

ARTICLE 16

LEAVES OF ABSENCE WITHOUT PAY

- 16.1 A permanent full-time employee and a permanent part-time employee may be granted a leave of absence without pay for up to one (1) year.
- 16.2 A written application for a leave of absence without pay or an extension of a leave of absence without pay shall be submitted to the President. The President shall determine if such a leave shall be granted and the conditions of such a leave.
- 16.3 An employee who is on a leave of absence without pay shall not return to active pay status prior to the expiration of such a leave without written approval of the President.
- 16.4 Service credit shall not be granted to an employee on a leave of absence without pay, except when the President determines that the purpose of the leave is of benefit to the campus and expressly grants such service credit.
- 16.5 An employee granted a leave of absence without pay who fails, when requested by the President, to provide adequate verification that the conditions of the leave were met may be subject to discipline as determined by the President.
- 16.6 An employee on a leave of absence without pay for more than thirty (30) days may opt to continue their fringe benefits at their own expense. An employee on a leave of absence without pay for thirty (30) days or less shall receive fringe benefits as provided by the CSU in the same manner as when the employee is in pay status.

Family Care or Medical Leave

- 16.7 Family care or medical leave shall refer to a leave for reason of the birth of a child of the employee, the placement of a child with an employee in connection with the adoption or foster care of the child by the employee, to care for a child, parent, foster parent or spouse (or domestic partner) of the employee who has a serious health condition, or for the employee's own serious health condition. Family care leave shall be pursuant to provisions 16.7 through 16.19 of this Article.
- 16.8 An employee who has at least twelve (12) months of service and has actually worked 1,250 hours in the twelve (12) months preceding the leave is entitled to a family care or medical leave without pay.
- 16.9 Eligible employees may take up to a total of twelve (12) weeks of family care or medical leave in a twelve 12-month period, including any periods of absence with

pay for family care or medical leave purposes.

For family care or medical leave taken for reason of the birth of a child or adoption/foster care of a child by an employee, any leave taken shall be initiated within one (1) year of the birth of a child or placement of a child with the employee in the case of adoption/foster care.

- 16.10 Before granting a family care leave for the serious health condition of a child, parent, foster parent or spouse, the President may require certification of the serious health condition from the health care provider.
- 16.11 Upon expiration of the period which the health care provider originally estimated that the employee needed to care for the child, parent or spouse (or domestic partner), the President may require the employee to obtain recertification if additional leave is requested.
- 16.12 An employee may use sick leave during the period of family care leave upon mutual agreement between the employee and appropriate administrator, and the use of such sick leave during the period of family care leave shall not be limited to forty (40) hours as required in provision 14.7d of this Agreement. The use of sick leave shall be in accordance with the appropriate provisions of Article 14 of this Agreement.
- 16.13 Family care and medical leave are separate and distinct from the right of an employee to take a pregnancy disability leave under Government Code Section 12945, subdivision (b) (2). If an employee takes part or all of the maximum four (4) months of pregnancy disability leave, they may request up to twelve (12) weeks additional family care or medical leave for reason of the birth of her child, or due to her own serious medical condition. Any combination of family care or medical leave and pregnancy disability leave shall run concurrently with the period of leave available under the provisions of Education Code Section 89519.
- 16.14 An employee shall provide the President with written notice of the need for family leave as soon as the event necessitating the leave becomes known to the employee. In general, as much advance notice as is reasonably possible shall be provided and normally shall be no less than five (5) working days of the event giving rise to the need for the leave.
- 16.15 If the employee's need for family care leave is foreseeable due to the planned medical treatment or planned supervision of a child, parent or spouse (or domestic partner) with a serious health condition, the employee shall provide the President with not less than fourteen (14) days' notice of the need for the leave. The employee shall consult with the appropriate administrator regarding the scheduling of the treatment or supervision so as to minimize disruption of the operations of the University.

- 16.16 The granting of a family care or medical leave assures to the employee a right to return to his/her former position or a comparable position upon expiration of the family leave. If the former position and any comparable position has ceased to exist due to legitimate business reasons unrelated to the leave, the University shall make reasonable accommodation by alternative means only if such alternative means would not cause an undue hardship on the campus. Such alternative means shall include, but not be limited to, offering the employee any other position which is available and for which the employee is qualified. The University is not required, however, to create additional employment which would otherwise not be created, discharge or layoff another employee, transfer another employee, or promote another employee who is not qualified to perform the job. The family care or medical leave shall not constitute a break in service for the purposes of length of service and/or seniority under this Agreement.
- 16.17 An employee on family care or medical leave shall retain employee status and shall continue to accrue seniority points pursuant to Article 25 of the Agreement during the period of the family care or medical leave. During a family care or medical leave an employee may continue to participate in benefits to the same extent and under the same conditions as would apply to any other personal leave of absence without pay pursuant to this Agreement. If any paid portion of the family care or medical leave is less than twelve (12) weeks, however, the CSU shall continue to make employer contributions toward health, dental and vision coverage, unless canceled by the employee, for the unpaid remainder of the twelve (12) week period. If an employee fails to return at the end of the family care or medical leave, the CSU may require repayment of insurance premiums paid during the unpaid portion of the leave. The CSU shall not require repayment of premiums if the employee's failure to return is due to their serious health condition or due to circumstances beyond the employee's control.
- 16.18 The leave of absence of a temporary employee eligible for such leave pursuant to this Article shall terminate upon the expiration of that employee's temporary appointment.