

## **ARTICLE 19 LEAVES OF ABSENCE**

### **A. GENERAL PROVISIONS**

#### **1. Definition**

In accordance with the provisions of this Article, a leave of absence, with or without pay, may be approved by the University for medical purposes and non-medical reasons.

- a. If a Librarian eligible for a Family and Medical Leave (FML) takes a leave for his/her own serious health condition, (as defined in Appendix D, Section A.2.d.), the absence from work shall be deducted from the Librarian's FML entitlement.
- b. An approved non-medical leave of absence includes Personal Leave and certain types of FML (including Parental Leave and leave to care for a family member with a serious health condition). Such leaves may be with or without pay as provided in this Article and Appendix D.
- c. An approved non-medical leave of absence with pay may include leave for professional meetings, jury duty, voting, blood donations, administrative or legal proceedings, emergencies, University functions, school activities, some military leaves, and other leaves with pay as provided in this Article or otherwise required by law.

#### **2. Benefit Eligibility While on Leave Without Pay**

- a. Approved leave without pay shall not be considered a break in service.
- b. If a Librarian is on approved leave without pay for more than fifty percent (50%) of the full-time working hours in the calendar month, sick leave and length of service do not accrue. An eligible Librarian on approved leave without pay may elect to continue University-sponsored insurance coverages (as determined by plan documents or regulations) for the period of the leave by remitting, in accordance with the provisions of the applicable plan(s), the entire premium amount due for the period of the approved leave except as provided in Section C, special Two-Month Leave. Regulations of the retirement systems determine the effects of leave without pay on retirement benefits.

- c. Special Benefit Eligibility For FML - An eligible Librarian shall have University-provided health benefits continued for the period of the FML in accordance with Appendix D, Section A.9.

3. Requests for Leave

Except as provided in Section A.6 of Appendix D, which addresses the Notification required for FML, 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 date, end date, and estimated duration of the leave, and any additional information as required.

4. Duration

The duration, terms of the leave and the date of return are determined when the leave is granted, and shall be communicated to the Librarian, in accordance with the provisions of this Article. Except as provided under Appendix D, Section A., Family and Medical Leave (FML), written confirmation shall be provided when the University determines such confirmation is appropriate. Except as provided for elsewhere in this Article and Appendix D, the total aggregate of leaves of absence taken in any combination, granted under this Article, generally shall not exceed one year.

5. Return to Work

- a. Except as provided in Appendix D, Section A., Family and Medical Leave (FML), and Section B., Pregnancy Disability Leave, a Librarian who has been granted an approved leave with or without pay shall be reinstated to the same or a similar position in the same department upon expiration of the leave, in accordance with the provisions of this Article. If the position held has been abolished or affected by layoff during the leave, the Librarian shall be afforded the same considerations which would have been afforded had that Librarian been on pay status when the position was abolished or affected by layoff.
- b. A Librarian who has exhausted his/her original leave entitlement and who has been granted additional leave under another section of this Article or Appendix D, shall be reinstated in accordance with the provisions of the section under which the additional leave was granted.

- c. A Librarian shall not be granted a leave of absence beyond the ending date of the Librarian's appointment or predetermined date of separation.
6. Return to work after FML and Pregnancy Disability Leave for Librarians is described in full in Appendix D.

## **B. GOVERNMENTAL AGENCIES**

1. A leave of absence without pay may be granted by the University to a Librarian for service with a governmental agency. Full pay may be granted for leaves of absence of thirty (30) calendar days or less when the University determines that such leaves are appropriate and meaningful. Partial pay may be granted for leaves of more than thirty (30) calendar days in exceptional cases when considerations of value to the University are involved.
2. "Governmental agency" as used in this Article refers to an agency of the Federal government, the State of California, a county or city within California; or any part, section, subsidiary, or agency thereof.
3. The Librarian applying for a leave of absence under this section is to provide the following information:
  - a. the disposition of work during the proposed leave,
  - b. the nature of the services to be rendered to the governmental agency,
  - c. the amount of compensation to be received from the agency,
  - d. the length of the leave,
  - e. the amount of compensation, if any, from the University.

## **C. SPECIAL TWO-MONTH LEAVE**

1. A Librarian may apply to the appropriate University administrator for a two (2) month leave without pay. Whenever possible, the request shall be submitted at least six (6) months prior to the proposed leave with sufficient information to allow the University to make a decision. Only one such leave shall be taken within any twelve-month (12-month) period.
2. The Librarian's application shall identify which two (2) months she/he wishes to be on leave. The two (2) months on leave need not be

consecutive and shall be scheduled at a time mutually agreeable to the Librarian and the University.

3. The Librarian shall be advised of the decision in writing in a timely manner. If the request is denied, the reason(s) for denial shall not be arbitrary, capricious, or unreasonable.
4. A two (2) month leave shall not constitute a break in service for purposes of computing seniority for layoff. Such leave shall also not affect consideration of the Librarian for merit and promotion.
5. University-provided life insurance, University-sponsored health plans, and University-sponsored dental coverage continue during the special two-month (2-month) leave to the same extent and under the same conditions that would cover the Librarian if s/he were not on leave. If possible, and if requested, arrangements will be made to allow a Librarian granted such leave without pay to receive salary payments during the period of leave without pay.
6. If the Librarian is on special leave without pay for more than half a calendar month, sick leave, seniority credit, and retirement credit do not accrue.
7. Special two-month leaves shall not be taken in conjunction with other leaves without pay.

#### **D. PERSONAL LEAVE**

1. Separate and distinct from the provisions in Appendix D regarding FMLA or Pregnancy Disability Leave, a Librarian may apply to the appropriate University administrator for personal leave without pay, which may be granted at the discretion of the University. Such leaves shall not exceed one (1) year. In exceptional circumstances, such leaves may be extended at the discretion of the University.
2. A Librarian who wishes to apply for leave shall submit a timely request with sufficient information to allow the University to make a decision. The Librarian's application shall identify the period during which s/he wishes to be on leave. The Librarian shall be advised of the decision in writing in a timely manner. If the request is denied, the reason(s) for denial shall be based on operational and/or budgetary necessity.

## **E. LEAVES WITH PAY**

### **1. Jury Duty**

A Librarian shall be eligible for a leave of absence with pay when summoned to serve required jury duty. Upon receipt of the summons for jury duty the Librarian shall promptly notify the appropriate library administrator. Verification of actual service for jury duty shall be provided by the Librarian to the appropriate University officer upon request.

### **2. Emergency Leave**

An emergency leave with pay may be granted to a Librarian by the University in the event of a natural catastrophe or emergency situation that places the health and safety of the Librarian or members of his/her immediate family or property in jeopardy. Such leaves shall normally be of short duration.

### **3. Witness Leave**

When a Librarian is attending administrative or legal proceedings on behalf of the University or is subpoenaed to appear as a witness in an administrative or legal proceeding, leave with pay will be granted for the actual time spent in proceedings and in related travel not to exceed the Librarian's normal work day and work week. Leave with pay will not be granted when a Librarian is a plaintiff or defendant in a proceeding unrelated to University employment, is called or subpoenaed as a paid expert witness not on behalf of the University, or is called or subpoenaed because of duties for another employer.

### **4. Leave With Pay to Attend Professional Meeting**

A Librarian may be granted a leave with pay to attend a professional meeting. Request for such leave shall be made by the Librarian who will provide the University with sufficient specific information so that a decision can be made. Request for such leave shall be made early enough to allow time for a reasoned decision. Decisions shall be reported to the librarian in a timely fashion and shall be communicated in writing. If a request for such leave is denied, the reason(s) for denial shall not be arbitrary, capricious, or unreasonable.

### **5. Other Leaves With Pay**

Other leaves of absence with pay may be granted to a Librarian for good cause. Librarians who wish a leave of absence with pay shall submit a

timely request for such leave with sufficient specific information to allow the University to make a decision.

**F. MILITARY LEAVES**

The University shall provide military leave consistent with the requirements of State and Federal law.

**G. CATASTROPHIC LEAVE**

Bargaining unit librarians may participate in campus Catastrophic Leave programs according to local campus procedures.

**H.** Except as specifically stated otherwise in this Article and Appendix D, this Article does not establish a right of a Librarian to receive leave.

**I.** In the event of a grievance under this Article and Appendix D culminating in arbitration, to the extent that the University's action is based upon academic judgment, the arbitrator shall have no authority or jurisdiction to substitute his/her judgment for that of the University and its agents.