

ARTICLE 12 LEAVES

A. GENERAL LEAVES WITH AND WITHOUT PAY

1. NSF may apply for leaves for illness, injury, personal emergency, childbearing leave, vacation leave, military leave, jury duty, witness leave, governmental service leave, leaves to attend professional meetings, and other leaves with and without pay. Descriptions of these leaves and the eligibility criteria for them are attached as Appendix C of this MOU. The UC-AFT further understands and agrees that the University may at its option during the term of this MOU make changes in leave policy. If the University does so, such changes will apply to eligible NSF to the same extent as they apply to other academic employees. The University shall, if feasible, provide the UC-AFT with at least thirty (30) calendar days advance notice of changes in leave policy. The parties agree to make reasonable efforts to meet in advance of implementation to discuss any changes; failure to meet will not affect the implementation of any changes. Any alterations proposed by the University which affect only NSF shall be subject to meet and confer with respect to the proposed changes before implementation of said changes. Whenever possible, NSF on leave agree to assist and consult with colleagues who, with the approval of the department chair, are able and willing to carry on the duties which the NSF is unable to perform while on leave.
2. NSF shall be advised in writing of the reason(s) for denial of a leave request, and the reasons shall not be capricious or unreasonable.
3. No NSF shall be denied reappointment, promotion or merit increase as a result of application for, or receipt of, requested leaves.
4. No NSF shall have his or her duties unreasonably modified upon return from leave. The NSF, whenever possible, agrees to consult with and assist the department chair in the determination of the reassignment. For the purpose of review for reappointment the following provision shall apply:

For NSF not on continuing appointments who have been granted child bearing leave, parental leave, or active service modified duties, for at least one quarter/semester, the time need not be counted towards years of service as defined in Article 7. a. 5. and Article 7. b. 2., at the request of the NSF.
5. No leave will be for a period beyond the ending date of appointment.

6. A paid leave of absence shall not be granted at a percentage of time greater than that of the appointment.
7. NSF on an approved leave of absence without pay may elect to continue University provided benefits in accordance with the University's benefits regulations. NSF who so elects must make arrangements with the University, prior to commencement of the leave, to pay the entire premium amount her/himself.
8. If the eligible NSF is on leave without pay more than half a calendar month, sick leave, vacation, seniority credit and retirement credit do not accrue.
9. The University, at its sole discretion, may place an individual on administrative leave with pay. The University will communicate the reason for the administrative leave to the NSF as soon as feasible. If the administrative leave lasts longer than twenty-one (21) days, a written explanation of the intent, reason for, and expected duration of the leave will be provided no later than the twenty-first day.
10. The University shall not retaliate against NSF as a result of their requesting or being granted leave under this article.

B. SICK LEAVE FOR FISCAL YEAR APPOINTEES

1. Eligibility

NSF in Fiscal year appointments on pay status for at least fifty percent (50%) or more of full time are eligible to accumulate sick leave credit based on the percentage of time on pay status up to a maximum of one (1) working day per month for full time service. Sick leave may be accumulated without limit. Sick leave is earned during leave with pay. Sick leave is credited at the end of the month it is earned.

2. Use of accumulated sick leave

- a. NSF are expected to use sick leave in keeping with normally approved illness of a family member or bereavement. Accumulated sick leave may be used for temporary disability related to pregnancy, childbirth, and recovery there from.
- b. NSF may be required to submit satisfactory proof of illness or disability.
- c. Sick leave shall not be used prior to the time it is credited nor shall sick leave be used beyond a predetermined separation date.

- d. Regularly scheduled days off and University administrative holidays shall not be charged against sick leave.
- e. While receiving injury or health compensation under the Worker's Compensation Act, an absent NSF may also receive sick leave benefits provided the total of the sick leave pay and worker's compensation does not exceed the employee's regular salary for the period.

3. Reporting

Once a month, each NSF shall report sick leave used to the appropriate office. Once a month, the University shall report to each NSF on the accumulation and use of sick leave.

4. Sick leave retirement credit

Upon retirement, accumulated sick leave shall be converted to retirement service credit in accordance with retirement system policies in effect at the time of the NSF's retirement.

C. GRIEVABILITY AND ARBITRABILITY

- 1. The provisions of this Article are subject to Article 32 – Grievance Procedure.
- 2. Only sections A2, A3, A4 and A10 and the procedural issues of this article are subject to Article 33 – Arbitration.