

## 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: workers' compensation leave, funeral leave, military leave and personal (non-medical) leaves. 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

#### 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.

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.

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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. 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 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 full pay for the period of weeks to which he or she are entitled to full-pay pursuant to the Short Term Disability/Family Medical Leave Compensation benefit.

## 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 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.
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 salary payments and 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.

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### 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 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 V. 26, Section 12 for policy governing incidental absences. Furthermore, faculty members are entitled to full salary continuation (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:

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

<b>Length of Service</b>	<b>Maximum Duration of Short Term Disability/Family Medical Leave Compensation (integrated with SDI or PFL)</b>
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 date of hire (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 or for maternity/paternity leave for baby bonding.

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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>				
<b>Type of Leave</b>	<b>Maximum Statutory Leave Entitlement</b>		<b>Maximum Short Term Disability/Family Medical Compensation Entitlement</b>	
	<b>Females</b>	<b>Males</b>	<b>Females</b>	<b>Males</b>
FMLA/CFRA Leave for a Faculty Member's <i>Own</i> 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 in any rolling 12-month period				
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	Up to 12 weeks, subject to medical certification of condition	Up to 12 weeks, subject to medical certification of condition	Up to 10 weeks, based on length of service	Up to 10 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 one semester, based on length of service	Up to 10 weeks, based on length of service
PDL Leave for Disabilities Arising Out of Pregnancy ONLY	Up to 4 months [approximately 16 weeks], subject to medical certification of condition	Not eligible	Up to one semester, based on length of service	Not eligible
PDL/FMLA Leave for Disabilities Arising Out of Pregnancy AND 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. 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 Benefits 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 Benefits, either in person or by phone, within 24 hours.

### **II. 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 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.

### **III. 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.

### **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. 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

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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.