in the calendar year. A Postdoctoral Scholar who has been employed at the University of California for one year or more at 60% or more will be presumed to have the 1250 hours, unless the University demonstrates that the Postdoctoral Scholar does not have the requisite 1250 hours. For the purposes of this Article and Section, only, all prior University service, including service with the Department of Energy Laboratories, shall be used to calculate the twelve (12) month service requirement.
- b. **Family Care/Medical Leave** is unpaid leave, except as otherwise provided in this Article.
  - 1) Time off used for family care and/or medical leave purposes, including Work Incurred Injury and Illness leave, shall be deducted from the twelve (12) workweek Family Care/Medical Leave maximum.
  - 2) Family Care/Medical Leave shall not exceed twelve (12) workweeks in any calendar year.
  - 3) If the Postdoctoral Scholar has exhausted her/his entitlement to Family Care/Medical Leave, or is otherwise ineligible for Family Care/Medical Leave, the University may approve a leave to cover the absence from work for verifiable medical reasons.

## 3. **Notification**

- a. If the Postdoctoral Scholar learns of the event giving rise to the need for Family Care / Medical Leave more than thirty (30) calendar days in advance of the leave's anticipated initiation date, the Postdoctoral Scholar shall give the University at least thirty (30) calendar days notice of the need for leave. A Postdoctoral Scholar who fails to give thirty (30) days' notice for a foreseeable leave with no reasonable basis for the delay, may have the family care / medical leave delayed until thirty (30) days after the date on which the Postdoctoral Scholar provides notice.
  - 1) If the need for leave is foreseeable due to a planned medical treatment or the supervision of a family member's medical treatment, the Postdoctoral Scholar shall make reasonable efforts to schedule the treatment so as to not unduly disrupt the University's operations.
  - 2) If the need for leave is unforeseeable or actually occurs prior to the anticipated date of foreseeable leave, the Postdoctoral Scholar shall provide the University with as much notice as practicable and, at a

minimum, within five (5) calendar days after learning of the need for leave.

- b. The University shall determine whether the Postdoctoral Scholar meets the eligibility requirements to qualify for a Family Care/Medical Leave and shall, within five days of that determination, notify the Postdoctoral Scholar whether the Postdoctoral Scholar is eligible for Family Care/Medical Leave. The designation notice shall include the start date of the leave, the return date from the leave, and other terms of the leave.
- c. Extensions to the Family Care/Medical Leave, up to the aggregate maximum of twelve (12) weeks in a calendar year, may be granted in accordance with Section B.4.e. of this Article.

#### 4. **Certification**

##### a. **For the Postdoctoral Scholar's Own Serious Health Condition**

When a leave of absence is requested for the Postdoctoral Scholar's own serious health condition, the University may, at its discretion, require that Postdoctoral Scholar's request for leave be supported by written certification issued by the Postdoctoral Scholar's health care provider. When certification is required by the University, such requirement shall be made to the Postdoctoral Scholar in writing. Certification may be provided by the Postdoctoral Scholar on a form given to the employee by the University and shall, regardless of the format in which it is provided, include:

- 1) certification that the employee has a serious health condition as defined in Section B.1.e., above, and
- 2) a statement as to whether the employee is unable to perform one or more of the essential assigned functions of the position including a statement of the function(s) the employee is unable to perform, and
- 3) the date on which the Postdoctoral Scholar's serious health condition began, if known, the probable duration of the condition and the Postdoctoral Scholar's probable date of return, and
- 4) whether it will be medically necessary for the employee to take leave intermittently or to work on a reduced work schedule, and if so, the probable duration of such schedule, and,
- 5) if the condition is chronic and the employee is presently incapacitated, the duration and frequency of episodes of incapacity.

- b. **For the Postdoctoral Scholar's Family Member** - When a Postdoctoral Scholar requests Family Illness Leave of absence for the serious health condition of the Postdoctoral Scholar's family member, the University may, at its discretion, require that a Postdoctoral Scholar's request for leave be supported by written certification issued by the family member's health care provider. When certification is required by the University, such requirement shall be made to the Postdoctoral Scholar in writing. Certification may be provided by the Postdoctoral Scholar on a form given to the employee by the University and shall be provided within fifteen (15) calendar days following the University's request, regardless of the format in which it is provided. The certification shall include:

- 1) certification that the Postdoctoral Scholar's family member has a serious health condition as defined in Section B.1.c., above, and

- 2) a statement that the family member's serious health condition warrants the participation of the Postdoctoral Scholar to provide supervision or care during a period of the treatment or incapacity or psychological comfort, and
  - 3) whether the Postdoctoral Scholar's family member will need care intermittently or on a reduced work schedule and the probable duration that the Postdoctoral Scholar is needed to provide care.
  - 4) In addition, the Postdoctoral Scholar will be required to describe, either on the form or separately, the care s/he will provide the family member and the estimated duration of the period of care.
- c. **Confirmation of Family Relationship** – The University may require a Postdoctoral Scholar requesting Family Illness Leave to care for a family member with a serious health condition or requesting Parental Leave, to provide documentation of the familial relationship or proof of birth, placement for adoption or in foster care. The University may, at its sole discretion, delay or deny a request for leave, or discontinue a leave which is in progress, if the Postdoctoral Scholar fails to provide documentation within fifteen (15) calendar days of the University's request.
- d. **Questioned Medical Opinions** – If the University has reason to doubt the Postdoctoral Scholar's certification for her/his own serious health condition the University may require the Postdoctoral Scholar to obtain a second medical opinion from a second health care provider selected by the University.
- 1) Should the second medical opinion differ from the opinion of the Postdoctoral Scholar's own health care provider, the University may require a third medical opinion from a third health care provider, jointly agreed to by the employee and the University.
  - 2) The University shall bear the cost of the second and third opinions, and the third opinion shall be final.
  - 3) The second medical opinion shall be in the same format as the original certification. No medical records may be required to be released to the University, although a limited release of the medical records between the two health care providers may be necessary. The University will provide a copy of the second medical opinion to the Post Doctoral Scholar at no cost to him/her.
- e. **Additional Certification and/or Recertification** – If additional leave is requested or should the circumstances of the leave change, the University may require the Postdoctoral Scholar to obtain recertification. Such requests for subsequent certification and/or recertification may be either verbal or in writing.
- 1) If the University requires certification and/or re-certification the Postdoctoral Scholar shall return the certification within fifteen (15) calendar days of the University's request, where practicable.
  - 2) The University may deny or delay a request for an extension or change in the leave until the Postdoctoral Scholar provides the required certification.
- f. **Failure to Provide Complete and Sufficient Certification and/or Recertification** – If the Postdoctoral Scholar fails to provide a complete and sufficient certification and/or re-certification, the University shall

provide the Postdoctoral Scholar fifteen (15) calendar days to perfect the certification and/or recertification.

- 1) Failure to perfect an incomplete or insufficient certification and/or recertification within the requested time may result in delay of the leave or discontinuance of the leave until the Postdoctoral Scholar provides the required certification and/or recertification.
- 2) If the Postdoctoral Scholar fails to provide a complete and sufficient certification and/or recertification, the leave is not considered Family Care/Medical Leave and will be denied in accordance with the provisions of Section B.3.b. However, the University may grant a Personal Leave to the Postdoctoral Scholar at its discretion.

5. **Return From Family Care/Medical Leave For Own Health Condition**

- a. The Postdoctoral Scholar shall provide reasonable notice to her/his department of her/his anticipated return to work.
- b. A Postdoctoral Scholar who has been granted a Family Care/Medical Leave for her/his own serious health condition, must provide a written medical release to return to work prior to returning to work.
- c. The Postdoctoral Scholar who has been medically released to perform the essential assigned functions of her/his job, with or without accommodation, shall be returned in accordance with the provisions of Section A.7.
- d. Failure to provide a medical release to return to work may result in the delay of reinstatement until the Postdoctoral Scholar submits the required medical release certification.

6. **Use Of Paid Leave** –Family Care/Medical Leave is unpaid except for the use of sick leave and/or the use of banked Personal Time Off as provided in this Article:

- a. A Postdoctoral Scholar on leave for her/his own serious health condition:
  - 1) shall use sick leave in accordance with the University's disability plan requirements; or
  - 2) if on leave due to a work-incurred injury or illness, a Postdoctoral Scholar may use sick leave as provided in Article 33 - Work Incurred Injury or Illness.
- b. A Postdoctoral Scholar on leave for her/his own serious health condition may use banked Personal Time Off prior to taking leave without pay.
- c. A Postdoctoral Scholar on Family Care Leave for Family Illness may use sick leave in accordance with Article 22 - Sick Leave, Section D., and may use paid Personal Time Off prior to taking leave without pay.

7. **Duration** - Although the use of Family Care/Medical Leave need not be consecutive, in no event shall a Postdoctoral Scholar's aggregate use of Family Care/Medical Leave exceed a total of twelve (12) workweeks within a calendar year.

- a. **Hourly Conversion for Part- time or Alternately Scheduled Employees** - For Postdoctoral Scholars who work part-time, the number of Family Care/Medical Leave hours to which the Postdoctoral Scholar is eligible shall be adjusted in accordance with the percentage of his/her appointment and with her/his normal weekly work schedule.

- b. **Employee Requests for Reduced Work Schedule/Intermittent Leave** - When medically necessary and supported by medical certification, the University shall grant an eligible Postdoctoral Scholar's request for a reduced work schedule or intermittent leave including absences of less than one (1) day. When granted, the University will count only the time actually spent on the intermittent leave or reduced work schedule towards the Postdoctoral Scholar's FML in calendar year.
8. **Parental Leave** - Parental Leave must be initiated and concluded within one (1) year of the birth or placement of the child. The University shall grant a Parental Leave subject to the limitations described below.
- a. If requested and taken immediately following a Pregnancy Disability Leave, a Postdoctoral Scholar eligible for FMLA/CFRA at the beginning of her Pregnancy Disability leave shall be granted the unused portion of FMLA/CFRA leave for Parental Leave purposes, up to a maximum of twelve (12) workweeks. The amount available for use is determined by the amount which the FMLA/CFRA eligible Postdoctoral Scholar has previously used under FMLA/CFRA in the calendar year.
    - 1) **Requests for Parental Leave** - The Postdoctoral Scholar shall request Parental Leave sufficiently in advance of the expected birth date of the child or placement of a child for adoption or foster care to allow the University to plan for the absence of the Postdoctoral Scholar but the Postdoctoral Scholar shall not be required to provide more than thirty (30) days advance notice. The anticipated date of return from Parental Leave shall be set at the time such leave commences, or if requested in conjunction with a Family Care/Medical Leave on account of the pregnancy/childbearing disability, shall be set at the time such Family Care/Medical Leave commences. Parental Leave, when taken for adoption, stepchild, legal ward or foster care, could commence prior to the date of placement.
    - 2) **Duration** - Parental Leave, alone, shall not exceed twelve (12) workweeks within a calendar year as defined in Section B.2.b.2. and B.7., above. However, when Parental Leave is combined with a leave for pregnancy-related and/or childbearing disability only, the total Family Care/Parental Leave shall not exceed seven (7) months in a calendar year.
      - a) A Postdoctoral Scholar on Parental Leave shall use banked Personal Time Off prior to taking leave without pay.
      - b) The University shall grant a Parental Leave of less than two (2) weeks duration on any two (2) occasions during a calendar year.
      - c) The University may require that any additional Parental Leave requested during this same time period be for a minimum duration of two (2) weeks, unless otherwise required by law.
      - d) Postdoctoral Scholars who are not eligible for FMLA/CFRA Parental Leave or who have exhausted their FMLA/CFRA leave may also take Personal Leave Without Pay, Section D. below for a total combined FMLA/CFRA Parental Leave and Personal Leave Without Pay of up to one (1) year.

9. **Continuation Of Health Benefits while on Family Care/Medical Leave** - An eligible Postdoctoral Scholar who is on an approved Family Care/Medical Leave including FMLA/CFRA Parental Leave with or without pay shall be entitled to continue participation in health plan coverage (medical, dental, and vision) as if s/he were on pay status for the period of the leave, up to twelve (12) workweeks in a calendar year. However, a Postdoctoral Scholar on an approved Pregnancy Disability Leave who is dually eligible for leave under the federal Family and Medical Leave Act and the California Family Rights Act, shall be entitled for up to twelve (12) workweeks of health plan coverage for the combined Pregnancy Disability Leave/Parental Leave that runs concurrently with FMLA and/or CFRA. Other group insurance coverage shall be administered in accordance with the provisions of the applicable group insurance regulations.
10. **Return To Work** - When a Postdoctoral Scholar has been granted an approved Family Care/Medical Leave of Absence and returns within twelve (12) workweeks of the initiation of the leave, s/he shall be reinstated to the same or an equivalent position upon expiration of the leave. Postdoctoral Scholars who return to work at the conclusion of their combined pregnancy disability leave and parental leave shall be reinstated to their same or an equivalent position. If the position has been abolished or otherwise affected by layoff and an equivalent position is not available, the Postdoctoral Scholar shall be afforded the same considerations which would have been afforded had the Postdoctoral Scholar been on pay status when the position was abolished or affected by layoff. Return to work provisions do not apply to Postdoctoral Scholars beyond the expiration of their appointment.

### C. PREGNANCY DISABILITY LEAVE

1. **Duration** - During the period of certified pregnancy-related and/or childbearing disability, a Postdoctoral Scholar is entitled to and the University shall grant up to four (4) months of Pregnancy Disability Leave for pregnancy/childbearing disability purposes. If the Postdoctoral Scholar is eligible for Family Care/Medical Leave, pursuant to Section B, above, such leave shall be deducted from a Postdoctoral Scholar's FMLA entitlement.
  - a. If the pregnancy-related/childbearing medical disability continues beyond four (4) months, a medical disability leave of absence may be granted in accordance with Section B.2.b.3., above, for a total medical absence not to exceed six (6) months.
  - b. Additionally, the Postdoctoral Scholar may be eligible for Parental Leave pursuant to Section B.8., above, and Personal Leave Without Pay, pursuant to Section D., below, to care for her newborn child.
2. **Pregnancy Disability Leave** may consist of leave with or without pay. However, a Postdoctoral Scholar shall be required to use available sick leave in accordance with the University's Disability Plan.
  - a. If sick leave is exhausted, the employee may elect to use banked Personal Time Off prior to taking leave without pay.
  - b. The Postdoctoral Scholar is eligible to receive Short-Term Disability coverage during this leave in accordance with the provision of that benefit.
  - c. The Postdoctoral Scholar may choose to use banked Personal Time Off following the Short-Term Disability benefit. The Postdoctoral Scholar's health benefits continue during time on pay status.
3. **As An Alternative To Or In Addition To Pregnancy Disability Leave**, the University shall temporarily transfer a pregnant Postdoctoral Scholar to a less

strenuous or hazardous position upon the request of the Postdoctoral Scholar and with the advice of the Postdoctoral Scholar's health care provider, if the transfer can be reasonably accommodated. For the purpose of this section, a temporary transfer includes a temporary modification of the Postdoctoral Scholar's own position to make it less strenuous or hazardous. A temporary transfer under this section is considered time worked and shall not be counted toward a Postdoctoral Scholar's entitlement of up to four (4) months of pregnancy disability leave, unless the Postdoctoral Scholar is also on a reduced work schedule or an intermittent leave schedule.

4. **Reduced Work Schedule** - When medically necessary, and supported by medical certification, the University shall grant a Postdoctoral Scholar Pregnancy Disability Leave on a reduced work schedule or on an intermittent basis including absences of less than one (1) day. Only the time actually spent on the intermittent or reduced leave schedule shall be counted towards the Postdoctoral Scholar's entitlement of four (4) months of pregnancy disability leave.
5. **Return To Work** - A Postdoctoral Scholar who has been granted a temporary transfer and/or Pregnancy Disability Leave shall be reinstated to the same position from which the leave was taken provided that the Postdoctoral Scholar returns to work immediately upon termination of the Pregnancy Disability Leave and provided that the aggregate duration of all leaves granted for a given pregnancy does not exceed four (4) months. If the same job has been abolished or affected by layoff, the Postdoctoral Scholar shall be reinstated to a similar job. If a similar position is not available, the Postdoctoral Scholar shall be afforded the same considerations which would have been afforded had that Postdoctoral Scholar been on pay status when the position was abolished or affected by layoff. The date of reinstatement is determined when the leave is granted. Reinstatement to the same or similar position must occur within the appointment period.
6. **Continuation Of Health Benefits** - A Postdoctoral Scholar on Pregnancy Disability Leave who is also eligible for leave under the federal Family and Medical Leave Act, shall be entitled, if eligible, to continue participation in health plan coverage (medical, dental, and vision) as if on pay status for up to twelve (12) workweeks in the calendar year. Other group insurance coverage shall be continued in accordance with the provisions of the applicable group insurance regulations.

#### **D. PERSONAL LEAVE OF ABSENCE WITHOUT PAY**

1. **General Conditions** - The University may grant a Postdoctoral Scholar an unpaid Personal Leave of Absence at its sole discretion. Such leave shall not continue beyond the end of the Postdoctoral Scholar's appointment and shall not exceed the period of certified need. Personal Leave without Pay shall not be considered a break in service and shall not determine eligibility for benefits. The University shall not unreasonably deny a request for a Personal Leave when a Postdoctoral Scholar in her/his first year of appointment requests leave.
2. **For a Postdoctoral Scholar's own serious health condition** - A Postdoctoral Scholar in her/his first year of appointment may receive up to twelve (12) work weeks of unpaid leave for the Postdoctoral Scholar's own serious health condition. The definition of a serious health condition is defined in §B.1.e., and also applies in this section.
3. **To care for a family member** - A Postdoctoral Scholar in her/his first year of appointment may receive up to twelve (12) work weeks of unpaid leave to care for the Postdoctoral Scholar's child, parent, spouse or same or opposite sex domestic

partner with a serious health condition. For the purposes of this section, a serious health condition is an illness, injury, impairment, or physical or mental condition which warrants the participation of the Postdoctoral Scholar to provide supervision or care during a period of treatment or incapacity including psychological comfort. The Postdoctoral Scholar may use banked Personal Time Off and/or Sick Leave to remain in pay status during this period. The University shall not unreasonably deny requests for this leave.

4. **To bond with a newly born or newly placed child**

a. **Description and Eligibility** – A Postdoctoral Scholar may be eligible for a full-time or part-time Personal leave without pay for up to one (1) year to care for a newborn or newly placed child. The child may be the appointee’s child or that of a spouse or domestic partner. The Postdoctoral Scholar may substitute available banked Personal Time Off in lieu of unpaid parental leave. A Postdoctoral Scholar who elects part-time leave under this section, shall have her/his appointment temporarily reduced for the duration of the leave. The University shall not unreasonably deny requests for this leave.

b. **Interaction with Parental Leave** – A Postdoctoral Scholar who is taking Parental Leave described above in Section B.8, shall have up to twelve (12) workweeks of that leave run concurrently with Personal Leave under this section.

c. **Effect on Benefits** – A Postdoctoral Scholar on a Personal Leave which is not covered by FMLA/CFRA, is responsible for the continuation of benefits during any unpaid portion of the leave. Details are available from the campus Benefits Office.

5. Campuses may provide additional benefits that supplement or enhance the benefits.

6. Personal Leaves of Absence must be requested and approved in advance, when practicable. The University may require proof of the need for such leave.

**E. BEREAVEMENT LEAVE**

1. The University will grant a Postdoctoral Scholar’s request to use up to five (5) work days of sick leave or banked Personal Time Off due to the death of a family member as defined in §E.2., below. If sick leave or banked Personal Time Off is not available, the Postdoctoral Scholar shall be on unpaid leave. The University will not unreasonably deny bereavement leave of more than five (5) days.

2. Family member (including step-family member) for the purpose of bereavement leave is defined as one’s mother, father, sister, brother, parent-in-law, spouse, domestic partner, parent of domestic partner, grandparent, grandchild, child, son/daughter-in-law, adopted or foster child (including children of a domestic partner or legal ward who is under 18 years). Parent includes a biological, foster, or adoptive parent, step-parent or legal guardian, or an individual who stood in loco parentis while the employee was a child.

**F. JURY DUTY**

A Postdoctoral Scholar shall be eligible for a paid jury duty leave. The Postdoctoral Scholar shall provide the University with a copy of the summons to serve on jury duty prior to the date(s) on which such service is expected. The University will not provide paid jury duty leave absent advance notice and verification of service.

**G. MILITARY LEAVE**

The University shall provide military leave without pay for Postdoctoral Scholars who are called to active U.S. military service according to applicable University military leave policy.

## **H. 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.

## **I. MILITARY CAREGIVER LEAVE**

1. Military Caregiver Leave is an additional type of Family Care / Medical Leave available to eligible Postdoctoral Scholars. A Postdoctoral Scholar may take Military Caregiver Leave to care for a family member who is a "covered servicemember" undergoing medical treatment, recuperation or therapy for a serious injury or illness incurred in the line of duty on active duty in the Armed Forces, or who is otherwise in outpatient status or on the temporary disability retired list.

2. An eligible Postdoctoral Scholar is entitled to up to 26 workweeks of Military Caregiver Leave during a single 12-month leave period. The Postdoctoral Scholar must be a spouse, domestic partner, parent, son, daughter or next-of-kin of the covered servicemember to be eligible for this type of leave.

### **3. Definitions**

a. "Covered servicemember" means a Postdoctoral Scholar serving in the following branches of the United States Military

1) the regular United States Armed Forces,

2) a member of the Reserves or the National Guard, or

3) a member of the United States Armed Forces, the National Guard or Reserves who is on the temporary disability retired list and who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is on the temporary disability retired list.

b. "Outpatient status" means the status of a servicemember assigned to (a) a military medical treatment facility as an outpatient; or (b) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

c. "Serious injury or illness" means an injury or illness incurred by a covered servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank, or rating.

d. "Parent of a covered servicemember" means a covered servicemember's biological, adopted, or foster parent or any other individual who stood in loco parentis to the covered servicemember. The term does not include parents "in-law."

e. "Son or daughter of a covered servicemember" means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.

- f. "Next-of-kin" means (a) the nearest blood relative of the covered servicemember (other than the covered servicemember's spouse, domestic partner, parent, son or daughter) or (b) the person who the covered servicemember has designated in writing as his or her nearest blood relative for purposes of Military Caregiver Leave.
  - g. "Single 12-month leave period" means the period beginning on the first day the Postdoctoral Scholar takes leave to care for the covered servicemember and ends 12 months after that date. (This leave period differs from the calendar year definition of the leave year used for determining eligibility for other types of FML at the University.)
4. **Eligibility** - A Postdoctoral Scholar who is a spouse, domestic partner, son, daughter, parent or next-of-kin of a covered servicemember is eligible for Military Caregiver Leave if the Postdoctoral Scholar meets the eligibility requirements for Family Care / Medical Leave set forth in Section B.2.a.
5. **Counting Leave**
- a. Leave is applied on a per-covered servicemember, per-injury basis. Eligible Postdoctoral Scholars may take more than one period of 26 workweeks of leave if the leave is to care for a different covered servicemember or to care for the same servicemember with a subsequent serious injury or illness, except that no more than 26 workweeks of leave may be taken within any "single 12-month period."
  - b. If an eligible Postdoctoral Scholar does not use all of his or her 26 workweeks of leave entitlement to care for a covered servicemember during this single 12-month leave period, the remaining part of the 26 workweeks entitlement to care for the covered servicemember for that serious injury or illness is forfeited.
  - c. As with other types of Family Care / Medical Leave, this leave may also be taken on an intermittent or reduced schedule basis. If the need for intermittent or reduced schedule leave is foreseeable based on the planned medical treatment of the covered servicemember, the Postdoctoral Scholar may be required to transfer temporarily, during the period that the intermittent or reduced leave schedule is required, to an available alternative position for which the Postdoctoral Scholar is qualified and which better accommodates recurring periods of leave than does the Postdoctoral Scholar's regular position.
6. **Documentation and Certification** Postdoctoral Scholars may be required to provide a certification completed by an authorized health care provider of the covered servicemember that provides information necessary to establish entitlement to Military Caregiver Leave. In addition, Postdoctoral Scholars may be required to provide certain information (or have the covered servicemember provide that information) including information establishing that the servicemember is a covered servicemember for purposes of Military Caregiver Leave, his or her relationship with the Postdoctoral Scholar, and an estimate of the leave needed to provide the care. The Postdoctoral Scholar may also be required to provide confirmation of a covered family relationship between the Postdoctoral Scholar and the servicemember.
7. **Substitution of Paid Leave** - Military Caregiver Leave is unpaid leave, except a Postdoctoral Scholar may use sick leave in accordance with Article 22- Sick Leave and shall use banked Personal Time Off prior to taking leave without pay.

8. **Advance Notice** - Whenever possible, a Postdoctoral Scholar shall provide at least 30 days advance notice. If 30 days notice is not practicable, notice shall be given as soon as practicable. Failure to comply with this notice requirement may result in postponement of leave.
9. **Reinstatement** - Reinstatement shall be to the same position from which the leave is taken 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 Postdoctoral Scholar returns to work immediately following termination of the leave. If the Postdoctoral Scholar would have been laid off or terminated had the Postdoctoral Scholar remained on pay status during the leave period, the Postdoctoral Scholar shall be afforded the same considerations afforded to other Postdoctoral Scholars who are laid off or terminated pursuant to the provisions of Article 11 -- Layoff. Reinstatement provisions do not apply to Postdoctoral Scholars beyond the expiration of their appointment.
10. **Continuation of Health Benefits** - A Postdoctoral Scholar on an approved Military Caregiver Leave shall be entitled to continue participation in health plan coverage (medical, dental, and optical) as if on pay status during the leave.

## J. **QUALIFYING EXIGENCY LEAVE**

Qualifying Exigency Leave is an additional type of Family Care / Medical Leave available to eligible Postdoctoral Scholars. If the Postdoctoral Scholar is the spouse, domestic partner, son, daughter or parent of a "covered military member," the Postdoctoral Scholar may take Qualifying Exigency Leave to attend to any "qualifying exigency" while the covered military member is on active military duty or has been notified of an impending call or order to active military duty in the Armed Forces.

### 1. **Definitions**

- a. "Covered military member" means a member of the reserve components (Army National Guard of the United States, Army Reserve, Navy Reserve, Air National Guard of the United States, Air Force Reserve, and Coast Guard Reserve) or a retired member of the regular Armed Forces or Reserve who is on "active duty or call to active duty status" in support of a contingency operation as defined by the FMLA.
- b. "Parent of a covered military member" means a covered military member's biological, adopted, or foster parent or any other individual who stood in loco parentis to the covered military member. The term does not include parents "in-law."
- c. "Son or daughter of a covered military member" means a covered military member's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered military member stood in loco parentis, and who is of any age.
- d. "Active duty or call to active duty status" means duty under a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation as defined by the FMLA.
- e. "Qualifying exigency" is defined as any one of the following, provided that the activity relates to the covered military member's active duty or call to active duty status:
  - 1) Short notice deployment to address issues that arise due to a covered military member being notified of an impending call to

active duty seven or fewer calendar days prior to the date of deployment

- 2) Military events and activities, including official ceremonies
  - 3) Childcare and school activities for a child of a covered military member who is either under age 18 or incapable of self-care
  - 4) Financial and legal arrangements to address the covered military member's absence or to act as the covered military member's representative for purposes of obtaining, arranging, or appealing military service benefits while the covered military member is on active duty or call to active duty status and for the 90 days after the termination of the covered military member's active duty status
  - 5) Counseling (provided by someone other than a health-care provider) for the Postdoctoral Scholar, for the covered military member, or for the child of the covered military member who is either under age 18 or incapable of self-care
  - 6) Rest and recuperation (up to 5 days of leave for each instance) to spend time with a covered military member who is on short-term, temporary rest and recuperation leave during deployment
  - 7) Post-deployment activities to attend ceremonies sponsored by the military for a period of 90 days following termination of the covered military member's active duty and to address issues that arise from the death of a covered military member while on active duty status
  - 8) Additional activities related to the covered military member's active duty or call to active duty status when the employer and Postdoctoral Scholar agree that such activity qualifies as an exigency and agree to both the timing and duration of the leave.
- f. **Eligibility** - A Postdoctoral Scholar who is the spouse, domestic partner, son, daughter, or parent of a covered military member is eligible for Qualifying Exigency Leave if the Postdoctoral Scholar meets the eligibility requirements for Family Care/Medical Leave set forth in Section B.2.a.
- g. **Counting Leave** - Eligible Postdoctoral Scholars are entitled to up to 12 workweeks of Qualifying Exigency leave during a calendar year. As with other Family Care/Medical Leaves, Qualifying Exigency Leave also may be taken on an intermittent or reduced schedule basis.
- h. **Documentation and Certification** - Postdoctoral Scholars may be required to provide a copy of the covered military member's active duty orders. Postdoctoral Scholars may also be required to provide certification of: (1) the reasons for requesting Qualified Exigency Leave, (2) the beginning and end dates of the qualifying exigency, and (3) other relevant information.
- i. **Substitution of Paid Leave** - Qualified Exigency Leave is unpaid leave, except that a Postdoctoral Scholar shall use banked Personal Time Off prior to taking leave without pay.
- j. **Notice** - The Postdoctoral Scholar shall provide notice of the need for leave as soon as practicable.
- k. **Reinstatement** - Reinstatement shall be to the same position from which the leave was taken 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 Postdoctoral Scholar returns to work immediately following termination of the leave. If the Postdoctoral Scholar would have been laid off or terminated had the Postdoctoral Scholar remained on pay status during the leave period, the Postdoctoral Scholar shall be afforded the same considerations afforded to other Postdoctoral Scholars who are laid off or terminated pursuant to the provisions of Article 11 -- Layoff. Reinstatement provisions do not apply to Postdoctoral Scholars beyond the expiration of their appointment.

- I. **Continuation of Health Benefits** - A Postdoctoral Scholar on an approved Qualified Exigency 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.

#### K. **MILITARY SPOUSE/DOMESTIC PARTNER LEAVE**

A Postdoctoral Scholar who is a spouse or domestic partner of a member of the Armed Forces, National Guard, or Reserves may take this leave during a "qualified leave period" when the Postdoctoral Scholar's spouse or domestic partner is on leave from a period of military conflict. "Qualified leave period" means the period during which the "qualified member" is on leave from deployment during a period of military conflict. An eligible Postdoctoral Scholar shall be entitled to up to a maximum of ten (10) days of unpaid leave during a qualified leave period.

1. **Eligibility** - To be eligible, a Postdoctoral Scholar must satisfy all of the following criteria:
  - a. Be a spouse or domestic partner of a "qualified member" (defined below),
  - b. Perform services for the University for an average of 20 or more hours per week,
  - c. Provide the University with notice, within two business days of receiving official notice that the qualified member will be on leave from deployment, of the Postdoctoral Scholar's intention to take the leave, and
  - d. Submit written documentation certifying that the qualified member will be on leave from deployment during the time that leave is being requested by the Postdoctoral Scholar.
2. **Definitions** - "Qualified member" means a person who is any of the following:
  - a. A member of the Armed Forces of the United States who has been deployed during a period of military conflict to an area designated as a combat theater or combat zone by the President of the United States, or
  - b. A member of the National Guard who has been deployed during a period of military conflict, or
  - c. A member of the Reserves who has been deployed during a period of military conflict.
  - d. "Period of military conflict" means either of the following:
    - 1) A period of war declared by the United States Congress, or
    - 2) A period of deployment for which a member of a reserve component is ordered to active duty, as defined in California Military & Veterans Code section 395.10.

- e. **Substitution of Paid Leave** - This leave is unpaid leave, except that a Postdoctoral Scholar shall use banked Personal Time Off prior to taking leave without pay.

**L. COORDINATION OF PAYMENT WITH DISABILITY PLAN**

The University will provide the same assistance to Postdoctoral Scholars that it provides to other UC employees to obtain disability benefits.