



Administrative Procedure

Number: 339
Effective: 2/24/86
Supercedes:
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Subject: STAFF LEAVES OF ABSENCE

1.0. PURPOSE:

To establish the policy and procedure for leaves of absence with and without pay.

2.0. ORGANIZATIONS AFFECTED:

2.1. All organizational units and employees of the University, excluding auxiliary organizations and employees in Unit 3, Faculty.

2.2. Important: This procedure, or portions thereof, may be superseded by an agreement between The California State University and an exclusive employee representative. When referring to this procedure as it relates to actions affecting represented employees, consult the agreement that applies to employees within the represented unit.

3.0. REFERENCES:

3.1. Education Code, Sections 89510, 89512-89514, and 89519.

3.2. Government Code, Section 19869 ff.

3.3. California Administrative Code, Title 5, Section 43100.

3.4. State University Administrative Manual (SUAM), Sections 5338, 5362, 6342, 6530, 6551.04, 6363, 6364, 6367.

3.5. Collective Bargaining Agreements between The CSU and exclusive employee representatives, Subject: Leave of Absence Without Pay:

Unit 1	Article 17.1-17.6
Unit 2	Article 15.1-15.9
Unit 4	Article 22.1-22.10
Unit 5	Article 15.1-15.9
Unit 6	Article 19.2-19.10
Unit 7	Article 15.1-15.9
Unit 8	Article 24.1-24.3
Unit 9	Article 15.1-15.9

Approved:

Date:

3.6. Collect Bargaining Agreements between The CSU and exclusive employee representatives, Subject: Leave of Absence With Pay:

Unit 1	Article 16.1-16.20
Unit 2	Article 14.1-14.33
Unit 4	Article 20.1-10.13 and 21.1 ff
Unit 5	Article 14.1-14.32
Unit 6	Article 18.1-18.38
Unit 7	Article 14.1-14.32
Unit 8	Article 23.1-23.8
Unit 9	Article 14.1-14.33

3.7. Cal State L.A. Administrative Procedures, Subjects: Workers' Compensation/IDL; Nonindustrial Disability Insurance (in development); Attendance Reporting (in development); Court Appearances; and Election Days.

4.0. POLICY:

4.1. Leaves of Absence Without Pay

A full-time or part-time bargaining unit employee may request a leave of absence without pay for a period up to one year. The Director of Human Resource Management is the President's designee to review and approve or disapprove written requests for leaves of absence without pay for all University employees excluding employees in Unit 3.

Depending on the length of the leave, automatic payment of benefits from the pay warrant may be impacted while the employee is on a leave. The Division of Human Resource Management will inform the employee of how fringe benefits may be impacted and methods for making direct payments.

An employee on an approved leave of absence without pay may not return to active pay status prior to the expiration of the leave without the written approval of the Director of Human Resource Management.

Upon return from a leave of absence in which the employee and University formally agreed that the employee would participate in an activity or program, the University may exercise the right of review to determine if such conditions were actually met.

While the Director of Human Resource Management may hear informal appeals, the approval or denial of a request for leave of absence without pay is not subject to grievance procedures.

Upon the expiration of an approved leave of absence, the employee is entitled to University reinstatement to the same or comparable position.

4.2. Maternity Leave

The Government Code defines being disabled, and therefore qualifying for Nonindustrial Disability Insurance benefits, as "...any illness or injury resulting from pregnancy, childbirth, or related medical condition."

Female employees are not to be penalized in their conditions of employment because they require time away from work for childbearing. Pregnancy or any disability caused by, or contributed to, by pregnancy must be considered a justification for the use of sick leave, if a woman's condition prior to delivery is such that her doctor believes she should take leave.

Childbirth is a valid reason for the use of sick leave and application for Nonindustrial Disability Insurance Leave, provided the employee is on work status, compensating time off, or vacation at the time of delivery. Unless otherwise stated by the applicable contracts, ten days of sick leave should be granted routinely for childbirth. Additional sick leave should be granted following childbirth if the employee is incapacitated from working.

As long as the employee is capable of performing her required tasks, she should not be required to take a leave of absence at a predetermined time prior to the delivery date.

Other incapacities during the course of a pregnancy (such as miscarriage, abortion, etc.) are valid reasons for the use of sick leave and should be treated in the same way as other illness or disability. Repeated absence associated with pregnancy may suggest the need for medical attention, and a physician's certification may be required to substantiate the condition and use of sick leave.

Additional information on the use of NDIL benefits during maternity leave is provided in the Administrative Procedure, Subject: Nonindustrial Disability Insurance.

4.3. Leaves of Absence With Pay

Employees are entitled to the following types of leaves of absence with pay. The instructions for obtaining such leaves are found in the referenced Administrative Procedures.

- 4.3.1. Jury Duty and Witness Duty--Refer to the Administrative Procedure, Subject: Court Appearances.
- 4.3.2. Time Off to Vote--Refer to the Administrative Procedure, Subject: Election Days.
- 4.3.3. Funeral Leave--In the event of the death of a significantly close relative such as the employee's or spouse's parent, sibling, grandparent, grandchild, or other relative living in the employee's immediate household, and upon request to the immediate supervisor, the employee will be granted one (1) day leave with pay. If a death of a significantly close relative requires the employee to travel over five hundred miles from home, a leave with pay for two (2) days will be granted upon request to the immediate supervisor. Please refer to the collective bargaining agreements for supplementing funeral leave with bereavement leave.
- 4.3.4. Sick Leave--Refer to the Administrative Procedure, Subject: Attendance Reporting (in development).
- 4.3.5. Industrial Disability Leave Program (IDL) or Workers' Compensation-- Refer to Administrative Procedure, Subject: Workers' Compensation/IDL.
- 4.3.6. Nonindustrial Disability Leave (NDIL)--Refer to Administrative Procedure, Subject: Nonindustrial Disability Leave.
- 4.3.7. Military Leave
 - a. Emergency military leave, temporary military leave, and indefinite military leave will be granted to eligible employees.

- b. Employees who are members of the National Guard are entitled to an emergency military leave while on military duty, including travel time, during any time that the Governor has issued a proclamation of a state of emergency or during such time as the National Guard may be on appropriate active duty. Emergency military leave may not exceed the duration of the emergency.
- c. Employees who are members of the Reserve Corps of the Armed Forces of the United States or of the National Guard are entitled to a temporary military leave for ordered active duty, provided that the period of duty does not exceed one hundred and eighty (180) calendar days, including travel time. A temporary military leave of absence will not be approved for periods of inactive military duty, i.e., attendance at drills of an organized reserve unit.
- d. Indefinite military leave may be granted under any of the following circumstances: when there is a condition of war or national emergency as proclaimed by the President or Congress of the United States; when U.S. Armed Forces are serving outside the United States or its territories at the request of the United Nations; or when there is a national conscription act in effect.

Employees who leave the University to join the U.S. Armed Forces or who, as members on active duty of any reserve force, are called upon and who then serve under the same conditions, have a right to return to their position. The employee must have been honorably released, separated, or discharged, and must return within six (6) months following termination of active service. Employees who fail to return to their position within twelve (12) months after the first date upon which they could terminate, or could cause to have terminated, their active service forfeit their right to return.

5.0. DEFINITIONS:

- 5.1. Leave of Absence Without Pay--Employees may request a leave of absence without pay for a variety of reasons including: loan of an employee to another governmental agency; parental leaves; outside employment that would lessen the impact of a potential layoff or a layoff; or other satisfactory reasons. The Director of Human Resource Management will refer to the specific section of the applicable contract in reviewing reasons contained in leave requests. Employees not under provisions of a collective bargaining agreement are subject to provisions of Title 5, Section 43100.
- 5.2. Leave of Absence With Pay--Includes the following conditions: sick leave, funeral leave; jury duty service; leave to vote in a city, county, or state election; witness duty; and short term military leave.
- 5.3. Leave of Absence With Partial Pay--Includes Nonindustrial Disability Leave (NDIL), Workers' Compensation and Industrial Disability Leave (IDL).
- 5.4. Eligible Employee--For purposes of this procedure, includes all employees of the University except those in Unit 3, Faculty; temporary employees with a fixed expiration date of appointment; and student employees.

6.0. RESPONSIBILITIES:

- 6.1. The Employee requesting a leave of absence will:
 - 6.1.1. Inform the supervisor of the intent to request a leave of absence as far in advance as possible.
 - 6.1.2. Complete Section A of the Staff Leave of Absence Request form and submit the request to the supervisor.
 - 6.1.3. Complete and sign the form, Absence and Additional Time Worked (Std 634), and return the form to the immediate supervisor as soon as possible.
- 6.2. The Supervisor will:
 - 6.2.1. Consider the request with respect to impact on the unit's current and anticipated workload; staffing level; unit employees' schedules; possible benefit to the University if the request is approved; and any other problems or consequences associated with the leave.

- 6.2.2. Recommend approval or denial of the request.
- 6.2.3. Inform the employee of the need to obtain prior approval of the Director of Human Resource Management should the employee elect to return to work prior to the expiration of an approved leave.
- 6.2.4. Ensure that the department, particularly the department attendance clerk, is informed of the effective date and expected return date of an employee's leave of absence.
- 6.3. The Dean or Senior Administrator will determine the effect of the leave on the School or Division and recommend approval or denial.
- 6.4. The Director of Human Resource Management will:
 - 6.4.1. Review and approve or deny leave of absence requests.
 - 6.4.2. Approve or deny employee requests to return prior to the end of a leave of absence.
 - 6.4.3. Provide employees requesting a leave of absence with information concerning the leave's potential impact on fringe benefits.
- 7.0. PROCEDURES:
 - 7.1. The Employee will complete Section A of the Staff Leave of Absence Request form applicable to all leaves without pay and military leave (Appendix 8.1.) providing specific reasons for the request and submit the form to the immediate supervisor. If the request is for personal health-related reasons, attach a physician's verification to the form. Employees wishing to determine if they should utilize a paid leave benefit such as IDL, NDIL, or Workers' Compensation should make an appointment to discuss the matter with staff in the Division of Human Resource Management.
 - 7.2. The Supervisor will:
 - 7.2.1. Determine the impact of the absence upon the needs of the unit, prepare a written recommendation, and forward the request to the department administrator.
 - 7.2.2. Contact the Division of Human Resource Management to determine the feasibility of hiring a temporary replacement for the employee.

- 7.3. The Dean or Senior Administrator will determine the impact of the absence on the School or Division, attach a recommendation to approve or deny the request, and forward the request to the Director of Human Resource Management.
- 7.4. The Director of Human Resource Management, or designee, will review the request and all related documentation in the context of CSU and campus policy, and the applicable contract, and approve or deny the request. The Director of Human Resource Management, or designee, will complete Section C of the Leave of Absence Request form and notify all parties of the final disposition.
- 7.5. If the leave is approved, the Division of Human Resource Management, or designee, will assist the employee in making necessary arrangements for continuing or canceling voluntary payroll deductions, and in understanding any applicable disability programs benefits and requirements to complete benefit forms.

8.0. APPENDICES:

- 8.1. Staff Leave of Absence Request, OPS-358B.
- 8.2. Absence and Additional Time Worked Report, Std 634.