

## FACULTY LEAVES

### INTRODUCTION

The University recognizes that many faculty are faced with balancing family demands and work obligations. While the University's primary goal is to provide a meaningful educational and student experience, the University also recognizes the need for faculty to be away from the University from time to time for extended periods.

To the extent reasonable and in a manner consistent with the effective and efficient operation of the University, the policy of the University is to support faculty with a need for family medical leaves including leaves related to: pregnancy, childbirth, adoption and parental leaves. This policy also governs faculty leaves relating to: California State military spousal leave, court and other judicial appearances, funeral leave, jury duty, military reserve leave, personal (non-medical) leaves and workers' compensation leave. Pursuant to the following policies, the Dean, Department Chairs and other supervisors will make efforts to reasonably accommodate faculty with such needs.

### FACULTY FAMILY MEDICAL LEAVE POLICIES

#### I. Definitions

##### A. Faculty

For the purposes of this policy, the term "faculty" means full-time regular, clinical, and visiting faculty. To the extent that part-time or adjunct faculty qualify for statutory leave, they will be entitled to such leave as provided by law, but are not covered by this policy.

##### B. Statutory Leaves

This policy is intended to comply with federal and state law and all related regulations. Should later revisions to these laws and regulations conflict with provisions contained in this policy, the minimum requirements of relevant federal/state law and/or regulations shall govern resolution of the issue. For further information regarding the scope of any Faculty Leave entitlements, faculty members should contact Human Resources.

#### 1. Family Medical Leave ("FMLA") and California Family Rights Acts ("CFRA")

The University complies with the provisions of applicable federal and state laws governing family medical leaves. A faculty member who has 12 months' employment with the University and has worked at least 1,250 hours during the previous 12-month period may be entitled to 12 weeks unpaid leave for the following purposes:

- (a) Family bonding leave in connection with the birth or adoption of a child, or placement of a child for foster care (also hereinafter referred to as Maternity/Paternity Leave).
- (b) Family care leave when the serious illness/injury of a child, parent, spouse (including registered domestic partner) requires the faculty member's care.
- (c) Medical leave for the faculty member's own serious medical condition which prevents the faculty member from performing one or more of the essential functions of the job.
- (d) Military Exigency Leave (as defined by federal law).

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There is no legal requirement that the University provide compensation during either a FMLA or CFRA leave. Faculty members will not be entitled to more than 12 weeks FMLA/CFRA leave in any continuous 12 month period. The 12 months will be determined in “rolling” 12-month periods measured backward from the date the FMLA/CFRA leave commenced/would commence.

Medical certification, both prior to the leave and prior to return to work may be required. In addition, periodic recertification of the need for the leave and periodic reports during the leave may be required.

Any FMLA/CFRA leave taken for family bonding in connection with the birth/adoption or placement of a child for foster care must conclude within one year of birth/adoption/placement of the child with the faculty member.

### 2. FMLA Military Caregiver Leave

The University also complies with the provisions of applicable federal laws governing military caregiver leave. A faculty member who has 12 months’ employment with the University and has worked at least 1,250 hours during the previous 12-month period may be entitled to up to 26 weeks military caregiver leave:

- (a) To care for a staff member’s spouse, son or daughter, parent or next-of-kin who is a veteran (as defined by federal law) who is undergoing medical treatment, recuperation, or therapy for a qualifying injury or illness and who was a member of the Armed Forces (including National Guard or Reserves) at any time during the 5 years preceding the date on which the veteran undergoes the medical treatment, recuperation, or therapy. For the purposes of military caregiver leave for a veteran, the injury or illness must have been incurred in the line of duty on active duty (or existed before the beginning of the veteran’s active duty and was aggravated by service in the line of duty on active duty) and that manifested itself before or after the individual seeking treatment became a veteran.

Certification of the need for the leave may be required. There is no legal requirement that the University provide compensation during a military caregiver leave. Faculty members will not be entitled to more than 26 weeks military caregiver leave in any continuous 12 month period. The 12 months will be determined in “rolling” 12-month periods measured forward from the date the military caregiver leave commenced/would commence.

### 3. California Pregnancy Disability Leave (“PDL”)

California Pregnancy Disability Leave law allows for unpaid leave of up to four (4) months [approximately 16 weeks] due to a medically certified, pregnancy-related disability. Pregnancy disability begins on the first day the faculty member’s physician certifies she is unable to work and ends when her physician certifies she is able to return to work, or after the total of four (4) months of leave, whichever occurs first. PDL runs concurrent with FMLA leave, but not with leave taken under the CFRA. If eligible, at the end of a faculty’s PDL or at the end of four months of PDL, the faculty may request up to twelve (12) weeks’ additional leave under the CFRA.

## C. Statutory Benefits

### 1. State Disability Insurance (“SDI”)

A benefit administered and paid by the State of California. The faculty member makes contributions into this fund. SDI provides a weekly benefit for individuals who are totally and temporarily disabled as certified by a medical provider. SDI commences after an individual is disabled for seven (7) consecutive calendar days (“seven-day SDI waiting period”) and provides up to 52 weeks of benefit.

## 2. Paid Family Leave (“PFL”)

A benefit administered and paid by the State of California. The faculty member makes contributions into this fund. PFL provides a weekly benefit for individuals who need time away from the University to care for a seriously ill/injured child, parent, spouse (including registered domestic partner), as certified by a medical provider, or to bond with a new child. PFL commences after an individual’s care is required for seven (7) consecutive calendar days (“seven-day PFL waiting period”) and provides for up to six (6) weeks of benefit within a 12-month period.

## D. University-Subsidized Compensation During Leaves

### 1. Short Term Disability/Family Medical Leave Compensation

A benefit provided by the University to all full-time faculty that ensures that, for a specified period of time based on length of service, a faculty member will receive the equivalent of his or her regular salary, paid either by LMU alone or by LMU and any applicable State Agency (e.g. SDI or PFL).

At no time will the faculty member earn more than his or her regular salary. Short Term Disability/Family Medical Leave Compensation is coordinated with SDI and PFL (defined above) in order to ensure that the faculty member receives the equivalent of his or her regular salary for the period of weeks to which he or she is entitled to the equivalent of his or her regular salary pursuant to the Short Term Disability/Family Medical Leave Compensation benefit.

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## II. General Rules Governing LMU Faculty Leaves

1. A faculty member must provide written request for a leave to his or her Department Chair and Dean, as soon as the faculty member learns of the need for the leave.
2. While a faculty member is on an approved leave there is no expectation for teaching, research/scholarship, or service.
3. LMU’s Short Term Disability/Family Medical Leave Compensation is integrated with SDI/PFL. During the seven (7) day SDI or PFL waiting period, LMU will pay the faculty member 100% of his or her regular salary. In the event a faculty member is absent from the University as a result of his or her own serious health condition for a period exceeding seven (7) calendar days, any additional time off may be paid from his or her Short Term Disability/Family Medical Leave Compensation, if available, integrated with SDI or PFL. Maximum Short Term Disability/Family Medical Leave Compensation entitlement is described below in section III. Short Term Disability/Family Medical Leave Compensation Entitlement.
4. All Short Term Disability/Family Medical Leave Compensation will run concurrently with PDL and FMLA/CFRA as permitted by law. The use of Short Term Disability/Family Medical Leave Compensation does not extend the length of PDL or FMLA/CFRA leaves.
5. If the leave is compensated using Short Term Disability/Family Medical Leave Compensation, then all group health benefits remain in full force and effect during the paid leave period and the faculty member’s normal contributions towards group health benefits and retirement will continue to be deducted. Retirement plan contributions and the University’s matching contribution, if any, will be based on the faculty member’s actual pay from the University.

6. Whenever it is expected that a family medical leave may last one month or more, Human Resources Benefits should be notified. In order to continue payment of the faculty member's regular salary and group health benefits in accordance with the above provisions, the University may require a physician's certification that the faculty member is medically unable to work due to his or her own or a close family member's serious health condition. At its discretion, the University may require medical examinations at its expense, as permitted by law. By the end of the second month of a medical absence, if it is apparent that an illness or disability may continue, the faculty member should contact Human Resources Benefits to discuss procedures for applying for benefits under the University's Long-Term Disability Insurance Plan, which provides for income payments after 90 days of continuous disability.

7. Should a female faculty member request a PDL/FMLA leave *and* CFRA for baby bonding and wish to extend the leave over two (2) consecutive semesters, she may do so. Compensation may be received at the election of the faculty member by either: (a) full pay of her Short Term Disability/Family Medical Leave Compensation entitlement for one semester and no pay for the second semester or (b) 50% pay of her Short Term Disability/Family Medical Leave Compensation entitlement for two semesters. Option (a) would require that the faculty member make after-tax payments to remit her normal out-of-pocket contribution, if any, towards premiums to the University during the second semester of leave. Option (b) has no adverse impact on benefit status, eligibility, or cost to the faculty member.

#### 8. Rank & Tenure

The University recognizes the importance of supporting faculty during a leave. Faculty who take a FMLA/CFRA, PDL, Workers' Compensation or Military leave will not have the leave considered a 'break in service' for the purpose of determining longevity or seniority with the University. However, at the faculty member's discretion any leave of a semester or longer may postpone rank & tenure review without prejudice for one (1) academic year.

#### 9. Sabbatical

The University recognizes the importance of supporting faculty during a leave. Faculty who take a FMLA/CFRA, PDL, Workers' Compensation or Military leave will not have the leave considered a 'break in service' for the purpose of determining longevity or seniority with the University. However, at the faculty member's discretion any leave of a semester or longer may postpone sabbatical eligibility without prejudice for one (1) academic year.

10. This Policy strictly prohibits a faculty member from engaging in gainful employment with any other employer while on a workers' compensation, PDL and/or FMLA/CFRA leave, whether paid or unpaid.

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### III. Faculty Short Term Disability/Family Medical Leave Compensation Entitlement

Although faculty do not accrue a specific number of sick days per year, it is the policy of the University to pay faculty members for a reasonable number of days missed due to short-term illnesses. Refer to Faculty Handbook I. 27, Section 12 for policy governing incidental absences. Furthermore, faculty members are entitled to receive the equivalent of his or her regular salary (to be coordinated with SDI and PFL) during a period of extended illness or disability or for a Family Medical Leave in accordance with the following schedule:

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Table 1. Short Term Disability/Family Medical Leave Compensation Entitlement

Length of Service	Maximum Duration of Short Term Disability/Family Medical Leave Compensation (integrated with SDI or PFL)
Up to 6 months (PDL eligible, not FMLA/CFRA eligible)	6 weeks in any rolling 12-month period
7 to 12 months (PDL eligible, not FMLA/CFRA eligible)	10 weeks in any rolling 12-month period
Over one year	One semester in any rolling 12-month period
Twenty years or greater	Two semesters in any rolling 12-month period

Length of Service is calculated from most recent date of hire into a full-time faculty position (contract effective date) through the date the leave commences.

Faculty Short Term Disability/Family Medical Leave Compensation does not accrue over time. Faculty may use the amount of Short Term Disability/Family Medical Leave Compensation to which they are entitled during any “rolling” 12-month period, measured backward from the date the FMLA/CFRA leave commenced/would commence.

Faculty members may exhaust his or her Short Term Disability/Family Medical Leave Compensation entitlement for any period of FMLA/CFRA or PDL leave taken for his or her own illness/disability.

Faculty members may use up to one-half his or her Short Term Disability/Family Medical Leave Compensation entitlement during an FMLA/CFRA leave taken to care for the serious health condition of a close family member.

Faculty members may use up to ten weeks of his or her Short Term Disability/Family Medical Leave Compensation entitlement during an FMLA/CFRA leave taken for maternity/paternity leave for baby bonding.

Table 2: Comparison of Leave Entitlement vs. Compensation Entitlement

<b><u>Maximum Statutory Leave Entitlement and Maximum Short Term Disability/Family Medical Leave Compensation Entitlement for Faculty, by Gender</u></b>				
Type of Leave	Maximum Statutory Leave Entitlement		Maximum Short Term Disability/Family Medical Compensation Entitlement	
	Females	Males	Females	Males
FMLA/CFRA Leave for a Faculty Member's <b>Own</b> Serious Health Condition (Non-pregnancy related if under CFRA)	Up to 12 weeks, subject to medical certification of condition	Up to 12 weeks, subject to medical certification of condition	Up to one semester, based on length of service	Up to one semester, based on length of service
NOTE: twenty years of service or greater entitled to two semesters short term disability/family medical compensation in any rolling 12-month period				

<b><u>Maximum Statutory Leave Entitlement and Maximum Short Term Disability/Family Medical Leave Compensation Entitlement for Faculty, by Gender</u></b>				
Type of Leave	Maximum Statutory Leave Entitlement		Maximum Short Term Disability/Family Medical Compensation Entitlement	
	Females	Males	Females	Males
FMLA/CFRA Leave to Care for a Faculty Member's Parent, Child or Spouse (including registered domestic partner) Due to Family Member's Serious Health Condition  NOTE: twenty years of service or greater entitled to one semester short term disability/family medical compensation in any rolling 12-month period	Up to 12 weeks, subject to medical certification of condition	Up to 12 weeks, subject to medical certification of condition	Up to 8 weeks, based on length of service	Up to 8 weeks, based on length of service
FMLA/CFRA Leave for Family Bonding Leave in Connection with the Birth/Adoption/Placement for Foster Care of a Child (Maternity/Paternity Leave)	Up to 12 weeks	Up to 12 weeks	Up to 10 weeks, based on length of service	Up to 10 weeks, based on length of service
PDL/FMLA Leave for Disabilities Arising Out of Pregnancy <u>AND</u> Subsequent CFRA Leave Due to Female Faculty Member's Own Serious Health Condition OR for Baby Bonding	Up to 4 months [approximately 16 weeks], subject to medical certification of condition <b>PLUS</b> Up to 12 weeks CFRA leave <b>MAXIMUM STATUTORY LEAVE ENTITLEMENT: 4 months + 12 weeks (approximately 28 weeks)</b>	Not eligible	Up to one semester, based on length of service	Not eligible

**OTHER TYPES OF FACULTY LEAVES**

I. California Military Spousal Leave

For information regarding California State military spousal leave, faculty should refer to Human Resources Policies and Procedures, "Military/California Military Spousal Leave" policy. See, Attachment A.

II. Court and Other Judicial Appearances

For information regarding court or other judicial appearances, faculty should refer to Human Resources Policies and Procedures, "Court and Other Judicial Appearances" policy. See, Attachment B.

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### III. Funeral Leave

The University will grant paid leave for up to five (5) days upon the death of a member of his or her immediate family. For purposes of defining an immediate family member it will include a faculty member's parents, legal guardian(s), brother, sister, spouse, children, child's spouse, grandchild, grandparents, in-laws (mother/father in-law, sister/brother in-law, daughter/son in-law), and step-relatives (step-parent and step-child). The University will grant paid leave of one (1) day upon the death of a close family member, which includes a faculty member's aunt, uncle, cousin, niece, or nephew.

### IV. Jury Duty

Faculty summoned to Jury Duty will be granted leave in accordance with applicable law. Up to 10 days paid leave is available to any faculty member who would otherwise suffer a loss of pay as a result of jury duty.

### V. Military Reserve Leave

Faculty who are required to participate in annual military training duty as members of the Armed Forces Reserve or National Guard will receive the difference between his or her military pay and his or her regular University pay for a period of up to the end of the term of his or her current faculty agreement (05/15/xxxx for Westchester faculty, 06/30/xxxx for Law School faculty). The Department Chair should be notified at least 30 days prior to the time the leave is to begin. While on leave, the faculty member will be issued his or her regular payroll check, and upon returning from leave the faculty member must turn over the military pay to Payroll, along with a copy of the military pay voucher. In the event an unpaid leave is required, group health benefits will continue at no cost to the faculty member and there is no obligation to turn over to the University the military pay during the unpaid period.

### VI. Personal and Other Non-Medical Leaves

A personal leave of absence without pay, for a period not to exceed one year, may be granted to a faculty member in exceptional circumstances at the University's sole discretion. When a personal leave is granted, it is understood that the time away will be without compensation.

Faculty members failing to return from a personal leave on the date agreed upon will be considered to have voluntarily resigned as of that date.

The request for a personal leave of absence must be submitted in writing to the Chief Academic Officer (or the Dean of the Law School for law faculty) through the faculty member's Chair and Dean. The request should be made at least 30 days prior to the start of the leave (or 14 days when requesting an extension of a current leave). Each application will be reviewed on its own merits after consideration of the reasons for the request and the effect on the University. The faculty member will be responsible for remitting the full cost of insurance premiums related to any election of continued benefits.

### VII. Workers' Compensation

Faculty members who sustain a work related injury or illness are covered under Workers' Compensation Insurance. This coverage provides partial income payments in lieu of lost wages, as well as certain injury-connected medical payments. Workers' Compensation benefits are coordinated with the University's Short Term Disability/Family Medical Leave Compensation and, in the case of a prolonged disability, with the Long-Term Disability Insurance Plan. Any faculty member injured on the job should notify his or her Department Chair promptly and should contact Human Resources as soon as possible. If emergency treatment is received at a hospital or other medical facility, a report must still be made to Human Resources, either in person or by phone, within 24 hours.

**ATTACHMENT A**

LOYOLA MARYMOUNT UNIVERSITY  
HUMAN RESOURCES POLICIES AND PROCEDURES

DIVISION: <b>Administration/Human Resources</b>	
SUBJECT: <b>Military/California Military Spousal Leave</b>	Page 1 of 2
Policy Number:	Supersedes: <b>NONE</b>
Effective Date: <b>03/05/10</b>	Previously Issued: <b>N/A</b>

**1. STATEMENT OF POLICY:**

**Military Leave**

The University supports individuals who must fulfill military obligations by providing equitable treatment to faculty or staff members who have military obligations. The University grants leaves of absence for military duty to faculty or staff members who are members of the National Guard or the Military Reserves in accordance with federal and state law.

**Military Spousal Leave<sup>1</sup>**

In addition, the University recognizes the sacrifice that the spouses of members of the Armed Forces, National Guard or Reserves make during their spouse's active deployment to a military conflict. The University grants unpaid leaves of absence to faculty or staff members who are spouses of members of the Armed Forces, National Guard or Reserves in accordance with state law.

**2. POLICIES/PROCEDURES:**

**Military Leave**

The University's policy is to comply with the provisions of federal and other laws governing military leaves of absence and reemployment. A faculty or staff member called for active duty training or military service should notify his/her Chair/immediate supervisor and department head promptly (normally, within three business days of receipt of notice of call to service). A copy of the military orders should be provided to the faculty or staff member's Chair/immediate supervisor. The Chair/immediate supervisor will then forward a copy of the military order to Human Resources.

**California State Military Spousal Leave**

Faculty or staff members who are spouses of qualified members of the Armed Forces, National Guard or Reserve may be entitled to up to 10 days of leave under California State law during any period their spouse is on leave from active deployment during a qualifying military conflict. Eligibility for military spousal leave is governed by state law.

California State Military Spousal Leave, as defined under California State law, is unpaid. Staff members taking California State Military Spousal Leave may substitute vacation pay during a leave. Faculty taking

<sup>1</sup> This policy governs leave taken by spouses pursuant to California Military & Veterans Code, section 395.10 only and does not govern military-related leaves taken pursuant to the Family Medical Leave Act.

California State Military Spousal Leave will be paid according to the terms of their contract and the Faculty Handbook in effect at the time of the leave.

A faculty or staff member must provide his/her Chair/immediate supervisor with notice of his/her intention to take military spousal leave within two business days of receiving official notice that his/her spouse will be on leave from deployment. The faculty or staff member should provide his/her Chair/immediate supervisor with the proposed start and end dates of the military spousal leave.

For further information regarding eligibility for Military Leave or California Military Spousal Leave, faculty and staff members should contact Human Resources.

ATTACHMENT B

LOYOLA MARYMOUNT UNIVERSITY  
HUMAN RESOURCES POLICIES AND PROCEDURES

DIVISION: <b>Administration/Human Resources</b>	
SUBJECT: <b>Court or Other Judicial Appearances</b>	Page 1 of 2
Policy Number:	Supersedes: <b>N/A</b>
Effective Date: <b>03/05/10</b>	Previously Issued: <b>N/A</b>

1. **STATEMENT OF POLICY<sup>1</sup>:**

The University provides all faculty and staff members, regardless of length of service, with unpaid time off to appear in court or at another judicial proceeding as a witness to comply with a valid subpoena or other court order or to obtain any relief, including a temporary restraining order, to help ensure the health, safety or welfare of a domestic violence victim or his/her child.

2. **POLICIES/PROCEDURES<sup>2</sup>:**

*Approved Court or Other Judicial Appearances*

A faculty or staff member is entitled to take unpaid time off: 1) To appear in court or at another judicial proceeding as a witness to comply with a valid subpoena or other court order; 2) to attend judicial proceedings related to a crime where the faculty or staff member or an immediate family member was the victim of a crime, as defined by law; or 3) to obtain any relief, including a temporary restraining order, to help ensure the health, safety or welfare of a domestic violence or sexual assault victim or his/her child, as defined by law.

*Notice Requirements*

A faculty or staff member needing time off to attend or appear in court or at another judicial proceeding for any of the foregoing reasons must provide his/her Chair/immediate supervisor with advance notice and certification of each proceeding, unless advance notice is not feasible. For general witness appearances, a copy of a valid subpoena should be provided to the Chair/immediate supervisor as soon as it is received by the faculty or staff member and is sufficient documentation of the judicial appearance. When advance notice is not feasible, the faculty or staff member must provide his/her Chair/immediate supervisor with certification of the need for the time off within fifteen (15) days of the absence.

For time off to attend judicial proceedings where the faculty or staff member or an immediate family member was the victim of a crime, certification evidencing the judicial proceeding shall be sufficient from any of the following entities: 1) The court or government agency setting the hearing; 2) the district attorney or prosecuting attorney's office; or 3) the victim/witness office that is advocating on behalf of the victim.

For absences where the faculty or staff member was the victim of domestic violence or sexual assault, certification of the absence shall be sufficient in any of the following forms: 1) A police report indicating that the faculty or staff member was a victim of domestic violence or sexual assault; 2) a court order protecting or separating the faculty or staff member from the perpetrator of an act of domestic violence or

<sup>1</sup> This policy complies with and is governed by California Labor Code, sections 230, *et seq.*

<sup>2</sup> The University's policies and procedures regarding jury duty are addressed in the Jury Duty policy.

sexual assault, or other evidence from the court or prosecuting attorney that the faculty or staff member appeared in court; or 3) documentation from a medical professional, domestic violence advocate or advocate for victims of sexual assault, health care provider, or counselor that the faculty or staff member was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence or sexual assault.

### *Compensation*

Time off to attend a court or other judicial appearance is unpaid. A staff member requesting time off to attend or appear in court or at another judicial proceeding for any of the purposes described above may elect to use accrued and available vacation during any leave. In addition, a staff member may substitute sick pay for absences related to his/her treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence or sexual assault.

A faculty member requesting time off to attend or appear in court or at another judicial proceeding for any of the purposes described above will be paid according to the terms of their contract and the Faculty Handbook in effect at the time of the appearance. Faculty members are entitled to keep any compensation received from the Court or any party issuing the subpoena for appearing in court or at another judicial proceeding.

### *Benefits*

While on an excused absence for a court or other judicial appearance, all benefits will remain in effect for faculty and staff members. Staff members will continue to accrue vacation and sick days.

### *Restrictions to Time Off to Attend Court or Other Judicial Appearance*

A staff member excused from witness duty on any day he/she is scheduled to appear is expected to return to work for the remainder of the day.

### *Staff Time Records and Compensation From the Court/Third-Party*

Absence for a court or other judicial appearance should be recorded on the staff member's University designated time-keeping record.

Staff members are entitled to keep any compensation received from the Court or any party issuing the subpoena for appearing in court or at another judicial proceeding.