

**CLAREMONT UNIVERSITY CONSORTIUM
Policy and Procedure Manual
Human Resources - 5000**

**Policy No. 5002: Paid and Unpaid Leave
Date: October 11, 2001**

1. PURPOSE

This policy contains guidance regarding leaves of absence for CUC employees.

2. POLICY

Introduction:

Family Medical Leave Act and California Family Rights Act (FMLA/CFRA)

The FMLA and CFRA allow for 12 weeks of unpaid leave in a 12-month period for:

- Birth or adoption of a child, or placement of a foster child,
- Care of a child, spouse, or parent with a serious health condition, or
- For the employee's own serious health condition.

To be eligible, a regular employee, with the exception of key employees (those among the top 10% of gross salary earners), must complete 12 months of employment and provided at least 1250 hours of service in the 12 months preceding commencement of the leave.

Claremont University Consortium requires an employee leave of any type meeting the FMLA/CFRA criteria to be counted toward the employee's 12-week leave entitlement. CUC further requires that available paid-leave time (vacation and personal holidays) be used during an FMLA/CFRA leave when leave is taken for reasons other than the employee's own serious health condition. The use of paid sick leave must be in accordance with sick leave policy provisions, and is used when a leave is necessitated by the employee's own serious health condition.

Pregnancy Disability Leave

In accordance with the California Pregnancy Disability Act, female employees are entitled to pregnancy disability leave while unable to work due to pregnancy, childbirth or related medical conditions. A female employee is disabled by pregnancy if, in the opinion of her health care provider, she is unable because of pregnancy, childbirth or a related medical condition to perform any one or more of the essential functions of her job or to perform these functions without undue risk to herself, the successful completion of her pregnancy, or to other persons. The duration of a pregnancy disability leave will be determined by a physician, but is not to exceed the maximum of four months allowed by law.

To be eligible for a pregnancy disability leave, the employee must provide a physician's statement that she is unable to work. The physician's statement should include the first date of disability and the estimated date of return to work. A physician's statement that the employee is able to return to work at the end of the leave is required. CUC reserves the right to require the employee to be examined, at CUC's expense, by a physician of its choice to verify the disability or the release. Failure to return to work at the end of a medical leave will be considered a resignation.

An employee on pregnancy disability leave may supplement VDI benefits with sick and earned vacation pay prior to the beginning of a leave without pay.

An employee returning to work following a pregnancy leave of four months or less will be returned to the same job. Normally a job will not be held beyond four months. If eligible, the employee may apply for FMLA/CFRA or a Leave of Absence for Personal Reasons.

Leave of Absence for Personal Reasons

Leaves of Absence for Personal Reasons may be requested for such purposes as career development, public service, or special family needs. In some cases, it is possible to grant a leave and to hold the position for the employee's return. In other cases, it is not possible to hold the position. It is important that the supervisor and employee discuss a request for personal leave and that it is clearly understood whether or not the position will be held for the employee's return. Each request is considered on its own merit and must meet the following conditions:

- An employee must be on regular status and must have completed at least one year of service.
- The request for leave must be approved by the supervisor and the Director of Human Resources. Consideration will be given to the employee's reason for requesting the leave and the effect of the employee's absence on the operation of the department.
- The maximum duration of a personal leave is one year.
- A leave of absence may not be granted to an employee who has accepted employment elsewhere. If an employee on leave accepts employment elsewhere, the leave is ended immediately and the employee terminated.
- Failure to return to work at the end of a leave will be considered a resignation.
- It is recommended that leaves of absence for a period longer than 30 days be granted only to employees who have completed at least two years of service.

Jury Duty

It is the policy of Claremont University Consortium to grant to regular employees paid leave for up to ten (10) days of jury duty in any 12-month period. Employees in the first 90 days of the introductory period are not eligible for paid jury duty leave. Upon receipt of a proposed juror questionnaire, the employee should notify his/her immediate supervisor and submit a copy of the jury duty summons. Employees are expected to report to work during normal working hours if not required to be in the jury room or in a courtroom. Third shift (midnight) employees will be required to report to work if eight or more hours remain between dismissal from the court and the beginning of the scheduled shift.

If required to report for jury duty, the employee will continue to receive his/her salary for the period of the jury duty up to the ten (10) days. During the jury leave, the employee will continue to accrue vacation and accumulate sick time at the same rate to which entitled before the jury leave began. In addition, during the jury leave, CUC will continue to make those benefit contributions, if any, that it was making on the employee's behalf before the leave began.

Claremont University Consortium recognizes the importance of the jury system. It is important that clear procedures are followed that will allow employees to meet their obligations while at the same time avoiding the possibility of having to serve extraordinary jury terms.

Procedures for Supervisors

1. When a regular employee receives a notice to report for jury duty, the supervisor should determine whether it is possible for the department to release the employee at the designated time. If not, the employee should be urged to request a postponement.
2. The supervisor should emphasize to the employee the college policy to pay for only 10 days of jury duty within a one-year period.

3. Proof of attendance at the jury room should be submitted to the supervisor or Human Resources Officer for each day served.
4. The employee is expected to report to work at all times he or she is not required to be in the jury room or in a court room.

Bereavement Leave

Regular full-time and part-time employees may be excused for up to three days with pay following the death of a:

- Child, including grandchild or stepchild;
- Current spouse or domestic partner and his/her child;
- Parent, including grandparent, step-parent or in-law;
- Brother or sister, including step-brother and step-sister or in-law; or
- Any other person living in the employee's immediate household.

Whenever possible, arrangements for such an absence should be made in advance with the supervisor and/or Human Resources Representative. Employees may be required to furnish satisfactory evidence to support the bereavement leave.

Military Leave

Staff employees who must fulfill a military obligation, either by active duty or training, shall be granted military leave without pay. Upon return, the employee will be placed, if possible, in the former position or another of similar status with no loss of seniority. An employee who is called to temporary duty in a reserve unit of the U.S. Armed Forces, will be granted the necessary leave without pay. Before going on military leave, the employee must notify the supervisor and Director of Human Resources, and contact the Benefits Section of the CUC Risk Management Office.

In accordance with California law, a member of the National Guard or Reserves is entitled to a temporary leave of absence without pay, not to exceed 17 days annually, for required training or similar duty.

Voting Leave

Staff employees who are eligible to vote in state-wide elections (of voting age and registered to vote), are encouraged to exercise their voting privileges. In accordance with Section 14350 of the California Election Code, employees who do not have sufficient time outside their working hours within which to vote, will be allowed to take up to two hours off, with pay, for this purpose. To receive time off for voting, the employee must notify the supervisor of the need to be off, two days prior to the day of election, and present proof of voter registration. Unless otherwise agreed, this time must be taken at the beginning or end of the shift, whichever will minimize the time off.

3. PROCEDURES

FMLA/CFRA Leave and Short-Term Disability

FMLA/CFRA leave is considered to run concurrently with short-term disability periods (other than those which qualify for California Pregnancy Disability Leave). Available sick leave must be used, while vacation and/or personal holidays may be coordinated with Voluntary Disability Insurance (VDI) benefits, at the employee's option, to approximate regular wages. Normally a job will not be held beyond four months from the first day of the leave. Failure to return to work at the end of a leave will be considered a voluntary resignation of employment.

FMLA/CFRA Leave and Worker's Compensation Disability

FMLA/CFRA leave is considered to run concurrently with worker's compensation disability periods and available sick leave, accrued vacation and/or personal holidays may be coordinated, at the employee's option, with worker's compensation wage replacement benefits to approximate regular wages.

FMLA/CFRA Leave - Non-Disability

During an FMLA/CFRA leave taken for the birth (when not eligible for Pregnancy Disability Leave) or adoption of a child, placement of a foster child, or care of a child, spouse or parent with a serious health condition, CUC requires available vacation and personal holidays to be used. In addition, employees have the option to use up to 5 days of accumulated sick leave each year for the care of an ill spouse, child or parent. Other than these 5 days, employees may not use accumulated sick leave during a non-disability FMLA/CFRA leave.

Health Insurance Benefits During FMLA/CFRA Leave

To the extent allowed by law, health insurance coverage may continue during FMLA/CFRA leaves and the employee's portion of the monthly premium(s) will continue to be deducted from the paycheck for as long as paid-leave time is being coordinated with VDI or worker's compensation wage replacement benefits. When/if paid-leave is exhausted, the employee must arrange to pay the employee's portion of the monthly health insurance premium(s) directly to the Benefits Office. Should an employee on FMLA/CFRA leave fail to make a monthly premium payment within 30 days of its due date, health insurance coverage for the employee and his/her dependents will lapse. Neither the employee nor his/her dependents may be reinstated in the health insurance plan until either the employee returns to work, or the employee or dependent becomes eligible and elects to enroll under COBRA.

Note: Employees on VDI may authorize a portion of the VDI benefits to be used to pay the employee's portion of health insurance premiums when/if the employee elects not to use or exhausts paid-leave time.

Leave of Absence for Personal Reasons

When a leave is granted, there is no break in service. In most cases, by following the necessary procedures, arrangements can be made for the employee to continue benefits during the leave by paying both employer and employee portions of the premium.

Procedures for Supervisors

1. The employee initiates a Staff Leave of Absence Request Form and gives the entire form to the supervisor for approval and then to the Human Resources Officer. The supervisor and/or Human Resources Officer discuss the request with the employee and decide whether the request can be granted and whether or not the position can be held.

2. If approved, the Human Resources Officer signs the request form and forwards it to the Human Resources Office along with a Personnel Action Form (PAF), changing the employee's status from the present job title and rate of pay to "Leave of Absence Without Pay." On this PAF indicate "0" under proposed pay, and under "Remarks" briefly explain the reason for the leave. All copies of the leave form should be sent to the Human Resources Office, along with the PAF.
3. The Benefits Section fills out the part of the Leave of Absence Form which shows the benefits the employee is currently carrying and the amount of the monthly premiums that would be required in order to continue coverage during the leave. The entire form is then returned to the employee.
4. The employee indicates whether he or she wants to continue or to cancel the various benefits, signs that section of the form, and returns it to the Benefits Section. This must be done promptly in order to meet the deadlines for continuation of benefits if that is the choice, or to allow cancellation in time to avoid unnecessary payments. An employee who wishes to discuss his or her benefits options should contact the Benefits Section.
5. After all approvals and information concerning benefits during the leave are indicated on the form, the Benefits Section will distribute copies to the employee, the Human Resources Officer, and the Human Resources Office file.
6. To allow time for review of leave requests, discussion of benefits and completion of forms, request forms and PAF's should be submitted at least two weeks prior to the effective date of the leave whenever that is possible.
7. At the end of the leave period, which may be extended at the discretion of the Human Resources Officer to the one-year limit, an employee who has not yet been rehired will be terminated. This is accomplished by a PAF which is initiated by the department for whom the employee worked prior to the leave.
8. If it is certain that the employee will not be returning to the position after the leave, the Human Resources Officer may so indicate by: (a) typing X's in the space for the ending date of the leave; and (b) adding a sentence which says "This is a terminal leave of absence."