



The California State University

CSU Leave Program

April 2009



Types of Leave Programs

- Sick Leave
- CSU Family Medical Leave Policy
- California Pregnancy Disability Leave
- Education Code 89519 Leave
- Maternity/Paternity/Adoption/parental Leave
- Military Leave
- Military Spouse/Domestic Partner Leave
- Non-Industrial Disability (NDI) Leave
- Industrial Disability Leave (IDL)
- Enhanced Industrial Disability Leave (EIDL)
- Catastrophic Leave
- Bereavement Leave
- Organ Donor Leave (ODL)
- Jury Duty



Sick Leave

- Full-time employees earn 8 hours per month; part-time employees earn prorated amount, based on time-base or hours worked
- Use of sick leave requires approval by supervisor in compliance with department procedures
- Tracks with Family Medical Leave (FML) unless employee is disabled due to pregnancy
Employees must be on pay status 11 workdays in a pay period to accrue sick leave credits for that month
- Sick leave credits may not be used prior to their accrual, which occurs on the first day of the following pay period
- There is no maximum accrual for sick leave.
- Unused sick leave may be converted into service credit at retirement in accordance with PERS guidelines.
- An employee may be required to provide a physician's statement or other appropriate verification for absences (not normally required for absences of three or fewer consecutive days).
- Use of sick leave may be authorized by the supervisor for the following absences:
 - Employee's own illness, injury or disability related to pregnancy.
 - Employee's own dental, eye or other physical or medical examination/treatments.
 - Illness or injury in the immediate family (close relative, domestic partner or other person residing in the immediate household of the employee, except domestic employees, roomers or roommates)
 - Bereavement in the case of death of a person in the immediate family (when bereavement leave is exhausted).
 - **Additional Information:**
- [Collective Bargaining Agreements](http://www.calstate.edu/LaborRel/Contracts_HTML/contracts.shtml) http://www.calstate.edu/LaborRel/Contracts_HTML/contracts.shtml
- [CSU Leaves Technical Letter](http://www.calstate.edu/HRAdm/memos.shtml) <http://www.calstate.edu/HRAdm/memos.shtml>



CSU Family Medical Leave

- Family Medical Leave Act
 - 29 United States Code, Sections 2601 et seq.
- California Family Rights Act
 - California Government Code §§12945.1 and .2
 - California Code of Regulations, Title 2, Division 4 §§ 7297 et seq.
- Generally, all leave programs track with FML *EXCEPT* for the California Pregnancy Disability Leave
- CSU designates leave as FML, normally after 3 day absence
- Eligible employee may receive up to 12 week benefit in a year
- Up to twenty-six(26) weeks of leave to care for a covered family member who sustains a serious injury or illness in the line of duty while on active duty in the U.S. Armed Forces
- Up to twelve(12) weeks of leave to deal with a “qualifying exigency” that arises from a covered family member’s active duty, or call to active duty, in the U.S. Armed Forces in support of a contingency operations. “Qualifying exigency” will be defined by the DOL.
- Employees required to use appropriate leave credits prior to going on any unpaid portion of FML (some CBA’s limit paid leave for family care)
- CSU defines family as spouse, parent, child, or domestic partner
- Medical, dental, and vision benefits continue while on FML
- CSU administers benefit on a “rolling forward” basis
- Unit 4 Employees are not required to access their FML entitlement.



California Pregnancy Disability Leave

- California Government Code §§ 12945(a)
- California Code of Regulations, Title 2, Division 4, §§ 7297 et seq
- Female employee eligible to receive up to 4 months leave if employee designated as disabled due to pregnancy
- Employee may utilize leave credits, or if leave exhausted, NDI
- Employee may be eligible for Catastrophic Leave if pregnancy meets criteria
- This leave DOES NOT track with FML



Education Code Section 89519- Maternity Leave

- Female employee with permanent status shall be granted a leave of absence without pay for the purposes of the pregnancy, childbirth or the recovery from childbirth. Check CBA as contract may supersede this Ed Code provision.
- Employee may request up to one year of leave
- Any change in the length of the leave must be approved by campus
- Leave tracks with FML, if entitlement has not been exhausted



Maternity/Paternity/Adoption/Parental Leave

Paid leave associated with the birth of an employee's own child or the placement of a child with the employee in connection with adoption or foster care. This type of leave is not charged against the employee's leave credits

- Benefit length determined by employee category
 - CSUEU, Unit 6, Unit 4, Confidential and MPP: Up to 30 days commencing within 60 days of a new child and days run consecutively unless mutually agreed otherwise.
 - Faculty, Unit 8 and Executives: Up to 30 days leave commencing within 60 days of a new child and days run consecutively.
 - Unit 1: Up to 20 days leave commencing with the arrival of a new child and days run consecutively
 - Unit 10: Up to 15 days
- Unit 11 and Excluded do not have the benefit
- Tracks with FML unless employee is disabled due to pregnancy
- If employee on NDI, the NDI benefit may be suspended in order for the employee to access the MAT/PAT/Adoption/Parental leave

Additional Information:

Maternity/Paternity/Adoption/Parental Leave Chart





Military Leave – Employee Military Spouse/Domestic Partner Leave

Military Leave- Employee

- Emergency military leave, temporary military leave, and indefinite military leave shall be granted to eligible employees in accordance with state and federal law and collective bargaining agreements.

Military Spouse/Domestic Partner Leave

- Assembly Bill (AB) 392 (Chapter 361), requiring employers to grant an unpaid leave of absence of up to ten (10) days to an employee who works at least an average of twenty (20) hours per week and also is the spouse or registered domestic partner of a qualified member of the military on leave from deployment. AB 392 is effective immediately, and is applicable to the California State University (CSU).

Additional Information:

CSU Military Leave Policy http://www.calstate.edu/HRAdm/Policies/military_leave.shtml





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Non-Industrial Disability Leave (NDIL)

The CSU funds a wage continuation program, NDI, in lieu of State Disability Insurance (SDI) for employees eligible employees that have suffered loss of wages due to a disability or injury that is non work related. NDI is administered by the State of California Employment Development Department (EDD).

- Employee must meet certain eligibility criteria
- Employee required to exhaust sick leave prior to going on NDI
- Seven day waiting period, employee may use leave credits
- Employee has option of utilizing vacation, but if selected, vacation credits required to be exhausted before going on NDI
- Tracks with FML unless disabled due to pregnancy
- Employee may supplement NDI program with Catastrophic Leave donations if leave credits exhausted
- NDI payments may be interrupted by MAT/PAT leave
- Eligible weekly benefit for up to 26 weeks per non-industrial illness/injury:
 - Units 3, 4, 6, 8, 11-TA's and Excluded = \$125 weekly benefit
 - Unit 1 = \$135 weekly benefit
 - MPP, Confidential, Execs, CSUEU = \$250 weekly benefit



Industrial Disability Leave (IDL)

The Industrial Disability Leave (IDL) Program is a salary continuation program, in lieu of workers' compensation temporary disability (TD) benefits, for CSU employees who are CalPERS members and who have suffered a work-related injury or illness.

- Employee must meet certain eligibility criteria
- Work-related injury or illness
- Three day waiting period in which employee may use leave credits
- 52 week entitlement over two years
- Full pay for one month; 2/3 pay for remainder of entitlement
- Tracks with FML
- If still disabled after IDL benefit exhausted, employee placed on Temporary Disability
- Employee may be eligible for catastrophic leave if all leave credits exhausted prior to the injury/illness. This would occur in rare circumstances as most employees have leave credits.



Enhanced Industrial Disability Leave

- Eligible Unit 8 employees
- Campus determination
- EIDL eligibility and benefits for one year after date of injury
- EIDL does not apply to presumptive, stress-related disabilities, psychological disability or physical disability arising from psychological injury.
- If no longer eligible for EIDL prior to one year limit, may be eligible for IDL.



Catastrophic Leave

The Catastrophic Leave donation Program allows employees to donate vacation and sick leave credits to University employees.

- Employee eligible if he/she earns sick leave or vacation
- Employee must have exhausted ALL leave credits to be eligible
- Employee must be totally incapacitated from performing duties due to catastrophic illness/injury
- Employee eligible for up to 3 months of Catastrophic Leave
 - Under certain circumstances one 3-month extension may be granted
- Employees may request Catastrophic Leave for family care
- Check employee category for donation limit



Bereavement Leave

Employees are eligible for bereavement leave with pay for each death of an immediate family member or of a significantly close relative.

- Paid leave for death of immediate family member
- Length of paid leave and definition of family member determined by employee group designation.
- Normally will not track with FML
- Employees may request to extend their bereavement leave by using accrued sick leave (subject to supervisory approval and the provisions of applicable collective bargaining agreements).

Additional Information:

APC contract (unit 4), CSUEU Contract (Units 2,5,7 & 9), Management Personnel Plan Policy (M80)

SETC Contract (Unit 6), SUPA Contract (Unit 8), UAPD (Unit 1)

http://www.calstate.edu/LaborRel/Contracts_HTML/current_cba.shtml

<http://www.calstate.edu/HRAdm/Policies/mpp.shtml>



Organ Donor Leave (ODL)

- Organ Donor Leave Program
 - AB 1825 and Coded Memoranda HR 2003-04
- All employees, including student employees, are eligible for the program
- Employee required to exhaust ALL available sick leave
- Limited to 30 continuous days in a one-year period for organ donation and 5 continuous days for bone marrow donation
 - One-year period is a “rolling” year commencing first day of ODL
- Employee must provide written verification from attending physician that there is a medical necessity for the donation
- Tracks with FML
- If unable to return to work beyond the time ODL was granted, he/she must use vacation or compensatory time off, if appropriate
- If employee has exhausted leave credits and is unable to return to work, he/she may be eligible for NDI





Jury Duty

An employee who is summoned for jury duty service is eligible for paid jury duty leave for the days that he/she actually reports to jury duty. On-call jurors who are not required to report for jury duty service are not eligible for paid jury duty leave.

Depending on the employee's category, an hourly employee or an employee that works less than full time, is eligible for time off with pay for jury duty for only those hours he/she was scheduled to work.

Additional Information:

Collective Bargaining Agreements 
CSU Jury Duty Technical letters
Compensation for Jury Duty Technical Letter 2004-22 
<http://www.calstate.edu/HRAdm/pdf2004/TL-BEN2004-22.pdf>

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